

Agenda Item	3.2
Report No	PLS/013/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 20 February 2019
Report Title: 18/02739/FUL: Dickins Hydro Resources Ltd
Land 155m south of Glen Ceitlein, Glenetive (Allt Ceitlein)
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Installation of (810kW) run-of-river hydropower system, associated plant, buildings and access roads (Allt Ceitlein)
Ward: 21 – Fort William and Ardnamurchan
Development category: Local
Reason referred to Committee: Number of objections

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.

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 It is proposed to construct a run of river hydro electric scheme with a generating capacity of up to 810kW on the Allt Ceitlein in Glen Etive. The scheme is one of seven schemes proposed within Glen Etive.
- 1.2 The scheme proposes two intakes, with a buried penstock (enclosed pipe) extending to a powerhouse housing the turbine and an outfall back into the river beyond. There is a main and a secondary intake (a third intake has been removed from the scheme). The main intake is a concrete structure 21m wide in total, with a 10m in river section. The concrete wing walls will be partially covered screened with local materials (rock, soil and vegetation). The secondary intake is 2.95m overall. Main intake is located at 116m AOD and secondary intake at 117m AOD.
- 1.3 There is approximately 1620m overall of penstock – 1500m at 800mm diameter from main intake to powerhouse and 120m at 300mm diameter from secondary intake to main. The overall construction corridor is 20 metres, with 10m allocated to the penstock.
- 1.4 Improvement works are proposed to the existing vehicular track serving Glen Ceitlein. This includes the replacement of the bridge over the Etive (shared with the Allt Mheuran scheme), localised improvements to the track, and replacement of the bridge over the Allt Ceitlein.
- 1.5 A temporary construction track (3.4m) is to be formed from the Ceitlein bridge to the intakes. This largely follows the route of an existing footpath, although there are some sections where the routes deviate. This construction track covers approximately 2km. On completion of the construction, the access from the Ceitlein bridge to the intakes is to be reinstated to 1.5m wide path.
- 1.6 The powerhouse is located on the eastern side of the Ceitlein bridge on the north side of the Allt Ceitlein. The powerhouse is approximately 180m from the nearest residential property (Glenceitlein). The proposed powerhouse is a part buried structure – predominantly buried on three sides. Overall the structure will be approximately 5m high.
- 1.7 The scheme will be accessed from an existing estate track which serves Glenceitlein and Coileitir, the entrance to which is off the public road, south of Invercharnan. This junction with the public road is to be improved.
- 1.8 Construction equipment and materials will be delivered to the existing jetty via a temporary floating pier and materials transported to the site via the existing private track from the jetty to the existing forestry track. This section is a Core Path but not a public road. Construction traffic travel along the forestry track and then join the public road at Invercharnan and use the public road network to the site.
- 1.9 The scheme will require connection to the National Grid to export electricity. The applicant has confirmed it is intended to use the existing overhead line which runs through the Glen to serve the development and has advised this would require to be upgraded to accommodate a new 3 wire grid connection. The upgrading of the existing overhead line would be determined under Section 37 of the Electricity Act,

not under the planning application. The Council would be a consultee on a Section 37 application, not the determining authority. A Section 37 application would be determined by Scottish Ministers. The Council has not yet been consulted on a Section 37 application.

- 1.10 Pre Application Consultation: None
- 1.11 Supporting Information: Environmental Impact Assessment Report (EIAR) and associated survey work, Supplement to EIAR, Construction Management Plan including works schedule, Access Management Plan, Traffic Management Plan.
- 1.12 Variations: Since the original submission of the application the powerhouse and outfall have been relocated to the east of Ceitlein bridge in response to SEPA issues and one of the secondary intakes has been removed from the scheme. The width of the reinstated track has been reduced.

2. SITE DESCRIPTION

- 2.1 The proposed hydro scheme is located on the south eastern side of the public road on the eastern side of the Glen. The site is accessed from the public road, onto an estate track, which has a bridge crossing over the River Etive. The track spurs to the north and runs largely parallel to the River Etive and serves an existing house, Glenceitlein. There is a bridge over the Allt Ceitlein before the house. From this point there is a well used footpath which spurs to the east and leads up Glen Ceitlein. This footpath is a route to surrounding Munros and Corbetts. The site largely runs through open moorland adjacent to the Allt Ceitlein and gently climbs up the glen which is contained by steep sided hills.
- 2.2 The powerhouse is located to the right of the Ceitlein bridge, where the footpath turns east up Glen Ceitlein. The powerhouse is to be part buried on three sides, and micrositied to make best use of the existing landform. Water from the proposed hydro scheme will outfall back into the river at this point. From the powerhouse, for the first section up to the old agricultural enclosures the penstock will be laid at the side of the track. From this point the construction track will follow the existing footpath above the route of the penstock, before crossing and running below the penstock. At the upper reaches of the scheme the route of the penstock and track combine again until they reach the intake. In this area the river winds across the glen floor. The intakes would be located on the lower lying glen floor. A third intake was removed from the scheme due to concerns over the elevation of the intake, on higher ground off the glen floor. Where the penstock and construction access route are combined, restoration will take place at the end of construction. Where the penstock is separate from the construction track the penstock will be reinstated as work proceeds, i.e. only 100m of penstock trench open at a time and closed again within 7 days. Following construction the construction track will be reinstated to a 1.5m ATV track with green central strip which will formalise the existing footpath and ATV track.

3. PLANNING HISTORY

Application is one of seven proposed hydro schemes within Glen Etive.

3.1	No decision	18/02738/FUL, Allt Charnan (up to 1,035kW)	Under consideration
3.2	No decision	18/02739/FUL, Allt Ceitlein (up to 810kW)	Under consideration
3.3	29 Nov 2018	18/02740/FUL, Allt Fhaolain (up to 586kW)	Withdrawn
3.4	30 Nov 2018	18/02741/FUL, Allt Mheuran (up to 1,540kW)	Withdrawn
3.5	No decision	18/02742/FUL, Allt Chaorainn (up to 1,640kW)	Under consideration
3.6	No decision	18/03024/FUL, Allt nan Gaoirean (up to 980kW)	Under consideration
3.7	No decision	18/03026/FUL, Allt Bhorain (up to 715kW)	Under consideration
3.8	No decision	18/05439/FUL, Allt Fhaolain (up to 425kW)	Under consideration
3.9	No decision	18/05440/FUL, Allt Mheuran (up to 885kW)	Under Consideration

4. PUBLIC PARTICIPATION

4.1 Advertised: Oban Times and Edinburgh Gazette as EIA development

Date Advertised: 05 & 06 July 2018 and 06 & 07 December 2018

Representation deadline: Overall 06 January 2019

Timeous representations: 40

Late representations:

4.2 Material considerations raised are summarised as follows:

1. Affect the character and ecosystem of the river and its flow
2. Impacts from construction traffic
3. Environmental damage from construction works
4. Detrimental impact on recreational users during construction and post construction
5. Dramatic and long term effect on character of the area
6. Cumulative impact – all seven application should be considered together
7. Impact on tourism
8. Impact on Wild Land

9. Impact on National Scenic Area
10. Impact on Nationally significant Glen
11. Disagreement with SNH's assessment/consultation response
12. Noise and disturbance will affect character of the Glen
13. Impact on amenity of visitors
14. Glen Etive road not suitable for construction traffic
15. Impact on ecology and protected species
16. Energy benefits do not outweigh the environmental impacts
17. Limited employment benefits
18. Important Glen that should be left unspoiled for future generations
19. Support for development of hydro electric power
20. Contrary to national and local planning policy
21. Impact on landscape and heritage assets
22. Impact on peat and soils
23. Impact on public access and transport network
24. Impact on geodiversity
25. Impact on water environment
26. Impact on amenity
27. Impact on health and wellbeing as a result of impact on natural environment
28. Inappropriate design of powerhouses- not 'Scottish bothies' as referred to
29. Visual impact of tracks, intakes, powerhouses and deficient restoration - reference to other schemes in Highland and other parts of Scotland
30. Net contribution to carbon emissions not properly evaluated
31. Power generated is insignificant in UK context
32. Scottish Planning Policy and its administering inadequate for natural heritage
33. Industrialisation of important landscape
34. Deficiencies in the visual impact assessments
35. Lack of detail in the application
36. Scale of development is disproportionate to Glen Etive
37. Landscape impact of dried up rivers/loss of cascades
38. Impact on canoeing/kayaking from reduced river flow - estimated number of days the river would be available would fall from around 180 per year to 60 per year
39. Safety of kayakers using river when flow rates are changing more rapidly
40. No agreement has been reached with the Scottish Canoe Association re mitigation of the impact on canoeist or kayakers
41. Geomorphological impact of schemes – impact on ecology of River Etive
42. Environmental impact from in river works
43. Impact on private water supply
44. No local community to benefit from the scheme
45. Impact from upgraded grid connection
46. No details of ongoing maintenance of tracks
47. Ecological Clerk of Works and Landscape Clerk of Works should be employed
48. Lack of detail on access tracks
49. Lack of detail on construction of intakes

- 50. Reinstatement if scheme no longer used
- 51. Concerns over the timing and purpose of the resubmission of two of the applications.
- 52. Contrary to SNH Guidance on Constructed Tracks in the Scottish Uplands guidance

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.

5. CONSULTATIONS

- 5.1 **Community Council** (6.12.18) – Glencoe and Glenetive Community Council advised they have discussed these applications and support the applicants.
- 5.2 **THC Forestry Officer** (1.10.18) – no objection subject to conditions
- 5.3 **THC Transport Planning Team** (2.8.18 and 5.2.19) – no objection subject to conditions
- 5.4 **THC Historic Environment Team** (response 3.10.18) – no objection
- 5.5 **THC Flood Risk Management Team** (8.1.19) – no objection subject to conditions
- 5.6 **THC Access Officer** (6.7.18 and 8.1.19) – no objection subject to minor update to the Access Management Plan
- 5.7 **Scottish Natural Heritage** (17.7.18 and 9.1.19) – no objection subject to conditions
- 5.8 **Scottish Environment Protection Agency** (17.7.18 and 20.12.18) – no objection subject to conditions
- 5.9 **Historic Environment Scotland** (23.7.18 and 20.12.18) – no comments
- 5.10 **Scottish Water** (27.6.18 and 10.12.18) – no objection
- 5.11 **Transport Scotland** – no response
- 5.12 **Argyll and Bute Council** – no response
- 5.13 **Argyll District Salmon Fisheries Board** – no response

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
 - 29 - Design Quality & Place-making
 - 30 - Physical Constraints
 - 51 - Trees and Development
 - 52 – Principle of Development in Woodland

55 - Peat and Soils
56 - Travel
57 - Natural, Built & Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape
62 - Geodiversity
63 - Water Environment
64 - Flood Risk
66 - Surface Water Drainage
67 - Renewable Energy Developments
69 - Electricity Transmission Infrastructure
72 - Pollution
77 - Public Access
78 - Long Distance Routes

6.2 West Highland and Islands Local Plan 2010 (as continued in force 2012)

No specific policies – refer to Highland wide policies

6.3 West Highland and Islands Local Development Plan – Proposed Plan (WestPlan)

No specific policies – refer to Highland wide policies

6.4 Highland Council Supplementary Planning Policy Guidance

Construction Environmental Management Process for Large Scale Projects (August 2010)

Flood Risk & Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Highland Renewable Energy Strategy & Planning Guidelines (May 2006)

Physical Constraints (March 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 National Planning Framework 3 (NPF 3)

Support for renewable energy developments towards a 'low carbon place'

Seek to respect, enhance and make responsible use of our natural and cultural assets towards a 'natural, resilient place'.

7.2 Scottish Planning Policy (SPP)

SPP sets out a presumption in favour of development that contributes to sustainable development and aims to direct the right development to the right

place. Key subject policies with respect to this development are Delivering Heat and Electricity and Valuing the Natural Environment

The planning system should:

- support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity - and the development of heat networks;
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- facilitate positive change while maintaining and enhancing distinctive landscape character;
- conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;
- promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way;
- seek to protect soils from damage such as erosion or compaction;
- protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;
- seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and
- support opportunities for enjoying and learning about the natural environment.

Renewable electricity generating technologies - Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- cumulative impacts - planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;

- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

7.3 Scottish Energy Strategy

The Scottish Energy Strategy, published in 2017, sets out the Scottish Government's vision on how Scotland's future energy production and use will help achieve the transition to a low carbon economy by 2050.

The Strategy recognises that the target for meeting 100% of our energy demand from renewables by 2020 is well on the way to being achieved. However, it advocates a refocus of thinking towards a whole system approach; not just considering electricity but looking at heat and transport also.

Consideration is given to the need to reduce energy demand, through for example adoption of energy efficiency measures, but also to the increasing upward trend in electricity consumption that seems likely to continue particularly when looking to decarbonise transport, through replacement of fossil fuel engines with electric charging/battery storage.

The Strategy sets two new targets for the Scottish energy system by 2030:

- The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources.
- An increase by 30% in the productivity of energy use across the Scottish economy.

The Strategy does not set out specific goals or targets for renewable electricity production deriving from hydro but it does state that a *diverse, well-balanced energy supply portfolio or 'energy mix' will remain essential as we continue to decarbonise our heat, transport and electricity systems – providing the basis for secure and affordable heat, mobility and power in future decades.*

7.4 Scottish Government Advice

Planning Advice Note 51 – Planning, Environmental Protection and Regulation

Planning Advice Note 60 – Natural Heritage

Planning Advice Note 69 – Flood Risk (+update June 2015)
Planning Advice Note 79 – Water and Drainage
Planning Advice Note 1/2011 – Planning and Noise
Planning Advice Note 2/2011 – Planning and Archaeology
Planning Advice Note 1/2013 – Environmental Impact assessment
Scottish Government Policy on Control of Woodland Removal

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.

Determining Issues

- 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.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) contribution towards meeting renewable energy generation targets
 - c) socio-economic impacts
 - d) landscape and visual impact
 - e) archaeology
 - f) woodland
 - g) species and habitats
 - h) amenity of neighbouring occupied buildings
 - i) ground water, surface water, aquatic ecosystems and fisheries
 - j) the amenity (and safety) of users of any public access
 - k) tourism and recreation interests
 - l) land and water based traffic and transport interests
 - m) any other material considerations

Development plan/other planning policy

- 8.4 In line with Scottish Planning Policy, Policy 67 of the Highland-wide Local Development Plan sets out that renewable energy proposals should be well related to the source of the primary renewable resources that are need for their operation and that the Council will consider:
- the contribution of the proposed development towards meeting renewable

- energy generation targets; and
- any positive or negative effects it is likely to have on the local and national economy.

8.5 Together with Policy 67, the proposal will be assessed against other policies of the development plan and Planning Guidelines and regard will be had to other material considerations, including proposals being able to demonstrate significant benefits including making effective use of existing and proposed infrastructure or facilities. Subject to balancing these considerations and taking into account any mitigation measures to be included, the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments having regard in particular to any significant effects on the following:

- natural, built and cultural heritage features;
- species and habitats;
- visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to other considerations);
- amenity at sensitive locations, including residential properties, work places and recognised visitor sites;
- the safety and amenity of any regularly occupied buildings and the grounds that they occupy – having regard to visual intrusion or the likely effects of noise generation;
- ground water, surface water (including water supply), aquatic ecosystems and fisheries;
- safe use of airport, defence or emergency service operations;
- other communications installations or quality of radio or TV reception;
- the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;
- tourism and recreation interests;
- land and water based traffic and transport interests.

8.6 This application is one of seven application submitted for individual hydro scheme within Glen Etive. Due to their relationship the proposals are being considered both individually and cumulatively. All seven applications are EIA development and Environmental Impact Assessment Reports (EIARs) accompany each application.

8.7 Subject to the proposal having no overall significant detrimental impacts on the following matters, the proposal would comply with the development plan.

Contribution towards meeting renewable energy generation targets

8.8 Scottish Government policy recognises the valuable contribution that hydropower generation makes to Scotland's renewable targets and advises that the planning system should support the development of a diverse range of electricity generation from renewable energy technologies, including the expansion of renewable energy generation capacity. Larger schemes with a generation capacity of 100kW or more (such as the current scheme) are considered to make an important contribution to renewables targets and Ministers accept that in supporting such schemes some

deterioration of the water environment may be necessary. This however must be justifiable in terms of costs and benefits.

Socio-economic impact

- 8.9 The submitted EIAR recognises the importance of tourism to the local and national economy, however there is no direct assessment of the predicted impact of the development on tourism. There are a high number of visitors (tourists and recreational users) to Glen Etive for varied reasons – walking, sightseeing, canoeing, photography etc – and it is very difficult to predict how many of these visitors would stop coming to the Glen as a result of the construction works, and what the loss would be to the local economy as a result. Given the temporary nature of the disturbance (over a two year period), the mitigation measures proposed and as visitors are generally in the Glen for a purpose (for example climbing a particular Munro, canoeing a particular route or driving down the Glen as part of a wider visit to the area), it is considered that the impact on the economy will not be significant in the local or national context. The EIAR highlights there will be direct and indirect short term positive effect on the economy during the construction phase from the use of local services and suppliers. Not referred to are the benefits to the Estate owners of income from the hydro schemes which will help to sustain local employment in the Glen.

Landscape and Visual Impact

National Scenic Area

- 8.10 The site lies within the Ben Nevis and Glen Coe National Scenic Area (NSA). The designation notes “Glen Etive is not of the same awe-inspiring grandeur (*as Glen Coe*), but nevertheless is a deep cleft through towering peaks, notably the portal peaks of the Buachailles and the great slabs of Ben Starav. The River Etive with its numerous waterfalls is an important feature of the glen”.
- 8.11 There are a range of special qualities within the Ben Nevis and Glen Coe NSA. Within Glen Etive these are as follows:
- 8.12 **A land of mountain grandeur** – this is described as a landscape of massive proportions, breathtaking grandeur and great variety. It offers the highest altitude and greatest vertical relief in Britain.
- 8.13 **A land of classic highland vistas** – With each crossing of a glen or watershed, the scenery dramatically changes, from open moor to mountain pass, from smooth hillside to towering crags, from enclosed glen to long sea loch. The journey by road northwards across the open Moor of Rannoch Moor, past the sentinel of Buachaille Etive, and down through spectacular Glen Coe to the sea at Loch Leven, is a journey of great contrasts – one of the classic Highland journeys. The mountains, moors and glens are visited by many of those in search of the outstanding scenic experience, or outdoor exhilaration and challenge. It is not remote by distance or time from major settlement, particularly Fort William, and a sense of true remoteness must be searched for, with human contact in the upper glens and moors to be expected.

- 8.14 **Long and green Glen Etive** - Glen Etive, a long and dramatic glen with a fast-flowing rocky river, is generally green and grassy, affording tranquillity and peacefulness. Surrounded by high mountains, its narrow, sinuous single track road extends to the shores of Loch Etive, where it abruptly ends at the disused pier. From here the narrow, elegant Loch Etive stretches seawards, free of obvious human infrastructure, settlement or intrusion. The upper reaches of the River Etive offer interesting and sharply contrasting detail to the overall simplicity of the landscape. Its shallow, gorged profile within the sweeping, smooth grassland draws attention, emphasised by the crystal pools and waterfalls over a complex geological bedrock. Settlement in this glen is limited to the occasional cottage and a single hunting lodge, but it is influential with the policies of the lodge dominating the lower reaches.
- 8.15 The submission includes a Landscape and Visual Impact Assessment (LVIA) which has considered the effects of the proposal, both individually and cumulatively on the special qualities of the NSA. Due to the theoretical visibility of the development being almost entirely restricted to within Glen Etive, this has focussed on the “Long and green Glen Etive” quality.
- 8.16 The LVIA identifies that the development would only affect a small part of the dramatic glen and the qualities of the fast flowing River Etive would be largely unaffected. In close proximity to the site the development would impact on tranquillity through visibility of manmade infrastructure, particularly in the upper part of the glen. In this area, where landscape sensitivities are high, short term construction activities will have the greatest effect, in particular the penstock and access. Quick and sensitive reinstatement of the penstock and restoration of the access track to a 1.5m wide ATV track as an upgrade to the existing footpath will reduce these effects in the medium to longer term. The visual amenity of road users would also be affected along a small section of the route, primarily related to the construction of the powerhouse penstock, although these views are at distance and largely obscured by forestry. The proximity of the powerhouse to existing buildings and structures, together with the partially buried nature of the building, limits the change to the undeveloped character of the wider area. To a limited extent, the backdrop of high mountains would be affected by views of the development in the foreground.
- 8.17 The LVIA has considered the cumulative effects on the special qualities of the NSA as a result of all seven schemes proposed. The LVIA concludes that the combined construction activity of the seven developments would be limited to a very small part of the NSA in the context of the entire 1000km² and any effects would be localised. Within the localised context of Glen Etive, cumulative landscape effects from construction works would be experienced across a large part of the Glen, and will be significant in places, particularly from the works associated with the Allt Chaorainn, Allt Mheuran and Allt Ceitein schemes which are on the more open glen sides and incorporate construction works along the side of the River Etive. However, as these effects are over a small part of the overall designation, and will be temporary, the overall cumulative impacts on the special qualities of the NSA are not considered to be significant.

- 8.18 Since the LVIA was undertaken, the applicant has agreed to a number of changes across all seven schemes which will further reduce the landscape impacts. Key changes include a significant reduction in the Allt Mheuran scheme, removal of an intake on the Allt Ceitlein scheme, reduction of tracks and reducing, relocating and part burying powerhouses. In respect of this application for the Allt Ceitlein scheme the position of the powerhouse is different to that described in the LVIA with the powerhouse having moved to the south eastern side of the estate track in a more discreet location, and of a partially buried design, which will further reduce the presence of the powerhouse within the long distance views and make it less perceivable within the limited views from the public road. In addition the secondary (downstream) intake which previously extended up the slope side of the glen has been removed. The construction track reinstatement has reduced to a 1.5m wide ATV track with central green strip and borrow pit 8 has been removed from the scheme.
- 8.19 Scottish Natural Heritage has advised that it agrees with the conclusions of the LVIA's that the effects on the special qualities of the Ben Nevis and Glen Coe NSA will not be significant.

Wild Land Area

- 8.20 Three of the proposed hydro schemes (Allt Chaorainn, Allt Ceitlein and Allt Mheuran lie within the Loch Etive Mountains Wild Land Area. The other four schemes (Allt Fhaolain, Allt Charnan, Allt Gaoirean and Allt Bhiorain) lie adjacent to, but beyond the Wild Land Area. Wild land is recognised as a nationally important asset.
- 8.21 Scottish Planning Policy states that wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. Scottish Planning Policy further advises that in areas of wild land development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design and other mitigation.
- 8.22 The Loch Etive Mountains Wild Land Area (WLA) is a large area, spanning 507km² and is a renowned and highly visited mountain landscape. The area contains a range of high and rugged mountains, divided by steep glens, with distinctive rock features. The WLA is largely uninhabited although there are a few isolated estate buildings within some of the glens. The land is mainly used for deer stalking, fishing, woodland, recreation and nature conservation. Many people view the WLA from outside its edges, including the road through Glen Etive. Although views to the interior of the WLA are limited due to the screening effect of the adjacent slope, it is nonetheless possible to experience some of the wild land qualities of the area, including a perception of naturalness and ruggedness. Within the WLA there are 22 Munros and 8 Corbetts which attract hillwalkers and climbers. The key attributes and qualities of the wild land area are described as:
- Quality 1: Arresting, steep, high mountains with precipitous tops and ridges that offer panoramic views of elevated tops continuing far into the distance.
 - Quality 2: A series of deep glens carved through the mountains, with

arresting side slopes and spectacular geological features that contribute to a strong sense of naturalness.

- Quality 3: A high number of visitors that seek different wild land qualities and are able to experience a wide range of remoteness, risk and physical challenge.

8.23 The Allt Ceitlein lies on the eastern side of Glen Etive and is within the Wild Land Area. The LVIA considers the impact of the development on the key attributes and qualities of the wild land area, both individually and cumulatively.

8.24 The development is located along the lower reaches of the Allt Ceitlein and would be experienced within the context of the glen floor and lower mountain slopes away from the first of the key attributes of the WLA. However there are several nearby mountain summits where views of the development would be experienced. Given the much lower elevation of the proposed hydro scheme in relation to walkers and climbers, the panoramic views of elevated tops continuing far into the distance (Quality 1) would tend to be largely unaffected. In relation to Quality 2 (deep glens) there would be a localised impact within Glen Ceitlein, particularly during the construction phase. The impact on the open slopes has been reduced by removal of one of the secondary intakes, and much of the remaining development is on the glen floor, however the disturbance during construction and in the early stages of restoration will impact on the Glen itself. With respect to Quality 3 (visitor experience) some localised significant effects on recreational users are predicted, particularly for those walkers and climbers using the footpath through Glen Ceitlein and those ascending and descending the surrounding summits and ridge. The LVIA has noted that in the context of undertaking an entire ascent and descent most of the site would not be visible from nearby routes, and that recreational enjoyment from the large majority of hill slopes and summits across the Wild Land Area would be unaffected. Given the temporary nature of the main impact, the focus of development on the glen floor, and as this is a low lying glen close to the edge of the extensive wild land area, the development is not considered to significantly affect the wider Wild Land Area.

8.25 The LVIA has considered the cumulative effects on the key attributes and qualities of the WLA as a result of all seven schemes proposed. When considering the WLA as a whole, only a fairly small proportion of the identified area will be affected by the seven developments. Although localised, during the construction phase of the developments these impacts could be significant. Cumulatively, Quality 3 is likely to be most affected, particularly for walkers and climbers seeking to experience a wide range of remoteness.

8.26 The LVIA has considered the inter-visibility of all seven schemes within the Glen, and the cumulative effect this would have not only on the WLA, but the landscape character and the visual impact. A Cumulative Zone of Theoretical Visibility (ZTV) has been submitted, together with assessment of 20 viewpoints within the area—listed below (together with a description of changes made to scheme since viewpoint information submitted)

VP No.	Name	Description of changes
1a	Gualachulain facing south west	Public road shown is no longer used for as transport route
1b	Gualachulain facing north east	Superseded – powerhouse is no longer in the location shown
2	Starav Path	Allt Mheuran main intake no longer in the location shown (not visible). Allt Bhiorrainn powerhouse now adjacent to existing track and penstock reduced (most of bottom leg of blue line removed). Allt nan Gaoirean powerhouse repositioned – right hand side of blue line shortened
3a	Kinlocheteive facing west	Allt Bhiorrain powerhouse moved, now part visible approx. to right of tree in foreground. Left hand side of blue line reduced.
3b	Kinlocheteive facing north east	As shown
4	Glen Etive Road east of Druimachoish	Superseded – penstock repositioned, permanent access track deleted, intake moved lower down. Revised photo submitted “Mheuran Hydro Penstock and Walkers Track View”
5	Starav ascent	Allt Mheuran top up intake removed and permanent access track to right of bridge removed. Allt nan Gaoirean powerhouse repositioned – right hand side of blue line shortened
6	Footpath west of Allt Mheuran	Superseded – scheme no longer covers this area
7	Glen Etive Road north of Allt nan Gaoirean	Superseded – powerhouse now behind knoll to far right of photograph
8	Glen Etive Road north of Invercharnan	Location of Allt Charnan powerhouse remains as shown. Upper section of Allt Mheuran scheme deleted from proposals.
9a	Bridge south of Glenceitlein facing north	Powerhouse repositioned to right hand side of photo (off picture), penstock shortened and outfall repositioned to east (right) of bridge.
9b	Bridge south of Glenceitlein	Generally as shown, however top up intake removed from scheme. Powerhouse and outfall now in this location.
10	Allt Ceitlein facing west	Allt Ceitlein scheme as shown. Allt Nan Gaoirean powerhouse repositioned to the right and penstock slightly shortened

11	Glen Etive Road west of Inbhir-fhaolain	Superseded – Allt Fhaolain powerhouse repositioned to left hand side of the road (near to knoll in centre of the photograph). Penstock shortened, outfall on LHS of public road and no new access required.
12	Allt Ceitlein top up intake	Superseded – top up intake no longer part of the proposals
13	Allt Ceitlein main intake	As shown
14	Stob Dubh	Allt Fhaolain powerhouse repositioned to upper side of the public road to upper right of position shown. Penstock shortened, new access deleted.
15	Stob na Broige	Allt Charnan as shown. Allt Fhaolain powerhouse repositioned to lower left and penstock shortened. Allt Chaorainn access track to follow penstock route – no longer separate upgrade of existing footpath to track. Construction access to be reinstated.
16	Slopes south of An Grianan	Allt Chaorainn access track to follow penstock route – no longer separate upgrade of existing footpath to track. Construction access to be reinstated.
17	An Grianan	Powerhouse slightly repositioned.
18	Glen Etive opposite Alltchaorainn	Allt Chaorainn access track to follow penstock route – no longer separate upgrade of existing footpath to track. Construction access to be reinstated. Powerhouse slightly repositioned to left of photo pulled into the higher ground and part buried.
19	Stob na Doire	Allt Chaorainn access track to follow penstock route – no longer separate upgrade of existing footpath to track. Construction access to be reinstated. Powerhouse slightly repositioned to left of position shown
20	Stob Dearg	Allt Chaorainn generally as shown - access track to follow penstock route – no longer separate upgrade of existing footpath to track. Construction access to be reinstated.

8.27 The viewpoint assessment shows that areas where more than one or two powerhouses and/or intakes will be viewed together are limited, indicating that the cumulative impacts of the developments are limited. It is important to note that the ZTV is a bare ground study; i.e. it does not take into account any screening provided by trees, vegetation or buildings, and does not take account of the scheme changes made since original submission (significant reduction to the Mheuran scheme deletion of top up intake from the Ceitlein scheme). The ZTV however is limited to an assessment of above ground structure (intakes and powerhouses). This is supplemented by the specific viewpoint study. The areas

where the cumulative impact of the developments is greatest in terms of inter-visibility are the hill/tops around the Allt Mheuran and Allt Ceitlein schemes. These are a mix of well visited Munros and Corbetts within the Wild Land Area. Although the Allt A Chaoarainn is also within the Wild Land Area, the distance, landscape type and topography mean it contributes less to the cumulative impact.

- 8.28 The original ZTVs were based on a 5km zone which is fairly standard for hydro developments. However in order to test the cumulative impact in particular, the ZTVs were extended to 10km (and the intake heights increased to 2m). It is accepted that it will be difficult to pick out individual elements of a scheme at this increased distance, however it was considered important to understand the potential visibility at this longer distance given the nature and importance of the wider area.
- 8.29 For walkers and climbers within the WLA on ascent and descent of the surrounding hills, views of the hydro schemes on the north western side of the Glen (outwith the WLA) will be reasonably limited and these schemes would be read in the context of the existing forestry and associated haul roads.
- 8.30 For the three schemes within the WLA, taking into account their location near the edge of the Wild Land Area, the significant reduction in the Allt Mheuran scheme since original submission, the reduction of tracks, removal of intakes, and relocation/redesign of powerhouses across the schemes, the construction activity will be visually read more in relation to the settled floor of the glen, rather than the upper levels of the WLA which exhibit much more wilderness character.
- 8.31 Scottish Natural Heritage has advised it considers that the proposals will have a localised effect on the sense of wildness but will not affect the experience or result in significant effects on the wider appreciation of the WLA or qualities of the area. It recommends mitigation measures to further reduce the impacts. Most of these have since been incorporated into the applicants revised Construction Management Statement (CMS), however a condition is proposed to secure an updated CMS to cover addition elements, including specifying the role of the Ecological Clerk of Works and the Landscape Clerk of Works.

Landscape Character

- 8.32 All seven proposals lie within the Mountain Massif Landscape Character Type (LCT). Scottish Natural Heritage has advised that although there is some limited predicted visibility into the adjacent High Tops to the west, this is not considered to result in a significant effect. The effects (individually and cumulatively) on landscape character will therefore be limited to the Mountain Massif LCT. They agree that the sensitivity of this LCT would be high to these proposals. They also agree that although the effects on this LCT will be significant (as illustrated at VPs 2 and 5) these effects will be localised due to the nature of the change proposed.

Visual Impact

- 8.33 The preceding sections consider the effects of the development on the physical landscape which may give rise to the changes in its character and how this is experienced. This includes consideration of the effects on landscape designations.

- 8.34 This section on visual impact considers potential changes to available views in the landscape as a result of the development and the resultant effects on visual amenity and people's responses to the changes. In a planning context amenity is a positive element(s) that contribute to the overall character or enjoyment of an area.
- 8.35 Glen Etive is a very scenic and popular glen attracting visitors to the Glen with a variety of interests. Described as the original 'road to nowhere', visitors travel the 12 miles of public road to just experience the qualities of the glen. The Glen is not highly populated, but does support local families and jobs. The top end of the Glen continues a similar landscape to Rannoch Moor, before entering the lower part of the Glen towards the head of Loch Etive. The Glen is busy with climbers and walkers attracted to the variety of Munros and Corbetts accessed from the Glen. The River Etive and some of its tributaries are popular for canoeing and fishing. The Glen is also popular for photography, mountain biking, stalking and camping and has been used as a film location including for Skyfall and Braveheart. Although of high landscape value with striking vistas and viewpoints, the Glen is not pristine in terms of visual quality. There are significant areas of commercial forestry and associated forestry roads, within the lower part of the glen, predominantly, but not exclusively on the north western side of the public road through the glen.
- 8.36 Due to the scenic qualities of the area and the number of visitors using the Glen, the visual amenity in the area is high and recreational users, road users and residents are predicted to have a high sensitivity to change.
- 8.37 In terms of the visual impact from this individual site, public road users will have views of the lower section of the proposal, although these are more distant views. Closer views from the public road are largely screened by existing forestry or topography. Impacts from the powerhouse and outfall have reduced due to their repositioning on the south eastern side of the Ceitlein, pulling the development back from the more open area nearer the River Etive, and allowing the powerhouse to be visually read more in the context of the existing house and bridge. Users of the Core Path along the section from the jetty to the car park, and those using the path from the car park to the head of Loch Etive will experience some visual disturbance from construction traffic however this will be reasonably short lived and set on the landward side of the road, off set from the main views of the loch at this point. The hydro scheme itself is not visible from this area. As discussed above recreational users will experience some localised significant effects, predominantly during the construction and early restoration phases. In particular this will affect those walkers and climbers using the footpath through Glen Ceitlein and those ascending and descending the surrounding summits and ridge. Open views into the site are available from the first section of the lesser used forestry track on the opposite side of the glen (the start of the Allt nan Gaoirean scheme). For the same reasons set out in the wild land assessment above, given the temporary nature of the main impact, the focus of development on the glen floor, and the fairly limited views into the site, it is considered that the proposal in the medium to long terms will not have a significant impact on visual amenity. Quick and sensitive reinstatement of the penstock and restoration of the access track to a 1.5m wide ATV track as an upgrade to the existing footpath will reduce the visual effects. Mitigation is proposed to address these issues as quickly as possible, for example, only opening 100m of penstock at one time and closing the trenches within 7 days.

- 8.38 Concerns have been raised by objectors over the loss of cascades and drying up of the rivers as a result of the proposed hydro schemes. There will be a loss of flow as a result of the individual hydro schemes, however protections are put in place by SEPA through the CAR Licence to ensure low flows in the rivers are retained and to regulate the amount of water that can be extracted from the rivers. The rivers will not 'dry up' as a result of the proposed hydro schemes. In terms of visual amenity, the change in flow rates will reduce the amount of time full cascades are experienced by viewers, however the restrictions on water abstraction put in place by the CAR licence will allow these features to remain, just less frequently. In principle, for these type of run of river schemes, the low flows will continue largely as normal, and the high flows will be affected, although not significantly, and not when in spate conditions. It is the periods of medium flow that will experience the most change as a result of the abstraction, changing them from medium to low flow rates. At all times water will continue to flow through the rivers, unless they would not be flowing in normal conditions such as in a period of very dry weather. For the four schemes which are important for kayaking/canoeing, this visual change will be further mitigated by days/times where the hydro scheme is not operating to allow natural flows for recreational users.
- 8.39 As discussed in the cumulative landscape impact assessment above, there are few locations that more than one or two schemes are viewed together. Similar to the landscape assessment, the cumulative visual impact of the development will be from distanced views from the ascent/descent of nearby hills by recreational users. The construction phase will undoubtedly have a visual impact, however the primary impacts will be temporary and mitigation is proposed to manage these impacts.
- 8.40 In terms of cumulative visual impact, in addition to the inter-visibility of schemes, the sequential effect of various schemes could also have a cumulative visual impact. This could affect all users of the Glen Road. This is essentially the effect on visual amenity of viewing construction works in isolation, but repeated along the Glen road. Although this impact would be fairly short lived - limited to the overall construction period of approximate two years, it could be a significant impact for the varied users of the Glen. As such, the construction programme has been revised to split the works into two phases, to reduce the spread of disturbance from construction activities and reduce the sequential impact of construction activity when travelling though the Glen (phase 1 focusing work on the upper Glen schemes and once complete, moving to phase 2, the scheme in the lower end of the Glen).
- 8.41 In summary, the main individual and cumulative impacts of these developments relate to the construction phase. While the construction phase is for a fairly short period, if the construction is not carried out in accordance with the principles, practices and mitigation set out in the EIAR and Construction Management Statements then the impacts could be greater than assessed and the restoration less effective. The developer/contractor must adhere to these principles, practices and commitments to ensure the highest quality of outcome on the ground. Conditions will require the appointment of an Ecological Clerk of Works (ECoW) and a Landscape Clerk of Works (LCoW) for the duration of the construction and restoration, and part of their role will be report direct to the Planning Authority to aid the independent monitoring of work on the site. In addition the Planning Authority

will commit specific resources to the monitoring of these developments, and SNH has confirmed that it is happy to be involved in site visits during construction to discuss and advise on any issues emerging (relating to the three schemes within the Wild Land Area).

Archaeology

- 8.42 All of the sites have been subject to an archaeological walkover survey by Scotia Archaeology and their survey report has been submitted in support of the application.
- 8.43 With respect to this application (Allt Ceitlein) the survey work identified three areas of interest; an unroofed building with enclosure and field, an enclosure which is still used for storage, and a possible burial mound. Taking into account the proximity of the areas of interest from the works, the archaeological survey work has recommended measures to mitigate any secondary impacts (storage of materials etc) to the suspected burial mound. This recommends temporary fencing around the mound for the duration of the construction works.

Woodland

- 8.44 In accordance with national and local planning policy in relation to woodland removal, where the woodland is to be removed as part of a scheme such as this, woodland loss requires to be minimised and compensatory planting is required. The Forestry Officer has noted there is tree cover along the side of the existing access track at the southern end of the application boundary and it is likely that some of these trees would be lost due to road widening and formation of passing places. This is not considered to be a significant impact, subject to condition to secure a Tree Planting Plan.

Species and habitats

- 8.45 The proposed site lies within the Glen Etive and Glen Fyne Special Protection Area which is classified for golden eagle. The EIAR discussed the potential ornithological impacts and is accompanied by a Breeding Bird Survey Report and a separate assessment on the impact on golden eagle. The site is predominantly open moorland of ornithological value, and which is within golden eagle territory. For the reasons set out in the Appropriate Assessment (appendix 2 of this report) it is considered that the proposal will not have an adverse effect on the integrity of the Glen Etive and Glen Fyne SPA, individually or cumulatively. Mitigation has been recommended in the form of pre-construction surveys for breeding birds (by appointed Ecological Clerk of Works) if habitat clearance is within the bird breeding season, limited working times, toolbox talks and a nestbox scheme for Spotted Flycatcher. A specific mitigation plan has been provided to protect the golden eagle interests.
- 8.46 The EIAR discusses the potential impacts on ecology and is accompanied by various survey reports, including Bryophyte Report, Phase 1 Habitat and National Vegetation Classification Report, Fresh Water Pearl Mussel Report, Fish and Aquatic Report, and Protected Mammals Report. The impacts on species and habitats within the water environment have been assessed by SEPA under the

CAR licence application.

- 8.47 Otter are expected to frequent the area, although limited evidence has been found and no shelters have been identified in the area. A birch tree near the (former) site of the powerhouse was identified as having potential for bat roost. No evidence of other protected species has been identified by the survey work. Mitigation, including pre-commencement surveys for otter and avoidance of the birch tree, is embedded into the Construction Management Plan.

Amenity of neighbouring occupied buildings

- 8.48 The main potential impact on regularly occupied buildings is from the construction phase. There are responsibilities on contractors for managing health and safety on construction sites. Noise from construction activities is controlled under Environmental Health legislation and an informative will be attached on any decision notice to remind the applicant of their responsibilities. When operational, the main noise source from a hydro scheme is the equipment within and adjacent to the powerhouse. In the case of the Allt Ceitlein scheme, the powerhouse is located approximately 180 metres from the nearest occupied building (Glenceitlein). This house is oriented away from the development and is considered to be a sufficient distance from the powerhouse to prevent disturbance from the operation of the powerhouse. This is helped by the partial burying of the powerhouse with the openings positioned on the far side of the powerhouse from Glenceitlein.

Ground water, surface water, aquatic ecosystems and fisheries

- 8.49 The Controlled Activities Regulations (CAR) provides the main regulatory controls for protecting the water environment from harm. CAR has specific controls for activities affecting rivers, lochs, groundwater, wetlands, estuaries and coastal waters, including discharging, abstraction, impoundment, engineering activities in or near watercourses and groundwater recharge. The Scottish Environment Protection Agency (SEPA) is responsible for implementing these Regulations. The Planning Authority and SEPA have different powers and functions which can on occasion overlap, however the planning system should not be used to secure objectives that are more properly achieved under other legislation. Therefore, some issues raised by this proposal will be determined under CAR, not under the planning application. When providing comments on planning applications that it will also regulate, SEPA is required to assess the land use aspects of the planning application to clarify whether, on the information available at the time, the proposed development is potentially capable of being consented under the licensing regime.
- 8.50 In its response, SEPA has welcomed the amendments made to the layout of the scheme (powerhouse and outfall moved, borrow pit 8 removed and secondary intake removed) and has advised CAR application has been submitted. SEPA is of the view that the revised proposals are capable of being authorised. Under CAR SEPA has considered all impacts on the water environment, including impacts on river morphology, flow rates, species and habitats, fisheries interests and other water users.

- 8.51 There are land based elements of the development which would impact on the water environment which are not controlled under CAR. SEPA has considered these elements and provided advice and recommended conditions.

Borrow pits

- 8.52 There is one borrow pit proposed to serve this scheme (borrow pit 9) (borrow pit 8 has been removed from the proposal). Borrow pit 9 is an existing borrow pit located adjacent to the existing estate track. SEPA has confirmed the information provided suggests it will not have an unacceptable impact on peat, GWDTE and watercourses. A condition is proposed to secure working and restoration proposals.

Penstock and access track layout

- 8.53 Concerns were originally raised by SEPA regarding the deviation between penstock and access track as it is important to minimise areas of ground disturbed during construction. Following further discussion with the applicant SEPA has accepted the separate penstock and access in this case provided that where divergences occur the penstock will only be open for 7 days per 100m. SEPA has requested a condition to this effect.
- 8.54 In its original response SEPA highlighted the importance of maximising the space between construction works and waterbodies wherever possible. SEPA required further information to demonstrate the existing tracks would be widened away from the watercourse and for there to be a 10m buffer from the watercourse. Concerns were also raised regarding a section of track and penstock that crossed an alluvial fan. The CMS has been updated to confirm the tracks will be widened away from the watercourse and SEPA has requested a condition to cover this aspect. The revised site plan also shows the required 10m buffer from the watercourse. With respect to the alluvial fan, the secondary intake in this location has been removed from the scheme. The access and penstock still pass through this area and additional stability mitigation measures when working in this area have been proposed, including burying the penstock with at least 1.5m of material on top and including it in a protective double sleeve in the area directly below the bed of the burn. SEPA has advised it is content with this provided a condition is applied requiring the mitigation to be undertaken.
- 8.55 In response to SEPA concerns over a proposed ford in the river, the revised information has clarified that the ford will be used for single crossings in order to get equipment over to the other bank of the Ceitlein for the purpose of replacing the existing bridge. SEPA advise it is content with this subject to a condition to ensure that fords can only be used for the single crossing of each vehicle.

Peat disturbance

- 8.56 The EIAR contains an assessment of the impact on soils and geology, including a peat survey. The proposal avoids area of deep peat and the revised proposal further reduces the impact on peat.

Flood risk

- 8.57 Parts of the application site lie within the medium likelihood flood extent of the SEPA Flood Maps and may therefore be at medium to high risk of fluvial flooding. Given the nature of the development, a hydro scheme can be acceptable as an exception to the risk framework outline in Scottish Planning Policy. Issues have been raised by SEPA in relation to loss of flood plan storage and land raising, however these can be controlled by conditions.
- 8.58 SEPA has also requested condition in relation the proposed replacement of two bridge. These are to cover the bridge structures being designed to convey the 1 in 200 year flow with constriction of flow or increasing flood risk elsewhere and for the abutments to be set back minimising impact on the watercourse. A condition is also sought requiring the removal of the old structures once the new structures are complete to minimise the risk of blockage in the channel.
- 8.59 The Council's Flood Risk Management Team has also recommended conditions in relation to flood risk protection. The Flood Risk Reviews submitted in support of the applications conclude that the powerhouses may be at medium to high risk of flooding and recommends a more detailed Flood Risk Assessment be carried out to inform the siting of the powerhouses and any mitigation measures required. The Flood Team agree with this conclusion and suggest a condition to secure the detailed Flood Risk Assessment. It also recommends a condition requiring any new tracks/crossings are designed to convey the 1 in 200 year plus climate change return period flow with appropriate allowance for freeboard; together with a condition requiring final design details of the surface water drainage.

Construction method statement

- 8.60 Following the submission of a revised Construction Method Statement and Supplementary Document SEPA is content that the revised information addresses the issues previously highlighted. A condition is recommended requiring the development to comply with these documents.

Groundwater Dependent Terrestrial Ecosystems

- 8.61 The EIAR has assessed the impact on GWDTE identified in the Phase 1 Habitat and National Vegetation Classification (NVC) survey accompanying the EIA. SEPA has welcomed the proposed mitigation for GWDTE and note that most of the highly dependent GWDTE have been avoided. SEPA asked for further information to be included in the Construction Management Statement (CMS) in relation to GWDTE mitigation. This has been included in the revised CMS.

The amenity (and safety) of users of any public access

- 8.62 Access Management Plans have been submitted for each application. As highlighted in the Traffic Management Plan, the proposals involve bringing materials in by sea, unloading via a floating pier attached to the existing pier. The track from the pier to the existing forestry haul road (just before it reaches the Glen Etive public road) is the route for deliveries. This section of track is a Core Path. There is also wide public use of the network of forestry roads, footpaths and

informal routes throughout the Glen. The Access Management Plans have been developed to ensure continued public access during construction works, while being mindful of the safety of users. The Council's Access Officer is content with the land based elements of the Access Management Plan, subject to a minor amendment to the text in the case of the Allt Ceitlein scheme. Specific concerns were raised by objectors over the restrictions on public access from closures due to bridge replacements. The applicant has advised that the existing bridge over the Etive will remain in place (and open) while the new bridge is constructed. The bridge over the Ceitlein will need to be closed for up to 10 days (as this is an over bridge construction) while the new decking is laid. Communication of the closure dates will be provided to interest groups and appropriate signage erected a month in advance.

- 8.63 In terms of general amenity of users of the public access routes, there will be an impact on the amenity of users from construction activities, however this will largely be a temporary disruption. Following restoration, it is not considered that the above ground structures remaining will unacceptably affect the amenity of users of the public access routes.

Tourism and recreation interests

- 8.64 The primary impacts of this development, and the six other associated developments, on tourism relate to the visual impacts of the development, during and post construction. This is discussed in the landscape and visual impact section above.
- 8.65 There are wide recreational interests in Glen Etive including walking, climbing, canoeing, fishing, cycling, camping, stalking and photography. The visual impact of the developments on recreational users is considered above. Construction has been phased to try to minimise disturbance. Access Management Plans have been produced for each scheme to provide for continued public access throughout the construction process. Post construction there will be no impact on public access, and there will be some benefits from upgraded and retained paths.
- 8.66 Four of the rivers proposed for hydro scheme are included in the 3rd Edition of the Scottish Canoe Association's Scottish White Water publication; Allt a Chaorainn – route 168; Allt Ceitlein – route 169; Allt Fhaolain – route 170; and Allt Mheuran – route 171.
- 8.67 The impact on recreational users as a result of changes to a waterbody (e.g. flows or morphology) are assessed by SEPA under the CAR licence. The applicant has advised they have been discussing the best way to facilitate flows for canoeing that will still permit use of the water for hydro-electric generation with the Scottish Canoe Association (SCA). The preferred method of operation for both parties appears to be the setting up of an on demand system for when canoeists are there to canoe and allow the company to produce electricity when they are not canoeing. The Heads of Terms for a Legal Agreement to provide the security that the SCA requires has been drafted and sent to the SCA.
- 8.68 The CAR licence applications for these four schemes are being determined by SEPA which advises that conditions have been included in the draft licences to

cover this issue. The conditions require the prior approval of a plan detailing the start up, shut down and operational procedures for the turbines. SEPA advise it is envisaged that the plan will include the procedures agreed with the SCA for the 'on demand' system of access. If the on-demand system cannot be agreed then the plan will have to include periods of shutdown to allow canoe access. No abstraction will be permitted until the plan has been signed off by SEPA.

Land and water based traffic and transport interests

- 8.69 Since the original submission of the application, further information has been submitted relating to the traffic management proposals relating to the overall developments to respond to an initial objection from the Council's Transport Planning Team seeking further details. Importantly, this has confirmed that all materials and plant will be delivered via the sea loch to the existing jetty beyond the end of the public road, and that this will be transported over the forestry road, avoiding use of the bottom section of the public road. The information also proposed phasing the development into two phases; the three top schemes first, and the four bottom schemes second, focusing most of the increased traffic movements on one section of the public road at a time. It is estimated that there will be on average 200 tractor/trailer journeys for each scheme to transport plant and materials and between 120-160 staff trips for each scheme.
- 8.70 The Council's Transport Planning Team has advised that the proposed hydro power schemes are accessed via the C1094 which is a single track road with passing places subject to a vehicle length restriction (30 feet/9.1 metres.) It summarised issues resulting from the impact of tourist traffic. The issues are:
- Extensive verge overrun leading to road edge deterioration
 - Damage to formal and informal passing places
 - Informal car parking causing obstructions and damage to road edges
 - Litter from tourists and wild campers
- 8.71 It further advises that the C1094 is a fragile road not designed to cope with the existing level of traffic and that the road has suffered significant deterioration due to the increased volume of traffic. The bridges and culverts along the C1094 are also under stress. A provisional assessment of the existing structures has recommended that an 18 tonne weight limit is applied to prevent any further structural decline and the Council Structures Team has recommended that further assessments are required.
- 8.72 The Transport Planning Team has reviewed the vehicle generation information supplied by the applicant in the Transport Planning Report (23/11/18) which provides a breakdown of the vehicle trips for each hydro scheme. It welcomes the applicant's proposal to use the existing forestry track which will serve the following three hydro schemes: Bhorain, Gaoirean and Charnan. However for all of the other schemes, construction traffic must use parts of the C1094.

In its view the impact of the construction vehicles on the C1094 will be more acute than predicted by the applicant for the following reasons:

- It is unlikely that concrete can be delivered via the sea loch as it is likely to

have begun curing by the time it arrives

- No vehicles trips for restoration are included
- It is proposed to use 8 wheeled wagons which have a permitted maximum gross weight of 30 tonnes

8.73 The Transport Planning Team has advised it has no objection to the applications subject to a number of roads related Conditions being applied to any consent the Council may give. These Conditions are essential to protect the structural integrity of the road and structures for all road users. The recommendations regarding Conditions are as follows:

8.74 **Site Access:** All new accesses from the C1094 must be designed as an SDB2 service bay to provide additional passing places and for future maintenance staff to access sites without impeding traffic flows. The service bays must be designed as per the Council guidance 'Access to Single Houses and Small Housing Developments' the design of which must be approved by the Council and implemented prior to any works commencing on site.

8.75 **Weight Limit:** To ensure the structural integrity of the existing road structures from damage by heavy goods vehicles and to ensure the safety of all road users they require a Condition limiting the weight of construction vehicles using the C1094 to a maximum gross weight of 18 tonnes.

8.76 **Improved Passing Places:** A scheme to improve and/or provide new passing places is to be submitted to and approved by the Council and implemented prior to any works commencing on site. The extent of the improvements will be agreed with the Council and the developer during a pre-commencement walkover of the C1094. This is required to ensure that the presence of construction traffic does not impede the free flow of traffic on the C1094.

8.77 **Construction Traffic Restriction:** It is recommended that a restriction on the use of the C1094 by construction traffic is imposed from the end of the public road at the car park to the access to the bridge over the River Etive at Coileitir – an approximate distance of 3km. This is required to protect the most vulnerable section of the public road.

8.78 These requirements are incorporated into the proposed conditions.

Other material considerations

8.79 There are no other material considerations.

Non-material considerations

8.80 The following issues raised by third parties are not considered to be material to the assessment of this application.

1. Proposals driven by financial gain
2. Lack of developer consultation with recreational users
3. Impact on area that could gain National Park status in the future
4. Shame there is no Management Strategy for the National Scenic Area

5. No measures in place to prevent ATVs using land beyond the ATV tracks
Matters to be secured by Section 75 Agreement

8.81 None

9. CONCLUSION

9.1 The assessment of this application and the other six associated applications for hydro schemes within the Glen is a careful balance between National and local support for renewable energy and protection of important environmental resources. The greatest impacts from the development, both individually and cumulatively, will be from the construction phases. The schemes have been amended to take account of issues raised, appropriate mitigation has been proposed and conditions recommend to secure the best management of the construction process and provide for successful restoration of the disturbed ground.

9.2 The application can be supported in the context of the Council's Development Plan and in particular Policy 67 Renewable Energy. 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 on balance is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above, it is recommended that planning permission be **Granted**, subject to the following:

Conditions and Reasons

1. No development shall commence on site until a pre-commencement meeting is held on site between the Developer, the Contractor, the Ecological Clerk of Works, the Landscape Clerk of Works, Scottish Natural Heritage and the Scottish Environment Protection Agency where appropriate. In advance of the meeting the developer's representatives shall provide an updated programme of works and ensure the route of the construction corridor has been clearly marked out on site and the necessary pre-commencement surveys have been carried out. The development shall not commence until written agreement has been received from the Planning Authority that the construction corridor route and marking is acceptable and the necessary surveys undertaken and any additional mitigation captured within the Construction Management Plan required under Condition 3.

Reason: To ensure the development is implemented in accordance with the provisions of the application, environmental statement and associated documents.

2. The development shall be undertaken in accordance with the Application and Environmental Impact Assessment Report, except insofar as amended by the terms of this permission or as otherwise approved in writing by the Planning Authority in consultation with other relevant authorities. The development shall be undertaken in accordance with the phasing plan for the other associated hydro scheme proposals in Glen Etive.

This development shall be undertaken in its entirety, in one continuous phase, with no partial implementation, with the exception of the replacement bridge works. Construction activities shall be completed within a one year period from the commencement of the development unless otherwise approved in writing by the Planning Authority. All reinstatement works shall be undertaken within three months of completion of all construction work and in accordance with the approved Construction Management Plan and associated Construction Method Statement.

Reason: To ensure the development is implemented in accordance with the provisions of the application, environmental statement and associated documents and that it is constructed in one continuous phase and within an acceptable timescale.

3. No development shall commence on site until an updated Construction Management Plan and Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The updated documents shall include the following:
 - a) An updated Schedule of Mitigation (SM) drawing together all approved mitigation in support of the application and other mitigation (including that required by agencies and relevant planning conditions attached to this permission);
 - b) Details of the roles and responsibilities of the appointed Environmental Clerk of Works (ECoW), Landscape Clerk of Works (LCoW), and

Arboriculturalist including frequency of monitoring and any specific accountability. These responsibilities shall include the submission of monthly update reports direct to the Planning Authority and notification direct to the Planning Authority of any environmental or mitigation breaches;

- c) A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs;
- d) Methods for monitoring, auditing, reporting and the communication of environmental management on site and with the client, Planning Authority and other relevant parties. This shall include monthly project update reports sent direct to the Planning Authority and notification of Planning Authority included within the emergency notification plan.
- e) Individual contractor led management plans as set out in the main Construction Management Plan
- f) Access to site section updated to reflect the construction traffic management plan and the 18 tonne gross weight restriction on vehicles
- g) Public access section updated to refer to the Access Management Plan.
- h) Construction Programme to be updated.
- i) Update the associated Construction Method Statement to increase the post construction period for restoration monitoring and management from 3 years to 5 years.

Thereafter, the development shall be carried out in accordance with the approved Construction Management Plan and associated Construction Method Statement.

Reason: To protect the environment from the construction and operation of the development and secure final detailed information on the delivery of all mitigation proposed in this application.

4. No development shall commence until the Construction Traffic Management Plan has been updated to reflect the commitments made in the Transport Planning Report (23.11.18), the restriction on vehicles over 18 tonne gross weight and the requirement for all construction vehicles (including workforce vehicles) to use the forestry road from Invercharnan to the jetty, avoiding the lower section of the public road. Thereafter the development shall be undertaken in accordance with the approved Construction Traffic Management Plan unless prior agreement is reached with the Planning Authority on a scheme of road improvements to this section of the public road from the Coileitir access to the end of the public road at the car park.

Reason: In the interest road safety, to minimise disruption on the public road network and recognising that the lower part of the C1094 public road is unsuitable for additional traffic without upgrading works.

5. No development shall commence on site until a scheme of passing place improvements to the C1094 public road from the access to the forestry track at Invercharnan to the site entrance has been submitted to and approved in writing by the Planning Authority. This scheme shall be drawn up following a joint site visit by the Planning Authority with the developer and a Highland Council Community Services Roads Engineer.

Reason: In the interests of road safety to ensure commensurate improvements are made to the passing places along the public road to accommodate the additional construction traffic.

6. No development shall commence until full details of the proposed improvements to the Coileitir junction with the C1094 public road, and any associated turning areas, shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the access improvements shall be fully undertaken in accordance with the approved details prior to the commencement of any other part of the development.

Reason: In the interests of road safety.

7. No development shall commence until a flood risk assessment has been submitted to, and approved in writing by, the Planning Authority. The flood risk assessment shall be carried out to inform the siting of the powerhouse and identify any mitigation measures required. For the avoidance of doubt mitigation measures should not include the creation of any bunds as this could reduce flood plain storage and conveyance which could increase flood risk elsewhere.

Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In order to minimise risk of flooding to the powerhouse.

8. No development shall commence until final drainage details for all new permanent hardstanding on the site shall be submitted to, and approved in writing by, the Planning Authority. This should demonstrate that all surface water will be managed in accordance with The Highland Council's Supplementary Guidance on Flood Risk and Drainage Impact Assessment.

Reason: In order to ensure surface water drainage from any areas of permanent hardstanding (where not covered by the CAR licence) is sustainably managed.

9. Any new water course crossings shall be designed to convey the 1 in 200 year plus climate change return period flow with appropriate allowance for freeboard.

Reason: To ensure all water crossings are free from flood risk and do not exacerbate flood risk elsewhere.

10. On completion of the replacement bridge over the River Etive and the Allt Ceitlein, the redundant bridge structures shall be removed and the ground

and river banks restored.

Reason: In order to minimise the risk of blockage in the river from unnecessary structures and in the interests of visual amenity.

11. There shall be a 10m buffer between watercourse and built infrastructure/laydown areas, except where the built infrastructure, by nature of its purpose and function, requires to be within or adjacent to a watercourse, and any track widening shall be away from the water body.

Reason: In the interests of pollution prevention

12. The penstock trench will only be open for seven days per 100m, and only 100m of penstock trench open at any one time. Where not overlaid with the temporary construction track the penstock route will be fully reinstated as the trench is closed.

Reason: In order to minimise disturbance to the ground and facilitate quicker restoration of the route in the interests of landscape and visual amenity.

13. Where the penstock crosses the alluvial fan area (discussed in the Supplement to the Environmental Impact Assessment) the penstock shall be buried with at least 1500mm of material on top and the penstock shall be included in a protective double sleeve in the area directly below the bed of the burn. The material excavated from the bed of the burn shall be set aside and reused to reinstall the bed in as similar form as possible to pre-excavation.

Reason: In the interests of stability of the penstock and in the interests of landscape and visual impact.

14. Tracks shall be constructed to ensure they do not result in any elevation of land within the functional floodplain.

Reason: To ensure that land raising does not occur to prevent the loss of functional flood plain.

15. River fords can only be used for the single crossing of each vehicle used for the delivery of necessary equipment, unless otherwise first agreed by the Planning Authority in consultation with SEPA.

Reason: In order to minimise works within the water environment.

16. No development shall commence on the construction of the powerhouse hereby approved until the position of the powerhouse and been marked out on site and the position agreed by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of landscape and visual amenity in order to secure appropriate micro-siting of the powerhouse.

17. No development shall commence on the construction of the intakes hereby approved until the final detailed designs have been submitted to, and approved in writing by, the Planning Authority. Such details shall include measures to visually soften their appearance as far as it practicable. Measures such as facing the weirs with carefully placed boulders, cobbles and using textured or coloured concrete or other materials should be considered when finalising the design. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity to help integrate the intakes into their landscape setting as far as is practicable.

18. No development shall commence on the construction of the power house until a scheme of hard and soft landscaping works for the site of the powerhouse has been submitted to, and approved in writing by, the Planning Authority. The approved landscaping scheme shall be implemented in full prior to the initial operation of the powerhouse. Any trees or plants which within a period of five years from the completion of the development die, or for whatever reason, are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure a high standard of appropriate landscaping is achieved in order to help integrate the powerhouse into its landscape setting.

19. No development shall commence until a Tree Planting Plan and maintenance programme has been submitted to, and approved in writing by, the Planning Authority. Thereafter 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 visual amenity and to compensate for any small loss of trees.

20. No development shall commence on site until the Access Management Plan has been updated to reflect the comments of the Council's Access Officer, and submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved Access Management Plan.

Reason: In order to safeguard public access both during and after the construction phase of the development.

21. The development shall be carried out in accordance with the Allt na Chaoirainn and Allt Ceitlein Golden Eagle Mitigation and Protection Plan.

Reason: To minimise disturbance to breeding eagles.

22. All plant, machinery and equipment associated with the hydro scheme including fans, ducts and external openings shall be installed, maintained and operated such that any associated operating noise does not exceed NR

20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. 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) 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 order to safeguard the amenity of neighbouring properties in accordance with Policy 28 of the Highland wide Local Development Plan.

23. Unless otherwise agreed in writing by the Planning Authority, in the event of the scheme not generating electricity for a continuous period of twelve months with no realistic expectation of resumption in the foreseeable future, the site shall be reinstated within a period of two years in accordance with the scheme to be submitted to, and approved in writing by, the Planning Authority, following the expiry of such a period of cessation or within such timescales as agreed in writing by the Planning Authority. Reinstatement shall include the removal of the above ground infrastructures and restoration of the ground and restoration of the natural water regime to normal flows, to the written satisfaction of the Planning Authority in consultation with SEPA and SNH.

Reason: To ensure that the site is reinstated to the satisfaction of the Planning Authority to remove any unnecessary structures from the landscape.

REASON FOR DECISION

The application can be supported in the context of the Council's Development Plan and in particular Policy 67 Renewable Energy. 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 on balance is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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 (paragraph 259), 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 road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

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.

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.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

REASON FOR DECISION

The application can be supported in the context of the Council's Development Plan and in particular its Policy 67 Renewable Energy. 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 on balance is acceptable in terms of all other applicable material considerations.

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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.

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Signature: David Mudie
Designation: Area Planning Manager – South
Author: Susan Macmillan
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan (102 Rev 6)
Plan 2 - Location Plan (103 Rev 7)
Plan 3 - Site Plan (104 Rev 4)
Plan 4 - Site Plan (105 Rev 2)
Plan 5 - Site Plan (106 Rev 2)
Plan 6 - Site Plan (107 Rev 1)
Plan 7 - Site Plan (108 Rev 2)
Plan 8 - Site Plan (109 Rev 8)
Plan 9 - Site Plan (110 Rev 2)
Plan 10 - Site Plan (111 Rev 2)
Plan 11 - Site Plan (112 Rev 2)
Plan 12 - Intake Details (113 Rev 2)
Plan 13 - Powerhouse Elevation(115 Rev 1)
Plan 14 - Powerhouse Plans (116 Rev 3)
Plan 15 - Ceitlein Bridge (117 Rev 1)
Plan 16 - ZTV Ceitlein at 10km

Appendix 2: Appropriate Assessment

Consideration of Proposals Affecting European Sites

The sites status as an SPA under EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna (the “Habitats Directive”) means that the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), the ‘Habitats Regulations,’ apply.

This means that where the Planning Authority concludes a development proposal (unconnected with the nature conservation management of a Natura 2000 site) is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. The need for appropriate assessment also extends to any plans or projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Council, as competent authority, has a duty to:

- determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not adversely affect the integrity of the site. If this is not the case, and there are no alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required.

The proposed development lies outwith but immediately adjacent to the Glen Etive and Glen Fyne Special Protection Area (SPA). This SPA is classified for its golden eagles. This proposal is one of seven applications for hydro schemes within Glen Etive

Taking into account advice from Scottish Natural Heritage, it is considered that the proposal is likely to have a significant effect on golden eagle for this the Glen Etive and Glen Fyne SPA is designated, therefore an appropriate assessment is required in view of the site’s conservation objectives for its qualifying interest.

Appropriate Assessment

Based on the information provided and advice from Scottish Natural Heritage it is considered the Allt Ceitlein scheme could affect two eagle ranges. Both ranges have nests within 1km of the proposals. However, provided the mitigation measures in the Allt

Chaorainn and Allt Ceitlein Golden Eagle Mitigation and Protection Plan are carried out exactly as detailed, there will be no significant disturbance of breeding eagles and the conservation objectives will be met.

Conclusion

It is concluded that the proposal will not have an adverse effect on the integrity of the Glen Etive and Glen Fyne SPA, individually or cumulatively.

Appendix 3 – Extract from Minute of South Planning Applications Committee, 20 February 2019

3.2

Applicant: Dickins Hydro Resources Ltd (18/02739/FUL) (PLS/013/19)

Location: Land 155m south of Glen Ceitlein, Glenetive (Allt Ceitlein). (Ward 21)

Nature of Development: Installation of (810kW) run-of-river hydropower system, associated plant, buildings and access roads (Allt Ceitlein)

Recommendation: Grant.

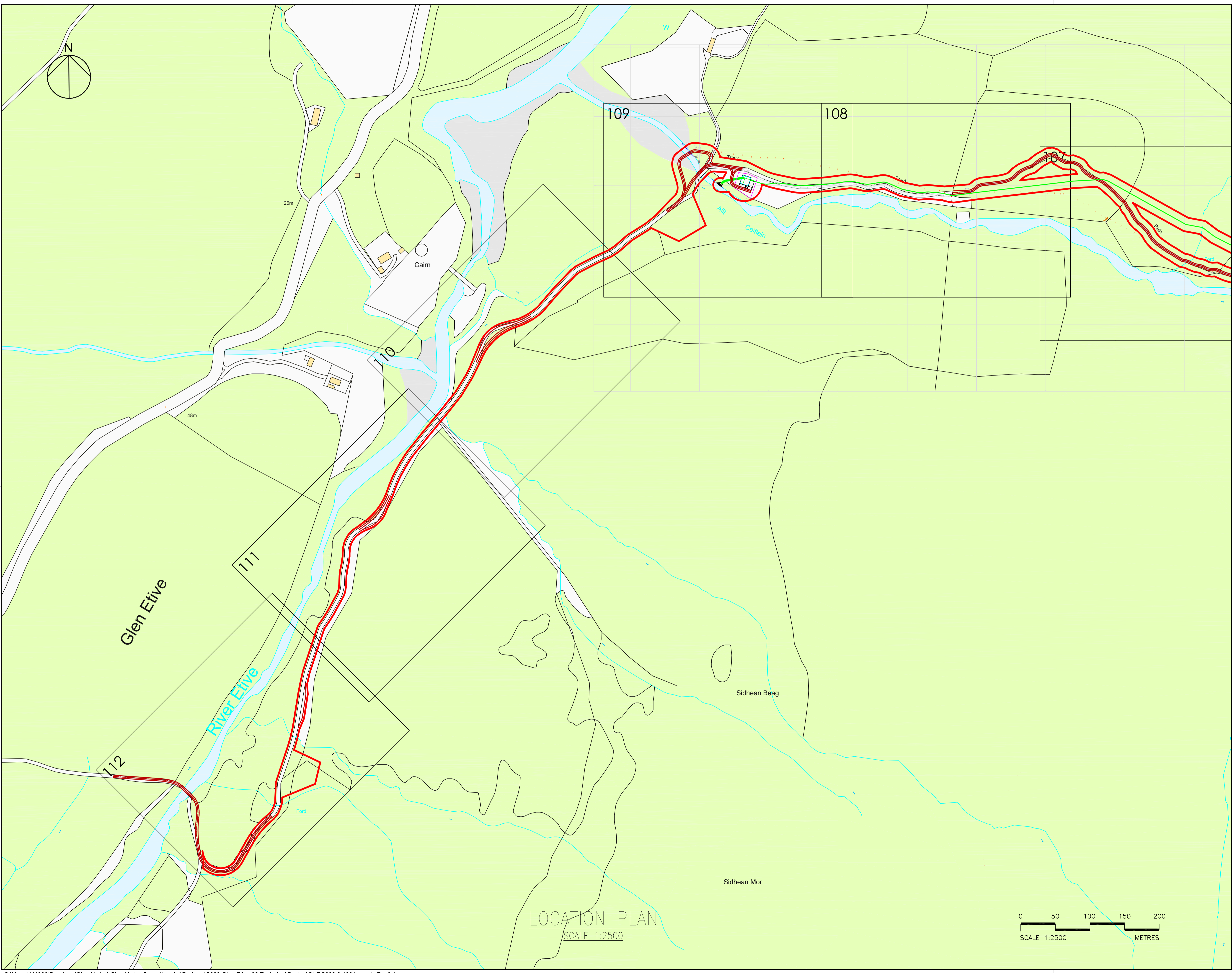
Decision

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and to the following amendments:-

- Condition 3(b) to read as “weekly” rather than “monthly”;
- Condition 3 to include an additional sub condition: “Provision made for a point of contact with the contractor within Glen Etive for members of the public for the duration of the construction works.”;
- The inclusion of the following sentence at the end of Condition 5: “Thereafter the passing place improvements shall be fully undertaken in accordance with the approved details prior to the commencement of any other part of the development.”; and
- The inclusion of the following sentence at the end of Condition 20: “For the avoidance of doubt the Access Management Plan shall include provision for temporary signage close to the junction with the A82 advertising the temporary bridge closure.”

Notes:

- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —



LOCATION PLAN
SCALE 1:2500

0.6	Borrow Pit moved	JA	JH		8.11.18
0.5	Power House moved	JA	JH		12.10.18
0.4	Outfall moved	JA	JH		19.9.18
0.3	Pipetees and borrow pits added	JA	JH		18.12.17
0.2	Pipeline route amended	JA	JH		30.11.17
0.1	INITIAL ISSUE	JA			
Rev	Description	Drawn	Chk'd	App'd.	Date

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 t: 020 3296 2203

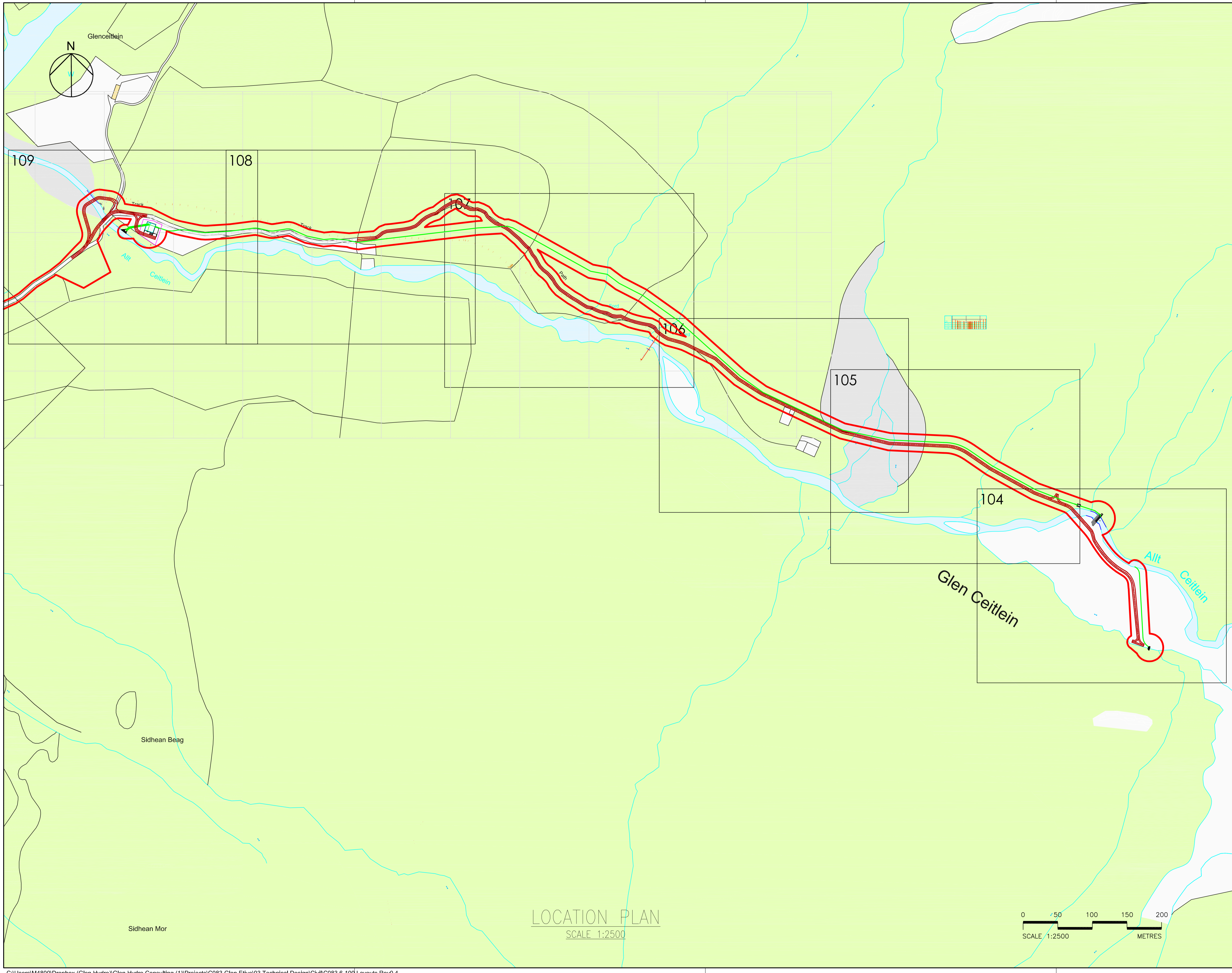
Originated By J Appleby	Drawn By J Appleby	Checked By	Approved By
Date 2.10.17	Date 2.10.17	Date	Date

Scale: As shown Status: Planning

Project Title
Allt Ceitein

Drawing Title
**Location Plan
Sheet 1 of 2**

Drawing No.
C083.6 - 102 Rev0.6



Notes:

- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —

Rev	Description	Drawn	Chk'd	App'd.	Date
0.6	Borrow Pitt moved	JA	JH		8.11.18
0.5	Power House moved	JA	JH		12.10.18
0.4	Secondary intake removed	JA	JH		19.9.18
0.3	Temporary track added	JA	JH		18.12.17
0.2	Pipeline route amended	JA	JH		30.11.17
0.1	INITIAL ISSUE	JA			

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Originated By J Appleby	Drawn By J Appleby	Checked By	Approved By
Date 2.10.17	Date 2.10.17	Date	Date

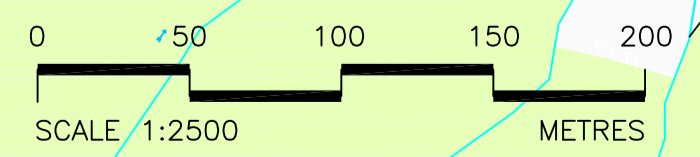
Scale As shown	Status Planning
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Project Title
Allt Ceitlein

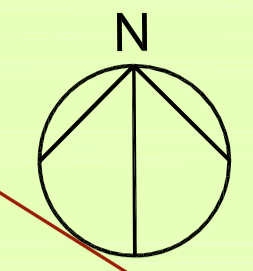
Drawing Title
**Location Plan
Sheet 2 of 2**

Drawing No.
C083.6 - 103 Rev0.7

LOCATION PLAN
SCALE 1:2500

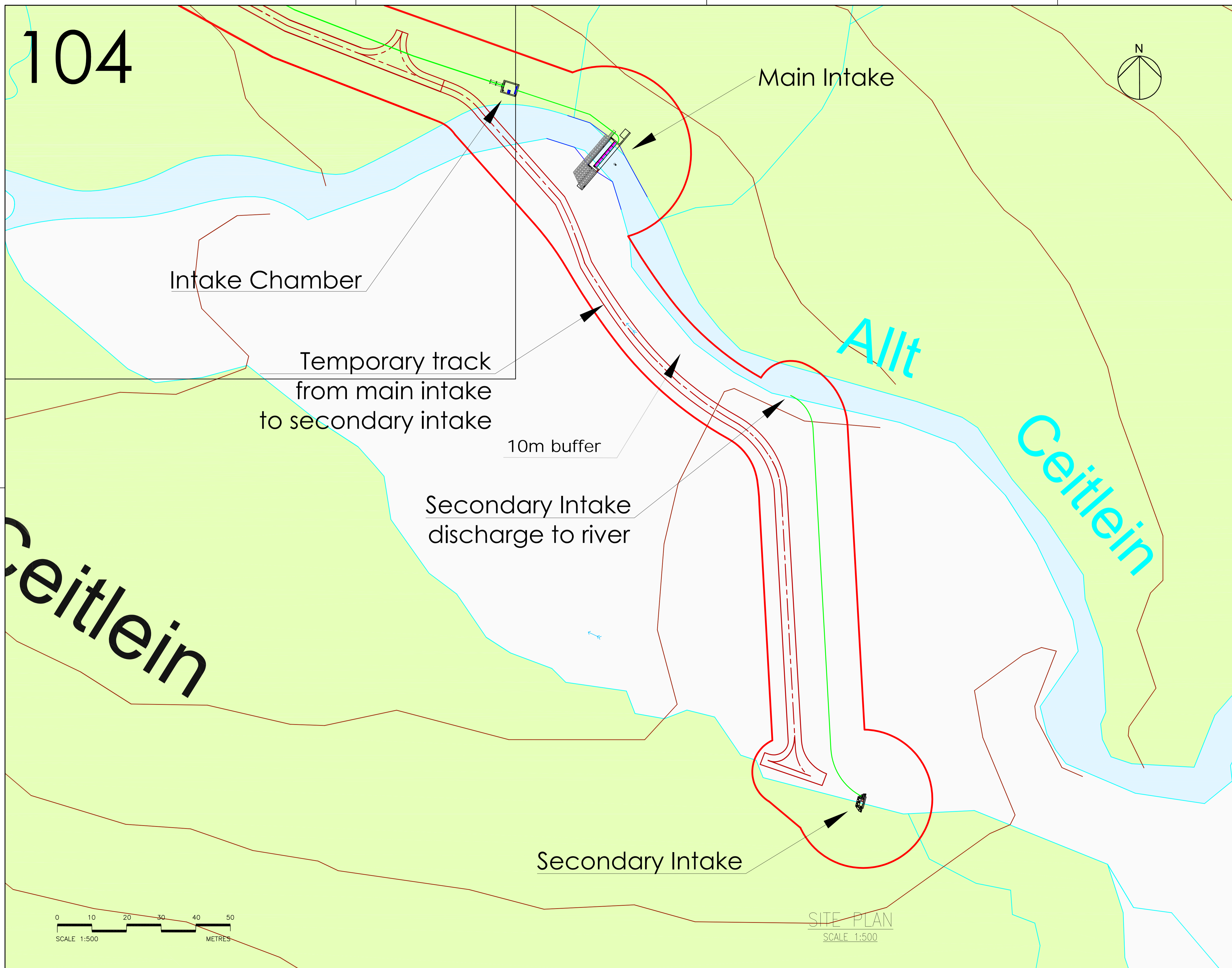


104



Notes:

- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —



0.3	Temporary track added	JA	JH		18.12.17
0.2	Secondary intake amended	JA	JH		30.11.17
0.1	INITIAL ISSUE	JA			
Rev	Description	Drawn	Chkd	App'd	Date

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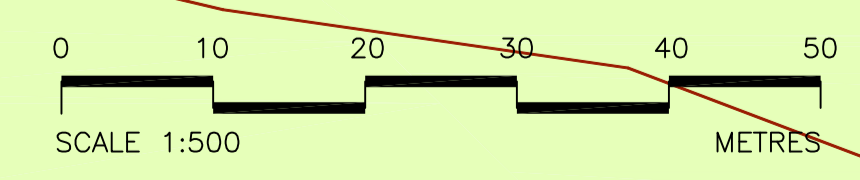
Originated By J Appleby	Drawn By J Appleby	Checked By	Approved By
Date 2.10.17	Date 2.10.17	Date	Date

Scale As shown	Status Planning
-------------------	--------------------

Project Title
Allt Ceitlein

Drawing Title
**Site Plan
Sheet 1 of 9**

Drawing No.
C083.6 - 104 Rev0.4

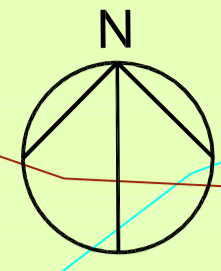


SITE PLAN
SCALE 1:500

105

Notes:

- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —



Crossing C03
pipeline under burn

Crossing C01
pipeline under burn

Crossing C04
track over burn

Crossing C02
track over burn

104

0.2	Secondary intake removed	JJA	JH		19.9.18
0.1	INITIAL ISSUE	JJA			
Rev	Description	Drawn	Chk'd	App'd.	Date

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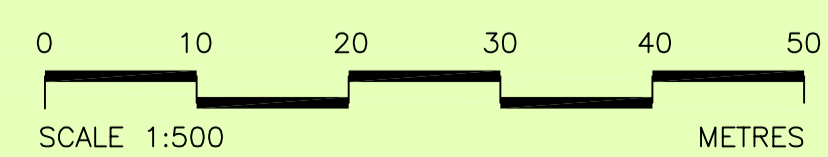
Originated By	Drawn By	Checked By	Approved By
J Appleby	J Appleby		
Date	Date	Date	Date
2.10.17	2.10.17		

Scale: As shown Status: Planning

Project Title
Allt Ceitlein

Drawing Title
**Site Plan
Sheet 2 of 9**

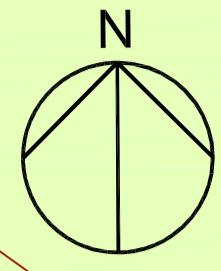
Drawing No.
C083.6 - 105 Rev0.2



SITE PLAN
SCALE 1:500

Notes:

- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —

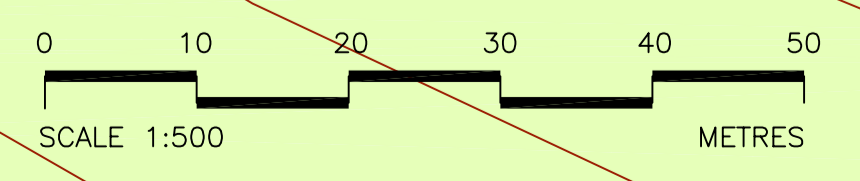


106

105

Crossings C05 & C06
pipeline under burn

Crossings C07 & C08
track over burn



SITE PLAN
SCALE 1:500

0.2	Secondary intake removed	JJA	JH		19.9.18
0.1	INITIAL ISSUE	JJA			
Rev	Description	Drawn	Chk'd	App'd.	Date

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J Appley	J Appley		
Date	Date	Date	Date
2.10.17	2.10.17		

Scale: As shown Status: Planning

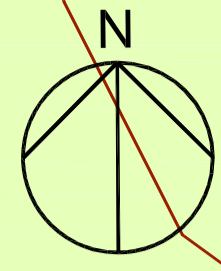
Project Title
Allt Ceitlein

Drawing Title
**Site Plan
Sheet 3 of 9**

Drawing No.
C083.6 - 106 Rev0.2

Notes:

- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —



107

Crossing C11
pipeline under burn

Path

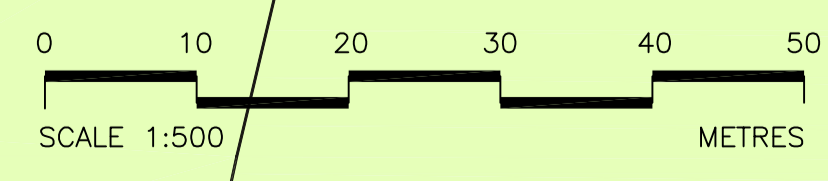
Crossing C09
pipeline under burn

Ford

Crossing C12
track over burn

106

Crossing C10
track over burn



SITE PLAN
SCALE 1:500

0.1	INITIAL ISSUE	JA			
Rev	Description	Drawn	Chk'd	App'd.	Date



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Date 2.10.17	Date 2.10.17	Date	Date

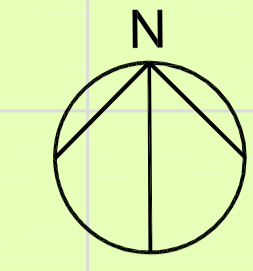
Scale: As shown Status: Planning

Project Title
Allt Ceitlein

Drawing Title
**Site Plan
Sheet 4 of 9**

Drawing No.
C083.6 - 107 Rev0.1

108



50m

Track

107

Original Size
A1

Notes:

- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —

0.2	Pipeline route amended	JA	JH		30.11.17
0.1	INITIAL ISSUE	JA			
Rev	Description	Drawn	Chk'd	App'd.	Date

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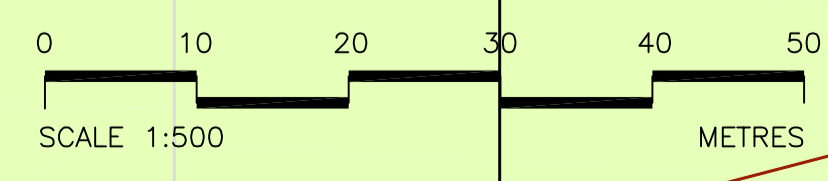
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Originated By	Drawn By	Checked By	Approved By
J Appleby	J Appleby		
Date	Date	Date	Date
2.10.17	2.10.17		
Scale	Status		
As shown	Planning		

Project Title
Allt Ceitlein

Drawing Title
Site Plan
Sheet 5 of 9

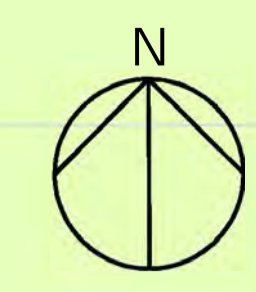
Drawing No.
C083.6 - 108 Rev0.2



SITE PLAN
 SCALE 1:500

109

108



Notes:

- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —

Original Size
A1

Limited use
Temporary
ford over river

New access
bridge over river
C013

Approach to bridge
improved to allow
passage of longer
vehicles

Track

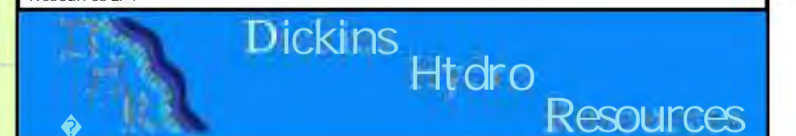
Access to
powerhouse

Powerhouse

Outfall

Rev	Description	Dr. wn	Chkd	App'd	Date
0.7	Bcr w/PI moved	JA	JH		8.11.18
0.6	Power House moved	JA	JH		12.10.18
0.5	Outfall move	JA	JH		19.9.18
0.4	Bcr w/PI added	JA	JH		18.12.17
0.3	Power house layout amended	JA	JH		1.12.17
0.2	Pipeline route amended	JA	JH		30.11.17
0.1	INITIAL ISSUE	JA			

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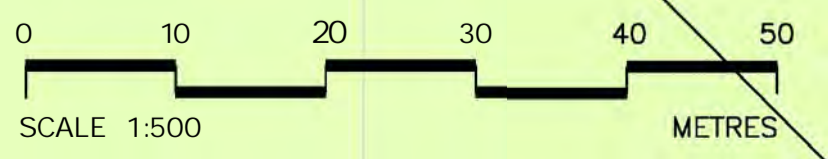
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 t 020 3286 2203

Original d/bly	Drawn by	Checked by	Approved by
	J Appleby	J Appleby	
Date	Date	Date	Date
2.10.17	2.10.17		
Scale	Set s	Project Title	
k shown	Planning	Allt Ceitlein	

Drawing Title
Allt Ceitlein

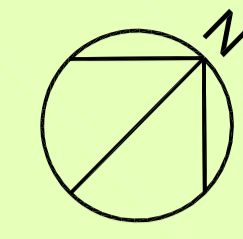
Site Plan
Sheet 6 of 9

Drawing No.
C083.6 - 109 Rev08



Site Plan
Scale 1:500

110

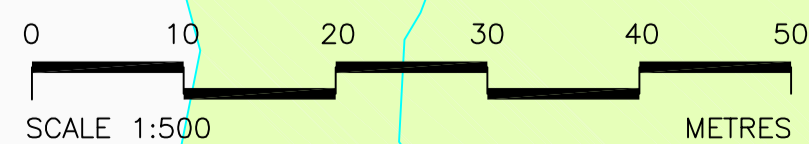


Bend in track improved to allow passage of longer vehicles. Passing place created.

30m

40m

50m



SITE PLAN
SCALE 1:500

Notes:

- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —

0.2	Passing place added	JJA	JH		18.12.17
0.1	INITIAL ISSUE	JJA			
Rev	Description	Drawn	Chk'd	App'd.	Date

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J Appley	J Appley		
Date	Date	Date	Date
2.10.17	2.10.17		

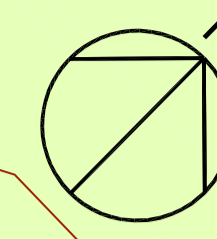
Scale: As shown Status: Planning

Project Title
Allt Ceitlein

Drawing Title
**Site Plan
Sheet 7 of 9**

Drawing No.
C083.6 - 110 Rev0.2

111



Notes:

- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —

Bend in track improved
to allow passage of
longer vehicles.
Passing place added.

0.2	Passing place added	JJA	JH		18.12.17
0.1	INITIAL ISSUE	JJA			
Rev	Description	Drawn	Chk'd	App'd	Date

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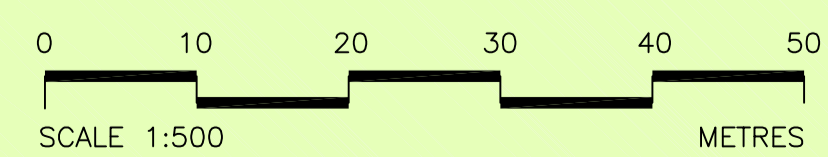
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Originated By	Drawn By	Checked By	Approved By
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2.10.17	2.10.17		
Scale	As shown	Status	Planning

Project Title
Allt Ceitlein

Drawing Title
**Site Plan
 Sheet 8 of 9**

Drawing No.
C083.6 - 111 Rev0.2

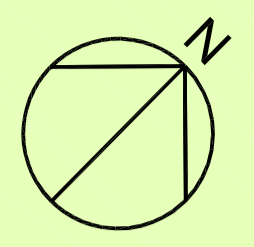


SITE PLAN
 SCALE 1:500

112

Notes:

- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —



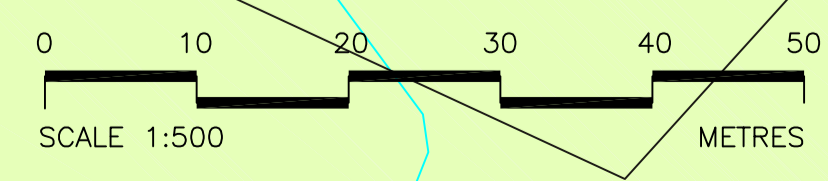
River Etive

Passing place added

Bend in track improved to allow passage of longer vehicles

Existing borrow pit

Ford



SITE PLAN
SCALE 1:500

0.2	Pipelace and borrow pit added	JA	JH		18.12.17
0.1	INITIAL ISSUE	JA			
Rev	Description	Drawn	Chk'd	App'd.	Date

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Date	Date	Date	Date
2.10.17	2.10.17		

Scale: As shown Status: Planning

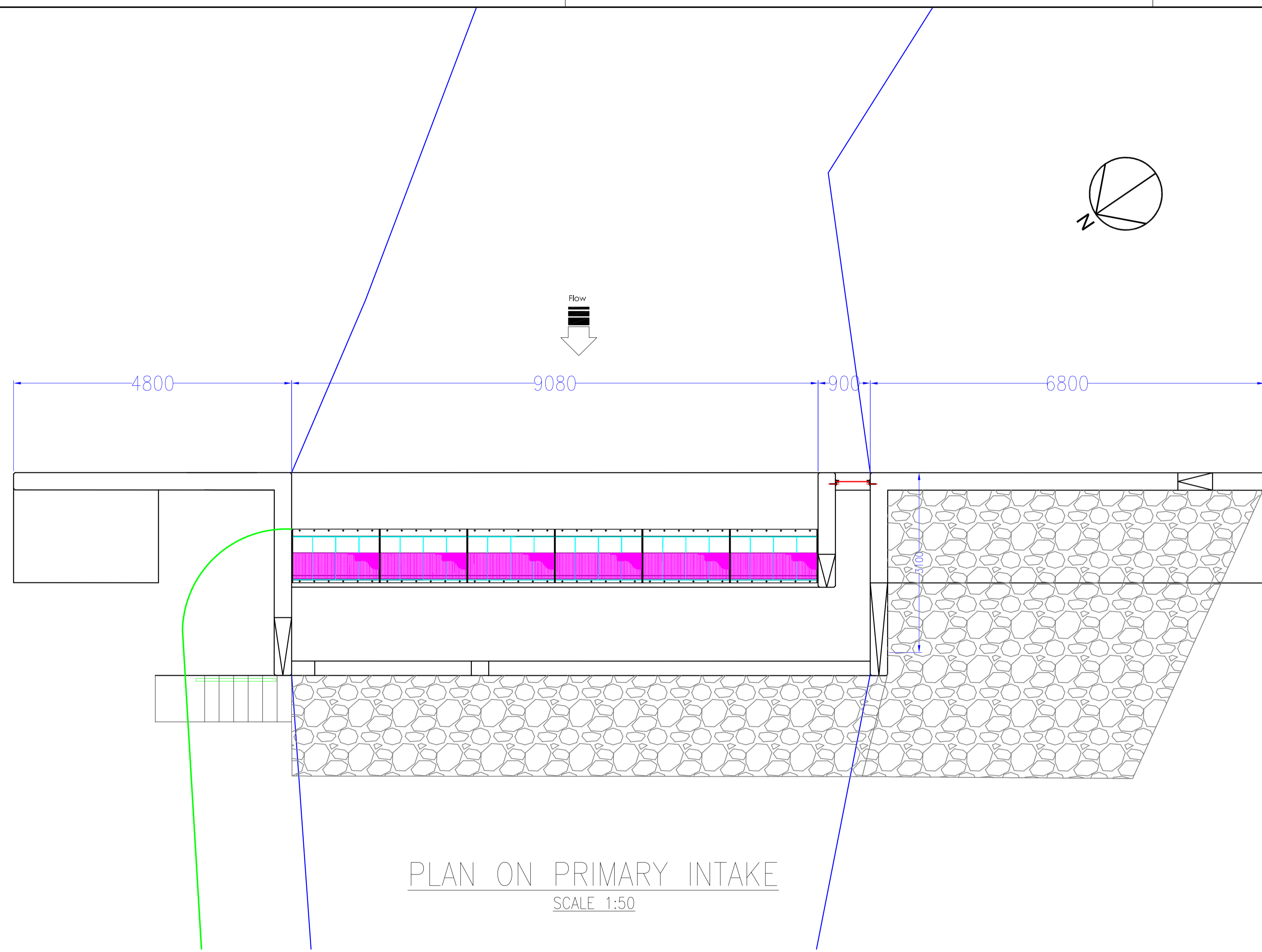
Project Title
Allt Ceitlein

Drawing Title
Site Plan
Sheet 9 of 9

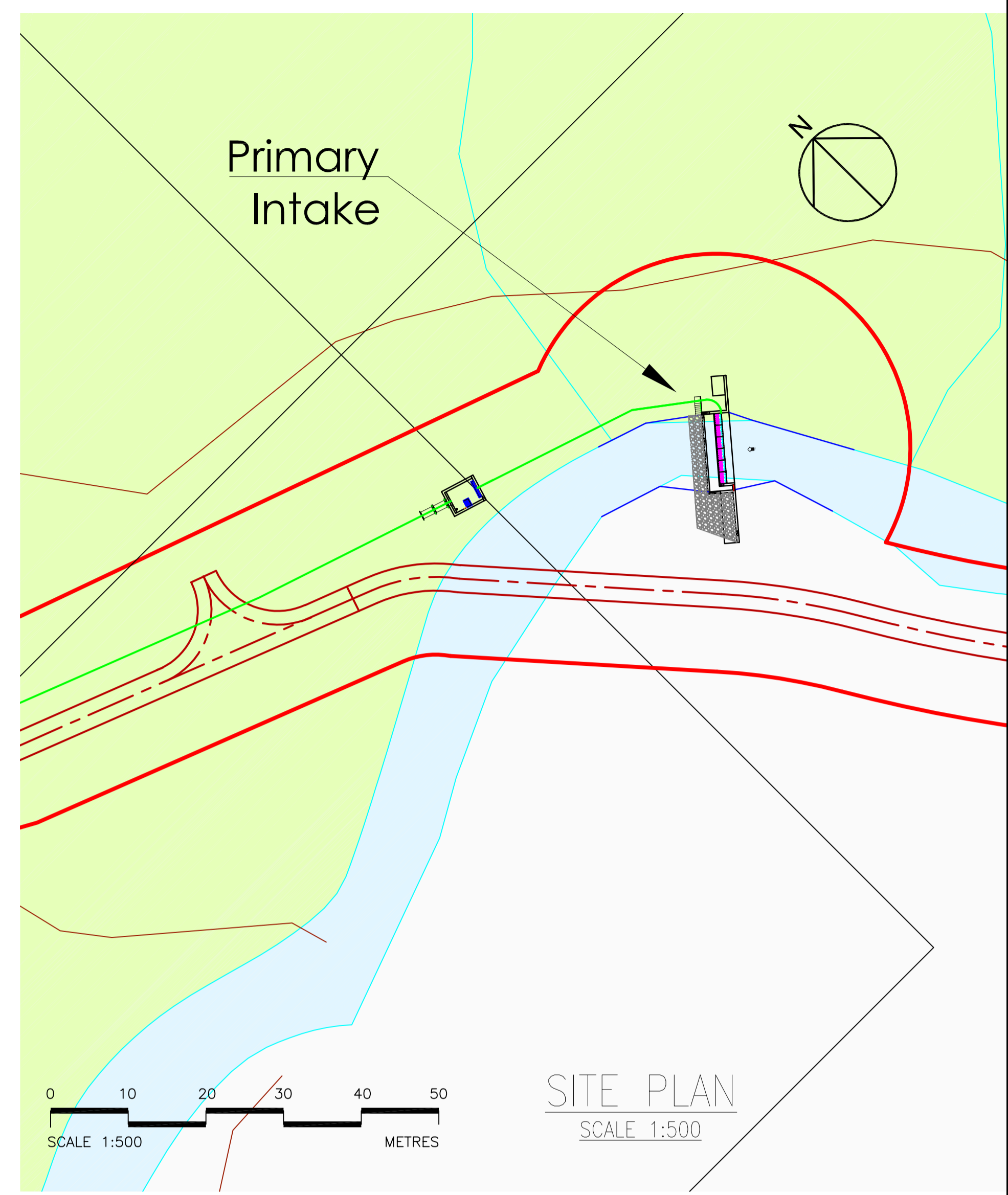
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C083.6 - 112 Rev0.2

Notes:

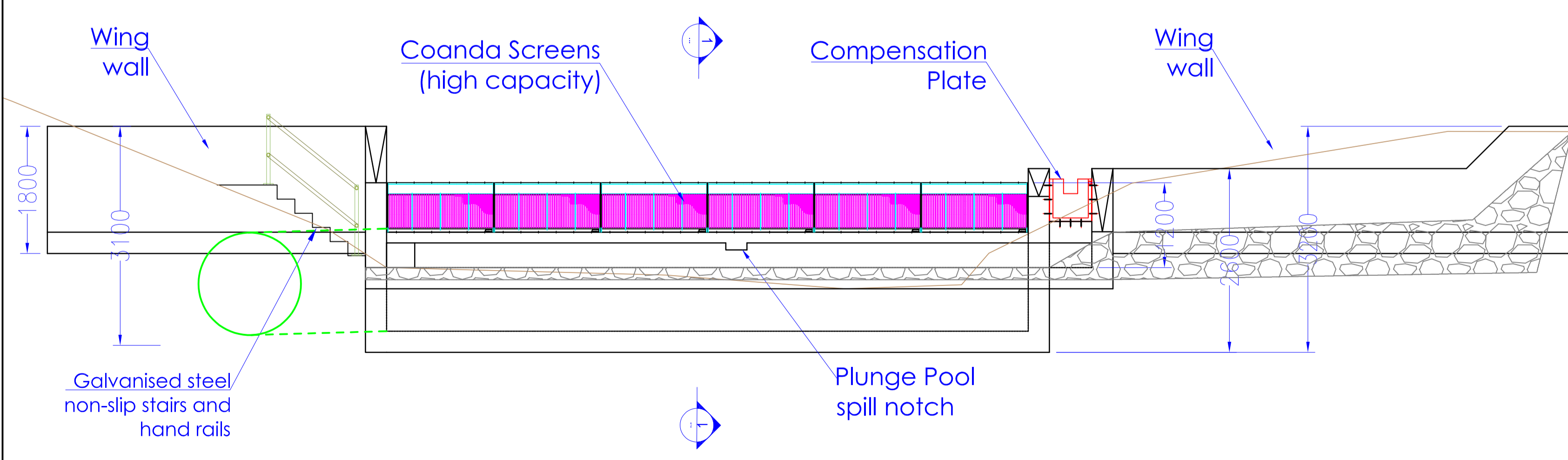
- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —



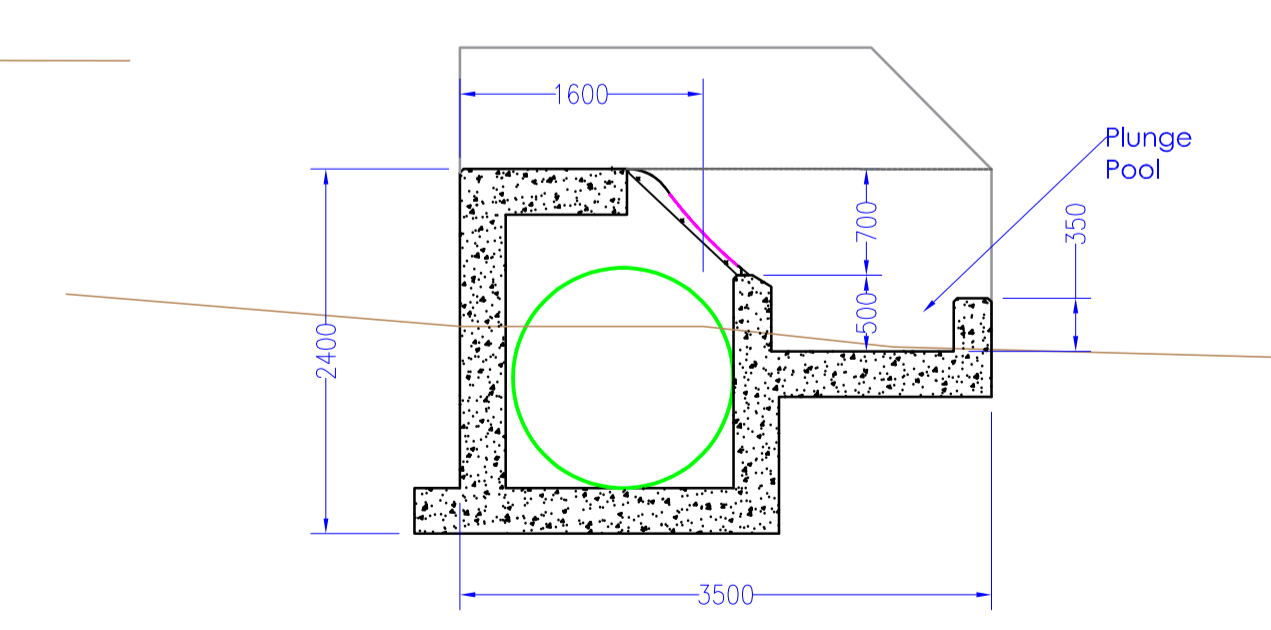
PLAN ON PRIMARY INTAKE
SCALE 1:50



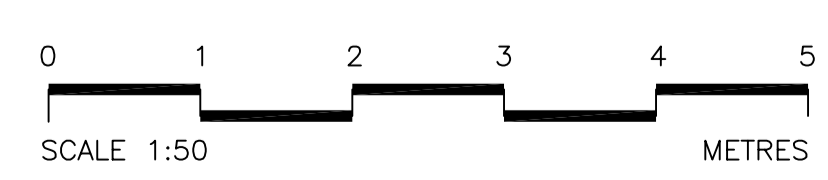
SITE PLAN
SCALE 1:500



ELEVATION ON PRIMARY INTAKE
(looking upstream)
SCALE 1:50



SECTION THRU PRIMARY INTAKE
SCALE 1:50



0.2	Compensation notch amended	JA	JH		19.9.18
0.1	INITIAL ISSUE	JA			
Rev	Description	Drawn	Chk'd	App'd.	Date

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Originated By J Appleby	Drawn By J Appleby	Checked By	Approved By
Date 20.11.17	Date 20.11.17	Date	Date
Scale As shown	Status Planning		

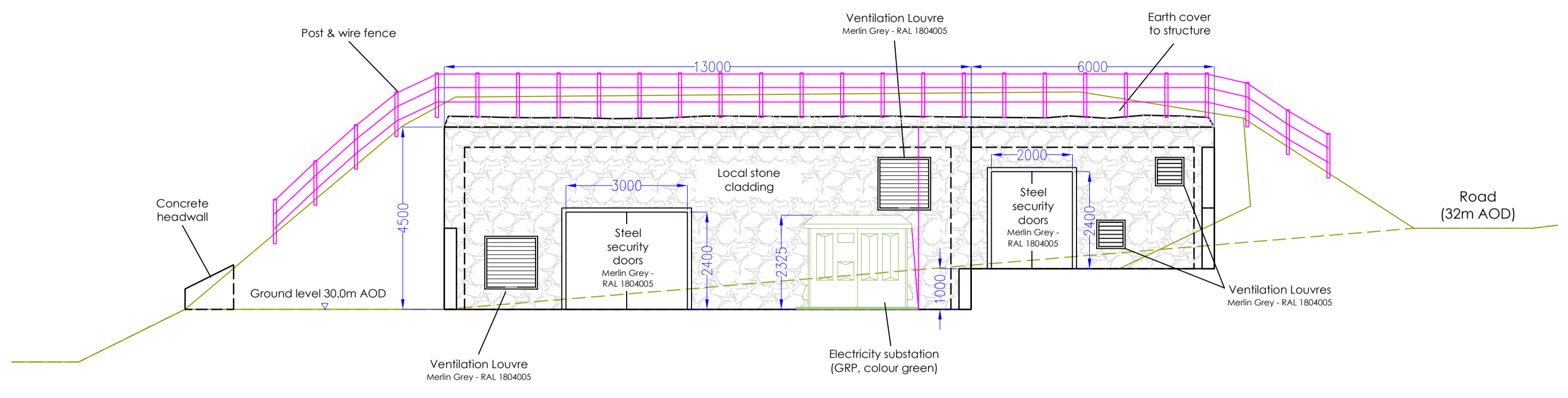
Project Title
Allt Ceitlein

Drawing Title
**Intake Details
Sheet 1 of 2**

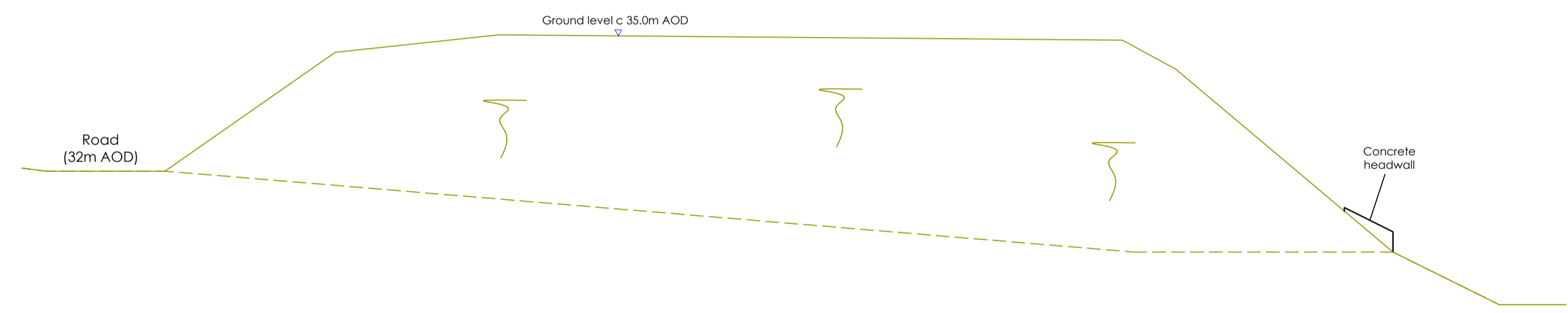
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C083.6 - 113 Rev0.2

Notes:

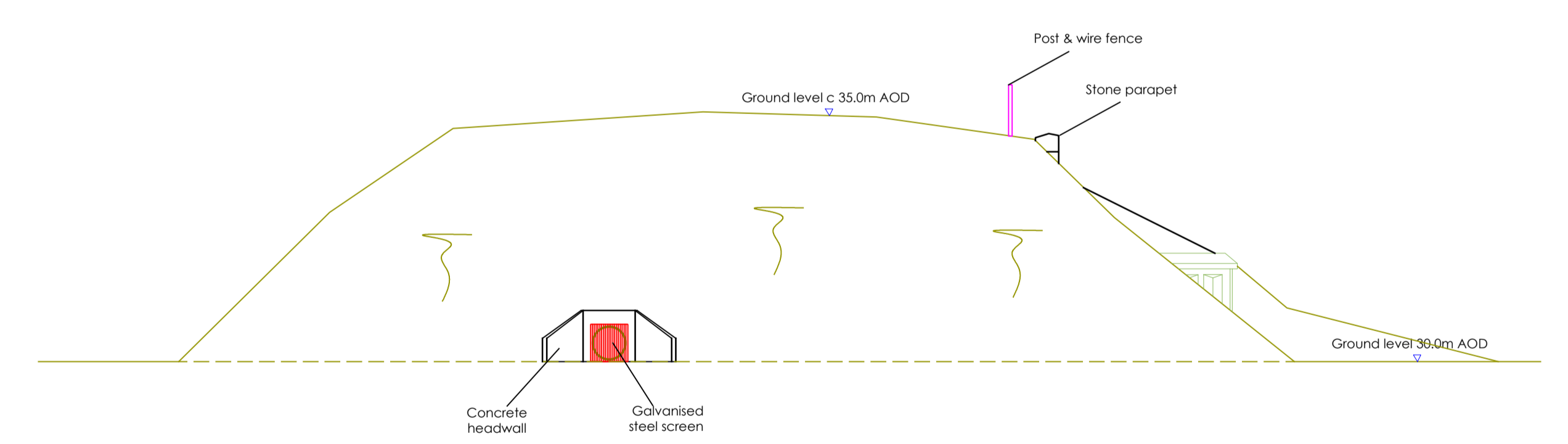
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- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —



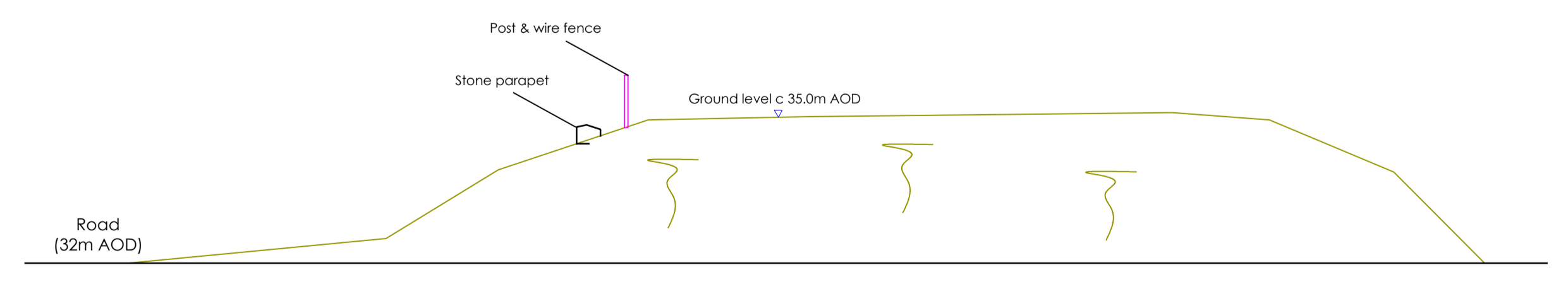
South Elevation



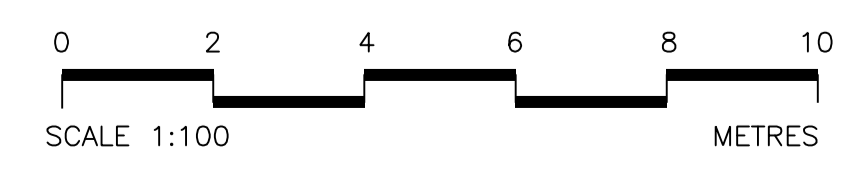
North Elevation



West Elevation



East Elevation



0.1	INITIAL ISSUE	JA			
Rev	Description	Drawn	Chk'd	App'd	Date

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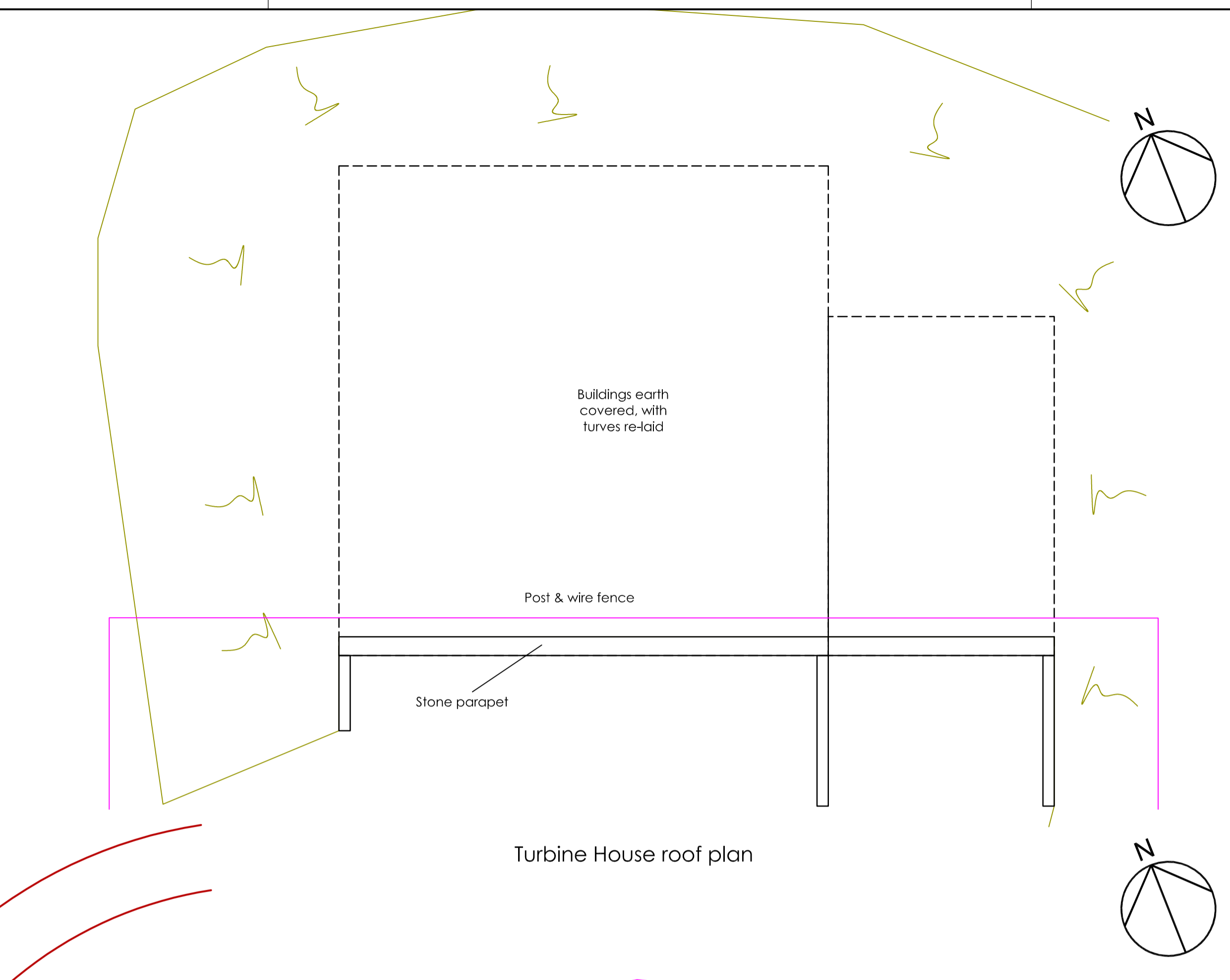
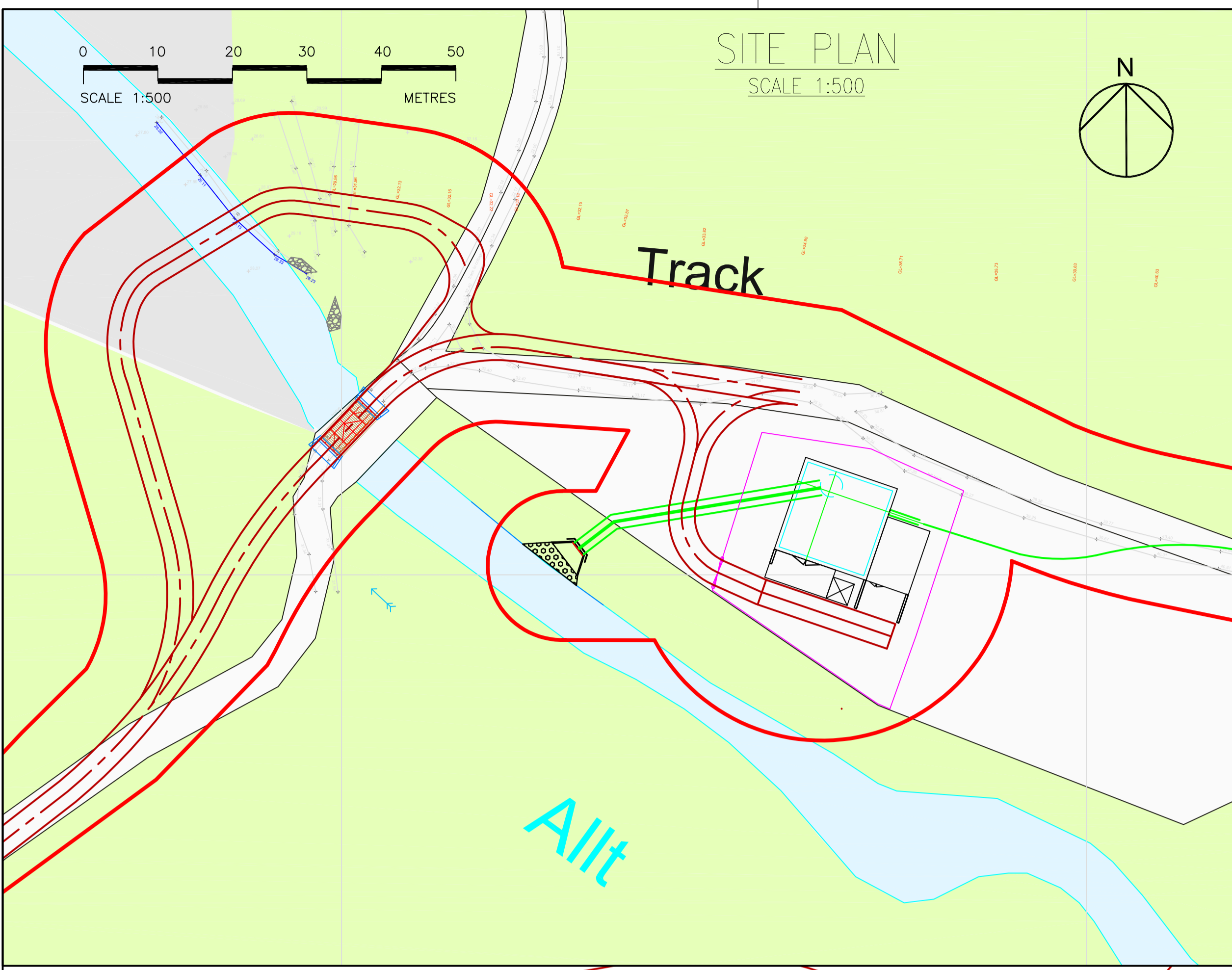
Originated By	Drawn By	Checked By	Approved By
T Copeland	T Copeland		
Date	Date	Date	Date
16.11.17	16.11.17		

Scale	Status
As shown	Planning

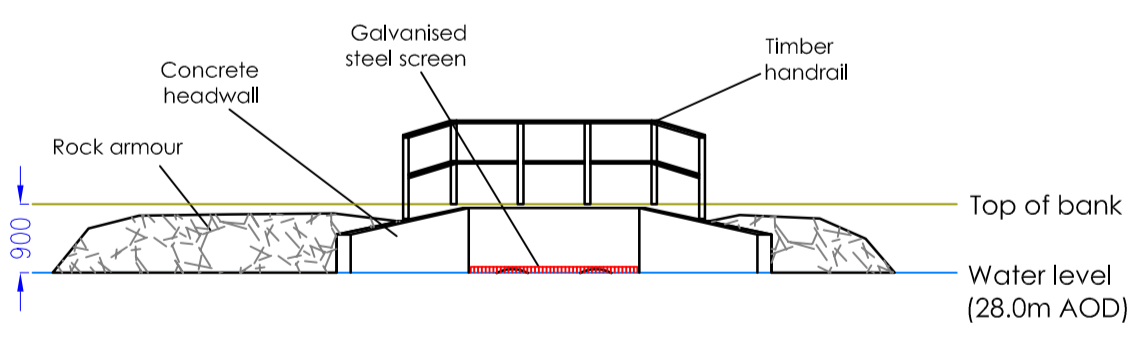
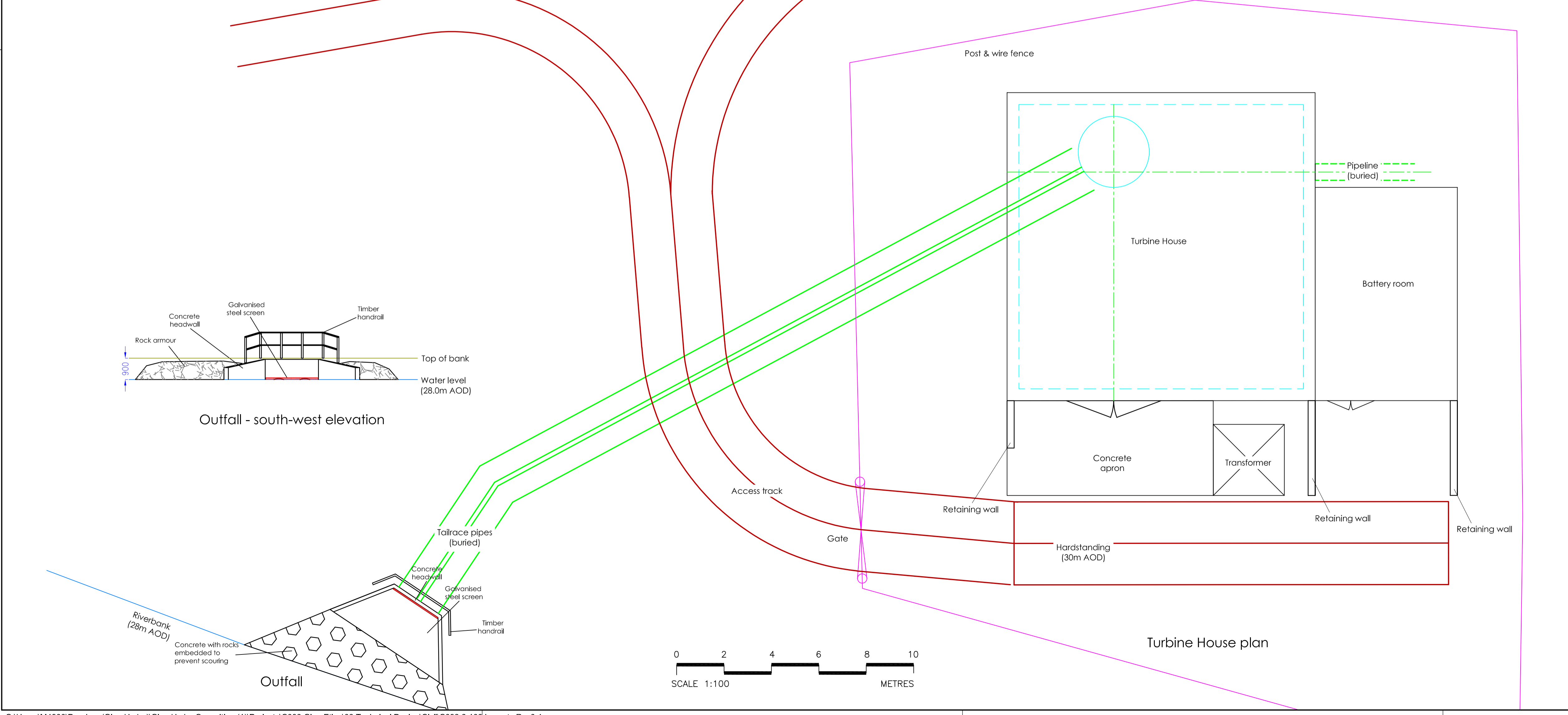
Project Title
Allt Ceitlein

Drawing Title
Power House Details 1 (elevations)

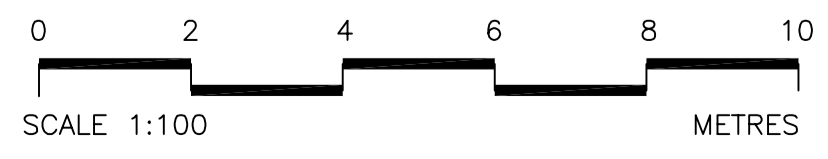
Drawing No.
C083.6 - 115 Rev0.1



- Notes:
- Legend:
 - Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —



Outfall - south-west elevation



Rev	Description	Drawn	Chk'd	App'd.	Date
0.3	Power House moved	JA	JH		12.10.18
0.2	Outfall moved	JA	JH		19.9.18
0.1	INITIAL ISSUE	JA	JH		

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Originated By	Drawn By	Checked By	Approved By
T Copeland	T Copeland		
Date	Date	Date	Date
16.11.17	16.11.17		
Scale	Status		
As shown	Planning		

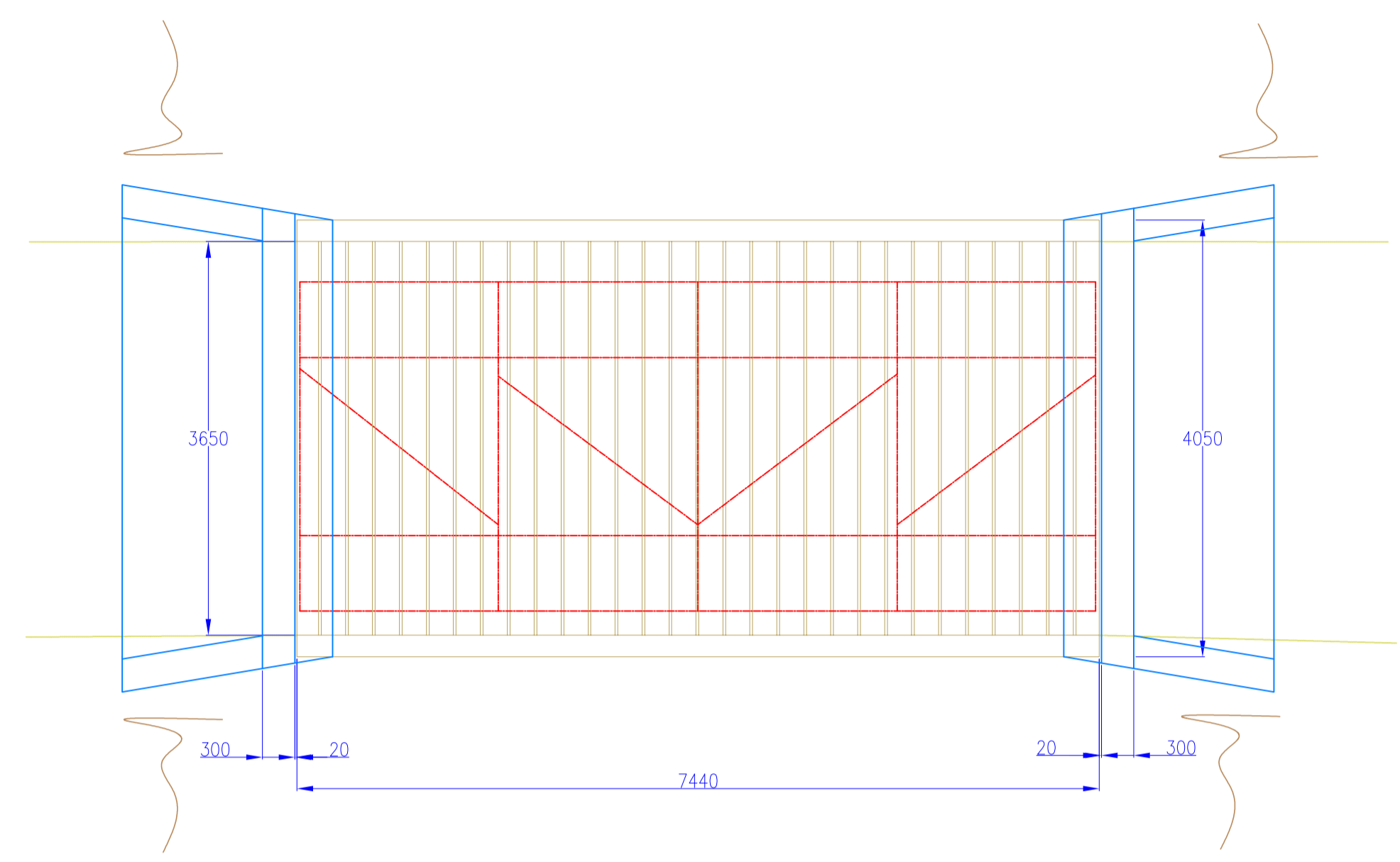
Project Title
Allt Ceitlein

Drawing Title
Power House Details 1 (plans)

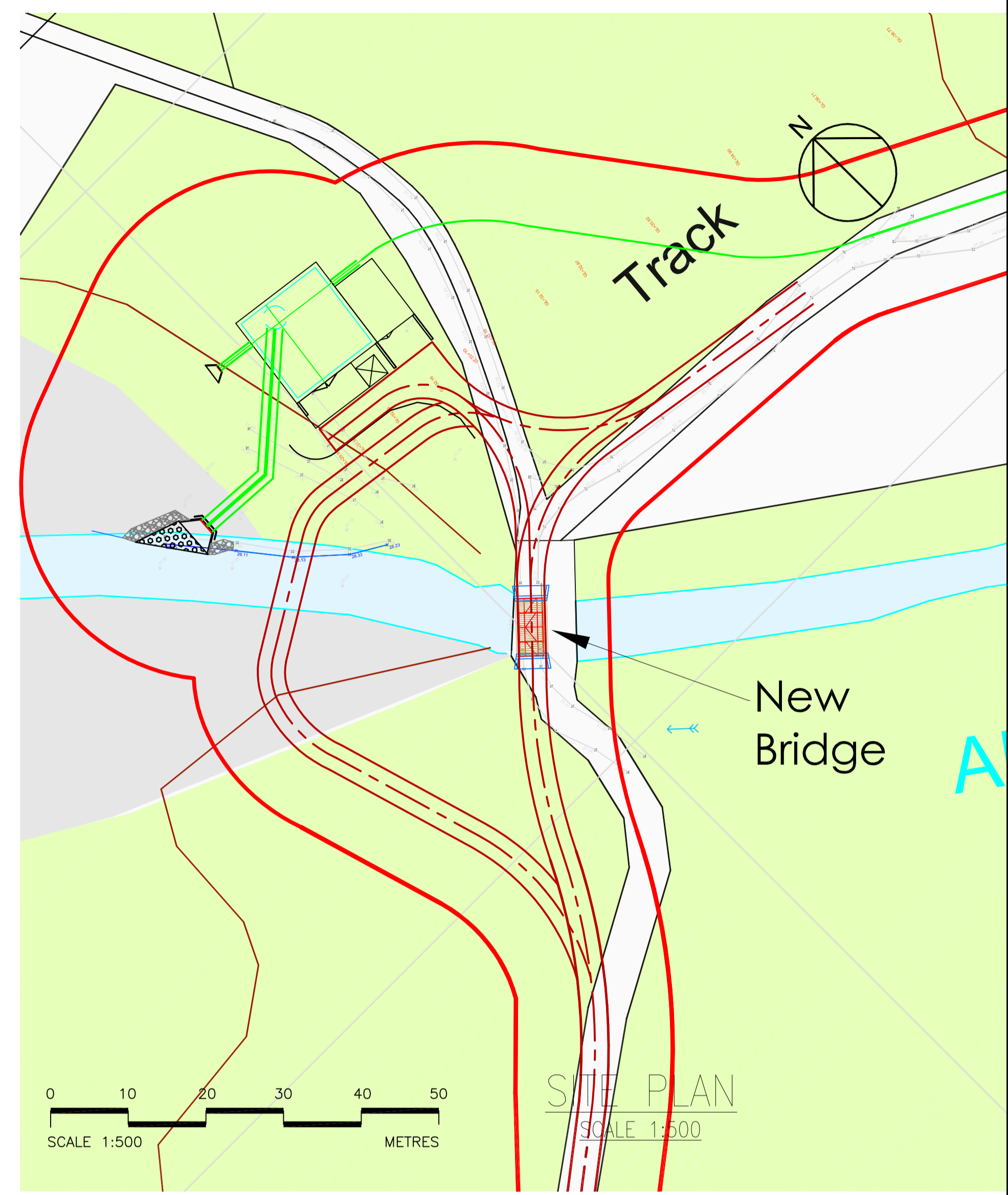
Drawing No.
C083.6 - 116 Rev0.3

Notes:

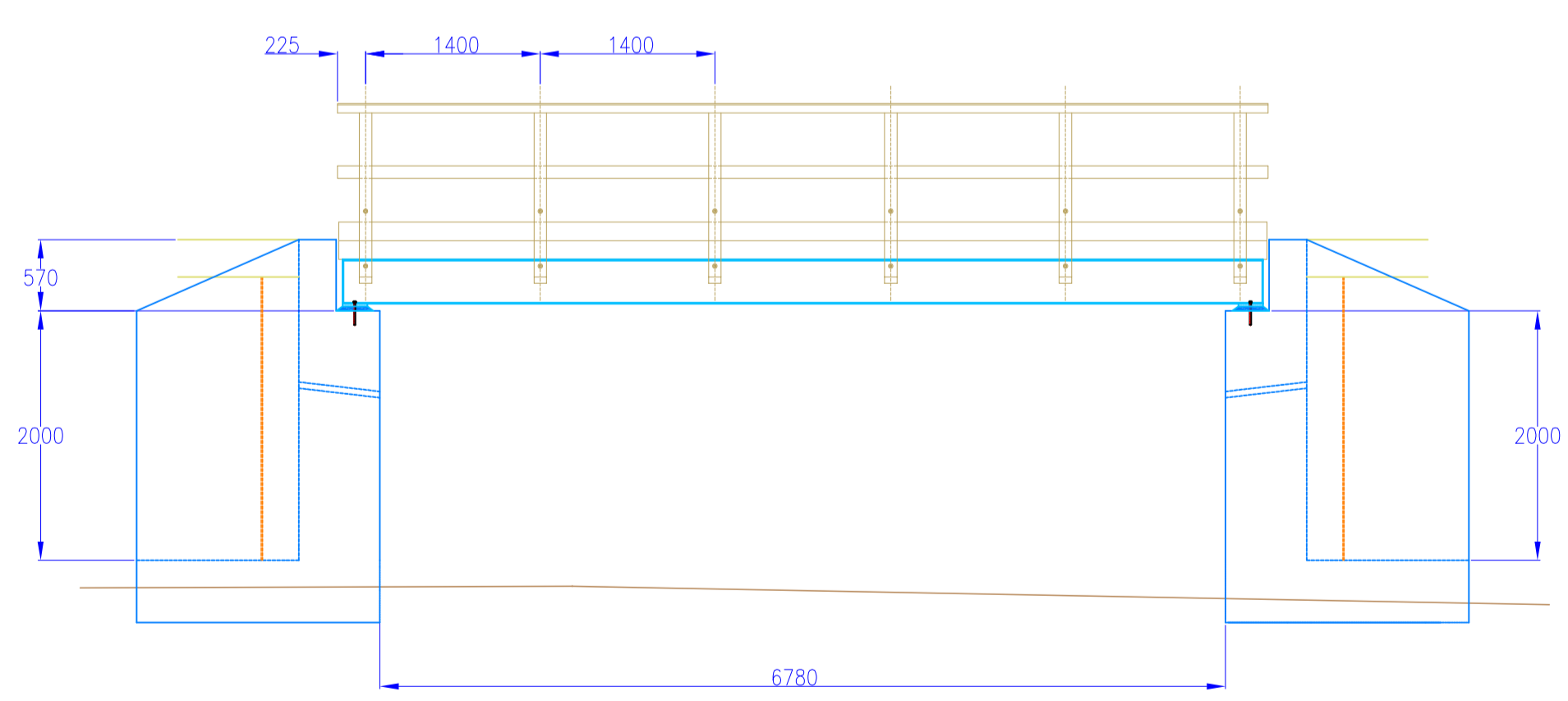
- Legend:
- Penstock —
 - New Access Track —
 - Land Ownership Boundary —
 - Planning Boundary —



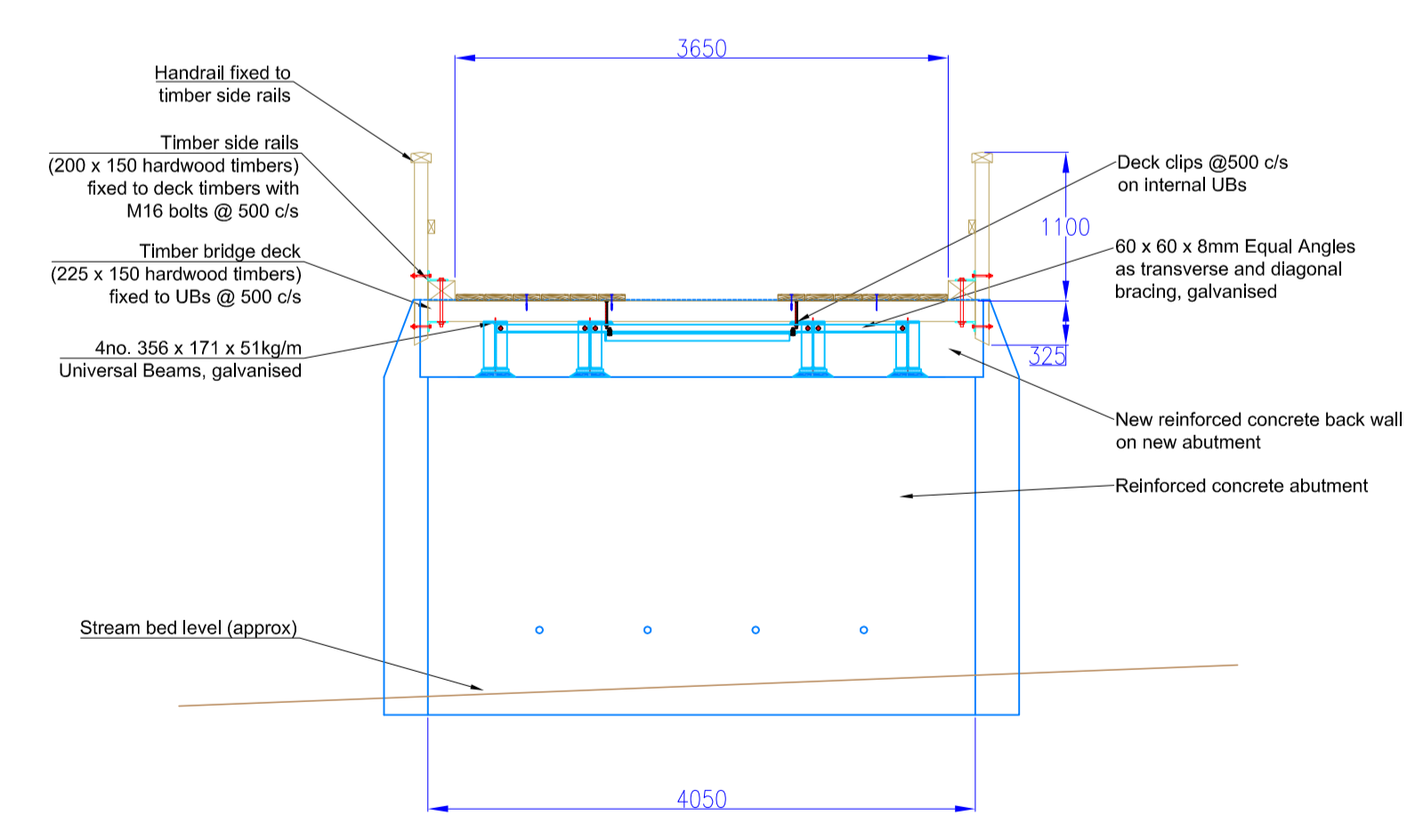
PLAN ON BRIDGE
SCALE 1:50



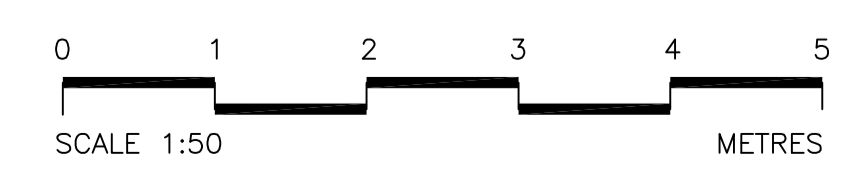
SITE PLAN
SCALE 1:500



ELEVATION ON BRIDGE
(looking upstream)
SCALE 1:50



SECTION THRU BRIDGE
SCALE 1:50



Rev	Description	Drawn	Chk'd	App'd.	Date
0.1	INITIAL ISSUE	JA			

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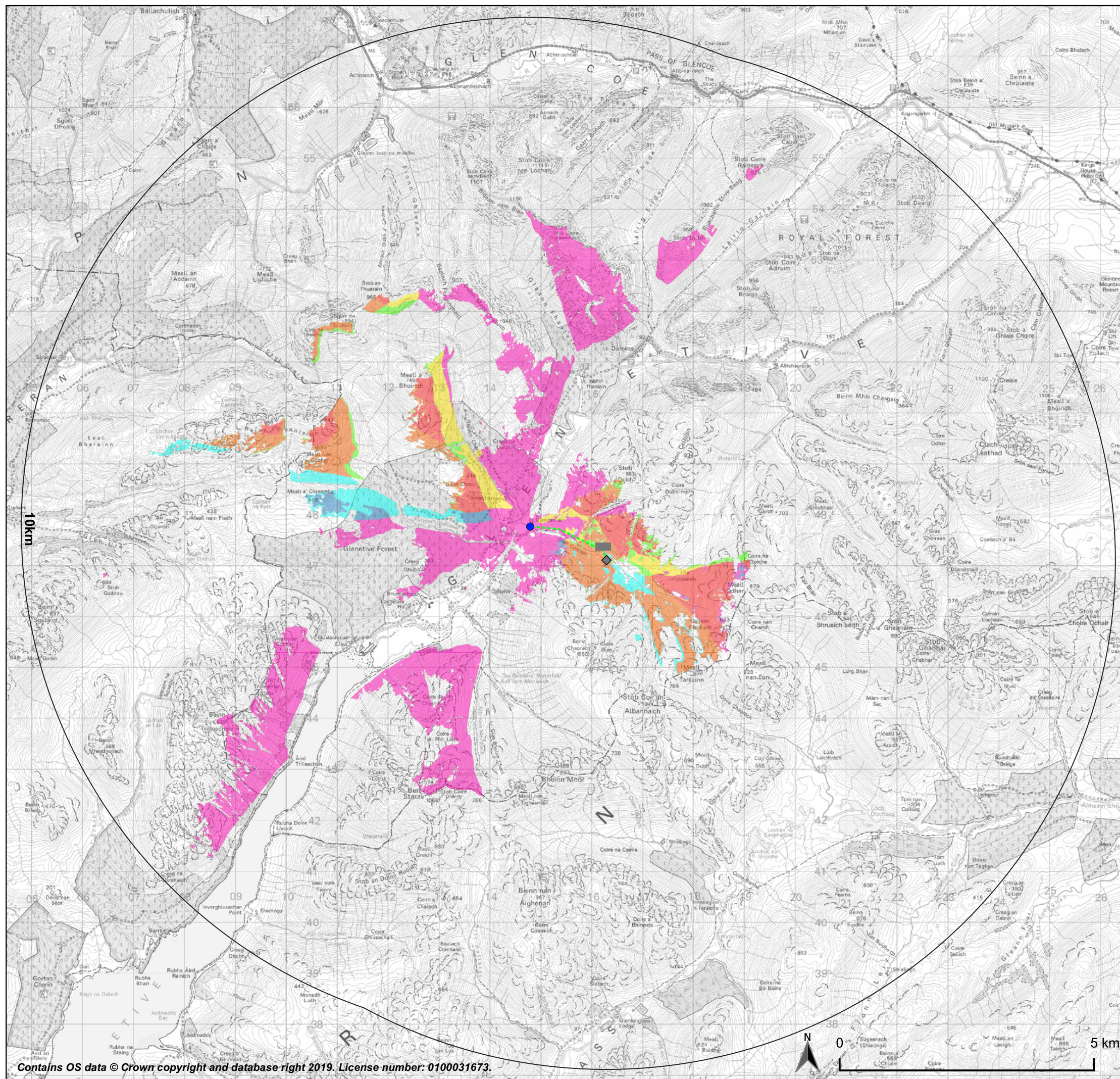
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Originated By	Drawn By	Checked By	Approved By
J Appleby	J Appleby		
Date	Date	Date	Date
4.12.17	4.12.17		
Scale	Status		
As shown	Planning		

Project Title
Allt Ceitlein

Drawing Title
Allt Ceitlein Bridge

Drawing No.
C083.6 - 117 Rev0.1



LEGEND

10km study area

Intake and powerhouse locations:

Main intake

Top-up intake

Powerhouse

Indicative penstock/track route (not included in ZTV)

ZTV shading:

Powerhouse

Main intake

Powerhouse + Main intake

Top-up intake

Powerhouse + Top-up intake

Main intake + Top-up intake

Powerhouse + Main intake + Top-up intake

NOTE

This drawing shows the Zone of Theoretical Visibility ('ZTV') of all intakes and powerhouses.

The calculation assumes a powerhouse height of 5.0m and an intake height of 2.0m. The viewer height is 1.6m.

The calculation uses OS Terrain 5 gridded height data which has a 5.0m post spacing. The ZTV for each intake and powerhouse is restricted to a 10.0km radius of each point.

PROJECT:	GLEN ETIVE HYDRO
DRAWING TITLE:	ZTV (Allt Ceitlein)
DRAWING NO:	5.7
DOCUMENT SIZE:	A3
SCALE:	1:75000
DATE:	2019-01-24
DRAWN BY:	MW
APPROVED BY:	DH