

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
26 November 2013

Agenda Item	5.2
Report No	PLS/055/13

13/01295/FUL: Broadland Renewable Energy
Liddesdale, Laudale Estate, Ardgour

Report by Area Planning Manager - South

SUMMARY

Description : Installation of (up to) 320kW hydro-electric scheme (amended scheme to 12/01956/FUL)

Recommendation - GRANT

Ward : 22 - Fort William And Ardnamurchan

Development category : Local Development

Pre-determination hearing : None required

Reason referred to Committee : Representations from members of the public residing at 5 separate addresses.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for a 320kW run of river hydro electric scheme on the Liddesdale Burn, which is on the Laudale Estate, on the south side of Loch Sunart, south-west of Strontian.
- 1.2 No pre-application consultation - not mandatory.
- 1.3 The proposed site would be served off an existing minor road which leads off the A884 Strontian - Lochaline road to the Laudale Estate. The proposed powerhouse would be on the south side of the minor road, south-west of a dwelling house at Liddesdale.
- 1.4 Supporting Environmental Information submitted including chapters on: access and traffic, archaeology, fish and aquatic report, habitat report, bryophytes, protected mammals, ornithology, hydrology, morphology, landscape and visual impact, noise, tree plan, water supply report, construction plans, details of grid connection. Further noise survey and report dated 13 August 2013.
- 1.5 **Variations:** micro siting of lower 80m of penstock to be agreed, see condition no.1.

2. SITE DESCRIPTION

2.1 Planning permission is sought for a 320kW run of river hydro electric scheme on the Liddesdale Burn, which is on the Laudale Estate, on the south side of Loch Sunart, south-west of Strontian. The burn rises on the hillside and flows north into Loch Sunart. A single intake is proposed (labelled as intake 5 on submitted drawings), which would comprise a low profile concrete weir, with a washover screen and plunge pool. There would be no water storage as part of this scheme. The penstock would be a buried pressurised pipe 0.6km long, leading down the east side of the burn for the upper two thirds of its length, and crossing to the western bank for the lower third of the pipeline, crossing a small number of tributaries on the east bank. The construction corridor would be 18-28m wide, with a narrower construction corridor 9-14m wide through the native woodland surrounding the lower part of the penstock and powerhouse.

The powerhouse (labelled as powerhouse 3 on submitted drawings) would be sited just south of a minor public road, approx. 130m south west of Keeper's Cottage at Liddesdale, the nearest residential property, which is on the other (east) side of the burn on the loch shore side of the road. The powerhouse would be 10m by 7.5m in size by 7.3m high, finished in stone clad concrete blocks with a blue/grey slate roof. The finished floor level would be 13m AOD. There would be a transformer compound alongside the powerhouse surrounded by a stone clad bund wall.

The outfall would be back into the Liddesdale Burn. A screen would prevent ingress by fish and otters, and a stilling basin or rock steps would be provided to minimise erosion at this point. There is a vacant stone barn in the grounds to the west of this cottage, which has planning permission for conversion to a holiday cottage (ref.11/04337/FUL). There is also a preserved ruin on the loch shore which was a store house or customs house associated with the former lead mining industry in the area.

There would be a construction area next to the proposed site of the powerhouse, and another next to the intake. There would be a pipe laydown area on the south side of the road, roughly half way along the minor road from its junction with the A884 and the site of the powerhouse. There would be a permanent access track (approx. 30m long) to the powerhouse, and a short section (approx. 60m) from the A884 to the proposed site of the intake. The construction access along the line of the penstock would be re-instated once the penstock was installed. No borrow pits are presently proposed for this scheme.

The grid connection would require a short section of new line (approx. 150m) to connect the powerhouse to an existing 33kV overhead line at Liddesdale.

The burn flows down a series of cascades for almost all of its length. It crosses open upland vegetation dominated by wet heath and blanket bog of low ecological diversity. The lower 80m (approx.) of the penstock crosses through an area of ancient woodland of semi-natural origin, comprising native alder and birch. To the north of the scheme is Loch Sunart, which is an SAC, and the shore is an SSSI. There are no nature conservation or landscape designations within the site area. The ruined store house (or customs house) on the shore, north-east of Keeper's Cottage at Liddesdale, is a scheduled monument. This is outwith the site area. Neither Keeper's Cottage, nor the stone barn to the south-west of it, is listed. Within the site area there are 2 earthen dykes and the corner of a field enclosure affected by the line of the proposed penstock. These have no statutory protection.

3. PLANNING HISTORY

- 3.1 12/01959/FUL & 12/01956/FUL: 2 hydro schemes which had separate intakes on the Liddesdale Burn and Allt Na H'Airigh respectively, and penstocks running down to the same point on the east bank of the Liddesdale Burn. Both applications were withdrawn and new applications submitted. This application is for the Liddesdale Burn and is amended to site the powerhouse and outflow on the west bank of the Liddesdale Burn. Application reference 13/01294/FUL for the Allt Na H'Airigh scheme was amended so that the penstock route went roughly parallel to that burn to a separate powerhouse adjacent to the same burn, and outflow directly into Loch Sunart. That application had been recommended for approval under delegated powers at the time of writing this report.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown neighbour

Representation deadline : 4th May 2013

Timeous representations : 4

Late representations : 1 (However the website had been unavailable for a time over the May Bank holiday during the public consultation period - therefore this representation was accepted as timeous)

- 4.2 Material considerations raised are summarised as follows:

- (a) Impact on the environment and important habitats, including the proposal to undertake pre-construction surveys for protected species; the objector argues that it is inappropriate to grant permission subject to pre-commencement surveys, but rather the information on protected species should be provided prior to determination
- (b) Impact on residential amenity, particularly long term low level noise and vibration from the powerhouse
- (c) Impact on private water supply
- (d) The impact of the new section of private overhead electric line to serve the development
- (e) Noise and disturbance during the construction process

Other points raised

- 1. Policy objections
- 2. Procedural concerns regarding the deadline for receipt of representations - which included a period when the website was unavailable due to planned upgrades/maintenance
- 3. The lack of information submitted initially - which should have resulted in a recommendation for refusal rather than the Council allowing the applicant additional time to submit further information; and the objector's desire to respond a second time to this additional information, thereby incurring extra expense

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **TECS:** No objections subject to conditions - schedule provided for powerhouse access and identifies need for a Road Opening Permit and S96 Agreement.

5.2 **Forestry Officer:** Concerns raised over the impact on trees and mitigation measures proposed together with conditions relating to tree protection.

5.3 **Environmental Health:** No objection subject to conditions following submission of additional noise survey information.

5.4 **Historic Environment Team:** No objection subject to conditions.

5.5 **Policy:** Response provided on the specific policy issues raised by an objector.

5.6 **SEPA:** No objection subject to conditions.

5.7 **SNH:** No objection subject to conditions.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland-wide Local Development Plan 2012

28	Sustainable Design
36	Development in the Wider Countryside
51	Trees and Development
57	Natural Built and Cultural Heritage
58	Protected Species
59	Other Important Species
60	Other Important Habitats and Article 10 Features
61	Landscape
63	Water Environment
64	Flood Risk
67	Renewable Energy Developments

6.2 West Highland and Islands Local Plan - as continued in force

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Highland Renewable Energy Strategy
Trees, Woodlands and Development
Statutorily Protected Species

7.3 **Scottish Government Planning Policy and Guidance**

Renewable Energy - Online Renewables Advice - Hydro schemes
SPP paras 182 - 186

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

Policy 67 of the Highland-wide Local Development Plan is supportive of proposals for renewable energy developments where they can be located, sited and designed such that they will not be significantly detrimental overall. Proposals need to accord with Policy 67 and the other general policies within the Development Plan, primarily policies 28, 51, 57, 58, 59, 61 and 64.

8.3.1 **Impact on landscape**

The hillside is not regular in profile, but is undulating either side of the Liddesdale Burn, with trees covering its lower slopes. The intake would be visible from the A884 where it goes up the hill away from the loch shore. However the nature and scale of the structure is such that it would not be a prominent feature in the landscape. The penstock would be undergrounded, and therefore it would not be conspicuous from the main road and the trees would screen it completely in views from the foot of the slope. Distant views from across Loch Sunart would be sufficiently far away that it would be difficult to pick out the line of the development once it has been constructed and the pipe trench re-instated.

Apart from the power house the infrastructure in and adjacent to the burn would not be conspicuous in any event. The power house is a relatively small building which would be sited 130m along the road and across the burn from the existing house, Keeper's Cottage. It would be sufficiently set back from the road that it would not be conspicuous from the house itself. This powerhouse would be clad in stone because of its proximity to the traditional buildings at Liddesdale. It would be possible to plant additional trees close to the building to assist in its screening. There are existing overhead lines to Liddesdale into which this scheme would connect. The additional length of line would not be significant in landscape terms. The proposal would accord with Policy 57 of the Highland-wide Local Development Plan.

8.3.2 Impact on Trees

A small number of trees would be affected close to the proposed site of the intake, and where the penstock would cross the burn. These trees are not within the Ancient Woodland. The loss of this small number of relatively small trees, mostly birch, would not be significant in the wider landscape.

The construction corridor would also affect trees within an area designated as ancient woodland for approximately 80m of its length, towards the lower end of the pipe route. This is regarded as a feature of regional importance. Policy 57 states that the Council 'will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource'. The construction corridor would be narrowed from 18-28m wide to between 9-14m wide through this woodland in order to minimize the impact on trees. The applicant is also prepared to agree the precise line of the penstock on site for this section to further minimise the impact on trees within the Ancient Woodland. A condition to this effect is therefore recommended. It is estimated that up to 80 mature trees within the Ancient Woodland would be lost. However this may be significantly reduced by sensitive micro-siting of the pipe, and employing appropriate tree retention and protection measures during the construction process. There are numerous trees in this area, and the potential loss of this number would have a moderately detrimental impact on the ancient woodland resource. Retention of as many as feasible, protection and replanting in this area would mitigate satisfactorily for this loss. Conditions are recommended requiring protection of those trees which are to be retained, and tree planting in this area in lieu of those that would be lost. The proposal would thereby accord with Policy 51 of the Highland-wide Local Development Plan and the Supplementary Guidance on Trees, Woodlands and Development.

8.3.3 Impact on nature conservation

The proposals will not affect the qualifying features of the Loch Sunart SSSI and SAC, which is to the north of the site area, either directly or indirectly.

The burn is steep with numerous waterfalls and other barriers which are impassable to migratory fish. The bryophytes are of moderate interest, however the proposed scheme would have little or no impact on those which are of national importance. The habitat is not suitable for Fresh Water Pearl Mussels.

Otters are known to be active in the area however no holts or couches were found within the survey area. Pre-submission surveys were also undertaken for water vole, badger, pine marten, wild cat, red squirrel and bats - no evidence of these species were found. In accordance with Supplementary Planning Guidance, and on the advice of SNH pre-commencement surveys for otter and bats are recommended because of the possibility that these species could move into the site after the initial surveys were undertaken. The risk of otters doing so however, is low due to the poor fish numbers in this burn.

The site is on the northern edge of golden eagle, hen harrier and merlin territory. Black grouse leks are present in the conifer plantation on the other side of the main road, however these would not be affected by the proposed development. Pre-construction surveys and timing restrictions are proposed to ensure breeding birds are not affected.

Appropriate pollution prevention measures and mitigation are included within the Construction Management Scheme with respect to Ground Water Dependent Terrestrial Ecosystems.

The design of the scheme and operating criteria will ensure a minimum acceptable flow is retained within the watercourses. The relatively small scale of the scheme, the nature of the receptor environment and the nature of the development are such that it is unlikely to have a significant impact on important habitats. The proposal accords with Policies 57, 58, 59, 60 and 63 of the Highland-wide Local Development Plan.

8.3.4 Impact on heritage assets

A number of archaeological features have been identified along the route. This scheme, in which the penstock crosses to the west side of the burn towards the bottom of the hill, would affect far fewer features of archaeological interest than the previous scheme which remained on the eastern side of the burn for its entire length. The proposed mitigation in the archaeological report is acceptable and proportionate, and comprises avoidance, marking out and reinstatement where minor damage to walls is unavoidable. A condition is proposed to secure the necessary mitigation works.

The revised position of the powerhouse, which is further away from the property at Liddesdale, is also further away from the scheduled structure on the loch shore. The proposed distance and position of the powerhouse from Liddesdale are now such that it would not have any significant effect on the setting of the scheduled store house. There is no conflict with Policy 57.

8.3.5 Access

A condition is recommended with respect to the standard of the proposed access to the powerhouse and for the access off the main road to the intake. An informative is proposed to advise the applicant of the need for a Road Opening Permit and the need to discuss a potential Section 96 Agreement with the Roads Authority.

The land is subject to general public access rights, however it is little used for recreational purposes, and no public paths would be affected.

8.3.6 Impact on Amenity

The nearest residential dwelling is Keeper's Cottage at Liddesdale, which is 130m to the north-east of the proposed site of the powerhouse. The burn itself would separate the proposed powerhouse from the existing house. A noise survey was undertaken on 30-31 July 2013 when conditions were calm and the water levels were generally low in the burns. Assuming a generator noise level of 96dBA, which is a worst case scenario according to the consultant, the noise level in the garden of Keeper's Cottage would be 40dBA without any noise mitigation of the powerhouse building. With noise mitigation measures in place the level would be predicted to be 33dBA. As a comparison noise levels in a public library are typically 40dBA. Mitigation proposed to the powerhouse would comprise acoustic baffles on ventilation intake louvres, close fitting acoustic grade doors with weather seals, and a louvre system below the water surface to acoustically seal the tailrace.

At this distance and in this situation the predicted noise from the powerhouse would not cause disturbance to the occupants of Keeper's Cottage. Similarly the distance is such that vibration from the turbine and generator would not have a significantly detrimental effect. A condition with respect to maximum noise levels is recommended by Environmental Health, as for other similar hydro schemes in the area, as a precaution.

The noise level at the barn with planning permission for conversion to residential use, which is 60m from the proposed powerhouse, would be 39dBA. This level is also considered to be acceptable. This building would be regarded as a noise sensitive receptor for the purposes of the planning condition once it is converted and occupied.

Concerns were raised by an objector over the timing of the noise survey and higher than normal background noise levels. Environmental Health have advised that the recommended planning condition, specifically the second part which makes reference to background noise levels, would take account of his concerns in this regard.

Disturbance during the construction process is an inevitable consequence of development and would be for a limited period only. Disturbance associated with the construction of the scheme would be controlled under Environmental Health legislation.

8.3.7 Water Environment

SEPA have advised that the impacts on hydrology, fish, protected species and habitats are controlled under the Controlled Activities Regulations (CAR), and private water supplies will also be taken into account as part of the CAR process.

SEPA have raised no objection on flooding grounds subject to a condition regarding the design of the pipe bridge. A condition is recommended requiring a site-specific Construction Environmental Management Plan to be submitted to set out pollution prevention measures and mitigation during construction, reinstatement and final site decommissioning. Appropriate mitigation where the development would affect wetlands and peat should be included, as well as any borrow pits which it is proposed to use. There is a private water supply from this burn and measures to ensure it is safeguarded should also be included in the CEMP.

8.3.8 Policy Conclusion

The principle of the development accords with Policy 67 of the Highland-wide Local Development Plan and for the reasons discussed above the proposal will not have a significant effect on the factors listed in Policy 67. The proposal also accords with the other general policies of the development plan.

8.4 Material Considerations

Five letters of objection have been received to the proposal. The points raised are summarised in section 4.2 above and assessment of the material issues raised are discussed above.

8.5 Other Considerations – not material

Issues have been raised by the objectors which are not material to the consideration of this planning application; namely, objections to the adopted Highland Renewable Energy Strategy; procedural concerns regarding the deadline for receipt of representations; and the lack of information submitted initially. The Council's Policy Unit have responded to the criticism over policy; the late representation was considered 'timeous' by the Council due to the issue with the public access system; and it is at the Council's discretion whether to seek further information or recommend refusal on grounds of lack of information.

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons:

1. No development shall commence until details of the precise siting of the 80m section of the penstock which passes through Ancient Woodland have been submitted to and agreed in writing by the Planning Authority. The details shall include a Tree Survey and Report to show all affected trees within the construction corridor over that section, and those trees to be removed and those to be retained.

Reason : To minimise the impact on trees within an ancient woodland, in accordance with Policy 51 of the Highland-wide Local development Plan.

2. With effect from the date of this permission, no trees other than those specifically agreed (including as part of condition 1), are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason : To ensure the protection of retained trees during construction and thereafter, in accordance with Policy 51 of the Highland-wide Local Development Plan.

3. No development, site excavation or groundwork shall commence until full details of protective tree barriers have been submitted to and approved in writing by the Planning Authority. Thereafter the approved barriers shall be erected prior to any development, site excavation or groundwork commencing and shall remain in place throughout the construction period. Barriers must not be moved or removed throughout the construction period without the prior written approval of the Planning Authority.

Reason : To ensure the protection of retained trees throughout the construction period in accordance with Policy 51 of the Highland-wide Local Development Plan.

4. No development shall commence until a Tree Planting Plan and maintenance programme has been submitted to and approved by the Planning Authority. The Plan shall include tree planting at the intake and around the powerhouse hereby approved. The Tree Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the Planning Authority.

Reason : In the interests of amenity in accordance with Policy 51 of the Highland-wide Local Development Plan.

5. The materials and their colour to be used on the walls and roof of the powerhouse hereby approved shall be as specified on the approved drawing no.40302 dated 21.02.13 unless the prior written approval of the Planning Authority is obtained for other materials.

Reason : In the interests of visual amenity and in order to integrate the proposal with its surroundings in accordance with Policy 28 of the Highland-wide Local Development Plan.

6. The development shall be carried out in accordance with the Supporting Environmental Information H'Airigh & Liddesdale Hydro electric schemes by Broadland Renewable Energy Ltd dated April 2013, and in accordance with all of the mitigation contained therein unless otherwise approved in writing by the Planning Authority.

Reason : In the interests of the environment in accordance with Policies 57, 58, 59 and 60 of the Highland-wide Local Development Plan.

7. At least two (2) months prior to the commencement of any works, a site-specific Construction Environmental Management Plan (CEMP) must be submitted for the written approval of the Planning Authority in consultation with SEPA and SNH and all work shall be carried out in accordance with the approved plan. For the avoidance of doubt the CEMP should incorporate detailed pollution prevention and mitigation measures for all construction elements (including site reinstatement, environmental monitoring, details of peat and soils management, and engineering in the water environment including the provision of impermeable stoppers to be installed along the penstock route to ensure that it does not become a preferential pathway for groundwater which could subsequently drain any GWDTEs) potentially capable of giving rise to pollution during all phases of construction, to control impacts on groundwater dependent terrestrial ecosystems, reinstatement after construction, and final site decommissioning.

Reason : To control pollution of air, land and water in accordance with Policies 57, 58, 59, 60, 61 and 63 of the Highland-wide Local Development Plan.

8. The developer shall appoint an Environmental Clerk of Works who shall be available to be called upon during the whole construction period and the appointed person shall have the authority to modify construction practices in order to protect ecological interests. For the avoidance of doubt, this specialist role should include powers for work to stop and implement remedial work with immediate effect.

Reason : To minimise disturbance to nature conservation interests within the hydro scheme site in accordance with Policies 57, 58, 59, 60 and 63 of the Highland-wide Local Development Plan.

9. No more than 12 months before the commencement of development, pre-construction surveys for otter and bats shall be undertaken; details to be submitted to and approved in writing by the Planning Authority in conjunction with SNH. The development hereby permitted shall not be commenced until the reports have been approved by the Planning Authority and any necessary mitigation identified in the reports shall be undertaken at the appropriate times as set out in the approved reports.

Reason : To avoid detriment to otters and bats, European protected species, in accordance with Policy 58 of the Highland-wide Local Development Plan and Regulation 39 of The Conservation (Natural Habitats, &c.) Regulations (1994)(as amended).

10. No other development shall commence until the new accesses to serve the powerhouse and the intake have been constructed in accordance with the attached road schedules.

Reason : In the interests of road safety, and to ensure that the works involved comply with applicable standards in accordance with Policy 28 of the Highland-wide Local Development Plan.

11. All plant, machinery and equipment associated with this development shall be so installed, maintained and operated such that either of the following standards are met: -

(a) any associated operating noise does not exceed NR 20 when measured or calculated within the bedroom of any noise-sensitive premises with windows open for ventilation purposes;

OR

(b) the operating noise Rating level does not exceed the Background noise level by more than 5dB(A) including any characteristics penalty. Terms and measurements to be in accordance with BS 4142: 1997 Rating industrial noise affecting mixed residential and industrial areas.

(For the purposes of this condition, “noise-sensitive premises” includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses - including the stone barn to the west of Keeper's Cottage, Liddesdale if/when it is converted to residential use) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.)

Reason : In the interests of residential amenity in accordance with Policy 28 of the Highland-wide Local Development Plan.

12. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site in accordance with Policy 57 of the Highland-wide Local Development Plan.

13. The pipe bridge across the Liddesdale Burn shall be designed so that it can convey any flood up to a 1 in 200 year flood event (an additional allowance for a freeboard shall be made).

Reason: For the avoidance of flooding in accordance with Policies 63 and 64 of the Highland-wide Local Development Plan.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Damage to the Public Road

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

Private Water Supplies:

Existing private water supplies shall be safeguarded in accordance with the mitigation set out in the Supporting Environmental Information H'Airigh & Liddesdale Hydro electric schemes by Broadland Renewable Energy Ltd dated April 2013.

Protected Species - Ground Nesting Birds:

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

Construction Hours and Noise-Generating Activities :

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Lucy Prins
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout Plan
Plan 3 – Intake - general arrangement
Plan 4 – Powerhouse Layout Plan
Plan 5 – Powerhouse Elevations
Plan 6 – Tree Plan
Plan 7 – Environmental Designations
Plan 8 – Grid Connection Plan

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
JA (Anthony) Given	Kidbrook Lodge, 177 High St, Cheveley, Nr Newmarket, Suffolk, CB8 9DG	24.04.13 et seq	Against
Charles Emerson	By email	18.04.13 et seq	Against
JG Given	18 Long Lane, Willoughton, Gainsborough, Lincolnshire, DN12 5SQ	24.04.13 et seq	Against
Angela Allkins	4 Langley Road, Spondon, Derby, DE21 7HY	29.04.13	Against
Louise Emerson	By email	08.05.13	Against
Ian Kelly MRTPI (on behalf of the Emerson family - owners of Keeper's Cottage, Liddesdale)	By email	09.05.13	Against



SITE LOCATION
 Approx. centre:
 OS Grid (NM) 177820 759340

 Access Point:
 OS Grid (NM) 177760 759580



3	Powerhouse moved	HD	TJA	14.03.13
2	Schemes split. New DwgNo [prev P574-2 10200]	TJA	HD	13.09.12
1	Dwg renumbered; Formerly P574 10200	NF	-	18.04.12
0	Original Drawing Issue	TJA	HD	19.04.11
Iss	Description	Drawn	Chk'd	Date

Client
BROADLAND RENEWABLE ENERGY LTD

Project Title
LAUDALE ESTATE HYDRO - LIDDESDALE

Drawing Title
SITE LOCATION

Hydroplan
 Water & power engineering

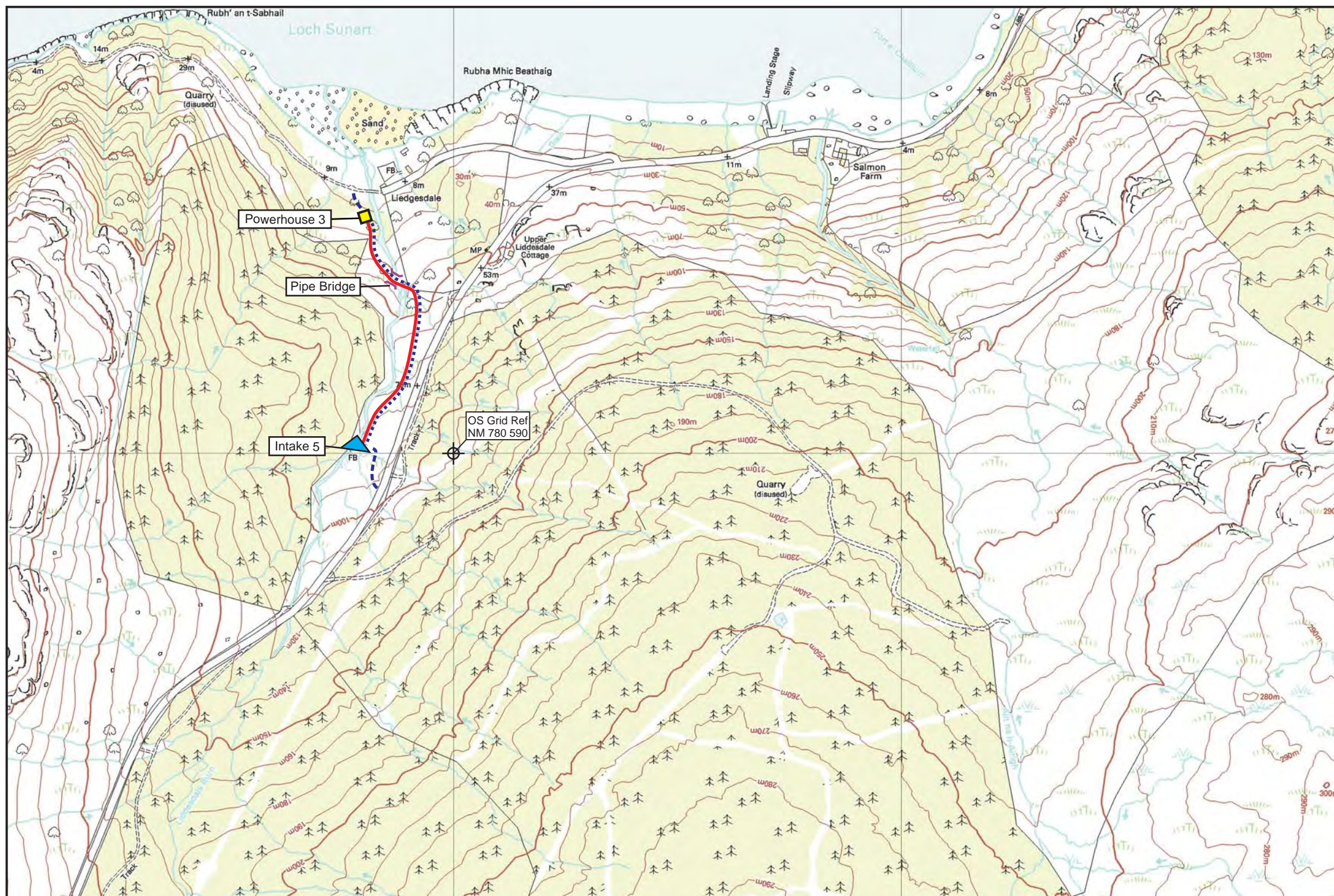
Unit 12, Riverside Park, Station Road
 Wimborne, Dorset, BH21 1QU, ENGLAND
 Tel: +44 (0)1202 886622 Fax: +44 (0)1202 886609
 Email: info@hydroplan.co.uk

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Scale [Main Map]	Prints from this drawing are UNCONTROLLED unless otherwise indicated	Original Size
1:250000		A3
Project No	Drawing No	Issue
P574-3	10300	3

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Legend

-  Intake
-  Pipeline
-  Powerhouse
-  Existing Access
-  Construction Access
-  Permanent Access

17	Powerhouse moved. Pipe bridge added	HD	TJA	13.03.13
16	Access to I5 reduced to construction track	HD	TP	28.11.12
15	Schemes separated. New Dwg No. [prev. P574-2 10201]	TJA	HD	13.09.12
14	Access to I5 reduced to construction track	NF	HD	23.04.12
13	Drawing title and project title updated. I5 moved. Access to PH added, access to I5 updated.	NF	-	18.04.12
12	H/Airigh scheme re-added	HD	TP	09.03.12
11	H/Airigh scheme removed & formerly P574 10201	BR	AJV	06.02.12
10	Intake 10b added and second pipeline to PH4c	RR	TP	31.01.12
9	Ph4, 4b, Int 9a, 9 removed, Ph4c Shifted	RR	-	-
8	Ph4a, 4b, 4c and int 10, 10a & 10b added	NF	TP	28.11.11
7	Access amended	TJA	HD	04.05.11
6	Access amended	HD	-	30.03.11
5	Access added	HD	-	28.03.11
4	Pipeline route altered	HD	TP	07.02.11
3	Updated after site visit	PW	TP	20.01.11
2	Scheme rationalised	HD	-	04.01.11
1	Client name and drawing number changed	HD	-	16.12.10
0	Original DWG Issue	JH	TP	10.09.10
	Description	Drawn	Chk'd	Date

Client
BROADLAND RENEWABLE ENERGY LTD

Project Title
LAUDALE ESTATE HYDRO - LIDDESDALE

Drawing Title
SCHEME LAYOUT

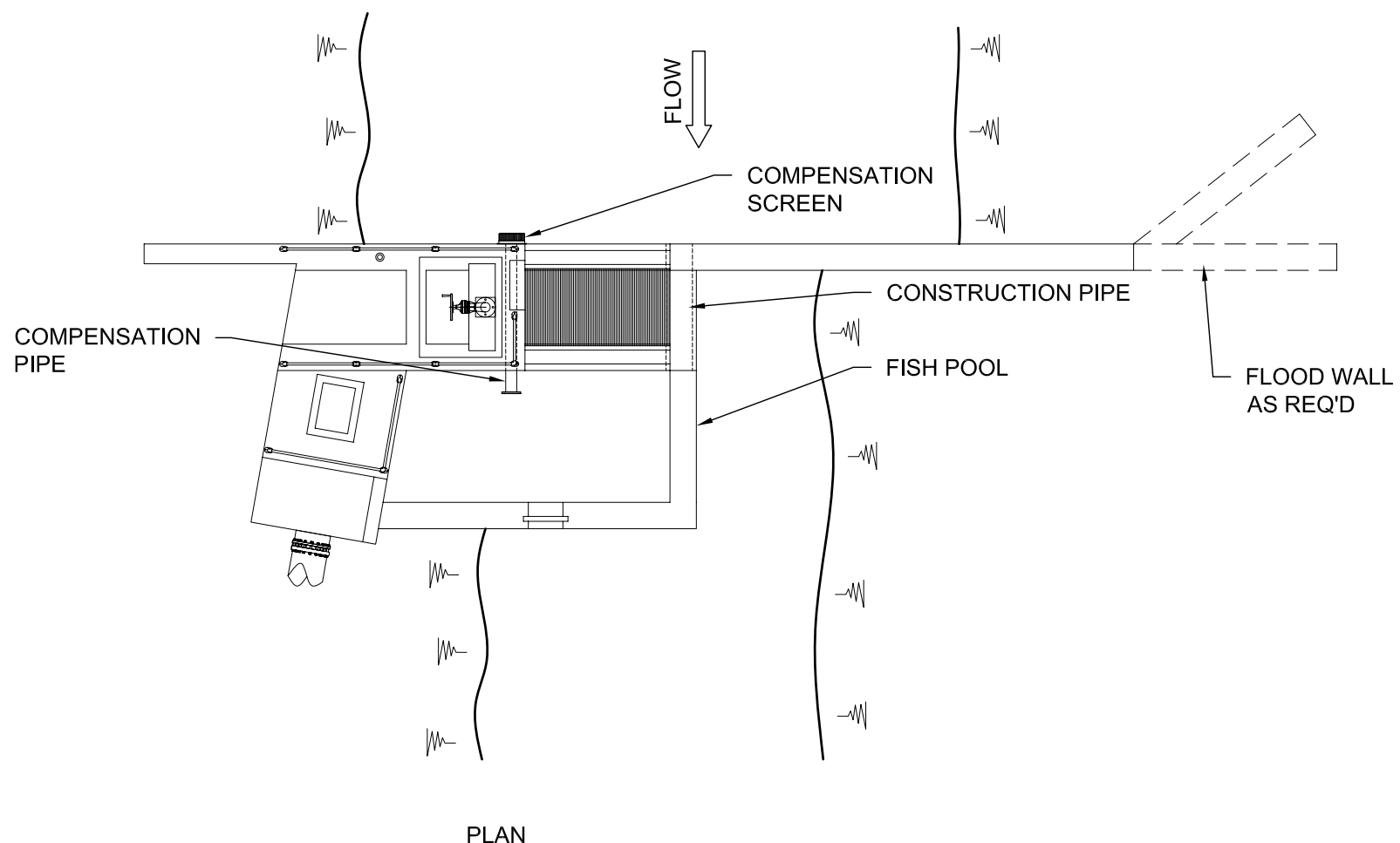
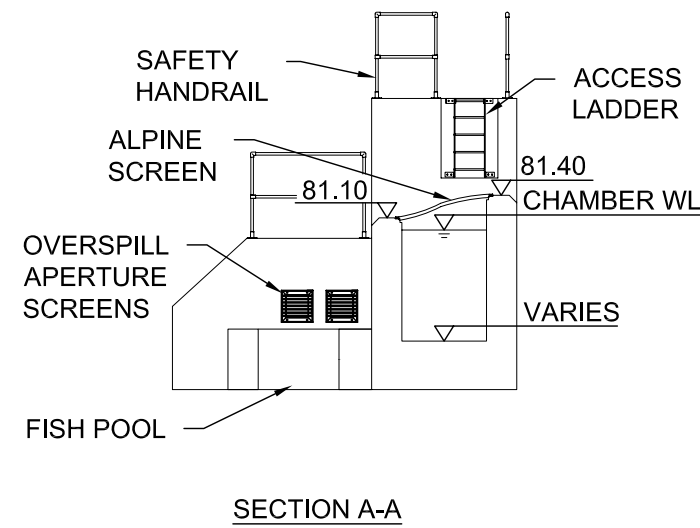
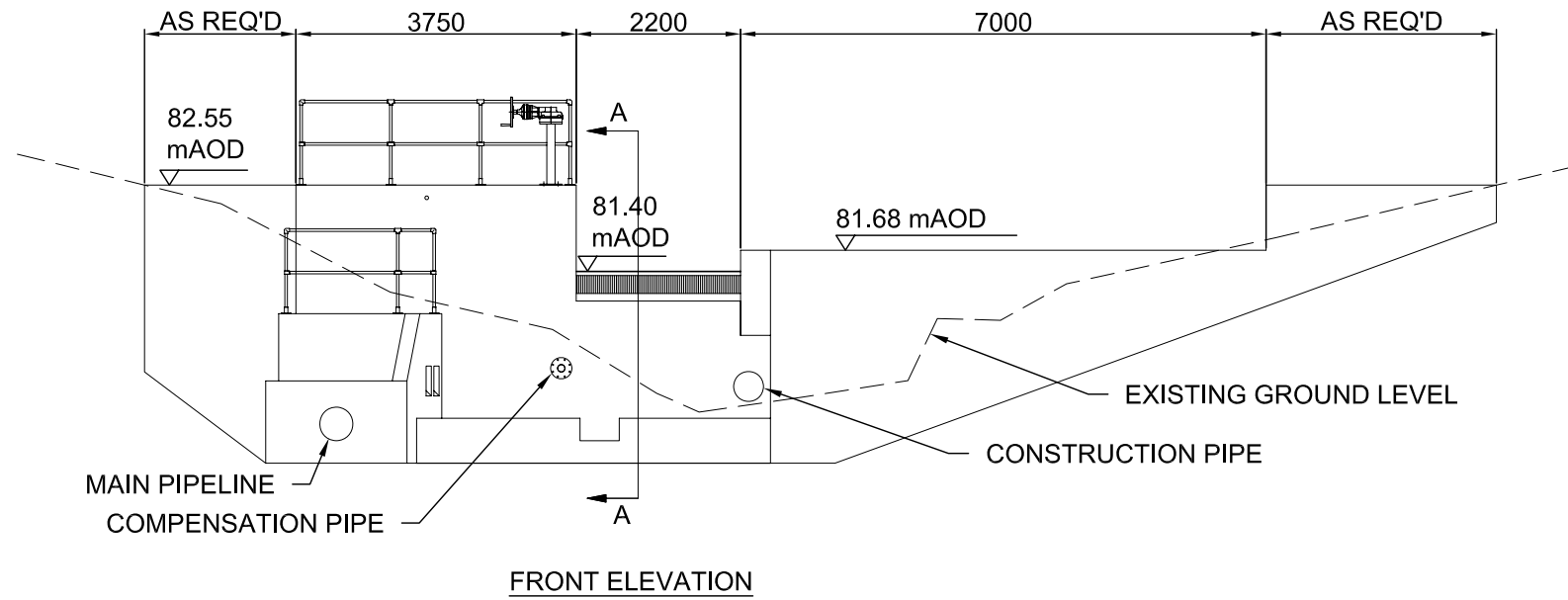


Unit 12, Riverside Park, Station Road
Wimborne, Dorset, BH21 1QU, ENGLAND
Tel: +44 (0)1202 886622 Fax: +44 (0)1202 886609
Email: info@hydroplan.co.uk

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Scale	Original Size
1:10,000	A3
Project No	Issue
P574-3	17
Drawing No	
10301	



2	Screen Type Amended To Alpine	RAB	NF	02.04.13
1	Schemes split, New DwgNo. [prev P574-2 20501]	TJA	HD	17.09.12
0	Original Drawing Issue	RAB	TJA	23.04.12
Iss	Description	Drawn	Chk'd	Date

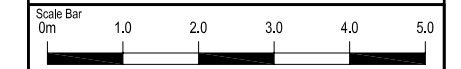
Client
BROADLAND RENEWABLE ENERGY LTD

Project Title
LAUDALE ESTATE HYDRO LIDDESDALE

Drawing Title
INTAKE 5 GENERAL ARRANGEMENT

Hydroplan
Water & power engineering
Unit 12, Riverside Park, Station Road
Wimborne, Dorset, BH21 1QU, ENGLAND
Tel: +44 (0)1202 886622 Fax: +44 (0)1202 886609
Email: info@hydroplan.co.uk

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Project No	P574-3	Drawing No 20501	Issue 2

IF IN DOUBT - ASK



3	Powerhouse position changed	JL	NF	21.02.13
2	Powerhouse Split [prev. P574-2 40204]	TJA	HD	12.09.12
1	Powerhouse moved upstream	RW	-	18.04.12
0	Original Drawing Issue	TJA	HD	13.04.11
Iss	Description	Drawn	Chk'd	Date

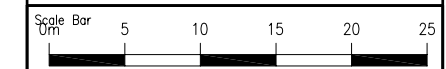
Client
BROADLAND RENEWABLE ENERGY LTD

Project Title
LAUDALE ESTATE HYDRO - LIDDESDALE

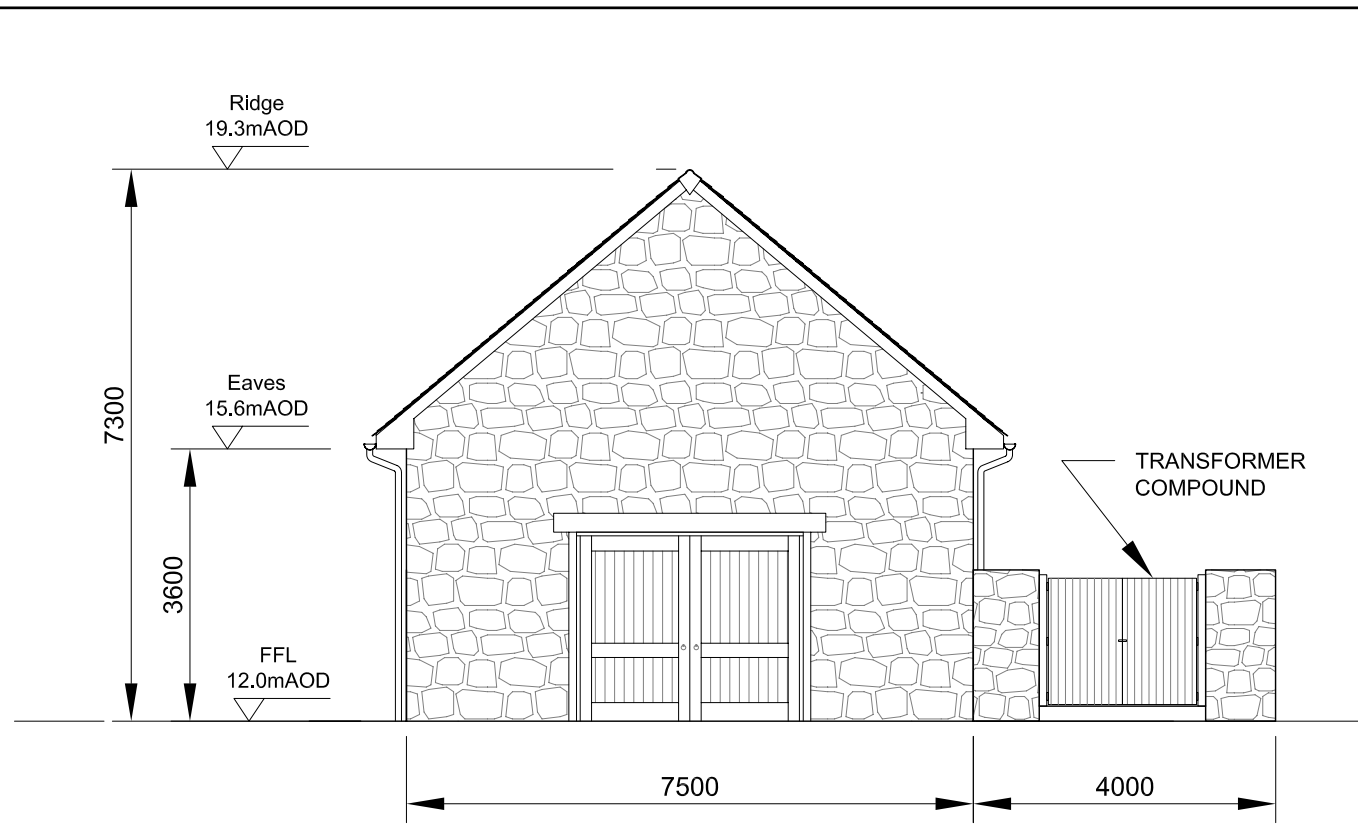
Drawing Title
POWERHOUSE AREA PLAN

Hydroplan
Water & power engineering
Unit 12, Riverside Park, Station Road
Wimborne, Dorset, BH21 1QU, ENGLAND
Tel: ++44 (0)1202 886622 Fax: ++44 (0)1202 886609
Email: info@hydroplan.co.uk

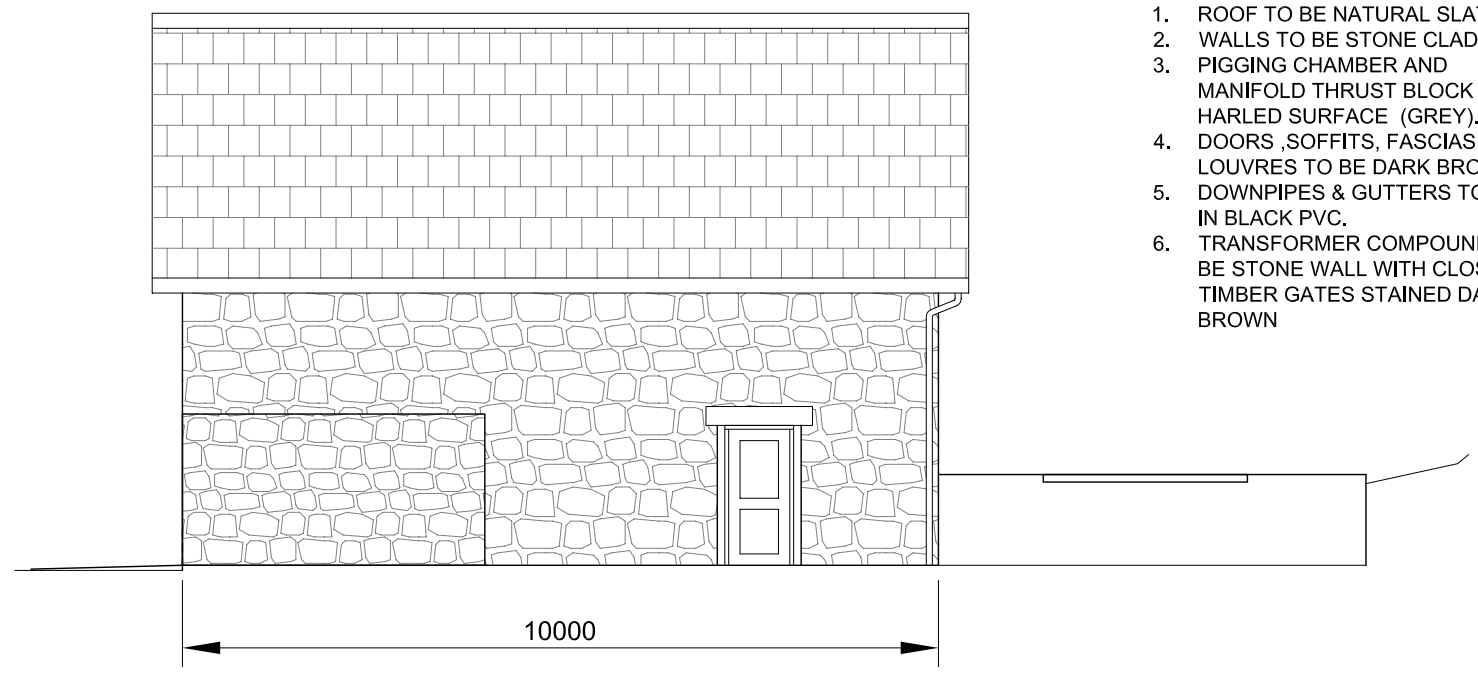
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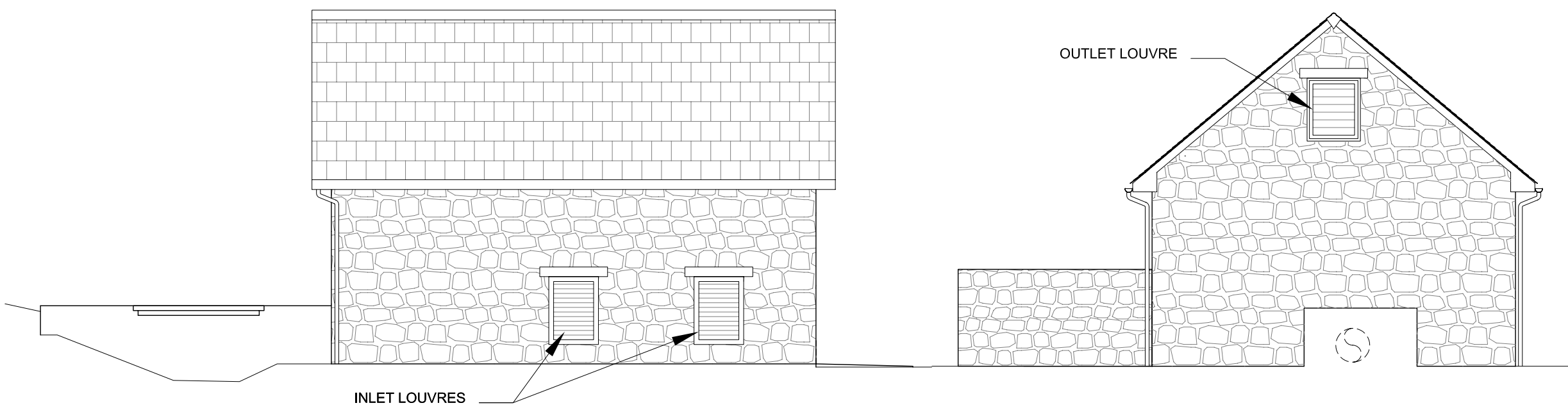
Scale	Prints from this drawing are	Original Size
1:500	UNCONTROLLED	A3
Project No	Drawing indicated	Issue
P574-3	40304	3



NORTH ELEVATION



WEST ELEVATION




EAST ELEVATION

SOUTH ELEVATION

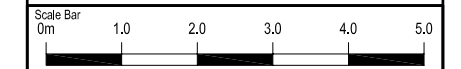
NOTES:

1. ROOF TO BE NATURAL SLATE
2. WALLS TO BE STONE CLAD
3. PIGGING CHAMBER AND MANIFOLD THRUST BLOCK HARLED SURFACE (GREY).
4. DOORS ,SOFFITS, FASCIAS AND LOUVRES TO BE DARK BROWN.
5. DOWNPIPES & GUTTERS TO BE IN BLACK PVC.
6. TRANSFORMER COMPOUND TO BE STONE WALL WITH CLOSE TIMBER GATES STAINED DARK BROWN

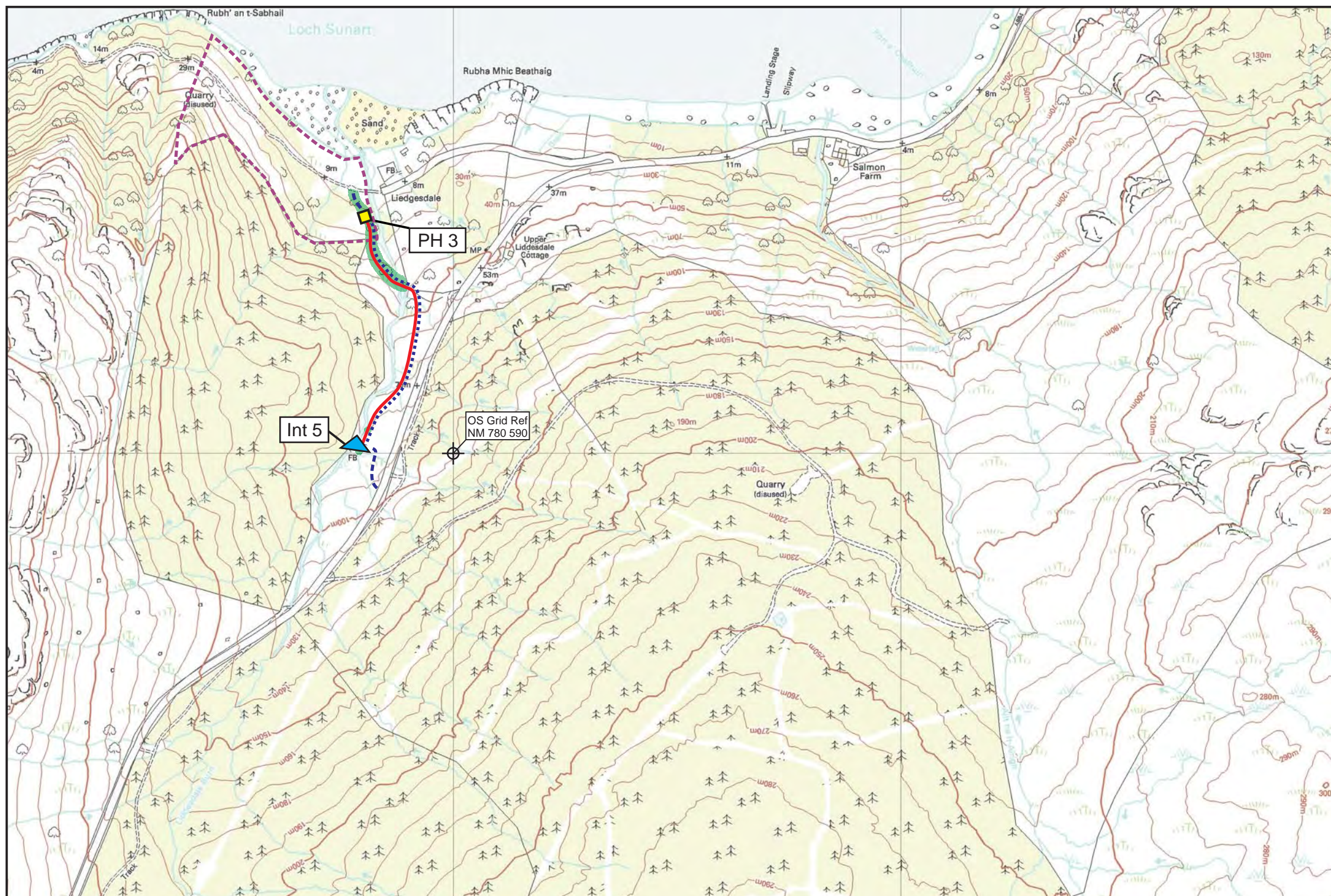
Iss	Description	Drawn	Chk'd	Date
3	Powerhouse mirrored to match new position	JL	NF	21.02.13
2	Powerhouse Redesign [prev. P574-2 40202]	TJA	HD	12.09.12
1	Updated FFL's	RW	-	18.04.12
0	Original Drawing Issue	TJA	KPH	11.04.11

Client			
BROADLAND RENEWABLE ENERGY Ltd			
Project Title			
LAUDALE ESTATE HYDRO LIDDESDALE			
Drawing Title			
POWERHOUSE ELEVATIONS			
 Hydroplan Water & power engineering Unit 12, Riverside Park, Station Road Wimborne, Dorset, BH21 1QU, ENGLAND Tel: +44 (0)1202 886622 Fax: +44 (0)1202 886609 Email: info@hydroplan.co.uk			

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Project No	P574-3	Drawing No 40302	Issue 3



Legend

- Intake
- Pipeline
- Powerhouse
- Existing Access
- Construction Access
- New Permanent Access
- Area of selective lopping/felling of native trees
- Potential Area of Regeneration

Note:
For more details see the Tree Plan (Appendix D Supplement in the Supporting Environmental Information)

2	Scheme layout updated: Regeneration area added	HD	TJA	14.03.13
1	Schemes separated. New DwgNo (prev P574-2 10212)	TJA	HD	13.09.12
0	Original DWG Issue	NF		19.04.12
	Description	Drawn	Chk'd	Date

Client
BROADLAND RENEWABLE ENERGY LTD

Project Title
LAUDALE ESTATE HYDRO - LIDDESDALE

Drawing Title
TREE PLAN



Unit 12, Riverside Park, Station Road
Wimborne, Dorset, BH21 1QU, ENGLAND
Tel: +44 (0)1202 886622 Fax: +44 (0)1202 886609
Email: info@hydroplan.co.uk

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Project No	Issue
P574-3	2
Drawing No	
10312	