

Agenda Item	5.1
Report No	PLS-038-20

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 18 August 2020

**Report Title:** 20/01347/S42: Dickins Hydro Resources Ltd  
Land 1000M SW Of Altachaorin, Glenetive

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

### Purpose/Executive Summary

**Description:** Application for non-compliance with Condition 4 of Planning Permission 18/02742/FUL to allow an alternative arrangement for construction traffic from that currently approved.

**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 to modify Condition 4 of Planning Permission 18/02742/FUL as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

1.1 The proposal relates to the change of arrangements for construction traffic for a hydro scheme (Allt Chaorainn scheme) in Glen Etive. The hydro scheme is one of seven schemes with planning permission in the Glen.

1.2 Condition 4 of Planning permission reference number 18/02742/FUL (Allt Chaorainn) states as follows:

*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.*

1.3 The current proposal seeks two main changes:

- (a) Increase in vehicle weight limit from 18T gross vehicle weight (GVW) to 40T GVW (max).
- (b) Change construction delivery route from sea (via the jetty and forestry roads) to road via the A82 trunk road.

1.4 It is worth noting that an application submitted under Section 42 of the Planning Act provides the Planning Authority with an opportunity, as part of the process in considering the proposed variation, to amend any, or each of the original condition previously applied which it considers necessary to regulate the development proposed.

1.5 Pre Application Consultation: The alternative construction traffic management plan was submitted as part of the process of satisfying/discharging planning conditions. The applicant was advised that the change to the construction route could not be assessed as part of this process and a formal application under Section 42 to vary the terms of the condition would be required.

1.6 Supporting Information: Construction Traffic Management Plan and plan of bridge strengthening. Response to issues raised during application.

1.7 Variations: Updated Construction Traffic Management Plan.

## **2. SITE DESCRIPTION**

2.1 The Allt Chaorainn hydro scheme is located at the top end of Glen Etive and is the closest of the seven consented schemes to Rannoch Moor and the A82. The site is to be accessed by an existing junction onto the public road and a bridge crossing of the River Etive and existing private track. To the east of the site is the popular 'Skyfall' view point on the public road. This section of the River Etive is very popular for canoeing/kayaking. There is an existing public right of way from the bridge to the river and the glen beyond.

### 3. PLANNING HISTORY

- 3.1 22.3.2019 18/02742/FUL: Construction of run-of-river hydropower scheme including intake structure, penstock pipe and associated buildings, plant and access (Allt Chaorainn) Granted

### 4. PUBLIC PARTICIPATION

- 4.1 Advertised: Schedule 3 Development and Unknown Neighbour Advert

Date Advertised: 9 April 2020

Representation deadline: 23 April 2020

Timeous representations: 16

Late representations: 7

- 4.2 Material considerations raised are summarised as follows:

- a. Most traffic is concentrated in the upper end of Glen Etive and becomes progressively less towards the lower end. Using A82 access will cause more obstruction than the original plan. It is only marginally further to the loch than it is to the A82.
- b. Smokescreen to permit use of 40-tonne vehicles rather than the agreed 18-tonne. Glen Etive no place for such large industrial-sized vehicles, notwithstanding the developer's claim that the overall number of journeys will be reduced.
- c. 40 tonne trucks will make more noise and pollution than 18 tonne trucks.
- d. Larger trucks will result in the need for more road maintenance and will require the bridge upgrades – potentially more disruption to facilitate less traffic?
- e. Proposal represents significant change to the permissions originally granted and should be refused.
- f. Questions over the motives for the application being submitted 12 months down the line since the original permission.
- g. The original Transport Planning Report was a considered response to the logistical challenges, and the applicant had more than sufficient time to consider alternatives at that time. The applicant chose to accept and commit to the original agreement that was publicly debated by the full Highland Council and decided in the public interest.
- h. The proposal to alter the transportation agreement appears to be a matter of convenience and not absolute necessity as the original transport plan to service all seven approved schemes is still viable.

- i. The proposal will increase congestion on the most frequented stretch of the C1094 for a 'gain' of just 0.8 miles.
- j. Decision to grant original permissions was predicated on construction impacts being kept to an absolute minimum within the glen. This was a key reason behind the emphasis on bringing equipment and materials in by the Lochside jetty and forest roads rather than from the A82.
- k. Within the Construction Traffic Management Plan the developer states his wish to extend the use of 40 tonne vehicles to potentially all seven schemes, turning Glen Etive into a major industrial site.
- l. Use of larger vehicles will industrialise this area of Wild Land
- m. No mention in the developer's Golden Eagle Mitigation Report on the impact of these much larger vehicles on the resident eagle population
- n. Large volume of timber was extracted recently by sea bringing the old pier back into use.
- o. Requirement for Highland Council officials to visit all sites during construction work.
- p. Comments made on environmental impact of other hydro schemes elsewhere.
- q. Comment made that no problem improving the road for local people, and light vehicular traffic, providing this is done entirely at the Developers expense.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Glencoe and Glen Etive Community Council:** No response

5.2 **Transport Planning Team:** No objection subject to conditions.

5.3 **Access Officer:** No comment

5.4 **Transport Scotland:** Does not propose to advise against the granting of permission

5.5 **Scottish Natural Heritage:** No objection subject to mitigation

## 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
- 43 - Tourism
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 67 - Renewable Energy Developments
- 77 - Public Access

6.2 **West Highland and Islands Local Development Plan 2019**

No specific policies apply

6.3 **Highland Council Supplementary Planning Policy Guidance**

Construction Environmental Management Process for Large Scale Projects  
(August 2010)  
Highland's Statutorily Protected Species (March 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy 2014

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) road safety
- c) amenity
- d) protected species
- e) any other material considerations.

## **Development plan/other planning policy**

- 8.4 Planning permission has been granted for this hydro scheme, and six others within Glen Etive. The principle of the development is not being revisited. The current application seeks to change the route of the construction traffic. At present plant, equipment and materials are to be delivered by sea, arriving at the jetty at the south western end of the Glen. They will then be transported from the jetty via the network of forestry track, before joining the public road at Invercharnan. From here construction traffic will travel along the public road for approximately 4.9 miles to reach the Allt Chaorainn hydro scheme.
- 8.5 It is now proposed to route most of the construction traffic from the A82 trunk road and access the Glen from the top. This route extends from the Glen Etive road junction with the A82 some 4.1 miles to reach the access to the site at Chaorainn bridge.
- 8.6 Policy 67 Renewable Energy Developments, Policy 28 Sustainable Design and Policy 56 Travel, all require traffic and transport issues to be assessed to ensure that proposals will not be significantly detrimental to these interests. Post construction, the development will have limited impact on traffic/travel. The key issue in this proposal is traffic associated with the construction of this (and cumulatively with the other six schemes).

## **Road Safety/Capacity**

- 8.7 The following paragraphs are taken from the original report on the hydro scheme application and sets out the basis for supporting the previous access proposals:
- 8.8 *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.*
- 8.9 *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*

- 8.10 *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.*
- 8.11 *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: Bhiorain, Gaoirean and Charnan. However for all of the other schemes, construction traffic must use parts of the C1094.*
- 8.12 *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*
- 8.13 *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:*
- 8.14 **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.*
- 8.15 **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.*
- 8.16 **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.*
- 8.17 **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.*

















- 8.18 In summary, the approved scheme requires:
1. All materials and plant to be delivered via the sea loch (to minimise impact on traffic and the road).
  2. No use of the C1094 public road from Coileitir down to the car park at the end of the public road (protection of most vulnerable section of public road)
  3. No vehicles with a maximum gross weight of more than 18 tonnes (to ensure the structural integrity of existing road structure and safety of all road users)
  4. Scheme of improved passing places (completed)

### Weight Limit

- 8.19 The Transport information submitted with the original application indicated a mix of vehicles (tractor and trailer up to 14t, max combined 20t GVW and lorries up to 26t GVW). This is largely what is applied for as part of the current variation, but with greater use of the larger lorries rather than the smaller tractor/trailers. (*GVW = Gross Vehicle Weight. GVW means the weight of a vehicle or trailer including the maximum load that can be carried safely when its being used on the road.*)
- 8.20 The 18 tonne weight limit was imposed to protect existing structures (bridges, culverts and retaining walls), to prevent any further structural decline – this was based on a report by the Council Structures Team some years previous to the application. If the developer wanted to use vehicles exceeding this weight limit, a survey assessment of the road structures would need to be undertaken (by the developer) and agreed with the Council. The applicant accepted this approach.
- 8.21 The applicant commissioned an engineer's assessment of the existing road structures. The bridge specialist proposed that three bridges (Cloiche Finne Bridge, Dalness March North and Dalness March South on the C1094 should be upgraded to ensure the structural integrity of the structures is maintained. These reinforcements would increase the load capacity of the three bridges to meet the 'Authorised Weight Regulation', bringing them in line with the weight restrictions of the other bridges in the Glen (understood to be 40 tonne limit).
- 8.22 Extract from Gov.uk website – Guide to lorry types and weights.



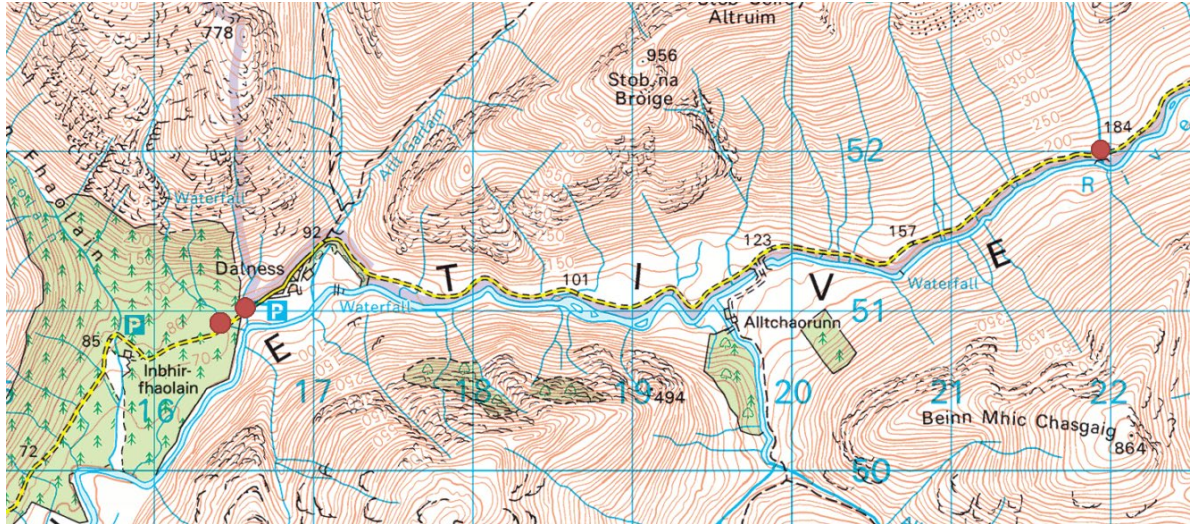
## A SIMPLIFIED GUIDE TO LORRY TYPES AND WEIGHTS

Recommended Description		Identifier	UK Maximum Gross Weight (tonnes)	Shape	
<b>LIGHT GOODS VEHICLES</b>		2 axles	3.5	no rear side windows 	
L O R R I E S	HEAVY	SMALLER 2-AXLE LORRIES	2 axles Over 3.5 7.5		
		BIGGER 2-AXLE LORRIES	2 axles Over 7.5 18		
	GOODS	MULTI-AXLE	3 axles rigid	25 26*	
			3 axles artic.	26	
	4 axles rigid		30 32*		
	4 axles artic.		36 38*		
	Vehicle and draw-bar trailer 4 axles		30 36**		
	5 axles or more artic. See note (a)		40		
	LORRIES	AXLE	Vehicle and draw-bar trailer 5 axles See note (a)	40**	
			6 axles artic. See note (b)	41*	
		LORRIES	6 axles draw-bar See note (b)	41* and **	
			5 or 6 axles artic. See notes (b) and (c)	44* and ***	
			6 axles draw-bar	44*,** and ***	
			6 axles artic. See note (b) and (d)	44*	
		6 axles draw-bar See note (b) and (d)	44* and **		

8.23 The applicant advises that the introduction of the bridge reinforcements is necessary in order to be able to access the Allt Chaorainn Bridge and Hydro Development that would otherwise be inaccessible from the top of the Glen or from the Loch. The bridge reinforcements are required to get machinery to site and the bridge components necessary to replace the existing Chaorainn bridge. The scheme for strengthening the two Dalness bridges was approved by the Council's Structures Team on 28.1.20.

8.24 Regardless of the current proposals to change the construction traffic route, this strengthening work would be needed in any event to enable heavier plant to be delivered by sea and transported to the Chaorainn site. Without the strengthening works some plant would be required to track round the bridges which is not desirable. A third bridge (NN 2195 5197) has also been identified for strengthening just to the north east of the Chaorainn hydro scheme. This would only be required if permission was granted to allow construction traffic from the A82. The applicant has advised that the bridge specialist has drawn up designs that will have the least impact on the residents and road users during the installation of the reinforcements, and a benefit of the proposal is that HGVs can continue to access residences and the lower half of Glen Etive post completion of the seven hydro developments.

8.25



8.26 The work to strengthen the bridges addresses the issue of structural integrity which originally prompted the 18-tonne weight limit restriction. The bridge strengthening work has been approved by the Council’s Structures Team.

8.27

Chaorainn Hydro Development

No. of movements to/from site: <b>Chaorainn</b>			Load Forwarded via hardstanding at jetty	
Type of Delivery vehicle	Month	Activity	Tractor and trailer up to 14t, max combined 20t GVW	Wagons, up to 26t GVW
8 Wheeler /Rigid	1	Concrete, aggregate & materials	10	1
	2	Concrete, aggregate & materials	15	1
	3	Concrete, aggregate & materials	25	1
	4	Concrete, aggregate & materials	15	
	5	Concrete, aggregate & materials	15	
	6	Concrete, aggregate & materials	15	1
	7	Concrete, aggregate & materials	20	
	8	Concrete, aggregate & materials	10	1
	9	Concrete, aggregate & materials	5	
	10	Powerhouse building materials	10	1
	11	Turbine & Generator		2
Flatbed	2	Penstock Delivery	13	
	3	Pipe fusion welder		1
	5	Penstock Delivery	13	
	8	Penstock Delivery	9	
Low loader/ Flatbed	1	Plant Delivery	5	2
	2	Plant Delivery	2	1
	5	Plant Delivery	5	
	9	Plant upfit	8	2
	10	Plant upfit	3	1
<b>Total</b>			<b>198</b>	<b>15</b>

8.28 The bridge works are sufficient to allow the developer to continue with the vehicle sizes and arrangements as originally applied for without the 18-tonne weight restriction. These are set out above.

#### Delivery Route

8.29 The main reason for this application is to change the route of deliveries for the approved Chaorainn Hydro Scheme.

8.30 The applicant advises that:

*“when updating the Construction Traffic Management Plan (CTMP) required by condition No.4 of the extant planning consent 18/02742/FUL, Dickins Hydro Resources Ltd (DHR) has taken the opportunity to consider a more appropriate arrangement for heavy load traffic using the construction traffic route for development of the Chaorainn Hydro scheme.*

*In an aim to reduce construction vehicle movements on the glen road and impact on other road users, including tourists, general public and local residents, DHR submitted a Section 42 application (Ref: 20/01347/542) for a variation of the Chaorainn Hydro to: " help reduce the number of vehicles and the distance they have to travel along the CI094. Instead of driving up the public road from the loch, we intend to direct traffic down from the A82 reducing the distance travelled on the public road by almost a mile, which will hopefully reduce traffic."*

8.31 The applicant has also provided clarification on the type of vehicles to be used advising:

- *“The addition of the reinforcements would allow for vehicles with up to a 40t GVW to use the glen road. However, it is not our intention to use vehicles at the max 40t GVW, most loaded vehicles would be in the 20-26t range.*
- *A combination of 8t (18t GVW) tractor trailers and 20t (26t GVW) lorries would otherwise be used for all the deliveries to the Chaorainn scheme.*
- *Occasional larger vehicles may be necessary such as the requirement during the construction of the Chaorainn bridge, for a 30t crane. The use of the larger load bearing vehicles would mean fewer journeys would have to be made to the Chaorainn Hydro development.*
- *50% fewer vehicles than first estimated in the original proposal.”*

8.32 During the course of the application, clarification has been sought on the load capacities, resultant vehicle numbers and traffic routes. The table below provides the most up to date figures. This shows a total of 107 single journeys, compared with 213 single journeys as originally proposed (this would likely have been more if the 18t weight limit had not been addressed by bridge strengthening).

8.33

Route	Month	Activity	8t load capacity (18t GVW)	20t load capacity (26t GVW)
Road	1	Concrete, aggregate & materials		12
Road	2	Concrete, aggregate & materials		14
Road	3	Concrete, aggregate & materials		14
Road	4	Concrete, aggregate & materials		11
Road	5	Concrete, aggregate & materials		6
Road	1	Powerhouse building materials		8
Road	7	Turbine & Generator		2
Road	2	Penstock Delivery	18	
Road	3	Penstock Delivery	7	
Road	2	Pipe fusion welder		1
Road	1	Plant Delivery	3	2
Road	2	Plant Delivery	2	
Road	8	Plant uplift	3	2
Road	10	Plant uplift	2	
		Total Trailers	35	72

8.34 Of these journeys 82 are proposed direct from the A82 to the site, with the 25 penstock delivery journeys coming from the jetty up to the site.

8.35 The current proposal will take most of vehicles associated with the Chaorainn scheme off the section of public road between Invercharnan and Chaorainn, but add them to the section between the A82 and Chaorainn. The length of each route is similar (the A82 to Chaorainn route is estimated to be 0.8 mile shorter).

8.36 Of the vehicles identified in the table above, the penstock delivery will remain as approved, being delivered by sea and travel via the forest track and then Glen road, up to the Chaorainn site. This accounts for 25 single journeys.

8.37 The ability to bring aggregate and materials direct to the site from the A82 means they could arrive in larger vehicles (up to 26t GVW, with a maximum load capacity of 20t) direct from source reducing the number of overall vehicle movements. If coming in by sea the materials would be unloaded into smaller tractor/trailer vehicles and transported to site – following consultation with the various contractors, the applicant has confirmed that the realistic load capacity for the tractor/trailers would be 8t. The use of smaller vehicles increases the number of vehicle movements. There are also savings for the applicant in avoiding double handling of materials – getting to port, loading onto barge, off-loading from barge and transporting to site. This latter element is not considered to be particularly pertinent to the application as agreement was provided in the original application to this approach to minimise traffic on the public road network, but it is recognised there are environmental benefits to reduced double/triple handing of materials. What is key to this application is to look at the characteristics of the consented construction traffic arrangements and to assess whether the revised proposals reduce impacts on the public road and its users.

8.38 The use of larger vehicles (20-26t) direct from the A82 to the site will reduce the number of approved vehicle journeys within the Glen by approximately 50%. The vehicle journeys would change from the lower part of the Glen to the upper part of

the Glen. The lower section of the Glen is estimated to have less existing vehicular traffic, but the road is narrower and more twisty than the upper part of the Glen. The section of road from the A82 to the Chaorainn site seems to attract more traffic but is a little wider and in better condition than the lower part of the Glen and has greater inter-visibility between passing places. Accessing the site from the A82 will, in the case of the Chaorainn site, slightly reduce the travel distance of construction vehicles.

8.39 As part of their submission in support of the variation, the applicant has proposed the following traffic movement restrictions and road improvements:

- a. During the eagle breeding season any construction vehicles over 18t on the glen road will be restricted travelling to and from site between 2 hours after dawn and 2 hours before sunset.
- b. A full-length video log of the C1094's current/pre construction condition has been submitted to the "Roads Department". On-going monitoring of the C1094 will continue throughout the construction period and all construction related damage to the public road will be made good by the developer to the satisfaction of THC.
- c. Restrict larger vehicles accessing the construction site between 11am and 3pm to minimise impact to other road users (ie. tourists, general public and residents).
- d. Improve and reinstate neglected passing places to allow for traffic to move freely and reduce congestion as well as damage to the verges. Those requiring improvement should be agreed with the "Roads department" in the same manner that the previous passing place work was undertaken, on the mid-section of the glen road.
- e. Provide new signs to maximise visibility of passing places to drivers, where required. Request them from the "Roads department" following agreement of number and position.
- f. Potentially seven (*eight shown on accompanying plan*) passing places in the upper section of the C1094 have been identified by the Developer, that may require specific attention prior to commencement of use by construction vehicles with a weight larger than 18t GVW. To be confirmed by the "Roads Department".

8.40 The Council's Transport Planning Team has provided a consultation response, the summary of which is included below:

*The CTMP proposes that access to the Chaorainn hydro development from the A82 will reduce the impact of construction traffic on the C1094 both in terms of vehicle volume, vehicle weights and length of adopted road that will be affected. However, there are some gaps in the information provided relating to a breakdown in the numbers of vehicles arriving from the loch and those from the A82.*

*The information provided does appear to show that there will be a significant reduction in 20 tonne vehicles using the C1094 which is welcome. A reduction in traffic using the lower portion of the road within the glen is also regarded positively.*

*During site visits it was observed that the section of C1094 to and from the A82 to Chaorainn was less congested with tourists and suffered from less verge overrun. This is probably due to the landscape being more open.*

*The Transport Planning Team accept that the information provided appears to show that the proposals will reduce the impact of construction traffic on the C1094, and therefore have no objection to this application subject to a condition for an updated Construction Traffic Management Plan which must include details of the following:*

- The upgrade of the Cloiche Finne Bridge to enable use by vehicles up to 40 tonne GVW.*
- The upgrade of the 8 passing places as set out in the location map (Point 7) in the CTMP. The full extent of the upgrades will need to be agreed with the local roads area team.*
- The reinstatement including signing of those passing places deemed necessary to be agreed with the local roads area team.*
- The developer must enter into a Section 96 agreement with Highland Council to cover any abnormal wear and tear to the Council roads. This will include the requirement for pre and post construction surveys to be undertaken on the C1094 from the A82 to Invercharnan. The provision of a Road Bond will also be required to be provided as part of the agreement, the amount to be agreed with the local area roads team.*
- No vehicles over 18 tonne will use the C1094 between Chaorainn and the A82 between 11am and 3pm.*
- Monitoring equipment to measure the amount of construction traffic using the C1094 from the A82 to the Chaorainn hydro scheme site. The monitoring equipment must be capable of measuring the volume and classification of vehicles and information from the monitors must be reported back to the Transport Planning Team monthly. This is to ensure that only construction traffic associated with the Chaorainn hydro scheme accesses the C1094 from the A82 and vehicles over 18 tonnes do not use the route between 11am and 3pm.*

- 8.41 On balance, taking into account the mitigation proposed, it is considered better to have fewer, larger vehicles (up to 26t GVW) serving this construction site. It is also considered that there would be some benefits in road safety terms to have these vehicles on the better, albeit slightly busier, section of the Glen road, particularly as the travel distance on the Glen road would be slightly reduced.

### **Amenity**

- 8.42 Concerns were raised during the course of the application that the use of 40t vehicles would be out of character with the area and would impact on the amenity of the area, including industrialisation of the wild land area. As highlighted above, the proposed construction traffic management plan indicates vehicles of up to 26t GVW. This is in line with the original application, although there would be greater use of larger vehicles 20-26t rather than 18t tractor/trailer, but an estimated reduction of 50% vehicles overall. This is considered to be appropriate for this type of construction. Impacts on amenity from traffic will be limited to the construction phase only as vehicular movements associated with the operation of the scheme(s) is minimal.
- 8.43 The change to the construction route is more likely to reduce impact on residents of the glen as the route from the A82 does not pass any houses (albeit there are only limited properties affected by the current approved route).

## **Protected Species**

- 8.44 In relation to the alternative arrangement for construction traffic proposed, Scottish Natural Heritage has advised that it is unlikely that this change will have a significant effect on the Golden Eagle population of the site. One pair of birds nest approximately 600m from the road at the eastern end of the glen near to the A82. This pair are probably habituated to a degree of traffic, both on the local Glen Etive road and the A82. The addition of the further heavy loads is unlikely to disturb the breeding or foraging of these birds. However, to ensure that any impacts are minimised further, SNH advise that the mitigation applied to the Allt Chaoriann hydro scheme is applied to traffic movements. i.e. that the additional traffic movement is restricted on the glen road for two hours after dawn and two hours before sunset.

This restriction has been incorporated into the updated Construction Traffic Management Plan.

## **Other material considerations**

- 8.45 The proposal solely relates to the change in delivery route for the Allt Chaorainn scheme. Comments made in the originally submitted construction traffic management plan indicate this may be the preference for the other schemes, which has also been commented on by objectors. No applications have been submitted for the other schemes and the outcome of possible future applications cannot be prejudged. However, it would appear that the argument for using the A82 route only reasonably stands for this north eastern-most scheme as beyond this scheme the length of public road to be used via the approved sea and forestry track route is shorter than the A82 route for the other schemes.

## **Non-material considerations**

- 8.46 None

## **Matters to be secured by Section 75 Agreement**

- 8.47 None

## **9. CONCLUSION**

- 9.1 On balance, taking into account the mitigation proposed, it is considered better to have fewer, larger vehicles (up to 26t GVW) serving this construction site. It is also considered that there would be some benefits in road safety terms to having these vehicles on the better, albeit slightly busier, section of the Glen road, particularly as the travel distance on the Glen road would be slightly reduced. The proposal is not considered to increase adverse impacts on the amenity of the area and mitigation is in place to safeguard protected species interests.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.



## 10. 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 (modified conditions 3, 4 and 6 and rest as previously approved):

### 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 weekly 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 mitigation therein
  - g) 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.
  - h) Construction Programme to be updated.
  - i) Update the associated Construction Method Statement to increase the

post construction period for restoration monitoring and management from 3 years to 5 years.

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

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

4. No development shall commence on site until an updated Construction Traffic Management Plan has been submitted to and approved in writing by the Planning Authority. The CTMP shall be updated to include the requirements set out in the Transport Planning Team's response dated 28 July 2020, and specifically include the additional requirements for a Section 96 Agreement with the Highland Council Roads Authority, and the requirement for traffic monitoring for the duration of the development. Thereafter the development shall be undertaken in accordance with the approved Construction Traffic Management Plan unless otherwise first agreed in writing by the Planning Authority.

**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. The access onto the C1094 public road shall be upgraded in accordance with the Council's standard access drawing number SDB2 prior to the commencement of construction of any other elements of the hydro scheme hereby approved.

**Reason:** In the interests of road safety.

6. No development shall commence on site until a scheme of passing place improvements and signs to the C1094 public road from the access to the forestry track at Invercharnan to the site entrance, and from the junction with the A82 to the site entrance at the Chaorainn Bridge 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. 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.

**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.

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 watercourse crossings shall be designed to convey the 1 in 200 year plus climate change return period flow with appropriate allowance for freeboard.

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

10. On completion of the replacement bridge over the River Etive 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.

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

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 intakes hereby approved until the final detailed designs have been submitted to, and approved in writing by, the Planning Authority. Such details shall include measures to visually soften 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. 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 in the interests of landscape and visual amenity.

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. 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.

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

19. No development shall commence on the new section of footpath from the powerhouse to the existing path until a specification for this section of path has been submitted to, and approved in writing by, the Planning Authority.

Thereafter the footpath shall be formed in accordance with the approved details prior to the commencement of works on the intakes or penstock, unless otherwise first agreed in writing by the Planning Authority.

**Reason:** In order to provide safe pedestrian access during construction works and to provide an improved public access route post construction.

20. No development shall commence until a Tree Planting Plan and maintenance programme has been submitted to, and approved in writing by, the Planning Authority. Thereafter the tree planting plan shall be implemented in full during the first planting season following commencement of development, or as otherwise agreed in writing by the Planning Authority.

**Reason:** In the interests of visual amenity and to compensate for any small loss of trees.

21. All plant, machinery and equipment associated with the hydro scheme including fans, ducts and external openings shall be installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

**Reason:** In order to safeguard the amenity of neighbouring properties in accordance with Policy 28 of the Highland wide Local Development Plan.

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

**Reason:** To minimise disturbance to breeding eagles.

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

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

## **REASON FOR DECISION**

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.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

The Highland Council hereby makes the following Direction under Section 58(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). The development to which this planning permission relates must commence on or before **22 March 2022**, failing which 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.

### **Schedule 3 Development Site Notice**

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

## **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)

### **Building Regulations**

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at [Building.Standards@highland.gov.uk](mailto:Building.Standards@highland.gov.uk) or on 01349 886608.

### **Land Ownership/Planning Permission**

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

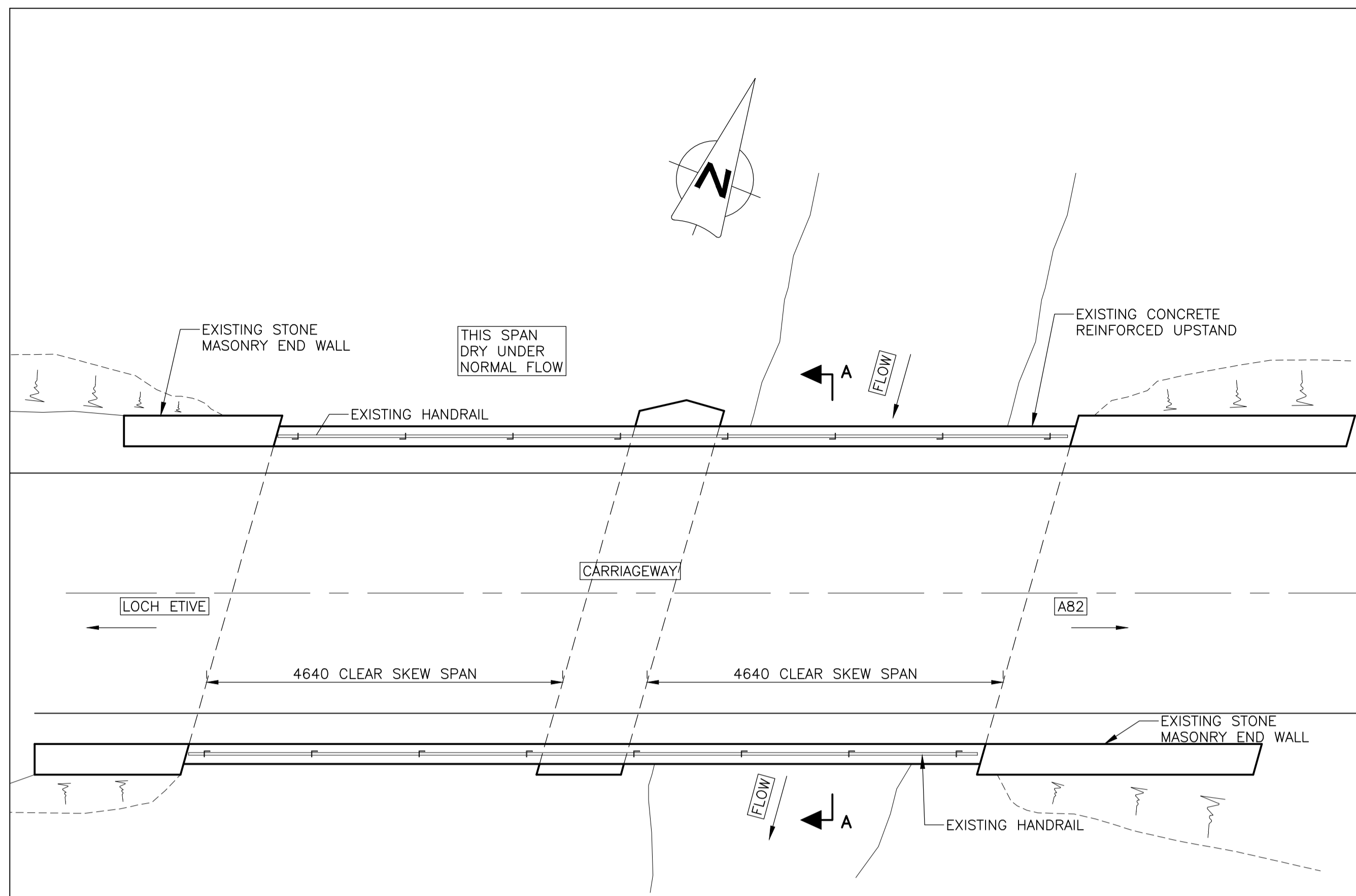
### **Condition 20**

When addressing the terms of Condition 20 the developer is requested to consider the inclusion of Rowan trees within the compensatory planting scheme in recognition of the Gaelic name of the glen.

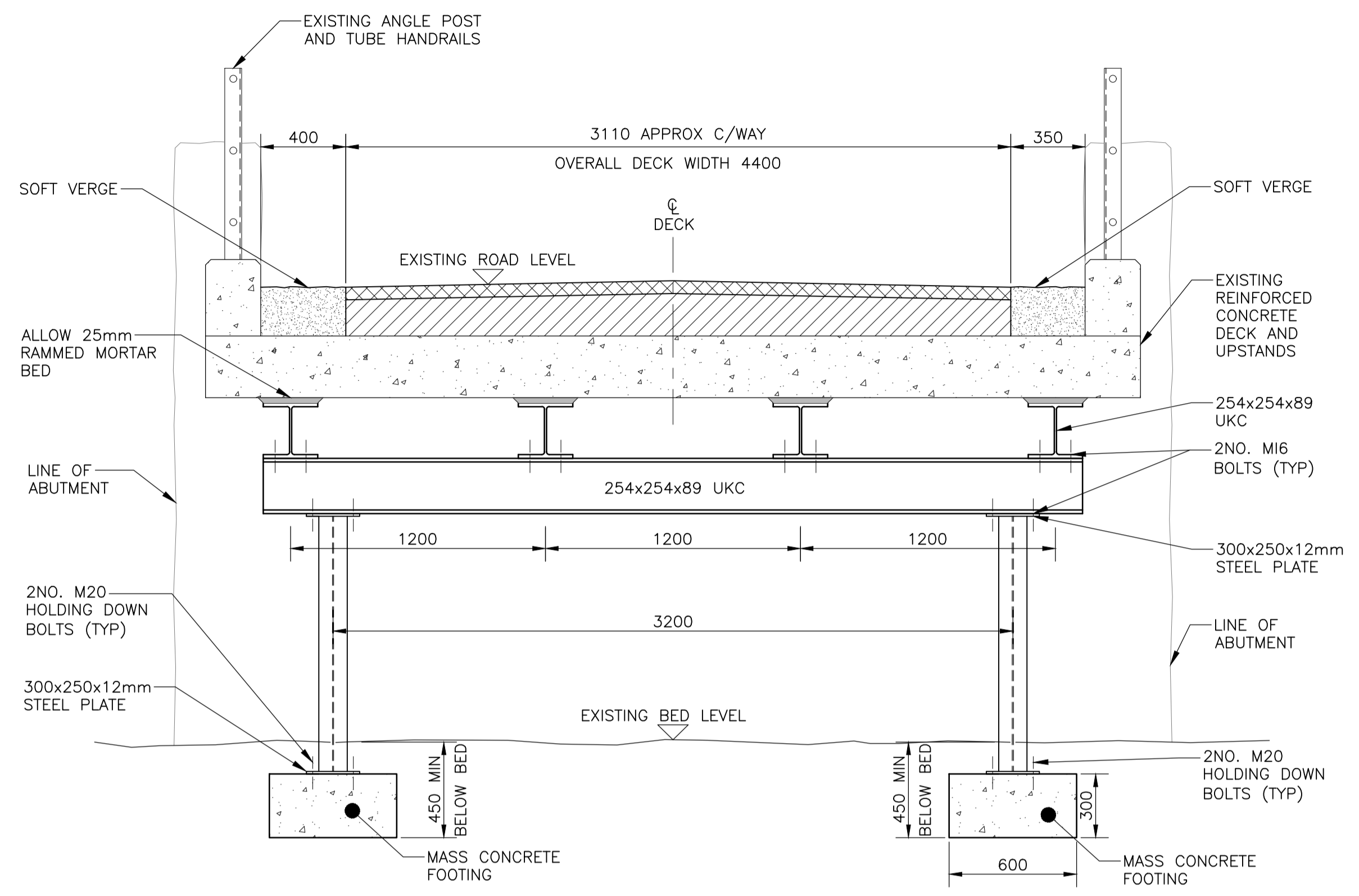
Designation: Area Planning Manager – South  
Author: Susan Macmillan  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan  
Plan 2 - Approved bridge strengthening



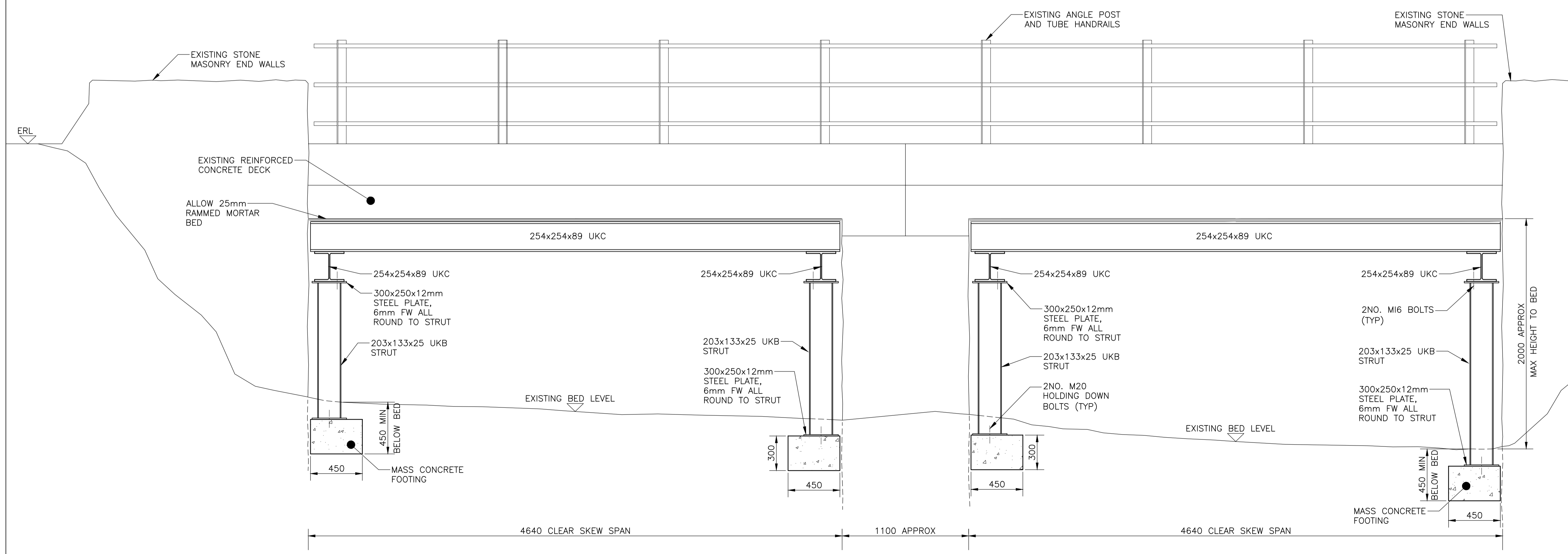




**PLAN**  
SCALE 1:50



**SECTION A-A**  
SCALE 1:20



**SOUTH ELEVATION**  
SCALE 1:20

**GENERAL NOTES**

1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
2. ALL LEVELS ARE IN METRES AND RELATE TO ORDNANCE DATUM (mOD) UNLESS NOTED OTHERWISE.
3. STEEL GRADE S275J2 TO BS EN 10025, GALVANISED TO 140 MICRONS, BOLTS GRADE 8.8.
4. MORTAR BED RAMMED BETWEEN BEAMS AND EXISTING DECK SLAB TO ENSURE UNIFORM BEARING.
5. ALL DIMENSIONS FOR PROPOSED STEELWORK TO BE CHECKED ON SITE PRIOR TO FABRICATION.

REV	DATE	DETAILS	DRAWN	CHK'D	APP'D

**AMENDMENTS**

**CUSTOMER**  
DICKINS HYDRO RESOURCES

**PROJECT**  
GLEN ETIVE BRIDGES

**Wallace Stone**  
CONSULTING CIVIL ENGINEERS

GLASGOW 0141 554 8233  
gingosgow@wallacestone.co.uk

DINGWALL 01349 866775  
dingwall@wallacestone.co.uk

HEBRIDES 01851 612454  
hebrides@wallacestone.co.uk

**DRAWING TITLE**  
C1094-20  
ALLT CHLOICHE FINNE  
PROPOSED STRENGTHENING

DRAWN	CHECKED	APPROVED
AB	NG	NG

DATE	DATE	DATE
JAN 20	JAN 20	JAN 20

SCALE (A1)	STAGE
AS SHOWN	APPROVAL

PROJECT No.	DRAWING No.
2174	203