

Agenda Item	3.7
Report No	PLS/018/19

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 20 February 2019

**Report Title:** 18/05440/FUL: Dickins Hydro Resources Ltd  
Land 650m south west of Coiletir, Glenetive (Allt Mheuran)

**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Installation of (885kW) run-of-river hydropower system, including one intake structure, buried pipeline, powerhouse building, outfall, bridges, formation of borrow pits and access tracks (Allt Mheuran)

**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 885kW on the Allt Mheuran in Glen Etive. The scheme is one of seven schemes proposed within Glen Etive.
- 1.2 The scheme proposes a single intake, with a buried penstock (enclosed pipe) extending to a powerhouse housing the turbine and an outfall back into the river beyond. The main intake is a concrete structure 19.5m wide in total, with an 8m in river section. The intake is located at 105m AOD. There are two options shown for the intake chamber, one being sited immediately next to the intake and the other being a separate buried structure approximately 70 metres downstream of the intake. The applicant has advised the first option is the preferred option. There is approximately 750m overall of penstock at 1100mm diameter from the intake to the intake chamber and 600mm from the intake chamber to the powerhouse.
- 1.3 Improvement works are proposed to the existing vehicular track serving the Allt Mheuran. This includes the replacement of the bridge over the River Etive (shared with the Allt Ceitlein scheme), localised improvements to the track, diversion of the track in front of 'Coileitir, upgrading of river footpath to access to the powerhouse and replacement of the bridge over the Allt Mheuran.
- 1.4 The overall construction corridor is 20 metres. A temporary construction track (3.4m) is to be formed from the proposed powerhouse to the intake. This is to be completely restored following completion. The construction track and penstock route are close to an existing path and will cross the footpath. This section of footpath will be reinstated on completion.
- 1.5 The powerhouse is located on the south western side of the Allt Mheuran approximately 140 m south east of the point where the Allt Mheuran. The powerhouse is located some 650 metres to the south west of the nearest residential property (Coileitir). The powerhouse is a pitched roof building with a square footprint (13.4m x 13m) with two extensions to the rear. The building is finished in a mix of white render and larch cladding to the walls and slate grey profiled sheeting on the roof.
- 1.6 The scheme will be accessed off 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. 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.
- 1.7 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.

- 1.8 Pre Application Consultation: None
- 1.9 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.
- 1.10 Variations: The original submission (application 18/02741/FUL) has been withdrawn and replaced with this current application following concerns raised by the Planning Service. The intake has been moved approximately 550m downstream of the original position and is limited to a single intake. The construction track has been combined with the penstock route and will be completely restored on completion.

## **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 south and runs largely parallel to the River Etive and serves an existing house, Coileitir. This is a popular right of way which provides the route to Ben Starav and the ridge beyond. At present the footpath diverts around the back of Coileitir. It is proposed to run a new access track close to the river, in front of Coileitir and join back up with the river route. Post construction this route will be left open for public use. There is a bridge over the Allt Mheuran which will be replaced as part of the proposals. Going over the bridge, the powerhouse will be to the right and the penstock will go up to the left, following a similar route to the Starav path. The route of the penstock is over open moor which gently ascends until it reaches the base of Starav and start to climb into the upper glen. The intake is located in a steep sided section of the river as it curves to the south around the base of the shoulder of the hill.
- 2.2 The powerhouse is located to the right (west) of the Allt Mheuran bridge, close to the mouth of the river. Riparian woodland lines the river in this location before opening out into moor. Kinlochative bothy is located to the south west, which is the last building on this side of the Glen at the head of the Loch. The powerhouse is a pitched roof building, clad in larch and white render. Water from the proposed hydro scheme will outfall back into the river at this point.

## **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 Bhiorain (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: 06 & 07 December 2018

Representation deadline: Overall 06 January 2019

Timeous representations: 72

Late representations: 17

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
53. Impact on Chequered skipper butterfly and its breeding habitat

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](http://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** (11.12.18) – 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** (previous 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** (8.1.19) – no objection subject to minor update to the Access Management Plan and a condition requiring an Outdoor Access Plan being submitted and approved. This will require the developer to submit a plan with a Specification Survey for the hill path that it to be restored.
- 5.7 **Scottish Natural Heritage** (17.7.18 and 10.1.19) – no objection subject to conditions
- 5.8 **Scottish Environment Protection Agency** (27.12.18) – no objection subject to conditions
- 5.9 **Historic Environment Scotland** (10.12.18) – no comments
- 5.10 **Scottish Water** (10.12.18) – no objection
- 5.11 **Transport Scotland** – (13.12.18) – no comments
- 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

## **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. Construction activities, mainly from the powerhouse to the intake, will be very visible from sections of the public road, particularly around Loch Druimachoish. In this area, where landscape sensitivities are high, short term construction activities will have the greatest effect, in particular the penstock and access. Various changes have been made to the original scheme to address significant concerns over the landscape impact of the proposals, particularly relating to the upper section of the original scheme on the approach to, and effect on Robbers Waterfall, and the ascent/descent to Ben Starav and the hills beyond, and the extent of disturbance on the first section of penstock/access from the powerhouse to the flanks of Ben Starav. The upper section of the scheme has been deleted from the proposals, with the intake being moved further downstream and the combining the penstock and construction access route to contain the construction activities into one section. The lower section will still be visible within the ‘long and dramatic glen’ and will affect this quality, however it is considered that the revisions to the scheme, together with quick and sensitive reinstatement of the penstock and construction access track along the route, will reduce these effects in the medium to longer term.
- 8.17 The powerhouse is located on the floor of the Glen, close to the River Etive, where there is existing dispersed development – Coileitir to the north east and Kinlocheteive to the south west and Druimachoish to the north west. As well as from the adjacent footpath, the powerhouse would be visible at points from the public road and on the summits and their descents on the neighbour hills. The powerhouse position makes use of the existing riparian woodland to help obscure views of it, and the higher ground looking down, the powerhouse would be read within the context of the settled floor of the Glen. Consideration has been given a part buried/mounded powerhouse design, however it is considered more appropriate, given the flat landform around the powerhouse location, that a traditional building would be more appropriate. The developer remains open to a mounded powerhouse similar to the design of other powerhouses within the glen proposals. Scottish Natural Heritage has advised that the powerhouse for the Allt

Mheuran scheme is well-sited on an area of flat ground low in the glen. If any additional fencing or other vertical elements are kept to a minimum and painted in muted tones then the overall impacts should be minimised.

- 8.18 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 1000km<sup>2</sup> 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 impact on the special qualities of the NSA are not considered to be significant.
- 8.19 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.
- 8.20 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**

- 8.21 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.
- 8.22 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.
- 8.23 The Loch Etive Mountains Wild Land Area (WLA) is a large area, spanning 507km<sup>2</sup> 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.

8.24 The Allt Mheuran 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.

8.25 The previous scheme had two intakes, located much further up the Allt Mheuran glen, which took the construction works higher and further into the glen where there is a much stronger sense of wildness and naturalness. The revised proposal is now more contained within the lower reaches of the Allt Mheuran 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. There are several nearby mountain summits where views of the development would be experienced. Given the much lower elevation of the proposed (revised) 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 on the lower part of the Allt Mheuran, particularly during the construction phase, however this is more related to the glen floor now and on the periphery of the wild land area, where there is less of a sense of wildness. 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 along the riverside near Coileitir and beyond to Starav. 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 restoration proposals and the focus of development towards the glen floor at the edge of the wild land area, the development is not considered to significantly affect the wider Wild Land Area.

8.26 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.

8.27 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 Bhiorrain 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	Generally as shown, however top up intake removed

	Glenceitlein	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.

8.28 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 and 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.

- 8.29 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.
- 8.30 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.
- 8.31 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.
- 8.32 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**

- 8.33 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**

- 8.34 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.
- 8.35 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.
- 8.36 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.
- 8.37 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.
- 8.38 In terms of the visual impact from this individual site, public road users will have open views of the route of the penstock/construction track. The intake will not be openly visible and the powerhouse will be partially obscured in places due to the woodland.
- 8.39 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 at Coileitir 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).
- 8.40 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.

- 8.41 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.
- 8.42 For the same reasons set out in the wild land assessment above, given the temporary nature of the main impact and the focus of development towards the glen floor it is considered that the proposal in the medium to long term will not have a significant impact on visual amenity. Quick and sensitive full reinstatement of the penstock and construction track will reduce the visual effects.
- 8.43 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 distant 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.
- 8.44 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.
- 8.45 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

- 8.46 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.
- 8.47 With respect to this application (Allt Mheuran) the survey work did not identify any sites of significance within the survey area.

### Woodland

- 8.48 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 watercourses and the existing access track at the north-western side of the application boundary. He has advised that the reduction in length of the penstock and re-routing the penstock will help to minimise impact on riparian tree cover, but where the access track is to be re-routed beside the property 'Coileitir' and where the powerhouse is proposed to be built there is likely to be adverse impact on tree cover. Compensatory tree planting will therefore be required. The Forestry Officer has no objection to the proposal subject to a condition requiring a compensatory tree planting plan and maintenance programme.

### Species and habitats

- 8.49 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, and adjacent areas of riparian woodland, 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 and toolbox talks.

- 8.50 A holding objection has been received from Butterfly Conservation (a UK charity) which raises concerns that the proposed development is likely to be detrimental to a nationally rare butterfly, the Chequered Skipper and its breeding habitat. It is understood that the concerns stem from the potential result of loss of breeding habitat.
- 8.51 The applicant's ecologist has provided a response to the comments received, recognising there is suitable habitat within the site, mainly along the new section of track around Coileitir, but also present, to a lesser value, along the penstock route. Given the nature of the development, being the construction of a narrow corridor to create access and lay penstock plus the upgrade of an existing hardcore track, the ecologist does not consider there would be a significant loss of existing habitat for chequered Skipper should this species be present. Mitigation has however been proposed to prevent any direct impacts on this species in the form of a pre-commencement survey (May/June) of the development corridor for chequered skipper and, if adults are present, a hand search for larvae (July/August) and micro-siting of the works or repositioning of tussocks with larvae. Toolbox talks and exclusion zones are also proposed.
- 8.52 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.
- 8.53 Evidence of otter spraint along the Allt Mheuran was recorded on the survey but no resting places, although the survey does note there are suitable resting places beneath overhangs and root plates at the side of the burn. Fresh pine marten scats were recorded in the lower reaches of the site, but no resting sites were recorded. No suitable bat roost trees were identified. No evidence of other protected species has been identified by the survey work. Mitigation, including pre-commencement surveys for otter and pine marten, embedded into the Construction Management Plan.

#### Amenity of neighbouring occupied buildings

- 8.54 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 Mheuran scheme, the powerhouse is located approximately 650 metres from the nearest occupied building (Coileitir) which is a sufficient distance to prevent disturbance from the operation of the powerhouse.

## Ground water, surface water, aquatic ecosystems and fisheries

- 8.55 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.
- 8.56 In its response, SEPA has welcomed the amendments made to the layout of the scheme (intake moved to a lower location, combination of penstock and access track route and restoration of the construction track) 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.
- 8.57 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**

- 8.58 There are three borrow pits proposed to serve this scheme (borrow pits 5, 6 and 7) All three are new and located on the existing section of track along the river side, between Coileitir and the Allt Mheuran. SEPA has confirmed the information provided suggests the borrow pits 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**

- 8.59 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. The proposal has been amended to combine the construction access track and the penstock route.
- 8.60 In its original response on the previous application 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. 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. Some micro-siting will be required at the intake to maintain this buffer.

- 8.61 In response to SEPA concerns over two proposed fords in the river, the revised information has clarified that the fords will be used for single crossings in order to get equipment over to the other bank of the Allt Mheuran 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**

- 8.62 The EIAR contains an assessment of the impact on soils and geology, including a peat survey. The proposal largely avoids area of deep peat and the revised proposal further reduces the impact on peat. There remains an area of concern from SEPA over the track diversion around the buildings at Coileitir which will result in impacts on peat and GWDTE. If the track is considered to be necessary, SEPA has recommended a condition to ensure that track is floated over any peat/organic rich soil greater than 0.5m deep and that the loss of GWDTE is compensated for elsewhere in the scheme (it suggests wet wood planting as part of the tree planting plan required by the Forestry Officer).

### **Flood risk**

- 8.63 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.
- 8.64 SEPA has also requested condition in relation the proposed replacement of two bridges. 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.
- 8.65 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. They also recommend 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**

- 8.66 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**

- 8.67 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 loss of GWDTE around the Coileitir track diversion is discussed above.

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

- 8.68 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 Mheuran scheme and a condition to secure an Outdoor Access Plan which will include a Specification Survey for the restoration of the hill path. 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 Allt Mheuran will also remain in place and open until the new bridge is constructed.
- 8.69 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

- 8.70 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.

- 8.71 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.
- 8.72 Four of the rivers proposed for hydro scheme are included in the 3<sup>rd</sup> 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.
- 8.73 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.
- 8.74 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

- 8.75 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.
- 8.76 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

8.77 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.

8.78 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

8.79 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:

8.80 **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.

8.81 **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.

8.82 **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.

8.83 **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 Eive at Coileitir – an approximate distance of 3km. This is required to protect the most vulnerable section of the public road.

8.84 These requirements are incorporated into the proposed conditions.

#### Other material considerations

8.85 There are no other material considerations.

#### Non-material considerations

8.86 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

8.87 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

<b>Action required before decision issued</b>	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) Update scope of project section

- h) Section 3.2 to include Chequered Skipper and mitigation
- i) Construction Programme to be updated.
- j) 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 Eive and the Allt Mheuran, 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. Tracks shall be constructed to ensure they do not result in any elevation of land within the functional floodplain. The new track around Coileitir shall be floated over any peat/organic rich soils greater than 0.5m deep. The extent of this section shall be submitted to, and approved in writing by, the Planning Authority prior to works commencing on this section of new track.

**Reason:** To ensure that land raising does not occur to prevent the loss of

functional flood plain and to minimise impact on peat and carbon rich soils.

13. 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.

14. 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.

15. No development shall commence on the construction of the intake hereby approved until the final detailed design has been submitted to, and approved in writing by, the Planning Authority. Such details shall include measures to visually soften its 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.

16. 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.

17. No development shall commence until a Tree Planting Plan and maintenance programme has been submitted to, and approved in writing by, the Planning Authority. The plan shall include wet woodland planting to compensate for the loss of GWDTE at the new track in front of Coileitir. 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 and GWDTE.

18. 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.

19. No development shall commence until a detailed Outdoor Access Plan has been submitted to, and approved in writing by, the Planning Authority. The purpose of the Outdoor Access Plan shall be to plan site tracks and paths to maintain public access routes during construction and to enhance public outdoor access in the long term. Thereafter the Outdoor Access Plan shall be implemented in accordance with the approved details prior to the initial operation of the hydro scheme.

**Reason:** To secure the submission of a plan with a Specification Survey for the section of hill path to be reinstated and for the application and to ensure delivery of the restoration works.

20. 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.

21. 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](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](mailto: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](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

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 (101 Rev 6)  
Plan 2 - Location Plan 1 (102 Rev 5)  
Plan 3 - Location Plan 2 (103 Rev 06)  
Plan 4a - Site Plan (106 Rev 4)  
Plan 4b - Site Plan (106 Rev 4) alternative  
Plan 5 - Site Plan (107 Rev 4)  
Plan 6 - Site Plan (108 Rev 4)  
Plan 7 - Site Plan (109 Rev 3)  
Plan 8 - Site Plan (110 Rev 3)  
Plan 9 - Site Plan (111 Rev 4)  
Plan 10 - Site Plan (112 Rev 2)  
Plan 11 - Intake details (113 Rev 3)  
Plan 12 - Intake Chamber (114 Rev 3)  
Plan 13 - Powerhouse Elevations (115 Rev 2)  
Plan 14 - Powerhouse Plans (116 Rev 1)  
Plan 15 - Eitive Bridge (117 Rev 2)  
Plan 16 - Mheuran Bridge (118 Rev 1)  
Plan 17 - ZTV Mheuran Scheme

## 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 that the land take and likely habitat loss is minimal in relation to important eagle foraging habitat. If, worst case, all of the schemes were to be worked on concurrently then

the levels of traffic and human activity in the wider area will be elevated above typical levels. However, recent and ongoing forestry works in the area, which was considered to be within acceptable levels, is considered comparable to activity from hydro construction. It is considered the Allt Mheuran scheme is a considerable distance from the core of the nearest eagle range, therefore disturbance is unlikely.

### 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**

### **3.7**

**Applicant:** Dickins Hydro Resources Ltd (18/05440/FUL) (PLS/018/19)

**Location:** Land 650m south west of Coiletir, Glenetive (Allt Mheuran). (Ward 21)

**Nature of Development:** Installation of (885kW) run-of-river hydropower system, including one intake structure, buried pipeline, powerhouse building, outfall, bridges, formation of borrow pits and access tracks (Allt Mheuran)

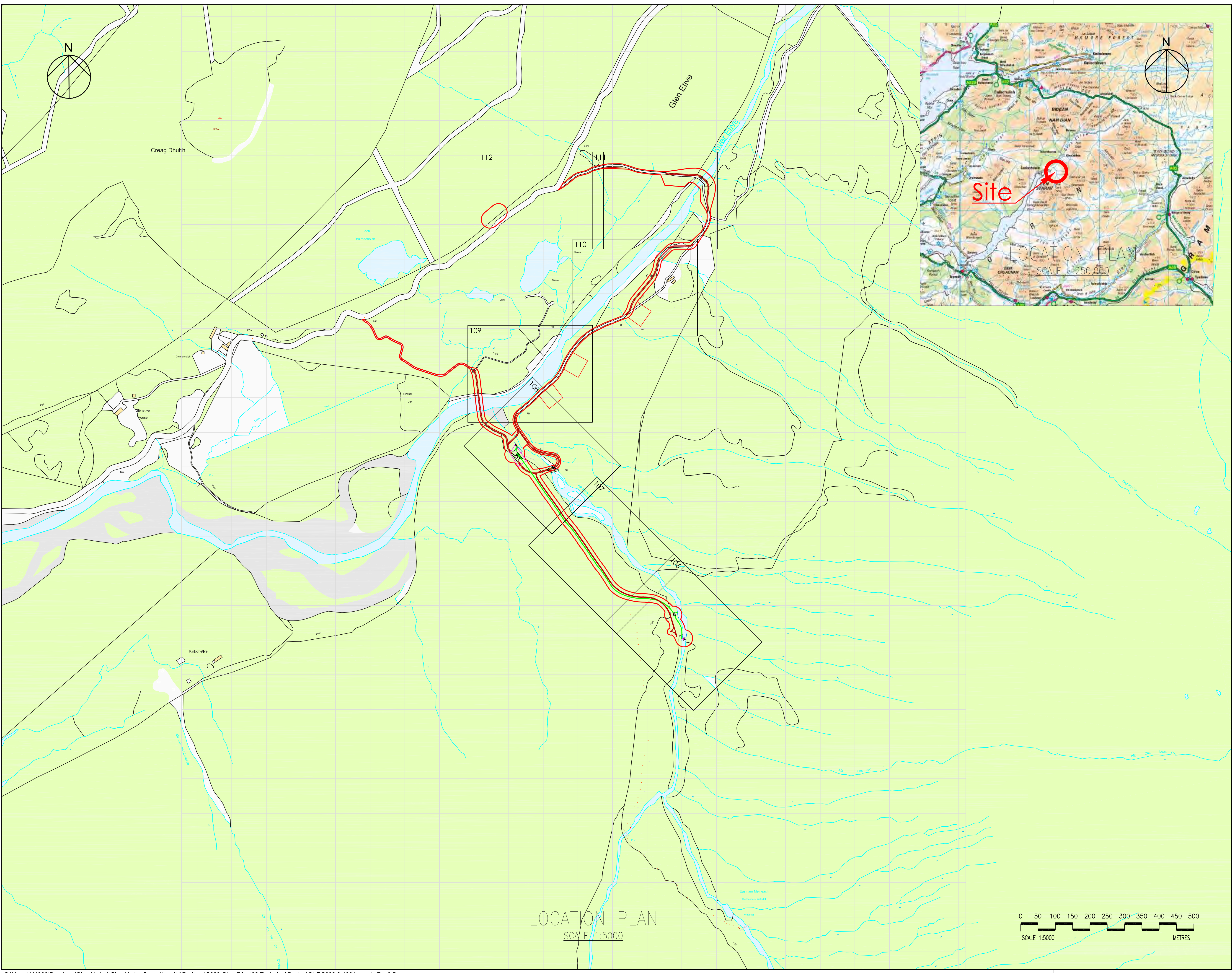
**Recommendation:** Grant.

### **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 18: “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 —

Rev	Description	Drawn	Chk'd	App'd.	Date
0.6	Intake moved	JA	JH		13.11.18
0.5	Access track amended	JA	JH		24.10.18
0.4	Access track amended	JA	JH		20.9.18
0.3	Etive Bridge amended	JA	JH		22.2.18
0.2	Ford and bridge amended	JA	JH		29.9.17
0.1	INITIAL ISSUE	JA			

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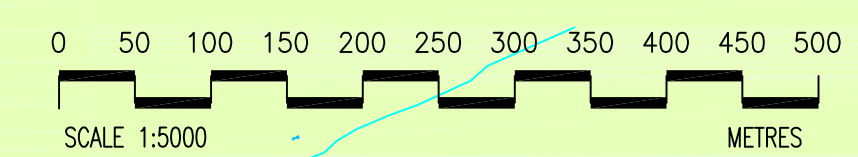
**Dickins Hydro Resources Ltd**  
 Chester House  
 81-83 Fulham High Street  
 London SW3 3JA  
 w: www.dickinshydro.com  
 t: 020 3296 2203

Originated By	Drawn By	Checked By	Approved By
J Appleby	J Appleby		
Date	Date	Date	Date
14.9.17	14.9.17		
Scale	Status		
As shown	Planning		

Project Title  
**Allt Mheuran**

Drawing Title  
**Location Plan**

Drawing No.  
**C083.8 - 101 Rev0.6**

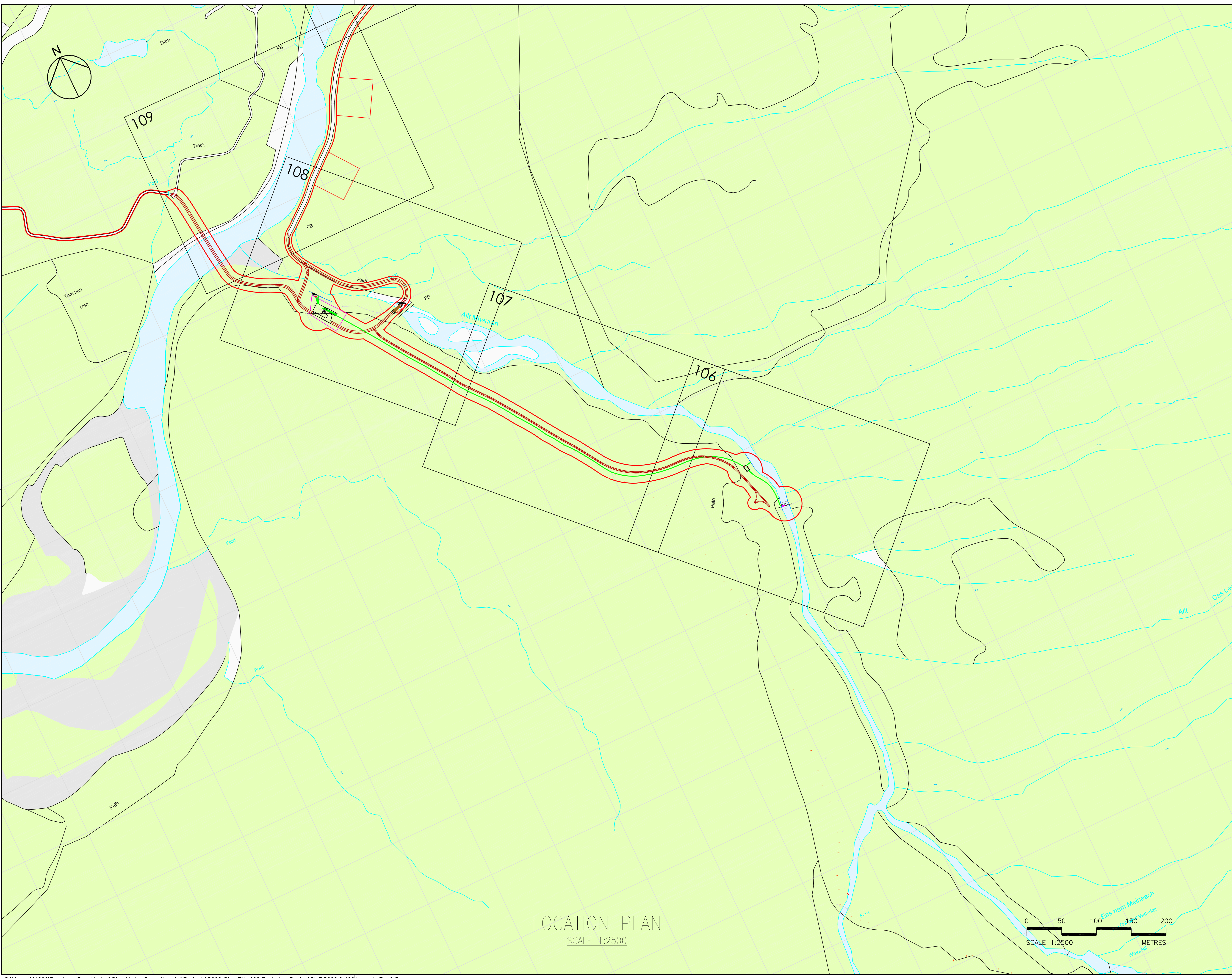


**LOCATION PLAN**  
SCALE 1:5000



Notes:

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



Rev	Description	Drawn	Chk'd	App'd.	Date
0.5	Intake moved	JA	JH		13.11.16
0.4	Access track amended	JA	JH		24.10.18
0.3	Access track amended	JA	JH		20.9.18
0.2	Ford and bridge amended	JA	JH		29.9.17
0.1	INITIAL ISSUE	JA			

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Originated By	Drawn By	Checked By	Approved By
J Appleby	J Appleby		
Date	Date	Date	Date
14.9.17	14.9.17		

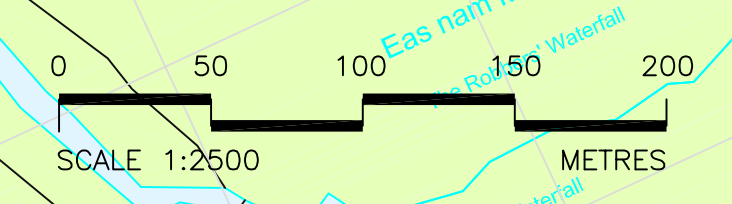
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Project Title  
**Allt Mheuran**

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

Drawing No.  
**C083.8 - 102 Rev0.5**

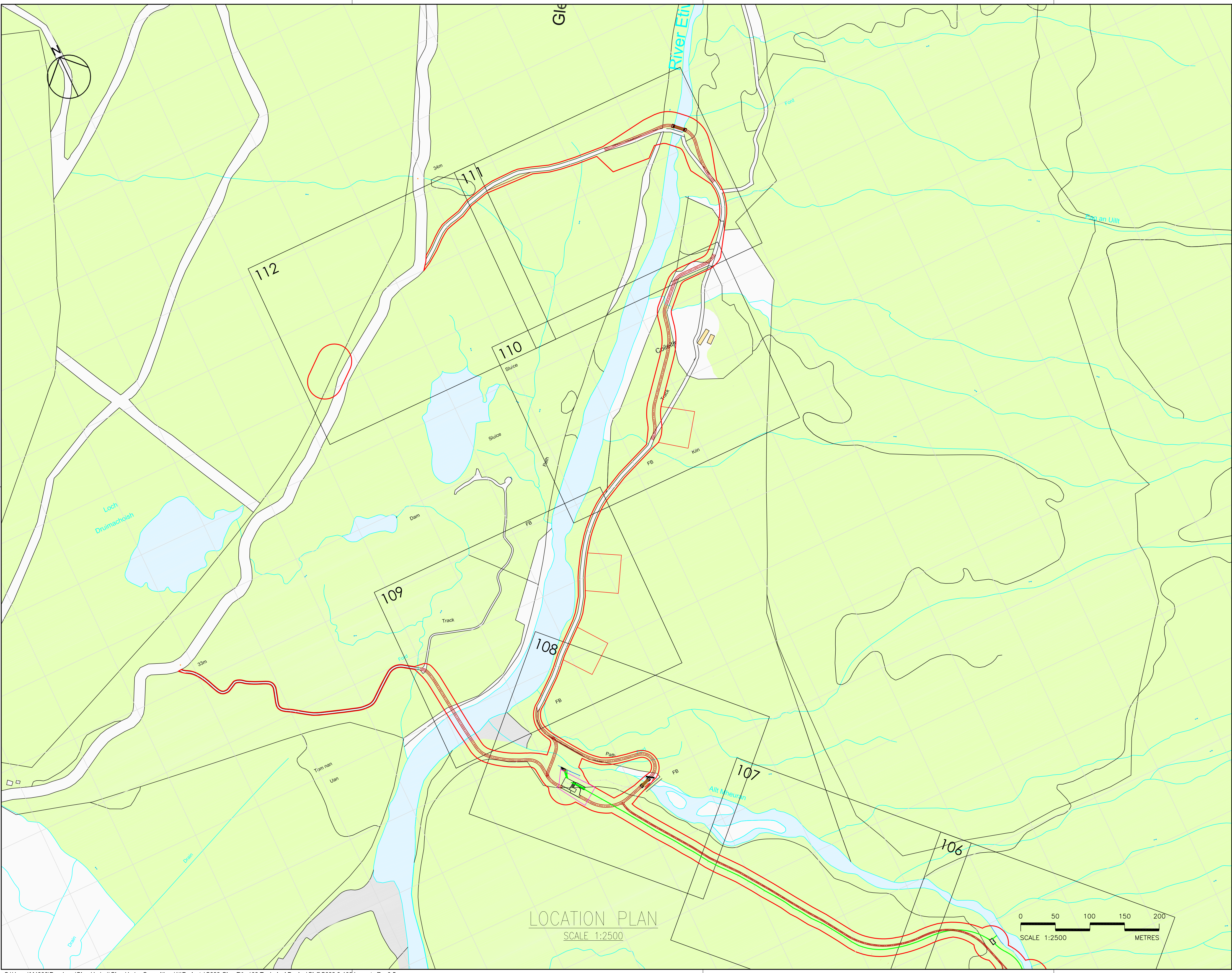
**LOCATION PLAN**  
SCALE 1:2500





Notes:

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



Rev	Description	Drawn	Chk'd	App'd.	Date
0.6	Intake moved	JA	JH		13.11.16
0.5	Elive Bridge amended	JA	JH		22.2.16
0.4	Borrow pits added	JA	JH		19.1.18
0.3	Access track amended	JA	JH		18.12.17
0.2	Ford and bridge amended	JA	JH		29.9.17
0.1	INITIAL ISSUE	JA	JH		

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Originated By	Drawn By	Checked By	Approved By
J Appleby	J Appleby		
Date	Date	Date	Date
14.9.17	14.9.17		

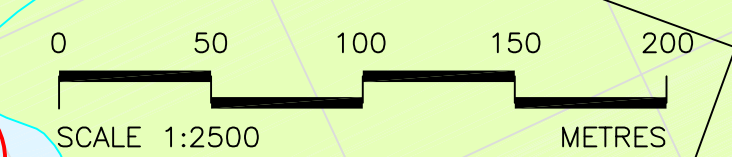
Scale	Status
As shown	Planning

Project Title  
**Allt Mheuran**

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

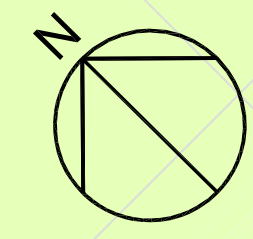
Drawing No.  
**C083.8 - 103 Rev0.6**

LOCATION PLAN  
 SCALE 1:2500



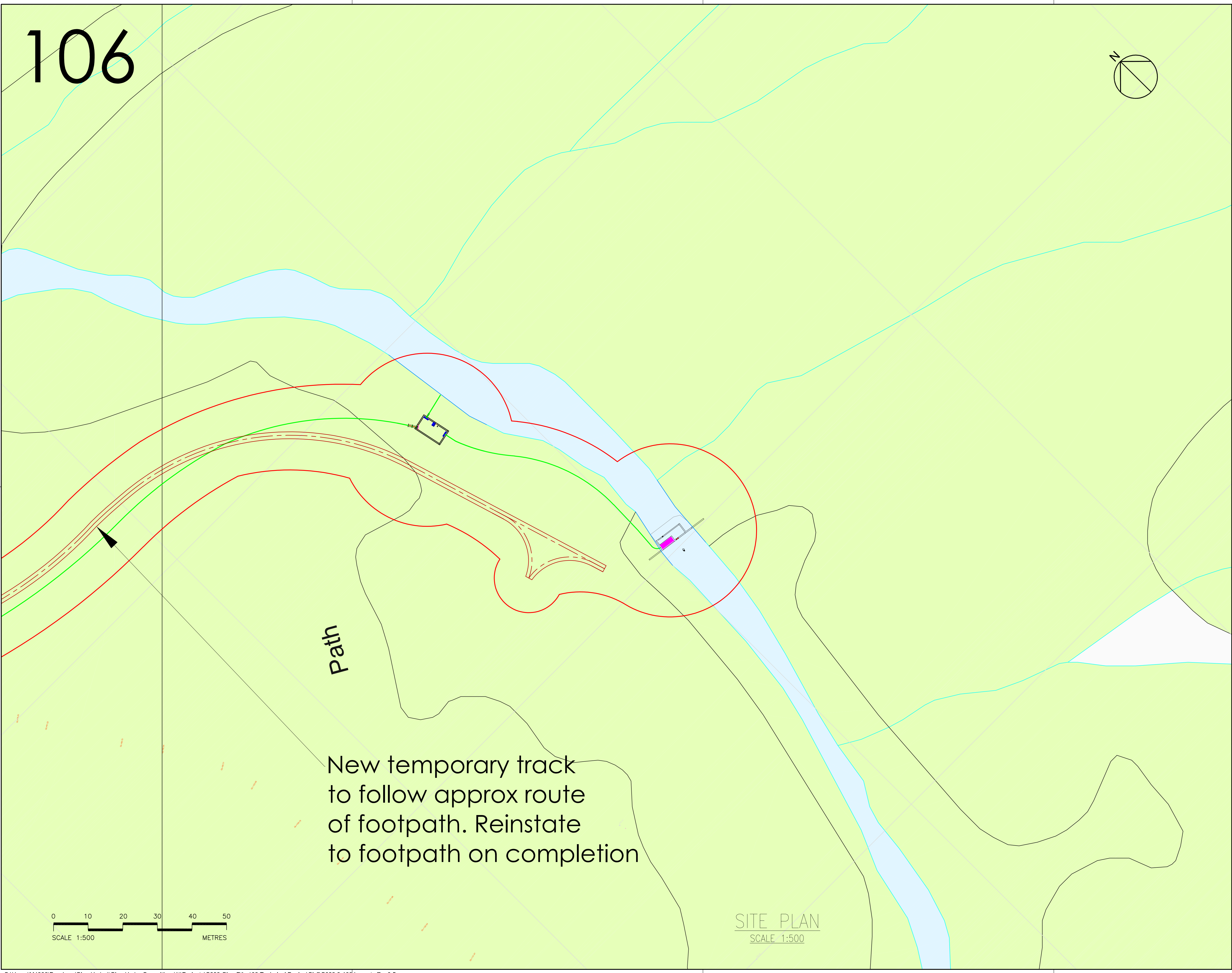


# 106



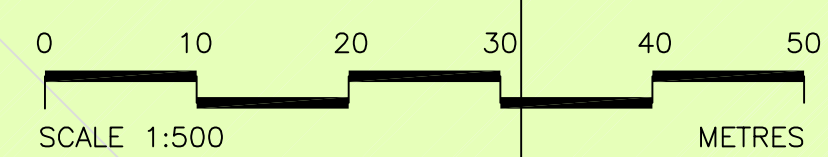
Notes:

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



Path

New temporary track to follow approx route of footpath. Reinststate to footpath on completion



SITE PLAN  
SCALE 1:500

Rev	Description	Drawn	Chk'd	App'd.	Date
0.4	Intake moved	JA	JH		13.11.18
0.3	Access track amended	JA	JH		24.10.18
0.2	Access track amended	JA	JH		20.9.18
0.1	INITIAL ISSUE	JA			

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Originated By	Drawn By	Checked By	Approved By
J Appley	J Appley		
Date	Date	Date	Date
14.9.17	14.9.17		

Scale: As shown      Status: Planning

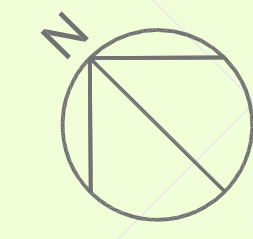
Project Title  
**Allt Mheuran**

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

Drawing No.  
**C083.8 - 106 Rev0.4**

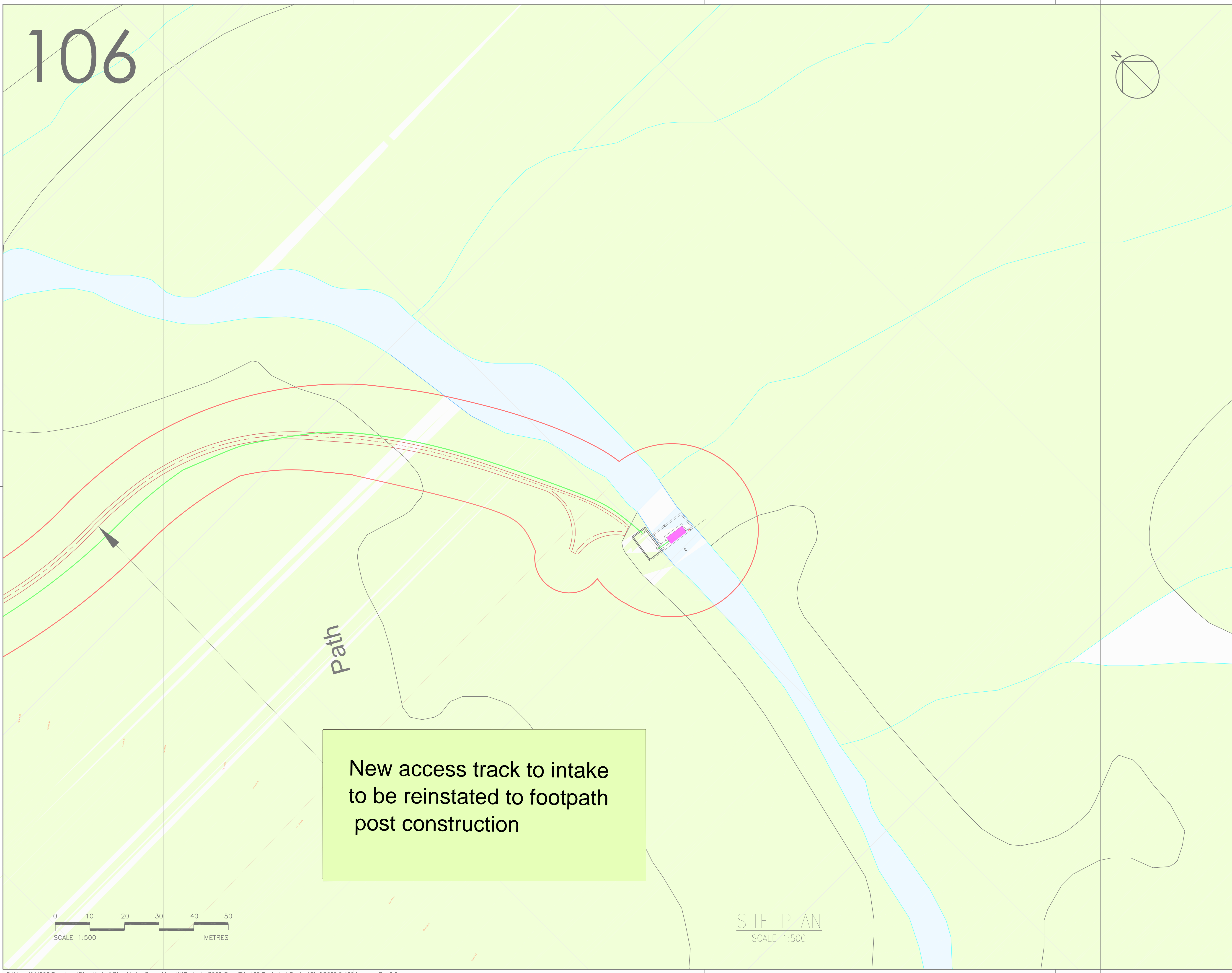


# 106



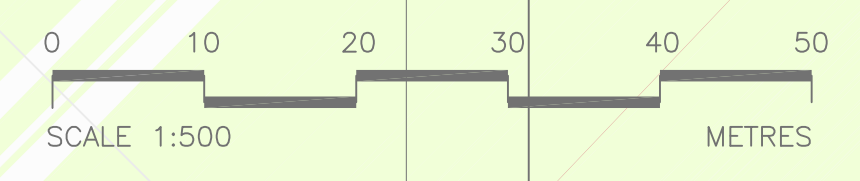
Notes:

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



**New access track to intake  
to be reinstated to footpath  
post construction**

Path



SITE PLAN  
SCALE 1:500

Rev	Description	Drawn	CHK'd	App'd.	Date
0.4	Intake moved	JA	JH		13.11.18
0.3	Access track amended	JA	JH		24.10.18
0.2	Access track amended	JA	JH		20.9.18
0.1	INITIAL ISSUE	JA			

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Originated By	Drawn By	Checked By	Approved By
J Appleby	J Appleby		
Date	Date	Date	Date
14.9.17	14.9.17		
Scale	Status		
As shown	Planning		

Project Title  
**Allt Mheuran**

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

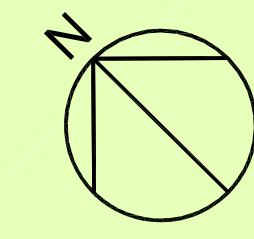
Drawing No.  
**C083.8 - 106 Rev0.4**



107

106

Aitheuran



Original Size  
A1

Notes:

Legend:

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

New temporary track

Rev	Description	Drawn	Chk'd	App'd.	Date
0.4	Intake moved	JA	JH		13.11.18
0.3	Access track amended	JA	JH		24.10.18
0.2	Access track amended	JA	JH		20.9.18
0.1	INITIAL ISSUE	JA			

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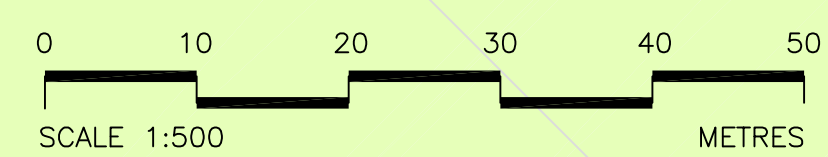
Originated By J Appleby	Drawn By J Appleby	Checked By	Approved By
Date 14.9.17	Date 14.9.17	Date	Date

Scale: As shown  
 Status: Planning

Project Title  
**Allt Mheuran**

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

Drawing No.  
**C083.8 - 107 Rev0.4**



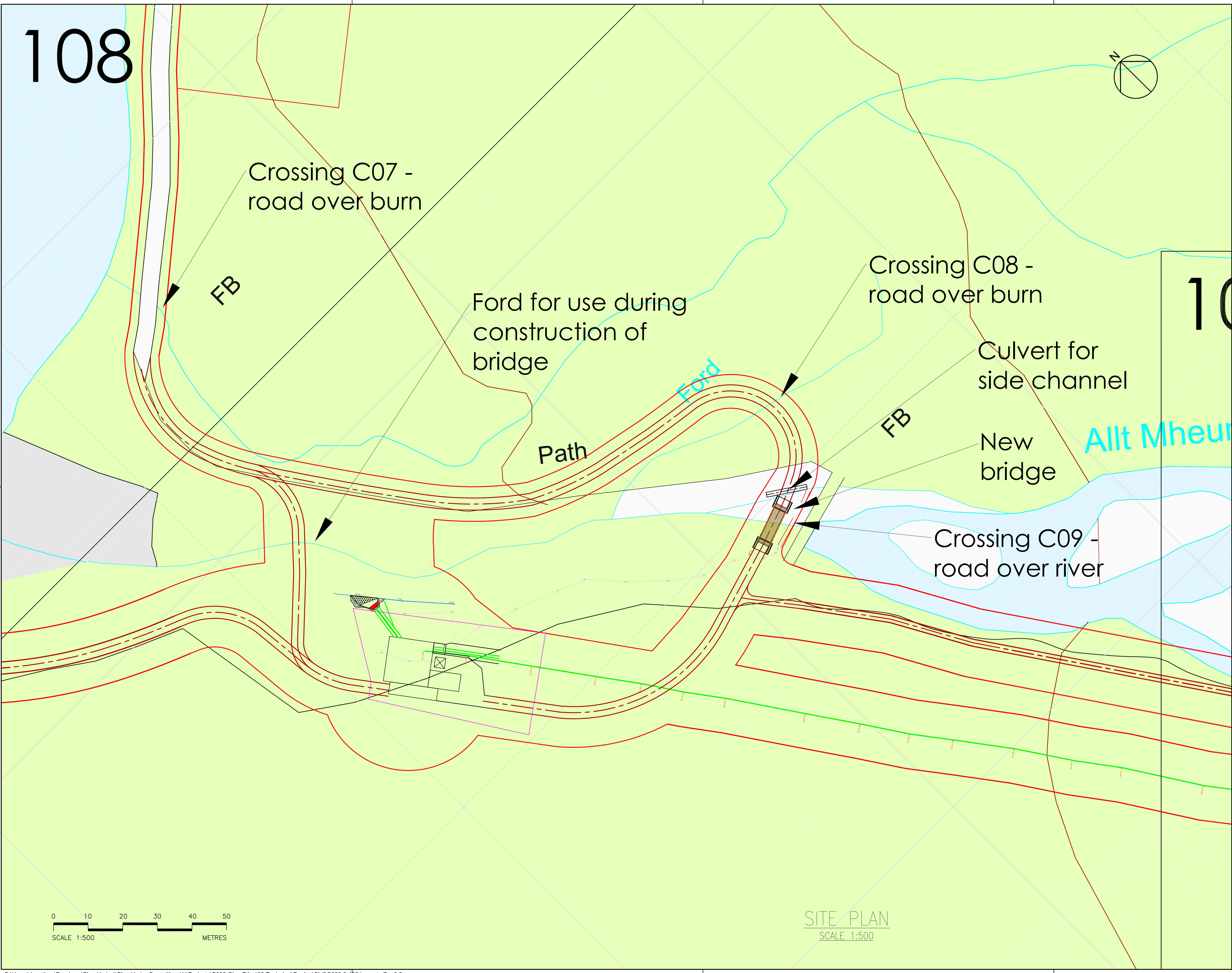
SITE PLAN  
SCALE 1:500



108

Notes:

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



0.3	Track changed at power house	JA	JH	27.11.17	
0.2	Track route changed	JA	JH	29.9.17	
0.1	INITIAL ISSUE	JA			
Rev	Description	Drawn	Chk'd	App'd.	Date

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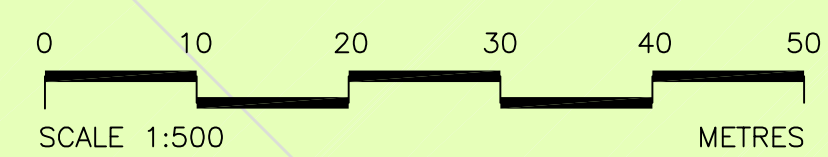
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Originated By J Appleby	Drawn By J Appleby	Checked By	Approved By
Date 14.9.17	Date 14.9.17	Date	Date
Scale As shown		Status Planning	

Project Title  
**Allt Mheur**

Drawing Title  
**Site Plan  
Sheet 5 of 9**

Drawing No.  
**C083.8 - 108 Rev0.3**

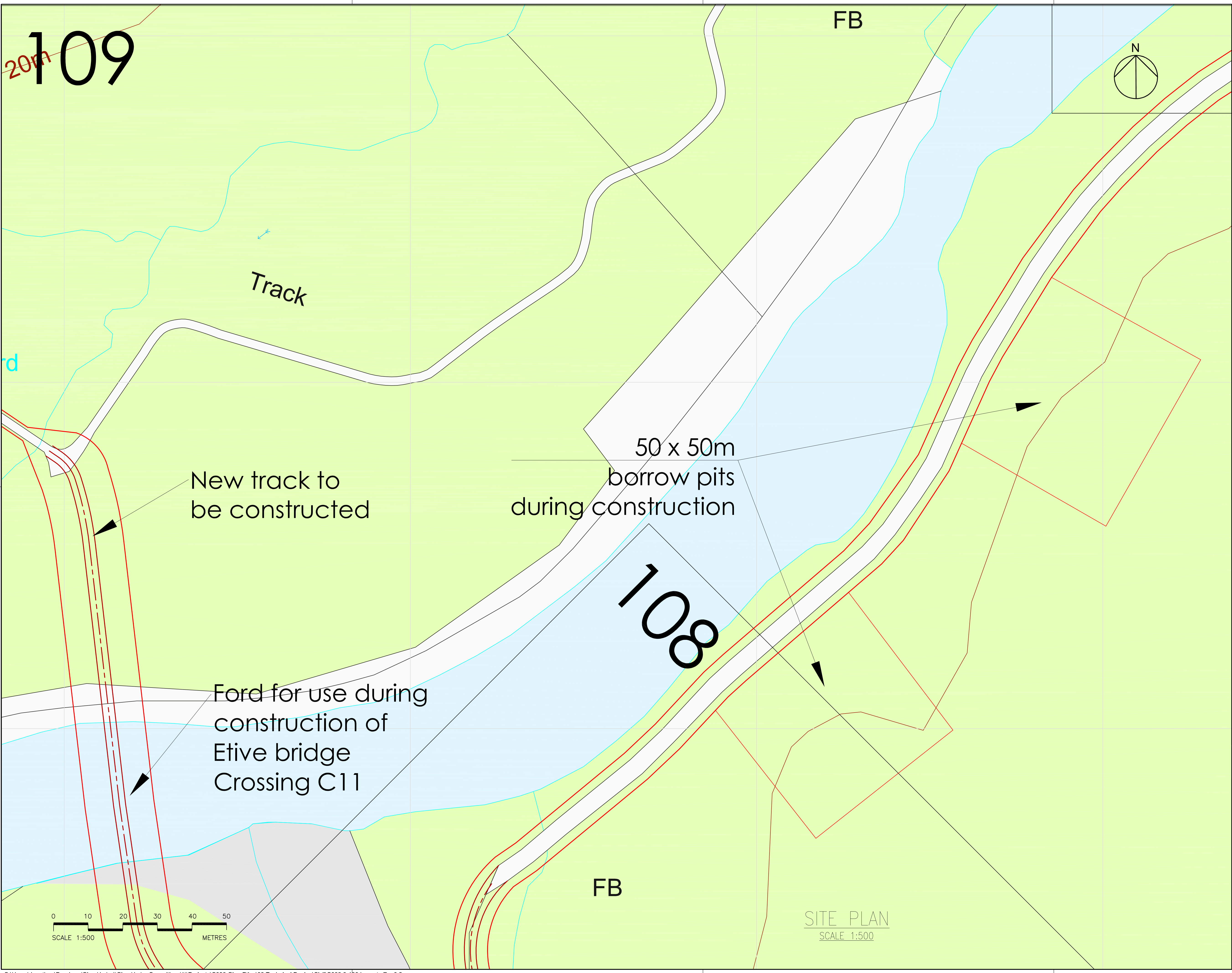
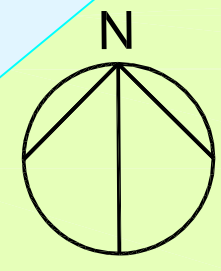


SITE PLAN  
SCALE 1:500



Notes:

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




0.3	Borrow pits added	JA	JH	19.1.18	
0.2	Ford location changed	JA	JH	29.9.17	
0.1	INITIAL ISSUE	JA	JH		
Rev	Description	Drawn	Chk'd	App'd.	Date

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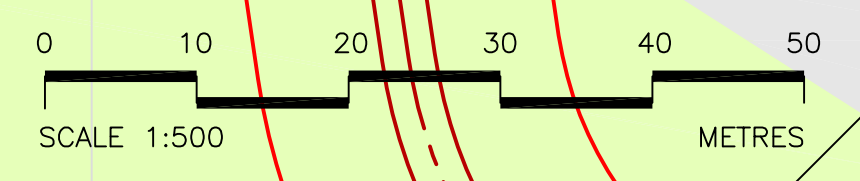
Originated By	Drawn By	Checked By	Approved By
J Appleby	J Appleby		
Date	Date	Date	Date
14.9.17	14.9.17		

Scale: As shown      Status: Planning

Project Title  
**Allt Mheuran**

Drawing Title  
**Site Plan  
Sheet 6 of 9**

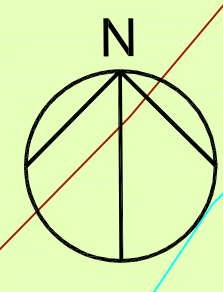
Drawing No.  
**C083.8 - 109 Rev0.3**



**SITE PLAN**  
SCALE 1:500



110



Sluice

Crossing C05 -  
road over burn

Coileitir

Crossing C06 -  
road over burn

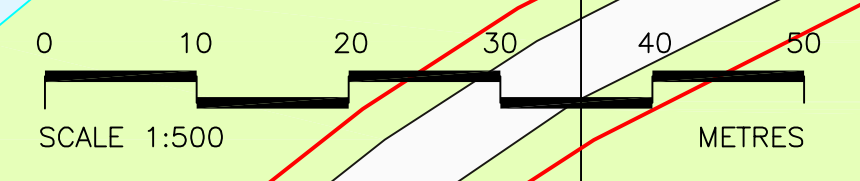
Track

New track to  
be constructed

50 x 50m  
borrow pit  
during construction

FB

Kiln



SITE PLAN  
SCALE 1:500

Original Size  
A1

Notes:

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

0.3	Borrow pit added	JA	JH	19.1.18	
0.2	Access track route revised	JA	JH	18.12.17	
0.1	INITIAL ISSUE	JA			
Rev	Description	Drawn	Chk'd	App'd.	Date

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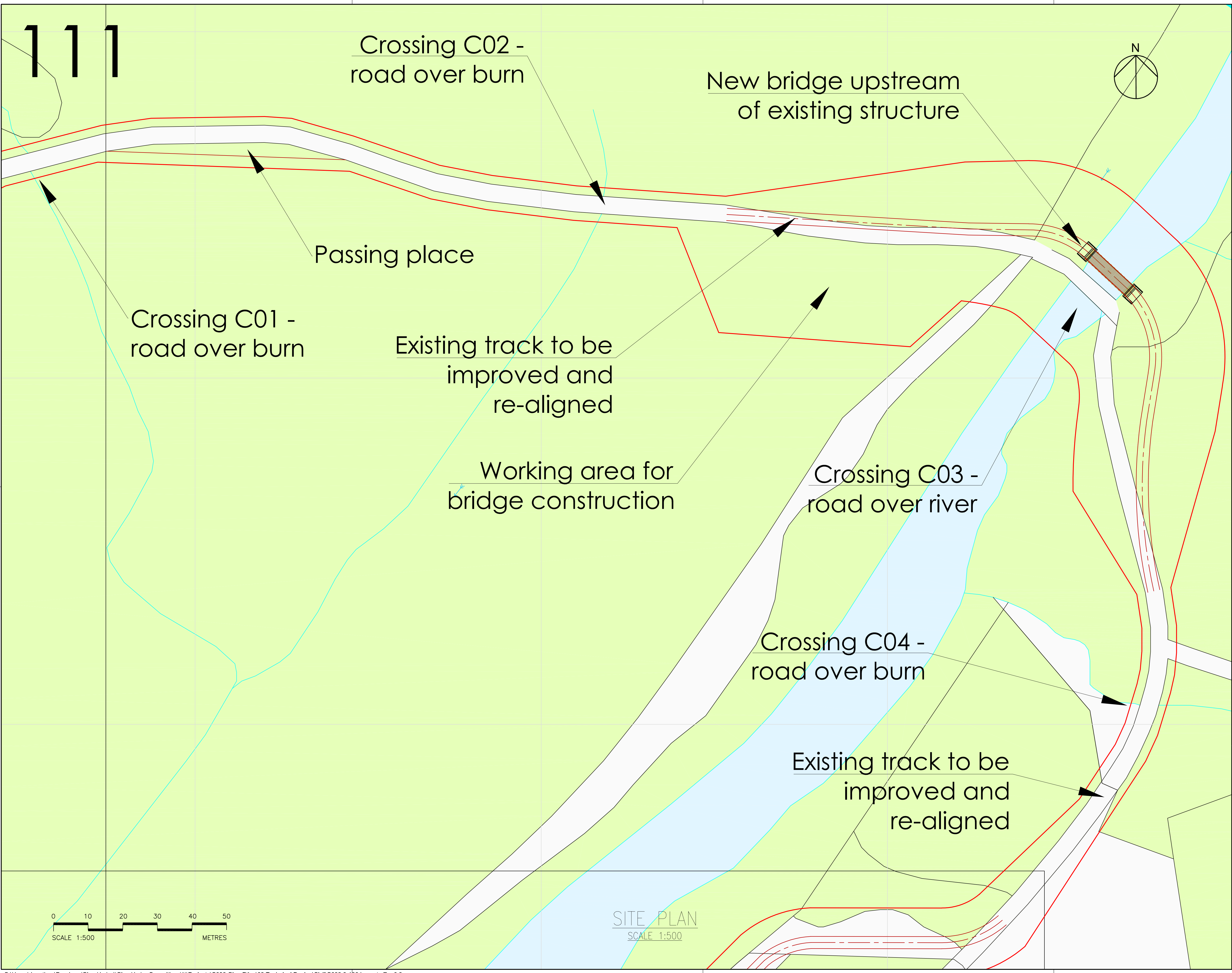
Originated By	Drawn By	Checked By	Approved By
J Appleby	J Appleby		
Date	Date	Date	Date
14.9.17	14.9.17		
Scale	As shown	Status	Planning

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

Drawing No.  
**C083.8 - 110 Rev0.3**





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

Rev	Description	Drawn	Chk'd	App'd.	Date
0.4	Elve bridge amended	JA	JH		22.2.18
0.3	Pipilace and working area added	JA	JH		18.12.17
0.2	Bridge approaches amended	JA	JH		29.9.17
0.1	INITIAL ISSUE	JA			

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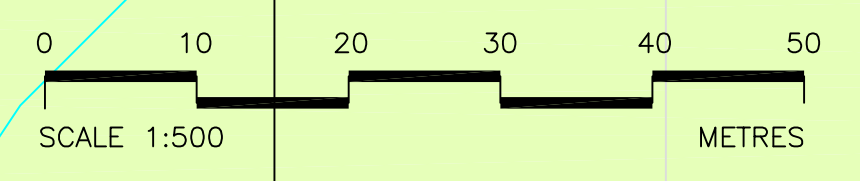
Originated By	Drawn By	Checked By	Approved By
J Appleby	J Appleby		
Date	Date	Date	Date
14.9.17	14.9.17		

Scale: As shown      Status: Planning

Project Title  
**Allt Mheuran**

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

Drawing No.  
**C083.8 - 111 Rev0.4**



SITE PLAN  
SCALE 1:500



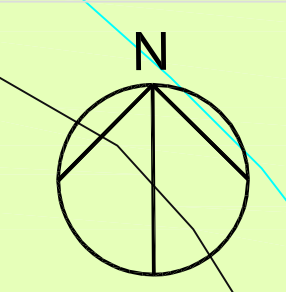
112

111

110

Existing road junction to be improved

Existing borrow pit to be used to create turning area for vehicles approaching from north



Notes:

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

Original Size  
A1

0.2	Minor amendment to border	JJA	JH		22.2.18
0.1	INITIAL ISSUE	JJA			
Rev	Description	Drawn	Chk'd	App'd.	Date

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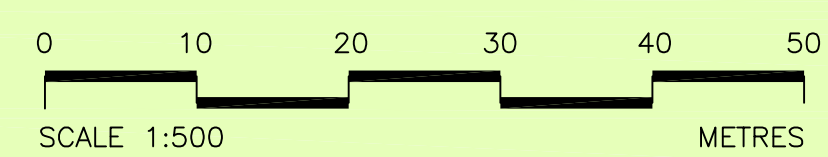
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Originated By	Drawn By	Checked By	Approved By
J Appleby	J Appleby		
Date	Date	Date	Date
14.9.17	14.9.17		
Scale	Status		
As shown	Planning		

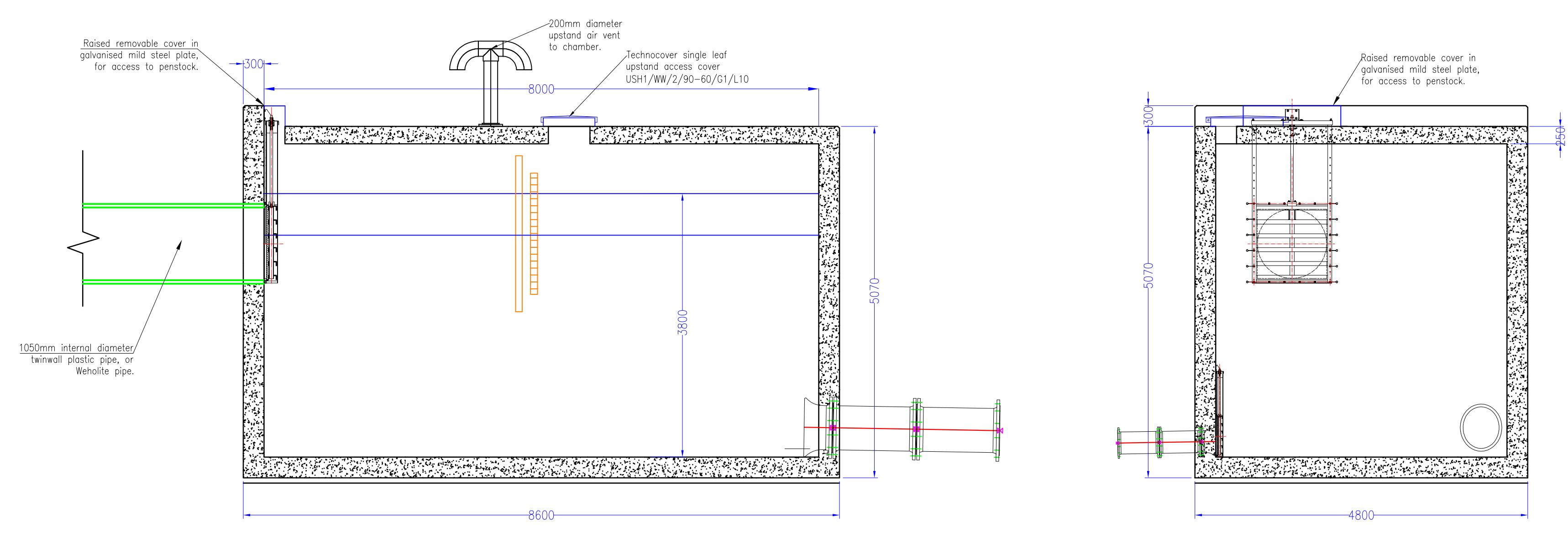
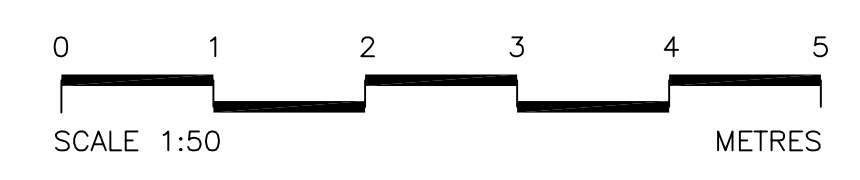
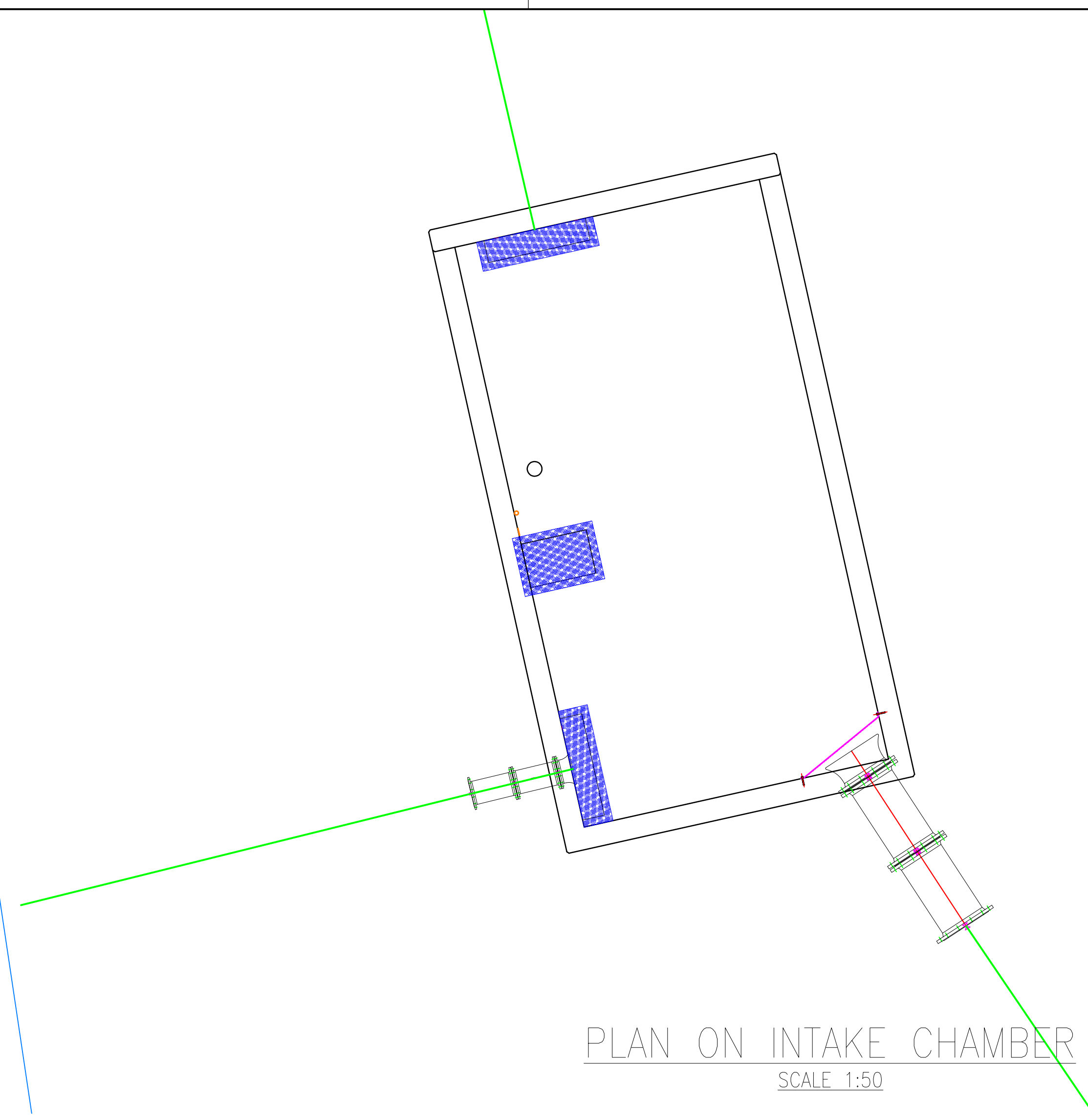
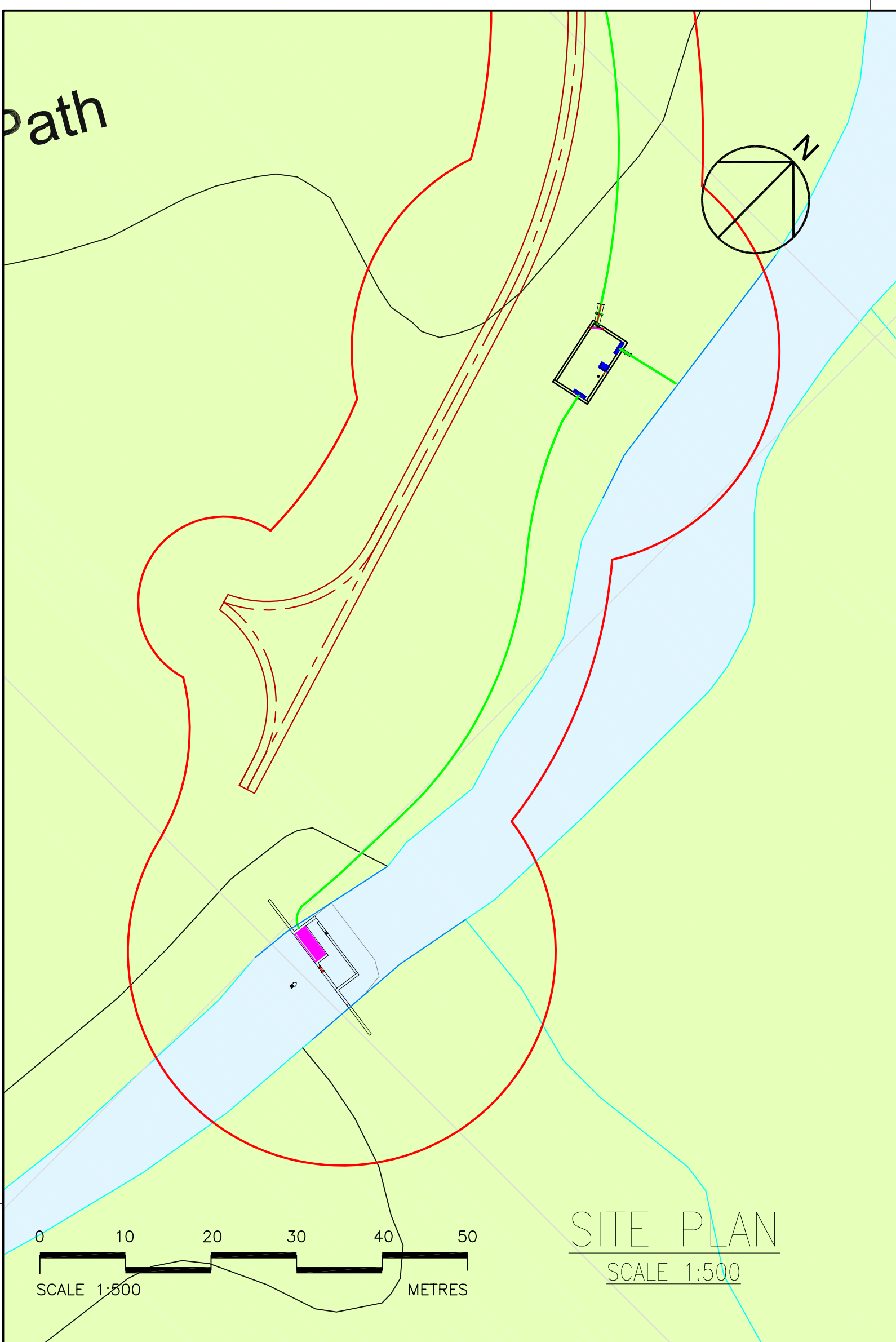
Project Title  
**Allt Mheuran**

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

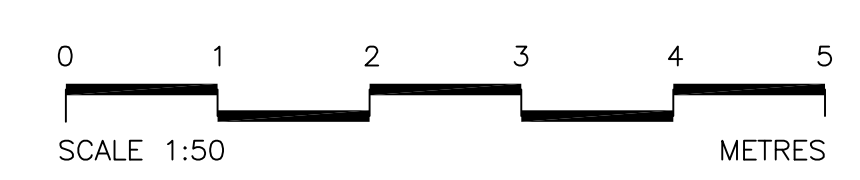
Drawing No.  
**C083.8 - 112 Rev0.2**



SITE PLAN  
SCALE 1:500



CROSS SECTIONS THRU CHAMBER  
SCALE 1:50



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

0.3	New Intake Chamber	JA	JH	12.11.18
Rev	Description	Drawn	Chk'd	App'd.

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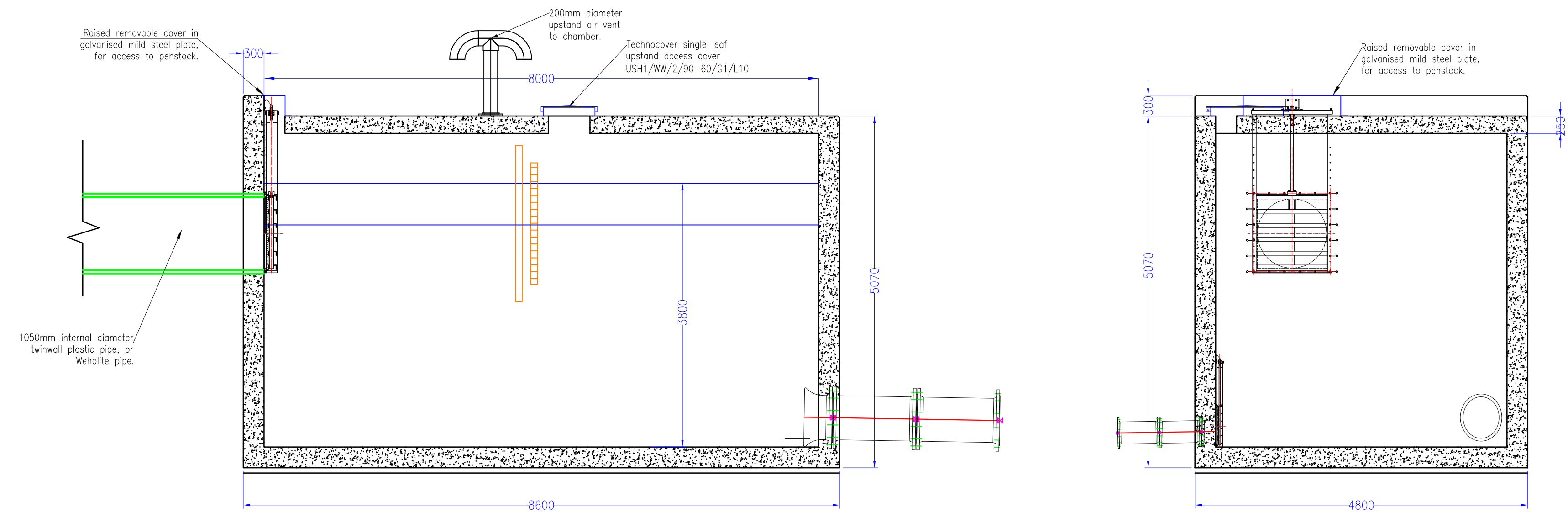
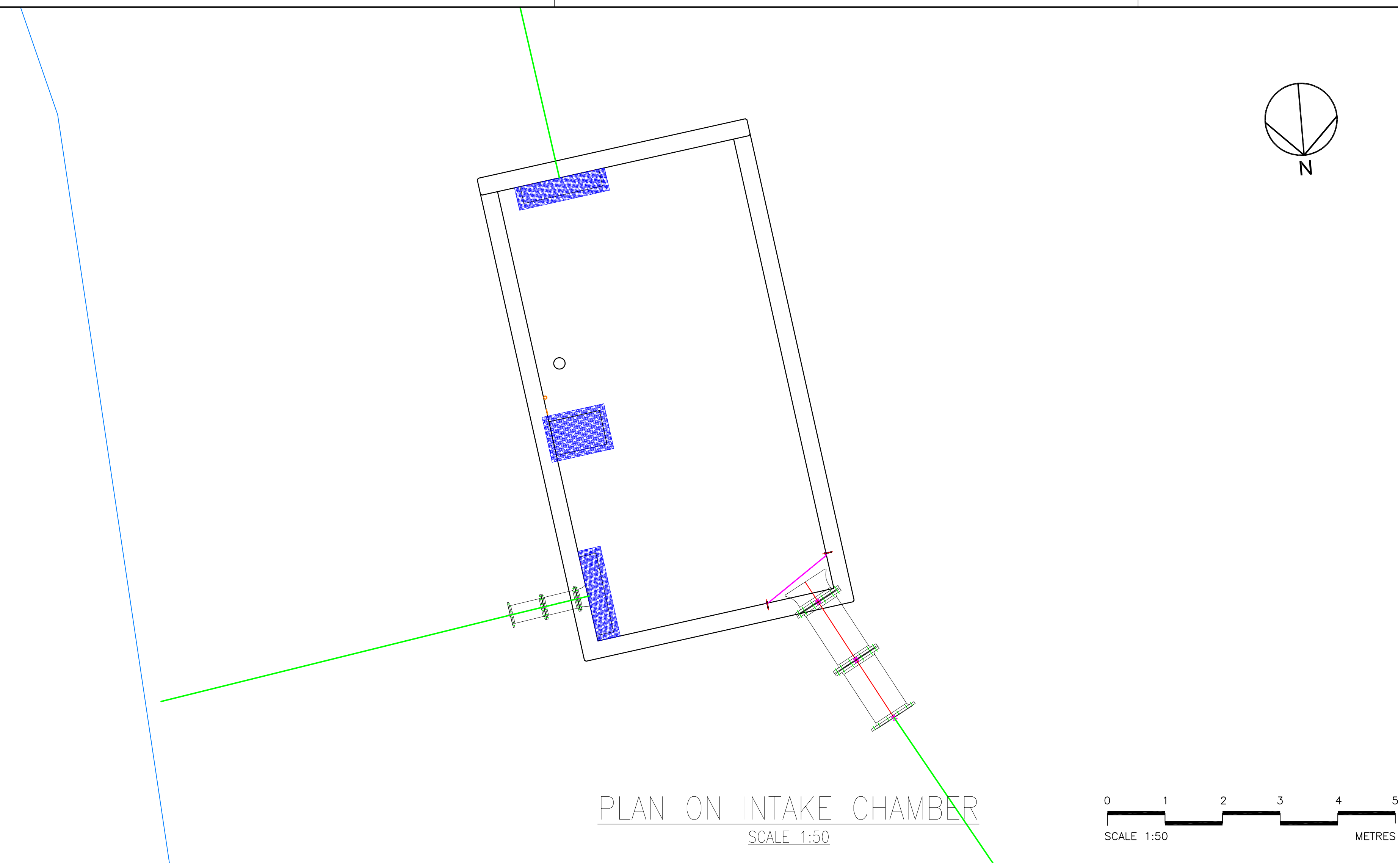
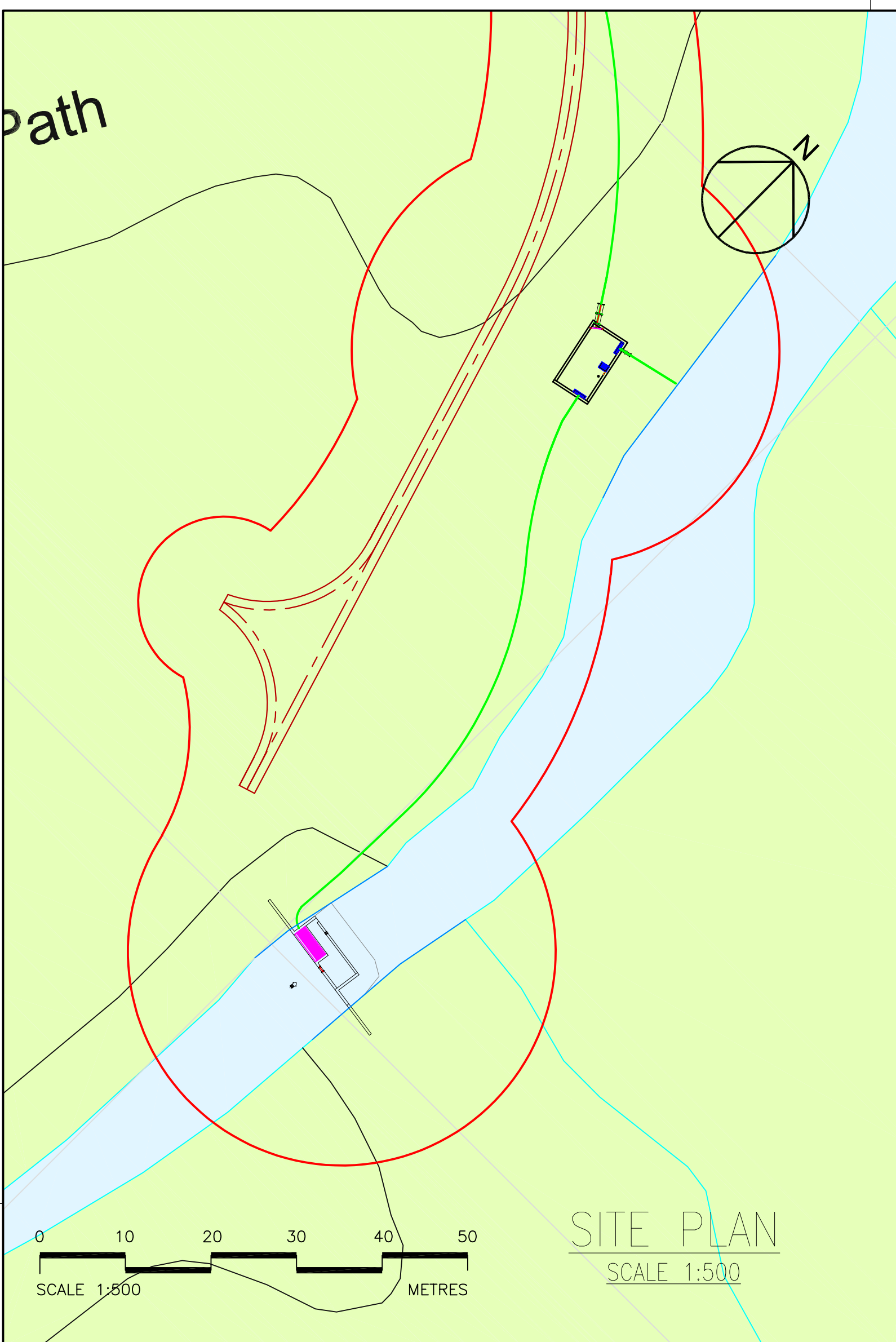
Originated By	Drawn By	Checked By	Approved By
J Appleby	J Appleby		
Date	Date	Date	Date
12.11.18	12.11.18		
Scale	As shown	Status	Planning

Project Title  
**Allt Mheuran**

Drawing Title  
**Intake 1 Details  
Intake Chamber**

Drawing No.  
**C083.8 - 114 Rev0.3**





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

0.3	New Intake Chamber	JA	JH	12.11.18
Rev	Description	Drawn	Chk'd	App'd.

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J Appleby	J Appleby		
Date	Date	Date	Date
12.11.18	12.11.18		
Scale	As shown	Status	Planning

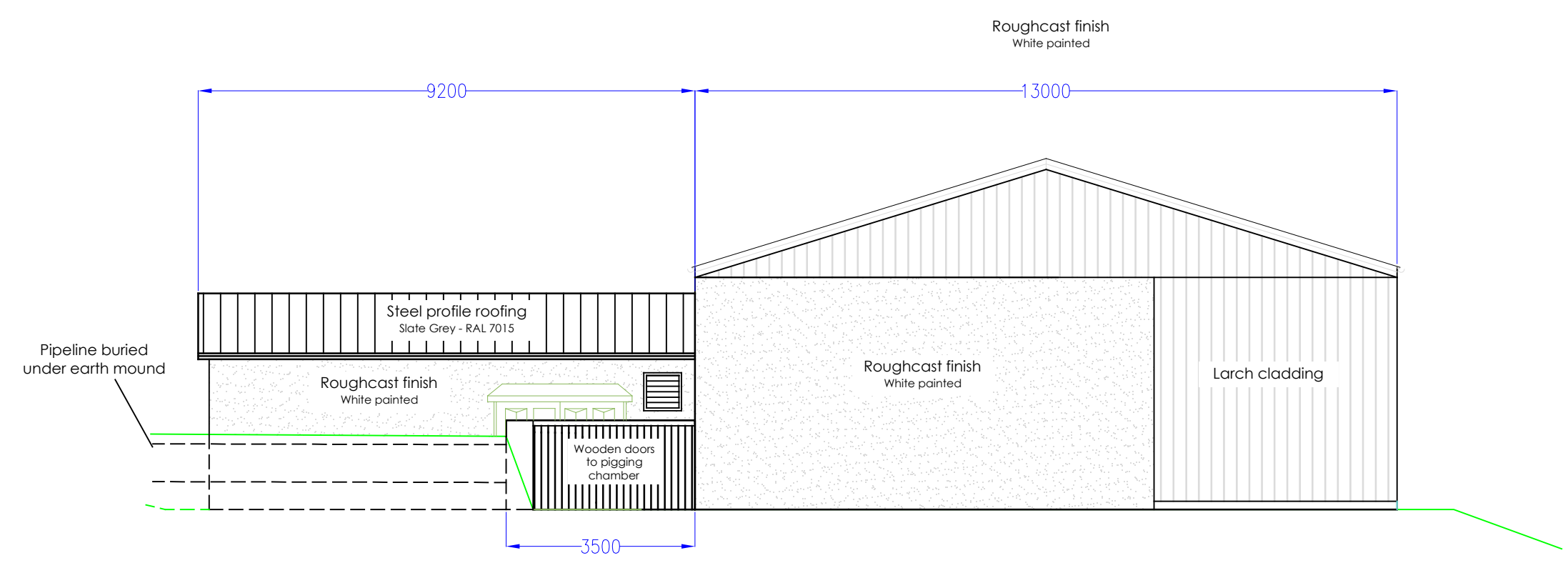
Project Title  
**Allt Mheuran**

Drawing Title  
**Intake 1 Details  
Intake Chamber**

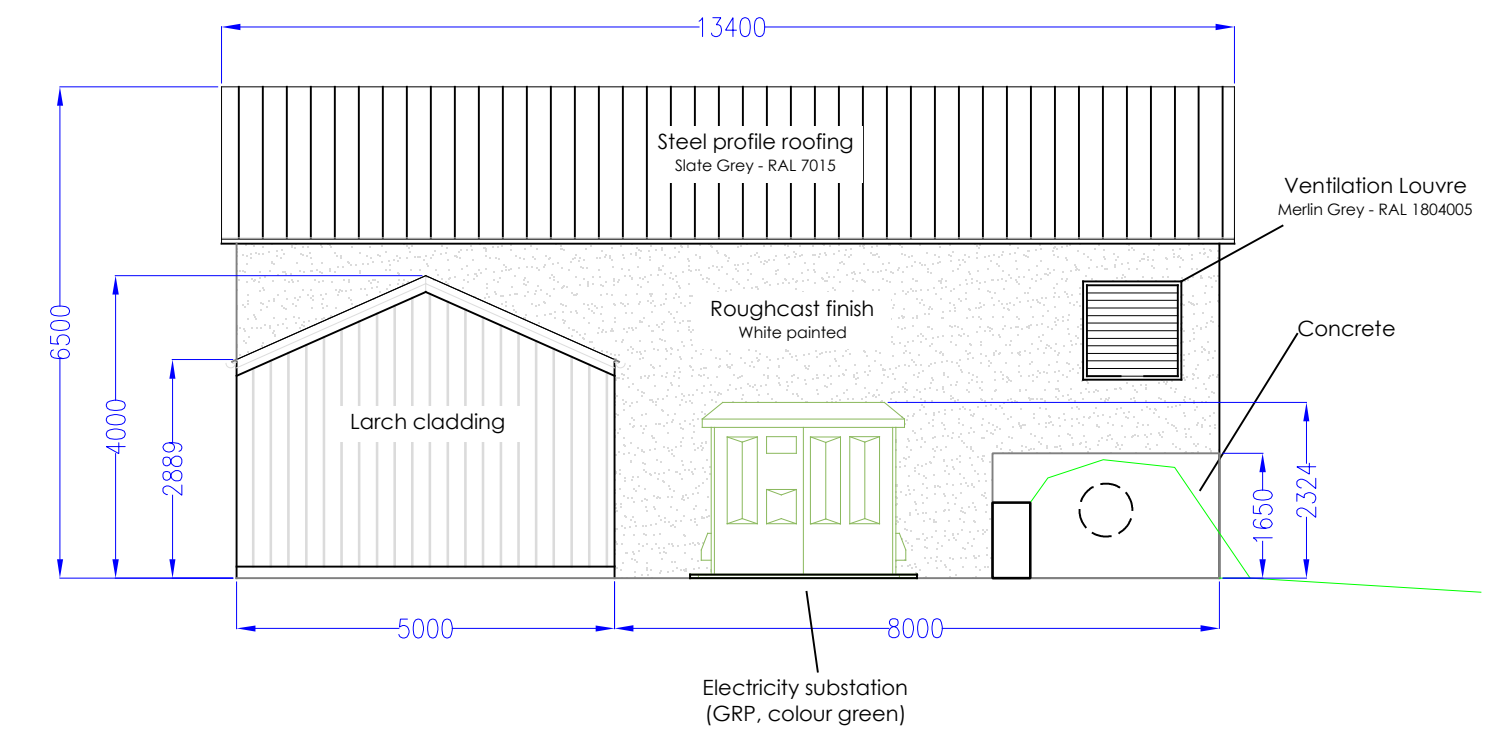
Drawing No.  
**C083.8 - 114 Rev0.3**

Notes:

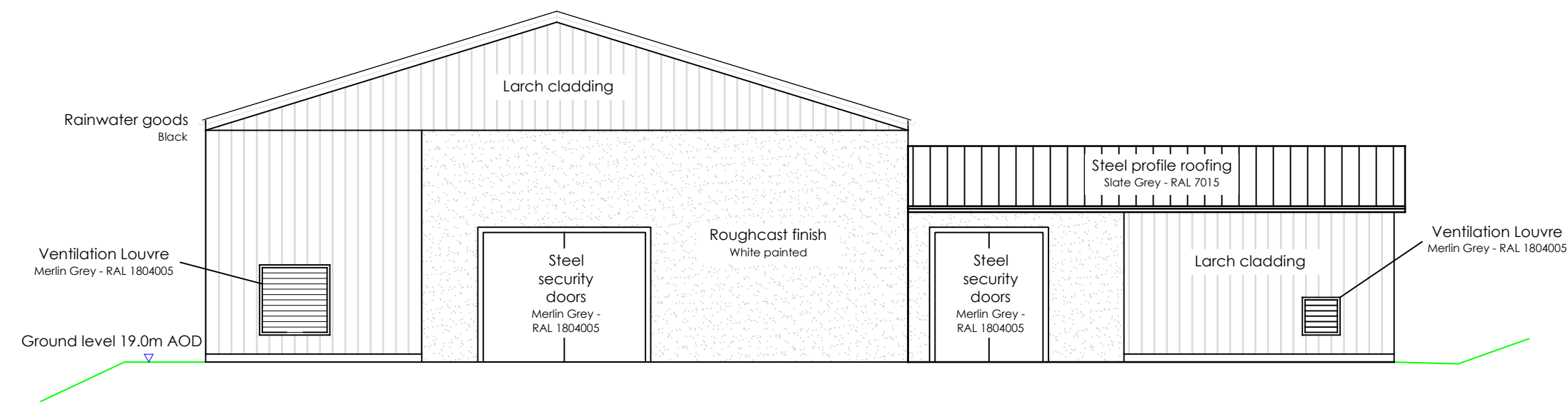
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- Penstock —
  - New Access Track —
  - Land Ownership Boundary —
  - Planning Boundary —



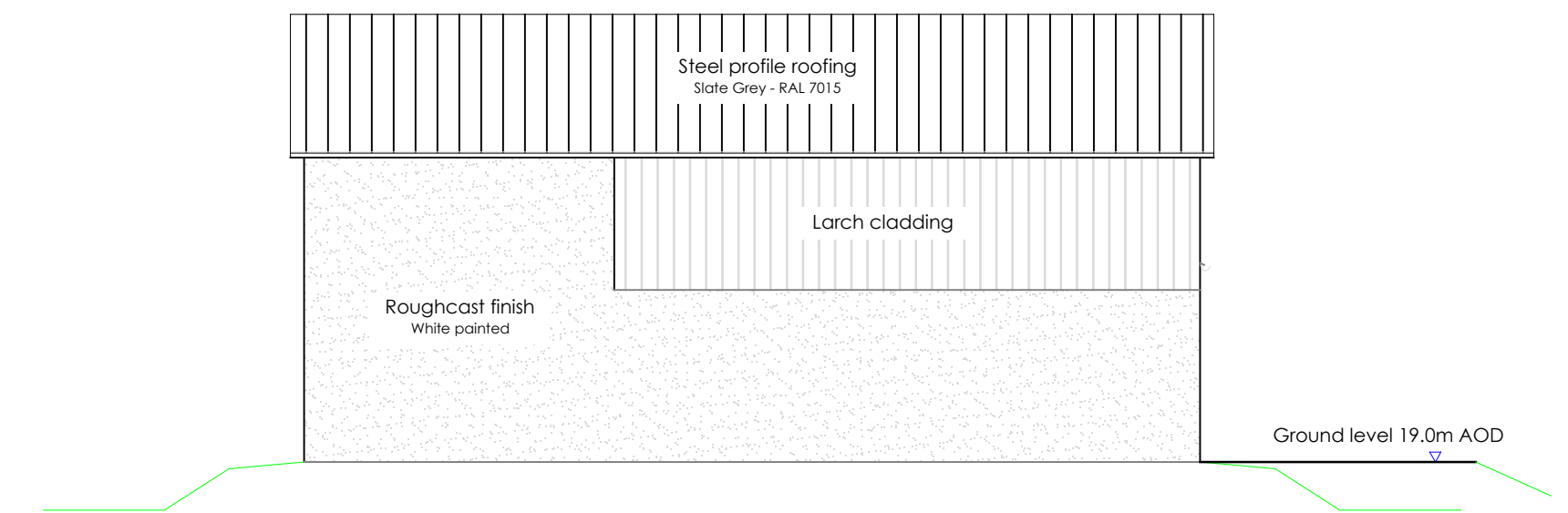
North east Elevation



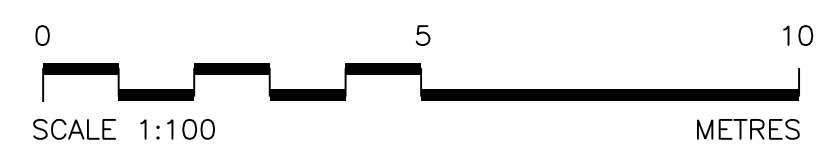
South east Elevation



South west Elevation



North west Elevation



0.2	Cladding amended	TC			
0.1	INITIAL ISSUE	TC			
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
10.11.17	10.11.17		

Scale	Status
As shown	Planning

Project Title  
**Allt Mheuran**

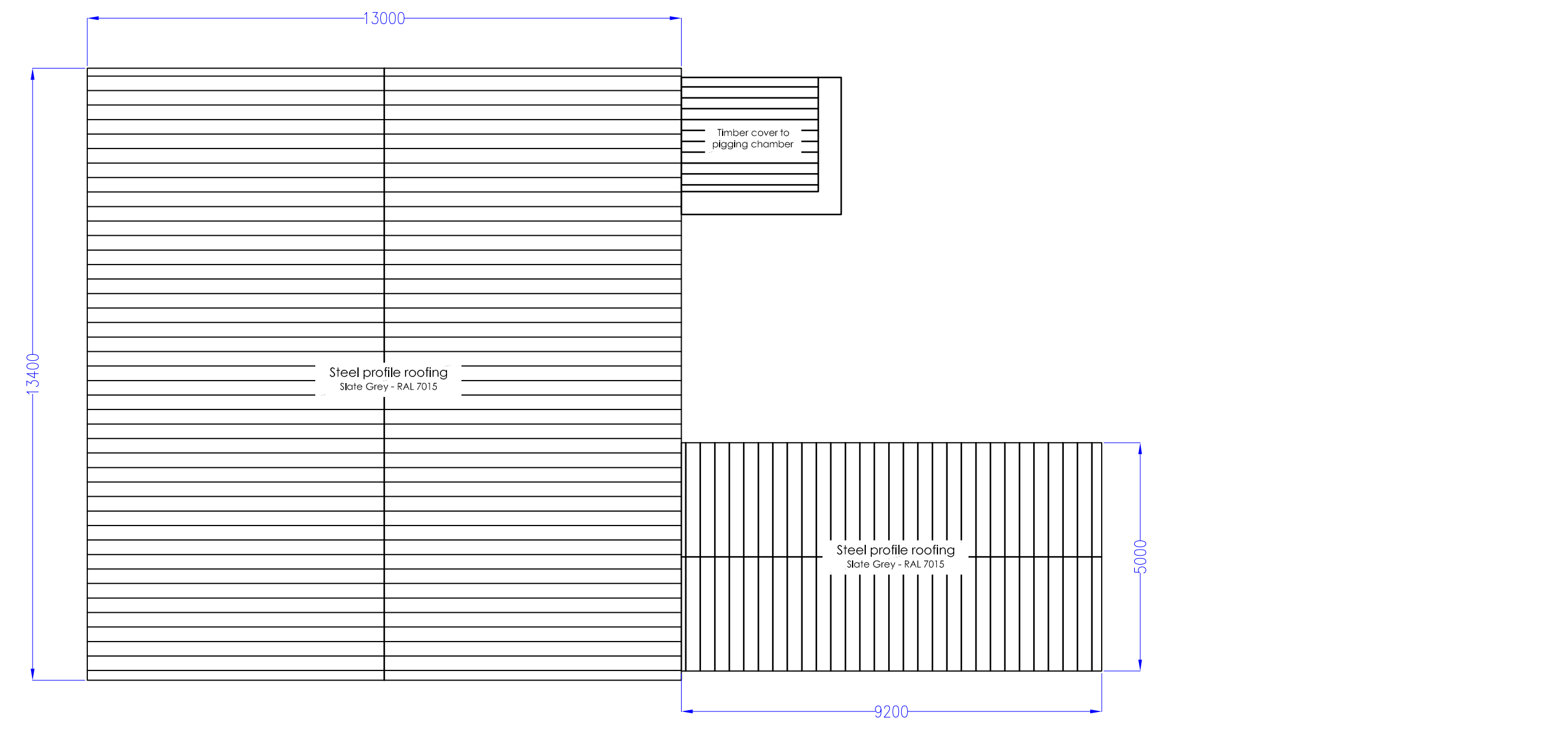
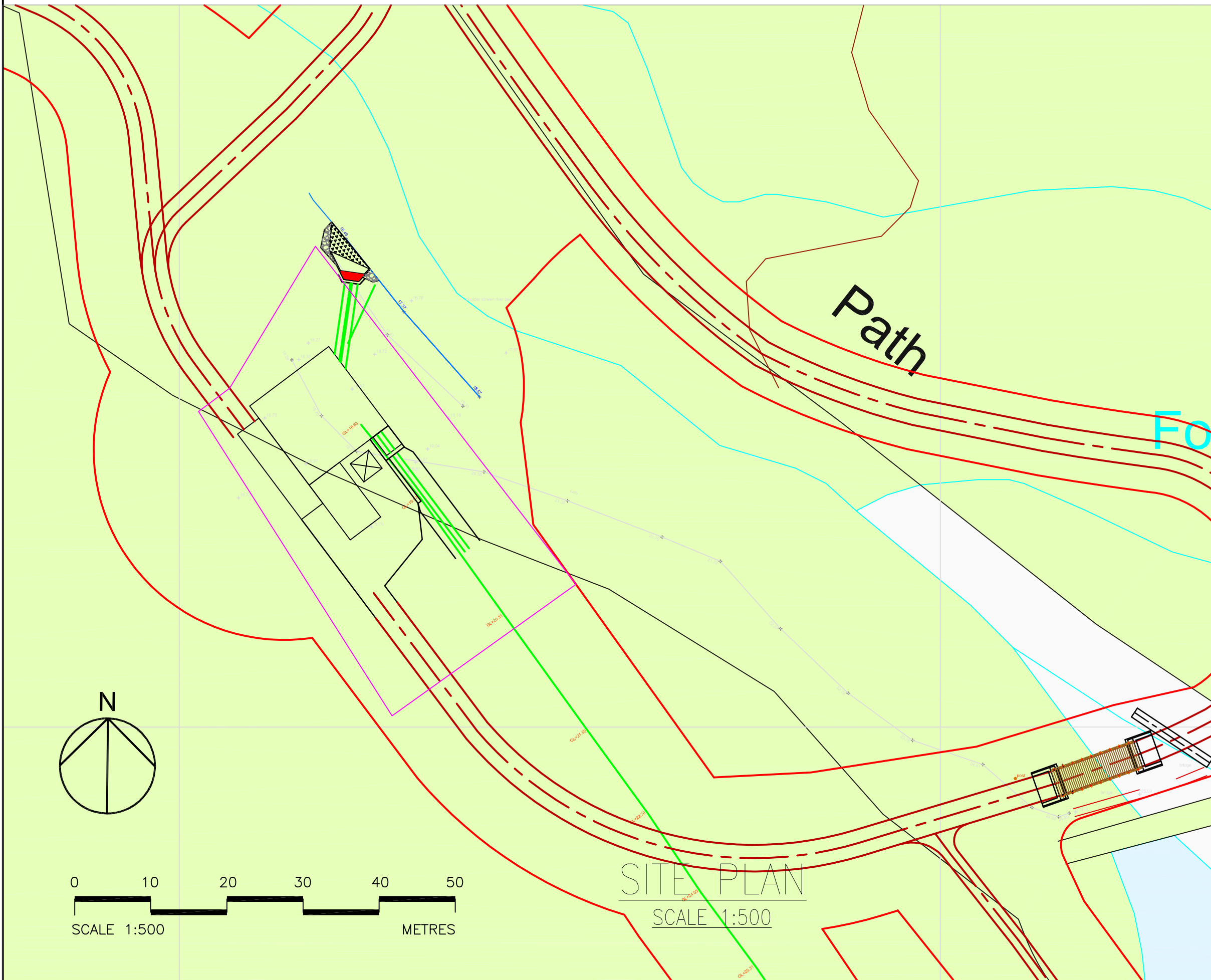
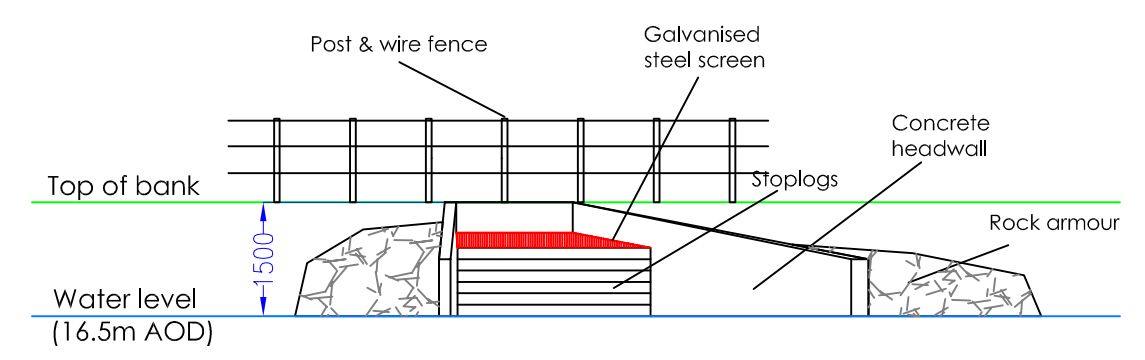
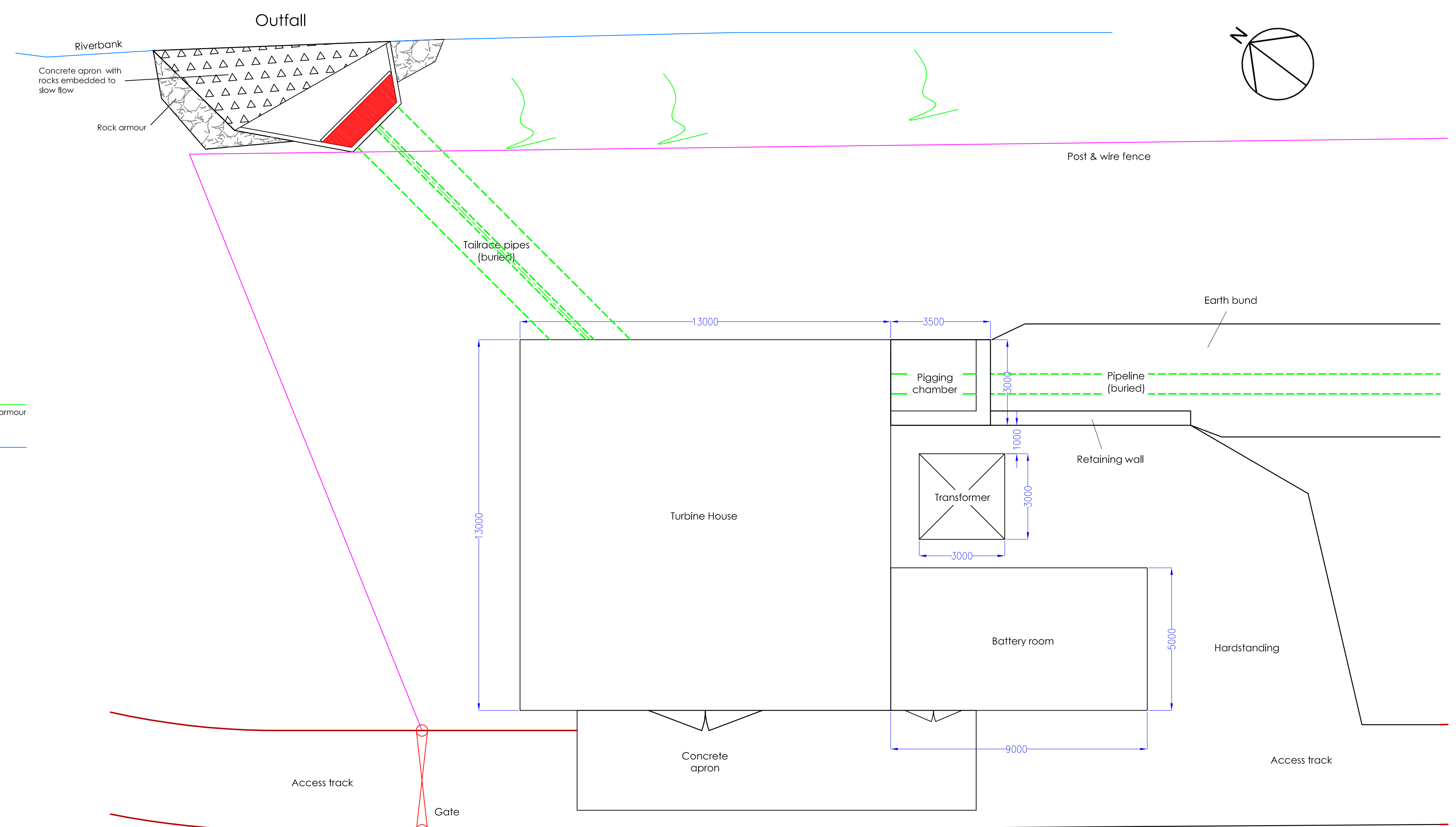
Drawing Title  
**Power House Details 1 (elevations)**

Drawing No.  
**C083.8 - 115 Rev0.2**



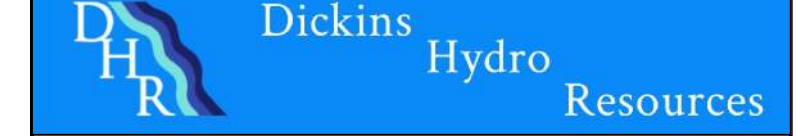
Notes:

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



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

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Originated By	Drawn By	Checked By	Approved By
T Copeland	T Copeland		
Date	Date	Date	Date
10.11.17	10.11.17		
Scale	Status		
As shown	Planning		

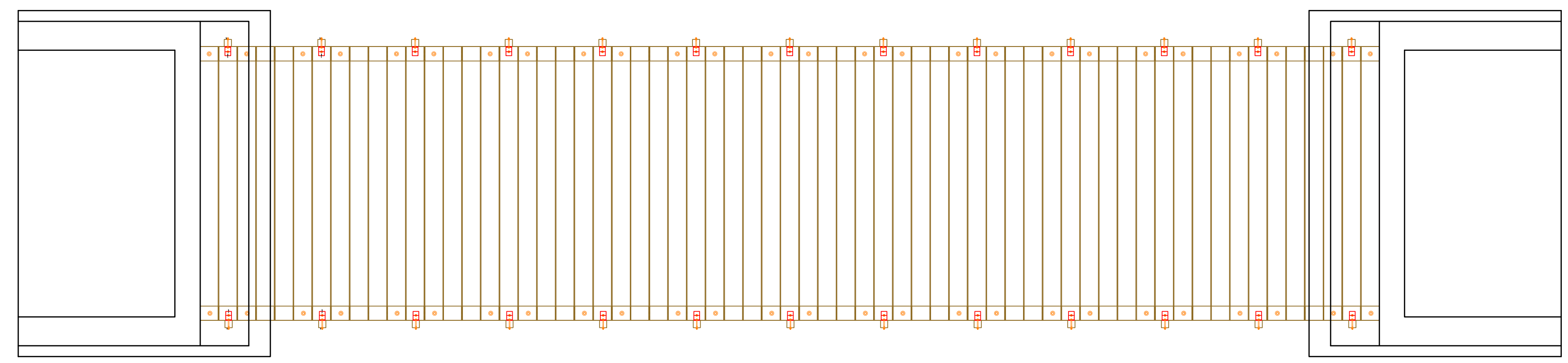
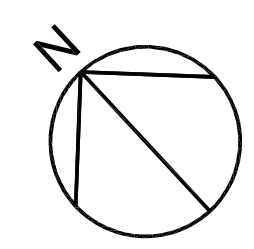
Project Title  
**Allt Mheuran**

Drawing Title  
**Power House Details 2 (plans)**

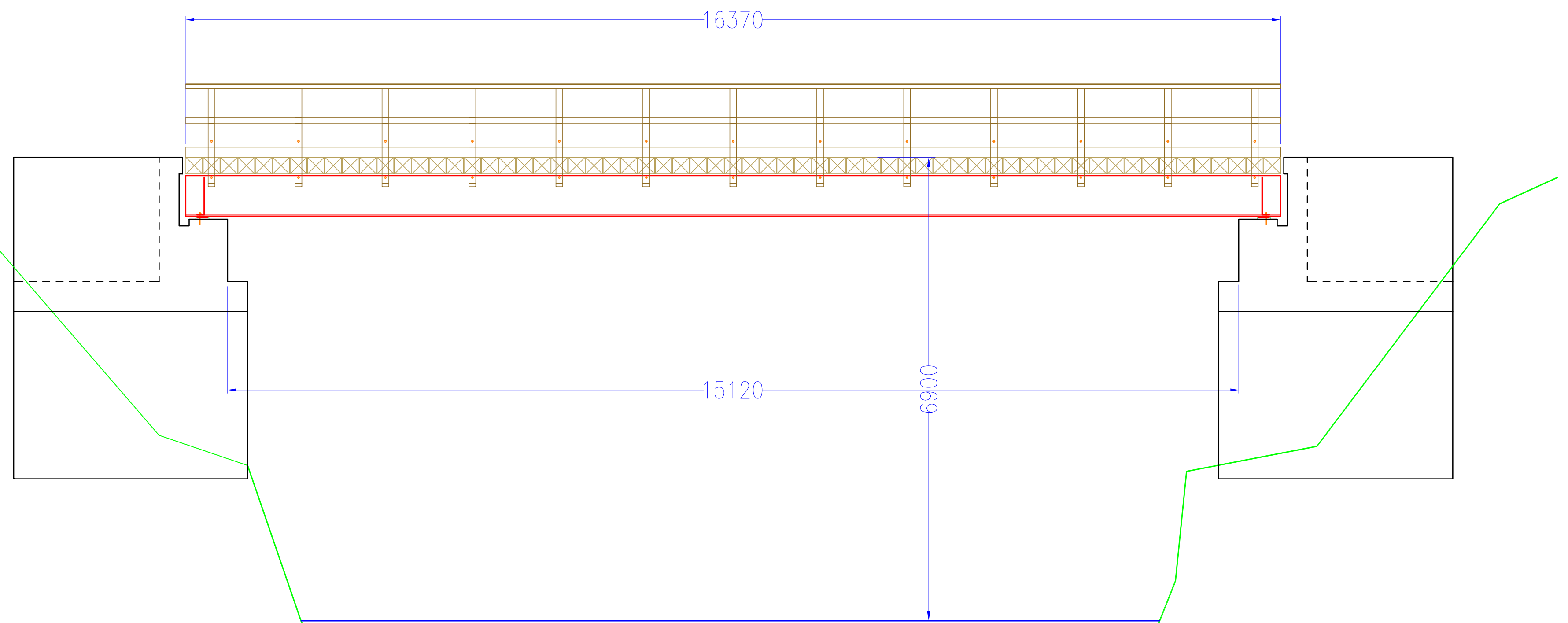
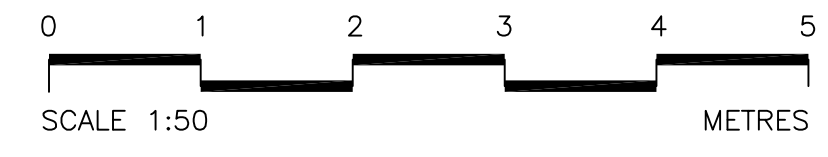
Drawing No.  
**C083.8 - 116 Rev0.1**

Notes:

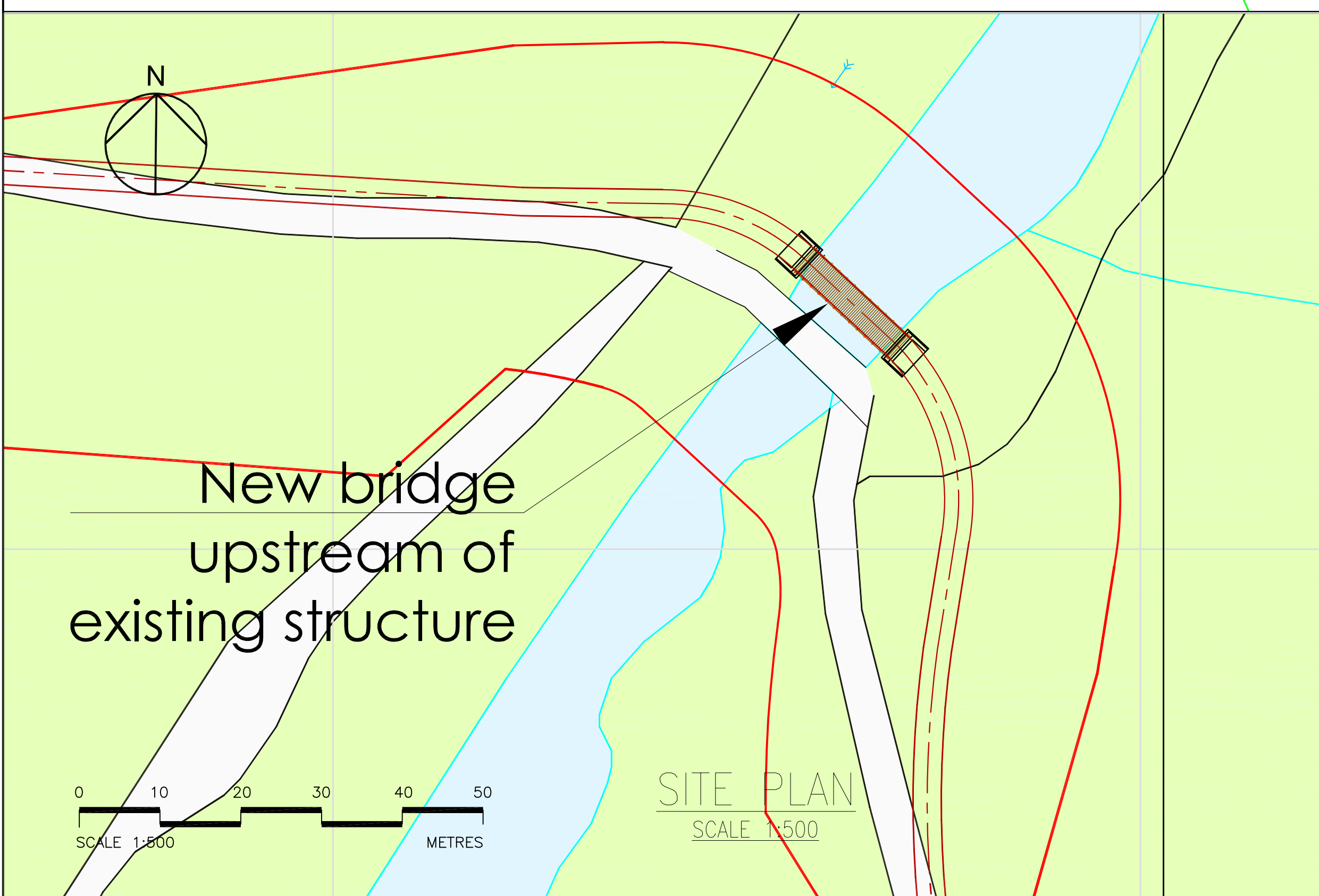
- Legend:
- Penstock —
  - New Access Track —
  - Land Ownership Boundary —
  - Planning Boundary —



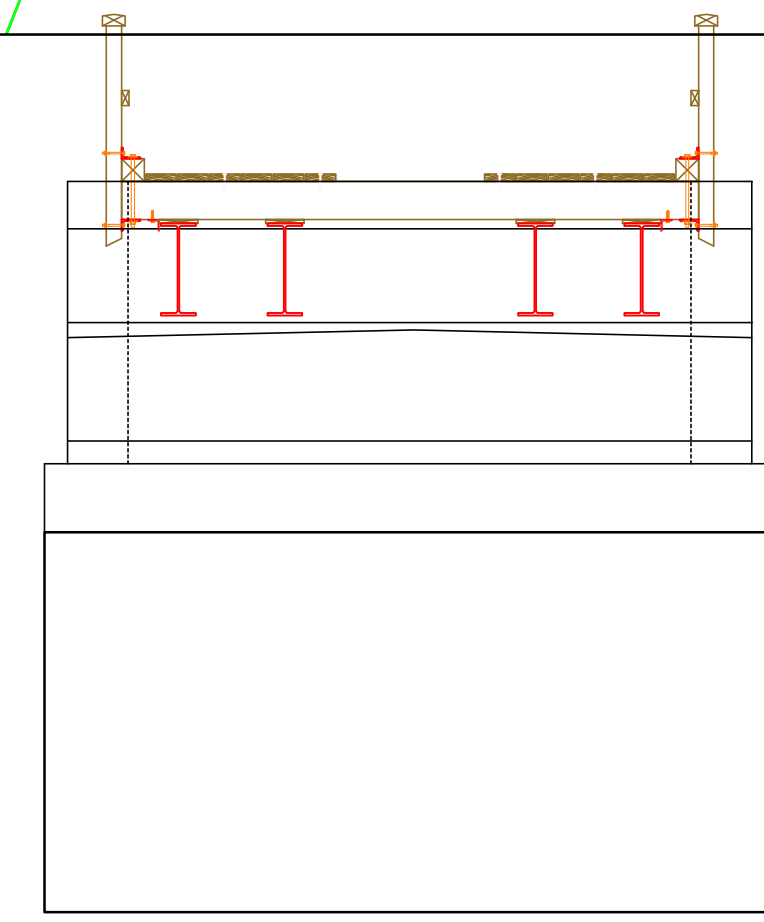
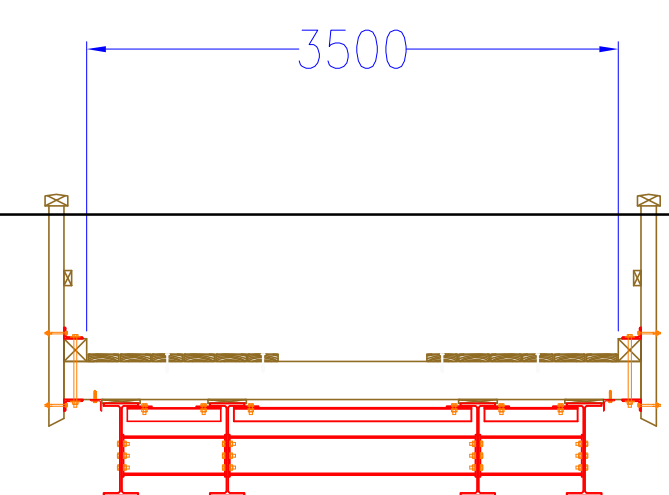
PLAN ON BRIDGE DECK  
SCALE 1:50



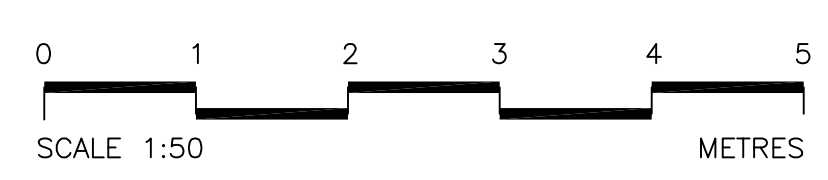
DOWNSTREAM ELEVATION  
ON BRIDGE  
SCALE 1:50



SITE PLAN  
SCALE 1:500



SECTIONS THRU BRIDGE  
SCALE 1:50



0.2	New bridge upstream of existing	JA	JH		22.2.18
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 29.11.17	Date 29.11.17	Date	Date
Scale As shown	Status Planning		

Project Title  
**Allt Mheuran**

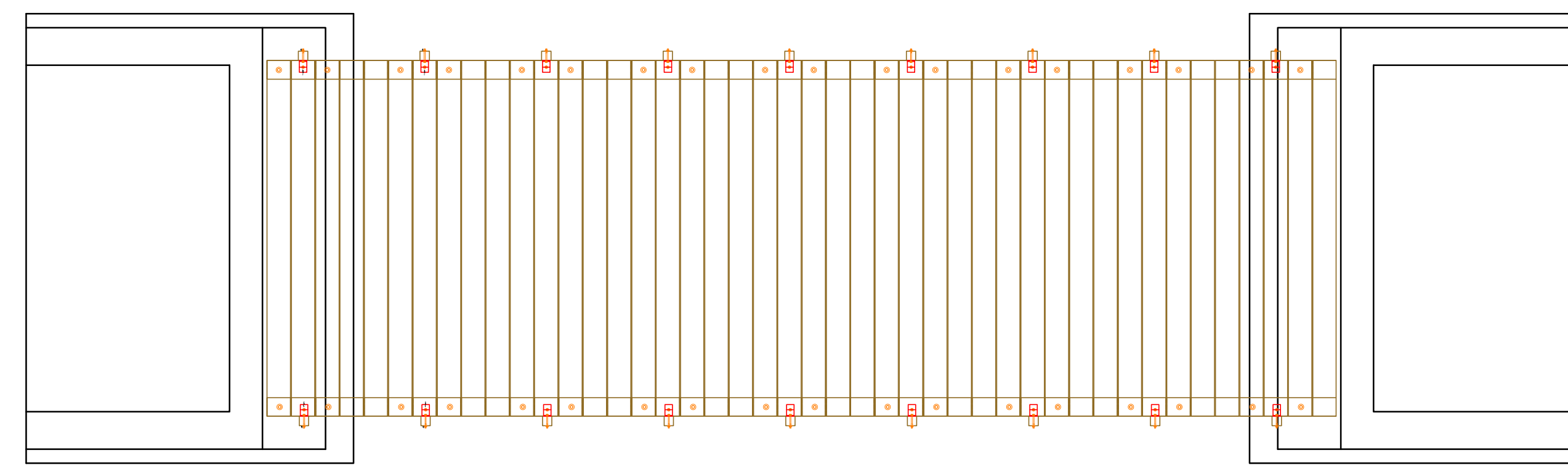
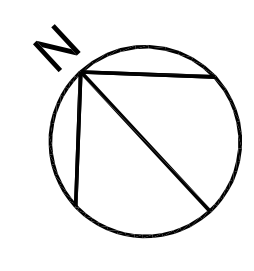
Drawing Title  
**River Eive Bridge Details**

Drawing No.  
**C083.8 - 117 Rev0.2**

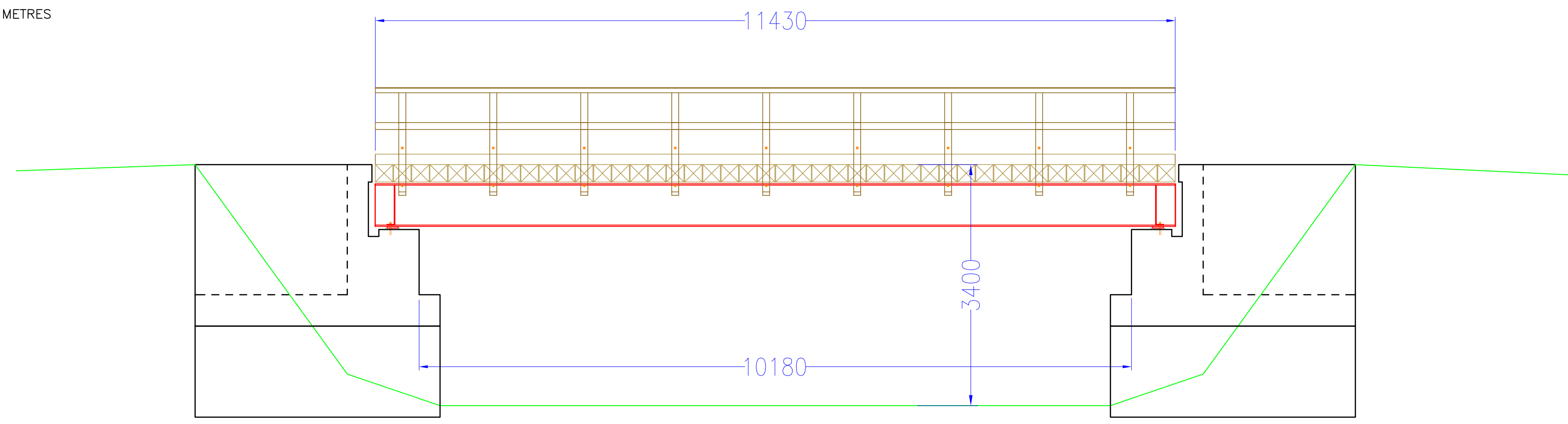
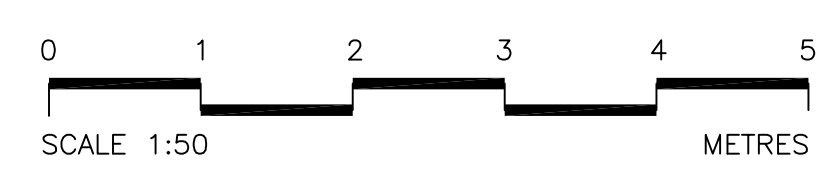


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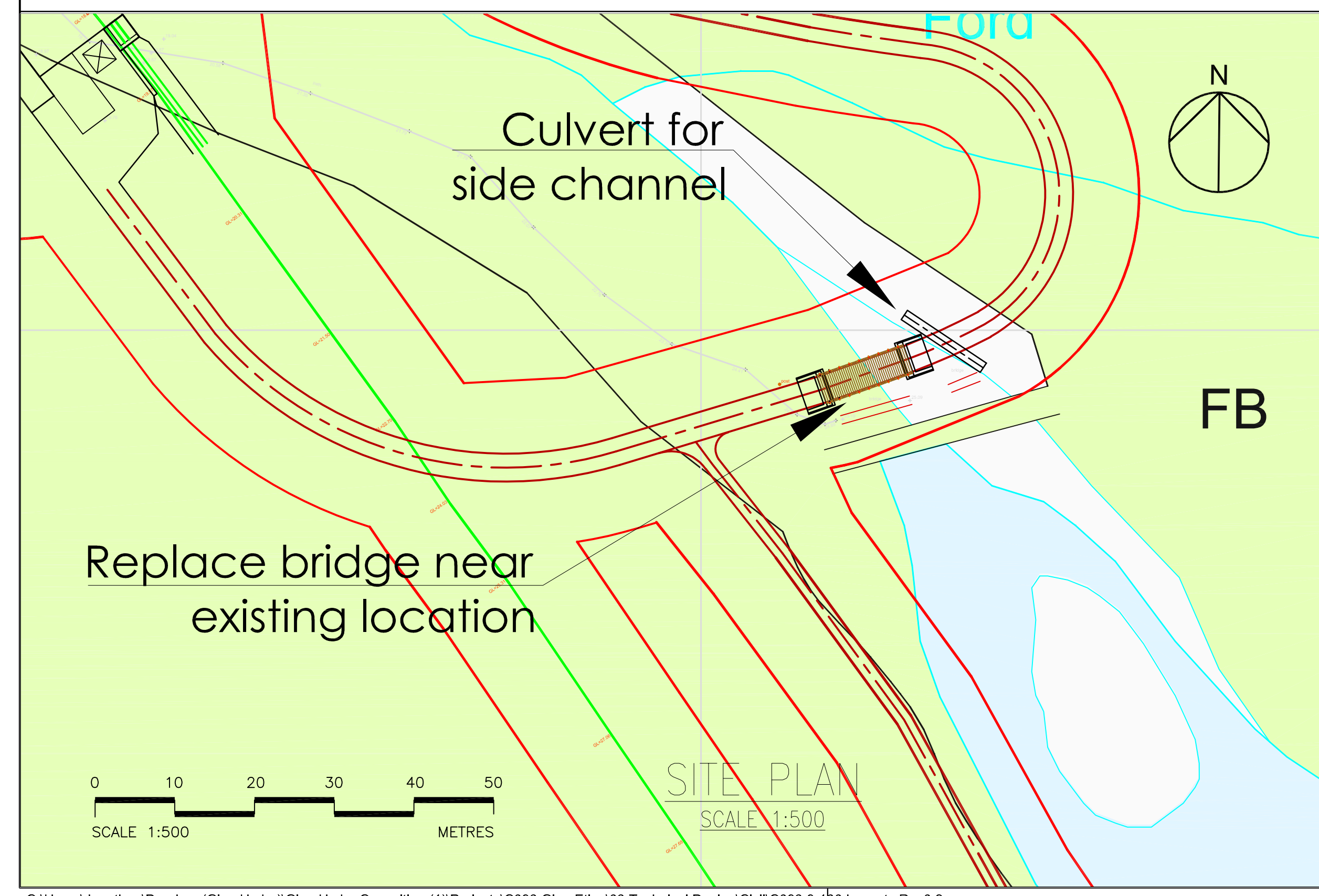
- Legend:
- Penstock —
  - New Access Track —
  - Land Ownership Boundary —
  - Planning Boundary —



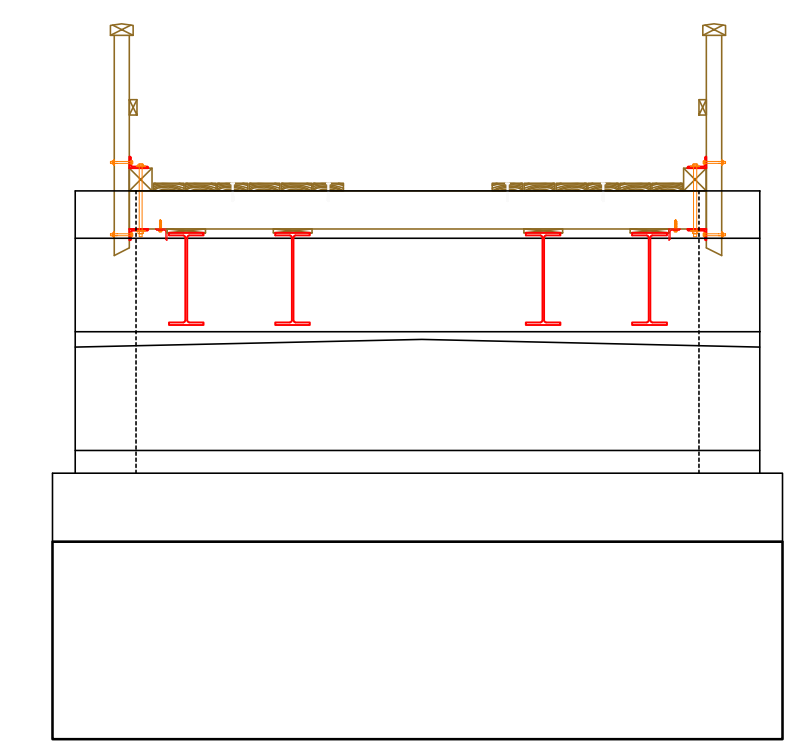
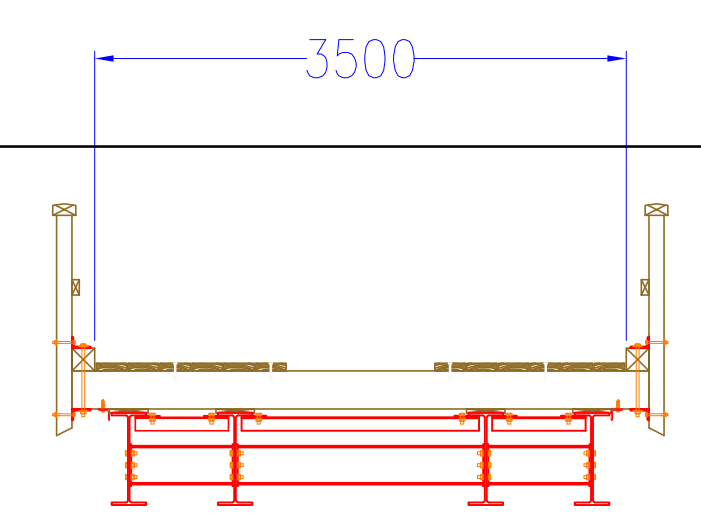
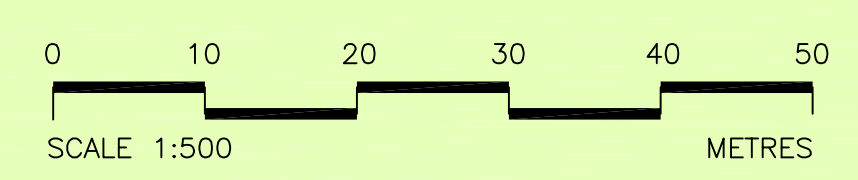
PLAN ON BRIDGE DECK  
SCALE 1:50



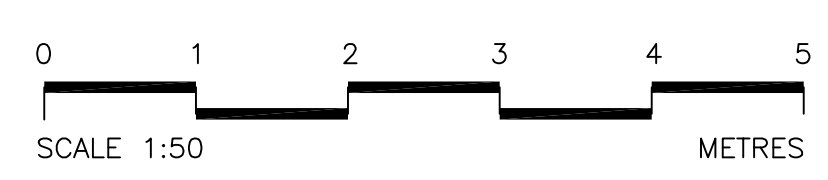
DOWNSTREAM ELEVATION  
ON BRIDGE  
SCALE 1:50



SITE PLAN  
SCALE 1:500



SECTIONS THRU BRIDGE  
SCALE 1:50



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

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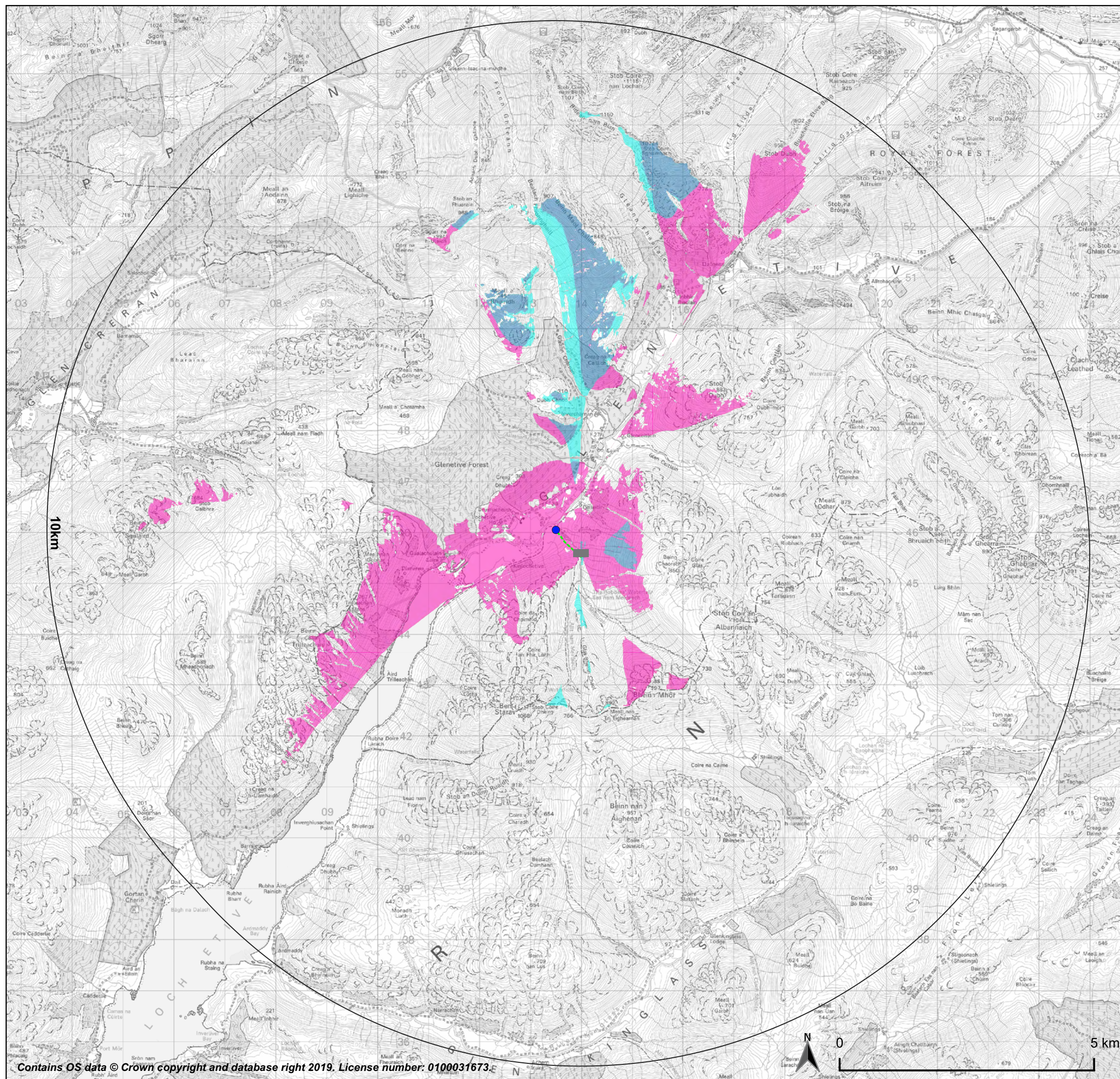
Originated By J Appleby	Drawn By J Appleby	Checked By	Approved By
Date 20.12.17	Date 20.12.17	Date	Date
Scale As shown	Status Planning		

Project Title  
**Allt Mheuran**

Drawing Title  
**Allt Mheuran Bridge Details**

Drawing No.  
**C083.8 - 118 Rev0.1**





**LEGEND**

□ 10km study area

Intake and powerhouse locations:

■ Main intake

● Powerhouse

--- Indicative penstock/track route (not included in ZTV)

ZTV shading:

■ Powerhouse

■ Main intake

■ Powerhouse + Main 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.

<b>PROJECT:</b>	<b>GLEN ETIVE HYDRO</b>
<b>DRAWING TITLE:</b>	ZTV (Allt Mheuran)
<b>DRAWING NO:</b>	5.10
<b>DOCUMENT SIZE:</b>	A3
<b>SCALE:</b>	1:75000
<b>DATE:</b>	2019-01-24
<b>DRAWN BY:</b>	MW
<b>APPROVED BY:</b>	DH