

Perth and Kinross Council
Development Management Committee – 11 December 2013
Report of Handling by Development Quality Manager

Installation of a run of river hydro scheme, powerhouse and associated works on land at Allt Druidhe by Loch Rannoch.

Ref. No: 13/01346/FLL
Ward No: 4 - Highland

Summary

This report assesses the application for the formation of a run of river hydro scheme, powerhouse and associated works and recommends approval subject to compliance with conditions as the development is considered to comply with the provisions of the Development Plan as well as supplementary Planning Guidance.

BACKGROUND AND PROPOSAL

- 1 Planning consent is sought for the formation of a hydro electric generation scheme at Allt Druidhe by Rannoch. The proposal is a run of river scheme that would operate without storage and according to the flow of the burn. Water would be abstracted via a weir structure into the pipeline before being passed through a 100 kilowatt capacity turbine which has potential to generate over 359 megawatt hours of energy per year. The abstracted water would be returned into the burn above the unclassified road before entering Loch Rannoch

The following elements compromise the development:-

Intake structure

- 2 The intake, a low concrete weir spanning the burn would abstract water while preventing other objects such as sediment or fish getting into the pipeline. The intake would be constructed using reinforced concrete and tie into the banks.

Buried header, pipeline

- 3 The abstracted water would flow into a buried header tank then through a High Performance Polyethylene (HPPE) pipe for approximately 500m from the header tank to the powerhouse. The pipe, 315mm in diameter, would be buried, part buried with material mounded over the pipe or laid overground depending on topography and ground conditions.

Powerhouse

- 4 The turbine house is located on the eastern bank of the watercourse. It would contain the turbine, generator, and control gear required to generate electricity from the moving water. The proposed building will have a concrete foundation to support the turbine with block work walls clad in larch on the exterior. Green profile sheeting is proposed to the roof. The Camus Druidh dwelling is around 120 metres to the East of the powerhouse while Altruigh is around 100 metres to the North West.

Tail race

- 5 The tailrace is set into the eastern bank in close proximity to the powerhouse where the abstracted water is returned to the watercourse. The outfall structure includes a sump to limit airborne noise from the turbine as well as a coarse screen to prevent ingress of fish or other species.

Grid Connection

- 6 The applicant has confirmed that the grid connection is directly to the north of the powerhouse location. A buried electricity line will exit the powerhouse and connect to an H pole which will hold a transformer before being connected into the existing electricity line.

Access Routes

- 7 Access to the site for construction traffic will be along the public road that runs along the south shore side of Loch Rannoch.
- 8 An existing access point to the East of Camus Druidh will be used to access the temporary site compound. From the temporary site compound area a new permanent track (approximately 150 metres in length with substantial cut and fill operations) will be formed to access the powerhouse location. An existing track also from the temporary compound will be used to gain access to the pipe storage and welding areas on the pipeline corridor.
- 9 Access to the intake is also from the south shore side road of Loch Rannoch. While the agent has confirmed that this is an existing track from the site visit it is apparent that works to the higher section of the road has recently been formed. This issue was further clarified and the upper segment of the track was installed around two years ago to provide safer access to the hillside for agriculture and management purposes. This type of development can usually be installed without requiring planning permission through the Town and Country Planning General Permitted Development Order however in this circumstance due to the site being within a National Scenic Area the permitted development rights are withdrawn.
- 10 The applicant was made aware of this breach and a retrospective application was submitted to regulate the unauthorised works.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 11 EEC Directive (No 2003/35/EC) requires the Competent Authority (and in this case Perth and Kinross Council) giving a planning consent for particular project to make the decision in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before they can be given 'development consent'.
- 12 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant Competent Authority before it makes its decision.
- 13 A screening exercise in accordance with the EIA (Scotland) Regulations 2011 (as amended) was undertaken by the Planning Authority and in this case an Environmental Statement was required due to the projects size, nature and its relationship with 'sensitive areas'.
- 14 The scope of the Environmental Statement was laterally defined by the competent authority and statutory consultees. This required the following issues to be included / assessed in the Statement:-
 1. Introduction and Background
 2. Project Description
 3. Policy Framework
 4. Hydrology, Hydrogeology and Ground Conditions
 5. Ecology and Nature Conservation
 6. Landscape: Landscape Character
 7. Landscape: Visual Impact
 8. Vegetation and Flora
 9. Archaeology and Cultural Heritage
 10. Socio-economics
 11. Noise
 12. Traffic and Transport
 13. Conclusions

NATIONAL POLICY AND GUIDANCE

- 15 The Scottish Government expresses its planning policies through the National Planning Framework 1& 2, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

The Scottish Planning Policy 2010

- 16 The SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

17 The following sections of the SPP are of particular importance in the assessment of this application:

- Paragraph 25: Determining planning applications
- Paragraph 33: Sustainable Economic Growth
- Paragraphs 34 – 44: Sustainable Development and Climate Change
- Paragraphs 45: Economic Development
- Paragraphs 110 – 114: Historic Environment
- Paragraph 123: Archaeology
- Paragraphs 125 – 148: Landscape and Natural Heritage
- Paragraphs 165 – 170: Transport
- Paragraphs 182 – 186: Renewable Energy
- Paragraph 194: Other Renewable Energy Sources
- Paragraphs 196 – 211: Flooding and Drainage

18 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- PAN 1/2013 Environmental Impact Assessment
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 40 Development Management
- PAN 45 Renewable Energy
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 79 Water and Drainage

DEVELOPMENT PLAN

19 The Development Plan for the area consists of the Tayplan Strategic Development Plan 2012 – 2032 Approved June 2012 and the Adopted Perth Area Local Plan 1995 (Incorporating Alteration No.1 Housing Land 2000).

Tayplan Strategic Development Plan 2012-2032

- 20 The vision set out in the TAYplan states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”

- 21 Under the Strategic Development Plan, the following principal policies apply:

Policy 2: Shaping Better Quality Places

- 22 Shaping Better Quality Places seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing Tayplan’s Assets

- 23 Managing TAYplan’s Assets seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

Policy 6: Energy and Waste/Resource Management Infrastructure

- 24 Energy and Waste/Resource Management Infrastructure of TAYplan relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

Highland Area Local Plan 2000

- 25 Under the Local Plan the site lies within an area where the following policies are applicable:

Policy 1 Highland Sustainable Development

- 26 The Council will seek to ensure, where possible, that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Where development is considered to be incompatible with the pursuit of sustainable development, but has other benefits to the area which outweigh this issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact. The following principles will be used as guidelines in assessing whether projects pursue a commitment to sustainable development: -

- (a) The consumption of non-renewable resources should be at levels that do not restrict the options for future generations.
- (b) Renewable resources should be used at rates that allow their natural replenishment.
- (c) The quality of the natural environment should be maintained or improved.
- (d) Where there is great complexity or there are unclear effects of development on the environment, the precautionary principle should be applied.
- (e) The costs and benefits (material and non-material) of any development should be equitably distributed.
- (f) Biodiversity is conserved.
- (g) The production of all types of waste should be minimised thereby minimising levels of pollution.
- (h) New development should meet local needs and enhance access to employment, facilities, services and goods.

Policy 2 Highland Development Criteria

- 27 All developments within the Plan area will be judged against a series of criteria including, a landscape framework, the scale, form, colour, and density of development within the locality, compatible with its surroundings in land use terms, the local road network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided, the site should be large enough to accommodate the impact of the development satisfactorily in site planning terms and buildings and layouts for new development should be designed so as to be energy efficient.

Policy 3 Highland Landscape

- 28 Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage.

Policy 4 Highland Landscape

- 29 Details of landscape treatment should be submitted with development proposals including, where appropriate, boundary treatment, treatment of settlement edges, and impact on key views.
- 30 Developers will be required to demonstrate that satisfactory arrangements will be made, in perpetuity, for the maintenance of areas of landscaping.

Policy 5 Highland Design

- 31 The Council will require high standards of design for all development in the Plan Area. In particular encouragement will be given to:

- (a) The use of appropriate and high quality materials.
 - (b) Innovative modern design incorporating energy efficient technology and materials.
 - (c) Avoidance of the use of extensive underbuilding on steeply sloping sites .
 - (d) Ensuring that the proportions of any building are in keeping with its surroundings.
 - (e) Ensuring that the development fits its location.
- 32 The design principles set out in the Council's Guidance on the Design of Houses in Rural Areas will be used as a guide for all development proposals.

Policy 7 Flood Risk

- 33 Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted. For the purposes of this policy flood risk sites will be those which are judged to lie within:
- (a) Areas which flooded in January 1993.
 - (b) Sites which lie within a flood plain.
 - (c) Low lying sites adjacent to rivers, or to watercourses which lead to categories a and b above.

Policy 11 Highland Renewable Energy

- 34 The Council will encourage, in appropriate locations, renewable energy developments. Once accepted for renewable energy purposes, sites and installations will be safeguarded from development that would prevent or hinder renewable energy projects and could be accommodated elsewhere. Renewable energy developments, including ancillary transmission lines and access roads, will be assessed against the following criteria:
- (a) The development will not have a significant detrimental effect on sites designated at national, regional or local level for nature conservation interest or archaeological interest;
 - (b) The development will not result in an unacceptable intrusion into the landscape character of the area;
 - (c) The development will not result in an unacceptable loss of amenity to neighbouring occupiers by reasons of noise emission, visual dominance, electromagnetic disturbance or reflected light.
- 35 Note: Developers will be required to enter into an agreement for the removal of the development and restoration of the site, following the completion of the development's useful life.

Policy 12 Highland Light Pollution

- 36 The Council will not grant consent for proposals which would result in unnecessary and intrusive light pollution. The use of locations and lighting

systems which limit light pollution together with conditions to control the period of usage will be encouraged.

Policy 13 Highland Nature Conservation

37 Development will only be permitted on a site designated or proposed under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or a Ramsar Site where the appropriate assessment indicates that the following criteria can be met:-

- (a) The development will not adversely affect the integrity of the site.
- (b) There are no alternative solutions.
- (c) There are imperative reasons of overriding public interest.

Policy 14 Highland Nature Conservation

38 The Council will not normally grant consent for any development which would have an adverse affect on:-

- (a) Sites supporting species mentioned in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 as amended ;Annex II or IV of the European Community Habitat Directive; or Annex 1 of the European Community Wild Birds Directive.
- (b) Those habitats listed in Annxe 1 of the European Community Habitats Directive.

Policy 15 Highland Nature Conservation

39 In the absence of overriding proven public interest, the Council will not grant consent for, or support development which would damage the integrity, or conservation objectives of Sites of Special Scientific Interest or National Nature Reserves.

Policy 16 Highland Nature Conservation

40 The Council will not normally grant consent for any development which would have an adverse effect on sites of local nature conservation or geological interest and will seek to protect the integrity of such sites identified on the Proposals maps and any others, recognised by the Council, which may be identified by Scottish Natural Heritage, the Scottish Wildlife Trust, the National Trust for Scotland and others, or during the Local Biodiversity Action Plan process, with the owners agreement, during the Plan period.

Policy 18 Designated Landscapes

41 The Council will oppose developments which would have an adverse impact on the landscape character and visual amenity of the National Scenic Areas identified on Proposals Map 1.

Policy 21 Drystane Dykes and Hedgerows

- 42 The Council will encourage the conservation and reconstruction of drystane dykes and hedgerows and their use as field and other boundaries.

Policy 22 Trees

- 43 The Council will seek to protect native woodland from development and will encourage and support the protection and expansion of existing native woods and the creation of new ones in appropriate locations.

Policy 23 Highland Trees

- 44 Individual trees or groups of trees which are considered important in their own right or as part of a wider landscape will be protected by the use of Tree Preservation Orders, where they are considered to be in danger. Only in exceptional cases will Tree Preservation Orders be applied to woodlands or commercial plantations. Existing tree cover should be protected as far as is practicable in any development proposals and the Council will seek the implementation of appropriate planting schemes.

Policy 25 Highland Archaeology

- 45 The Council will safeguard the settings and archaeological landscapes associated with Scheduled Ancient Monuments (protected under the Ancient Monuments and Archaeological Areas Act 1979), in the absence of reasons of overriding proven public interest.

Policy 28 Listed Buildings

- 46 There will be a presumption against the demolition of Listed Buildings and against works detrimental to their essential character. There will be a presumption in favour of consent for development involving the sympathetic restoration of a Listed Building, or other buildings of architectural value. The setting of Listed Buildings will also be safeguarded.

Policy 57 Hill Tracks

- 47 Council will discourage any new or extended hill tracks for vehicular traffic. All proposals with a proven need should be designed to fit into the landscape having regard to natural features and the principles set out in Policies 3 & 4.

PERTH & KINROSS COUNCIL LOCAL DEVELOPMENT PLAN – PROPOSED PLAN JANUARY 2012

- 48 On 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan has

undergone an Examination following which a report was published on 11 October 2013 containing the Reporter's recommendations. The Council has a three month period to consider the Reporter's recommendations and the modified Plan will be published by 11 January 2014. This will be the Plan that the Council intends to adopt, subject to agreement by Scottish Ministers. Prior to adoption, the Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.

Under the Proposed LDP, the principal relevant policies are:

Policy PM1A: Place Making

- 49 Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy PM1B: Place Making

- 50 All proposals should meet all the following placemaking criteria:
- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
 - (b) Consider and respect site topography and any surrounding important landmarks, views or skylines.
 - (c) The design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
 - (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
 - (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
 - (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
 - (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

Policy ED3: Rural Business and Diversification

- 51 The Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements. Sites outwith settlements may be acceptable where they offer opportunities to

diversify an existing business or are related to a site specific resource or opportunity. This is provided that they will contribute to the local economy through the provision of permanent employment, visitor accommodation, additional tourism or recreation facilities, or involves the re-use of existing buildings.

- 52 New tourism related development will be supported where it can be demonstrated that it improves the quality of new or existing visitor facilities, allows a new market to be exploited or extends the tourism season.
- 53 Proposals whose viability requires some mainstream residential development will only be supported where this fits with the Plan's housing policies.
- 54 All proposals will be expected to meet all the following criteria:
- (a) The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.
 - (b) The proposal can be satisfactorily accommodated within the landscape capacity of any particular location.
 - (c) The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.
 - (d) Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.
 - (e) The local road network must be able to accommodate the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.
 - (f) Outwith settlement centres retailing will only be acceptable if it can be demonstrated that it is ancillary to the main use of the site and would not be deemed to prejudice the vitality of existing retail centres in adjacent settlements.
 - (g) Developments employing more than 25 people in rural locations will be required to implement a staff travel plan or provide on-site staff accommodation.

Policy TA1: Transport Standards and Accessibility Requirements

Policy TA1B: New Development Proposals

- 55 All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, in addition to cars. The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available.
- 56 Development proposals should:
- (a) be designed for the safety and convenience of all potential users;

- (b) incorporate appropriate mitigation on site and/or off site, provided through developer contributions where appropriate, which might include improvements and enhancements to the walking/cycling network and public transport services, road improvements and new roads;
- (c) incorporate appropriate levels of parking provision to the maximum parking standards laid out in SPP;
- (d) fit with the strategic aims and objectives of the Regional Transport Strategy;
- (e) apply maximum on-site parking standards to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport.

57 In certain circumstances developers may be required to:

- (a) prepare and implement travel plans to support all significant travel generating developments;
- (b) prepare a Transport Assessment and implement appropriate mitigation measures where required.

58 Development for significant travel generating uses in locations which would encourage reliance on the private car will only be supported where:

- (a) direct links to the core paths networks are or can be made available;
- (b) access to local bus routes with an appropriate frequency of service which involve walking no more than 400m are available;
- (c) it would not have a detrimental effect on the capacity of the strategic road and/or rail network;
- (d) the transport assessment identifies satisfactory mechanisms for meeting sustainable transport requirements.

Policy HE1B: Non-Designated Archaeology

59 The Council will seek to protect areas or sites of known archaeological interest and their settings. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.

60 If discoveries are made during any development, work should be suspended, the local planning authority should be informed immediately and mitigation measures should be agreed.

Policy NE1A: International Nature Conservation Sites

61 Development which could have a significant effect on a site designated or proposed under the Habitats or Birds Directive (Special Areas of Conservation

and Special Protection Areas) or a Ramsar Site, will only be permitted where the Appropriate Assessment indicates that:

- (a) it will not adversely affect the integrity of the site;
- (b) there are no alternative solutions; and
- (c) there are imperative reasons of overriding public interest.

Policy NE1B: National Designations

62 Development which would affect a National Scenic Area, Site of Special Scientific Interest or National Nature Reserve, will only be permitted where the Council as Planning Authority is satisfied that:

- (a) the proposed development will not adversely affect the integrity of the area or the qualities for which it has been designated; or
- (b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

Policy NE1C: Local Designations

63 Development which would affect an area designated as being of local nature conservation or geological interest will not normally be permitted, except where the Council as Planning Authority is satisfied that:

- (a) the objectives of designation and the overall integrity of the designated area would not be compromised; or
- (b) any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.

Policy NE1D: European Protected Species

64 Planning permission will not be granted for development that would, either individually or cumulatively, be likely to have an adverse effect on European protected species (listed in Annex IV of the Habitats Directive (Directive92/43/EEC)) unless the Council as Planning Authority is satisfied that:

- (a) there is no satisfactory alternative, and
- (b) the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

65 In no circumstances can a development be approved which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.

66 Planning permission will also not be granted for development that would be likely to have an adverse effect on species protected under the Wildlife and

Countryside Act 1981 (as amended) unless the Council as Planning Authority is satisfied that:

- (c) the development is required for preserving public health or safety or other imperative reasons of overriding public interest ; and, in the case of development affecting a protected species;
- (d) there is no other satisfactory solution.

Policy NE2A

67 The Council will support proposals which:

- (a) deliver forests and woodlands that meet local priorities as well as maximising the benefits for the local economy, communities and environment;
- (b) protect existing woodland, especially woods with high natural, historic and cultural heritage value;
- (c) seek to expand woodland cover, particularly in association with larger scale development proposals and/or developments on the edges of settlements, near to existing woodland or identified green corridors, in the greenbelt and in areas of degraded landscape;
- (d) encourage the protection and good management of amenity trees, or groups of trees, important for amenity or because of their cultural or historic interest;
- (e) ensure the protection and good management of amenity trees, safeguard trees in Conservation Areas and on development sites and secure new tree planting in association with development;
- (f) seek to secure establishment of new woodland in advance of major developments where practicable.

Policy NE3: Biodiversity

68 The Council will seek to protect and enhance all wildlife and wildlife habitats, including grasslands, wetlands and peat-lands and habitats that support rare or endangered species.

69 The Council will apply the principles of the Tayside Biodiversity Partnership Planning Manual and will take account of the Tayside Local Biodiversity Action Plan (LBAP) when making decisions about all applications for development.

70 Proposals that have a detrimental impact on the ability to achieve the guidelines and actions identified in these documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. In particular developers may be required to:

- (a) ensure a detailed survey is undertaken by a qualified specialist where one or more protected or priority species is known or suspected. Large developments that will have an impact on the environment may require an Environmental Impact Assessment;

- (b) demonstrate all adverse effects on species and habitats have been avoided wherever possible. A Landscape Plan may be required to demonstrate the impact of the development and how good design and site layout can enhance the existing biodiversity;
- (c) include mitigation measures and implementation strategies where adverse effects are unavoidable;
- (d) enter into a Planning Obligation or similar to secure the preparation and implementation of a suitable long-term management plan or a site Biodiversity Action Plan, together with long-term monitoring.

Policy ER1: Renewable and Low Carbon Energy Generation

Policy ER1A: New proposals

- 71 Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy, including large-scale freestanding installations, will be supported where they are well related to the resources that are needed for their operation. In assessing such proposals, a series of factors will be considered:

Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

- 72 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscapes. Accordingly, development proposals will be required to conserve and enhance the landscape qualities of Perth and Kinross. They will need to demonstrate that either in the case of individual developments, or when cumulatively considered alongside other existing or proposed developments that a series of criteria are considered.

Policy EP2: New Development and Flooding

- 73 There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges.
- 74 Where a risk of flooding is known or suspected the Council will use the flood risk framework shown in the diagram overleaf and considers that areas of:
- (i) medium to high flood risk are not suitable for essential civil infrastructure;
 - (ii) low to medium flood risk are suitable for most forms of development; and
 - (iii) little or no flood risk shown present no flood related constraints on development.
- 75 All development within areas of medium to high flood risk must incorporate a 'freeboard' allowance and the use of water resistant materials and forms of

construction appropriate to its function, location, and planned lifetime relative to the anticipated changes in flood risk arising from climate change.

- 76 To allow for adaption to increased flood risk associated with climate change, development should not:
- (a) Increase the rate of surface water run-off from any site;
 - (b) Reduce the naturalness of the river;
 - (c) Add to the area of land requiring flood protection measures;
 - (d) Affect the flood attenuation capability of the functional flood plain; nor
 - (e) Compromise major options for future shoreline or river management.

Policy EP3A: Water Quality

- 77 Proposals will need to have regard to the Scotland River Basin Management Plan and any associated Area Management Plans; specifically they must ensure either that they result in sustainable improvements to a water body's status over time, or, alternatively, no deterioration in the water body status occurs, unless the activity proposed is of significant specified benefit to society or the wider environment.

Policy EP3C: Surface Water Drainage

- 78 All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP8: Noise Pollution

- 79 There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation.
- 80 In exceptional circumstances, where it is not feasible or is undesirable to separate noisy land uses from noise sensitive uses, or to mitigate the adverse effects of the noise through the negotiation of design solutions, the Council may use conditions attached to the granting of planning consent, or if necessary planning agreements, in order to control noise levels. A Noise Impact Assessment will be required for those development proposals where it is anticipated that a noise problem is likely to occur.

OTHER POLICIES

- 81 In addition the following documents are relevant in the determination of the application:-

Tayside Landscape Character Assessment (TLCA)

- 82 The Tayside Landscape Character Assessment (TLCA) is published by Scottish Natural Heritage. The Structure Plan, the Kinross Area Local Plan and the Highland Area Local Plan 2000 make it clear that the TLCA will be a 'material consideration' when considering any proposal in Perth & Kinross. The TLCA suggests that the overall aim of any management strategy should reflect the sensitivities of the landscape.

Scottish Natural Heritage's Guidance on Hydroelectric Schemes and the Natural Heritage Version 1 – December 2010

- 83 Provides guidance on the natural heritage impacts associated with hydro developments. It focuses on design issues and ways to mitigate environmental effects.

Scottish Environment Protection Agency Guidance for developers of run-of-river hydropower schemes

- 84 Provides guidance on the acceptability of proposed hydro developments with regards to the water environment.

Forestry Commission's Control of Woodland Removal 2008

- 85 Sets out the Commission's stance to the removal of Woodland in Scotland.

PLANNING SITE HISTORY

- 86 12/01491/SCRN Screening opinion for Hydro Scheme 28 August 2012
12/01686/SCOP Scoping Opinion for proposed 100kW hydro scheme 14 December 2012

CONSULTATIONS

Scottish Government:

- 87 Under the Environmental Impact Assessment (Scotland) Regulations 2011 the Scottish Government are a statutory consultee to any submitted EIA. The comments detailed below are representative responses to either the content of the Environmental Statement and the appropriateness or otherwise of the submitted development proposal.

Transport Scotland:

- 88 The proposal will cause minimal environmental impact on the Trunk Road Network. No objection.

Historic Scotland:

89 No objection.

Scottish Water

90 No objections to the planning application.

SEPA

91 No objection. They advise a Controlled Activities Regulation (CAR) application for the scheme has been received and is currently being assessed by them, they confirm as part of this process a Construction Method Statement will be required.

Scottish Natural Heritage

92 No objection. Considers that the development will impact on the Allt Druidhe Geological Conservation Review (GCR) site by obstructing parts of the rock exposure, however this will be limited to the point that the continuity of the feature and therefore the integrity of the site will not be impaired. Advise that adherence to a Construction Method Statement would protect the River Tay SAC.

Environmental Health

93 No objection subject to conditions which relate to noise and water supplies.

Flood Officer

94 No objection subject to conditional control.

Access Officer

95 No objection.

Forestry Commission

96 No response received within consultation timescale.

Conservation Section

97 No objection.

Perth & Kinross Heritage Trust - Archaeology

98 No objection

REPRESENTATIONS

99 The application has attracted 8 valid letters of objection. The issues raised by objectors are summarised as follows:-

- Inappropriate landuse
- Loss of open space
- Loss of tress
- Impact on visual amenity
- Noise pollution – impact on property and garden ground
- Out of character with area, over intensive development, excessive height, unacceptable design
- Overlooking
- Road safety hazard, unsafe access, increase in traffic on public road.
- Impact on Landscape Designations, National Scenic Area (Schiehallion) and wild land.
- Impact on geology
- Loss of natural habitat/protected species
- Contrary to Local Plan
- Flooding
- Impact on water infrastructure/ water supply/ water quality
- Impact on waterfall
- Impact on tourism and recreation
- Concern with unauthorised works (formation of access track)
- Need for an appropriate assessment
- Unresolved property matters

Response to issues

100 The appraisal section of this report responds to the material planning concerns raised. It should be noted that the unresolved property matters are not a material planning consideration.

ADDITIONAL STATEMENTS

101

Environment Statement	Submitted
Screening Opinion	Undertaken
Environmental Impact Assessment	Submitted
Appropriate Assessment	Not required. SNH advises there is not a requirement to undertake an appropriate assessment.
Design Statement/Design and Access Statement	Not required.
Report on Impact or Potential Impact	Reports submitted as part of the Environmental Statement.

APPRAISAL

- 102 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan consists of the TAYplan 2012 and the Highland Area Local Plan 2000. The Perth and Kinross Council Local Development Plan – Proposed Plan January 2012 is a material consideration in the determination of the application.
- 103 The determining issues in this case are whether: - the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.
- 104 Policy 6 of TAYplan relates to the aim of delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts. Policy 6 of the structure plan sets out the principles that all development proposals should have regard to, the relevant policies of the Local Plan are assessed under the following headings in further detail where applicable.

Hydrology

- 105 The Allt Druidhe Burn is a steep watercourse with a catchment area of approximately 2.3km squared which drains the northern faces of Meall Breac and Meall Druidhe before flowing into Loch Rannoch.
- 106 During operation, the hydrology of the burn will be affected by proposed abstraction regime. While during the construction stage there is potential for erosion, sedimentation of the watercourse and pollution risks.
- 107 The applicant is required to submit a CAR application for the proposed development under the Water Environment (Controlled Activities) Regulations 2011. This process will regulate the level of water abstraction. SEPA have advised the CAR application has been submitted and is currently being assessed. SEPA offer no objection to this planning application.
- 108 The Environmental Statement highlights the potential impacts of the proposed scheme on Hydrology during the construction stage and includes design and construction mitigation measures. I am content that the design arrangements and conditional control can enable the development to proceed with regards to hydrology sensitivities which are applicable to the determination of the planning application.

Geology

- 109 The intake is located at the Allt Druidhe Geological Conservation Review (GCR) site. The site records aspects of the depositional, tectonic, and metamorphic history of the Dalradian rocks that make up much of the Highlands to the South of the Great Glen Fault, this feature has been designated by Scottish Natural Heritage and is of national importance.
- 110 The potential of obstruction of the rock feature through the construction of the weir and intake as well as the creation of a pool above the weir and intake structure are the main impacts on the geological interest of the site.
- 111 SNH consider that locating the weir at location NN6425 5697 to be the least damaging location as the weir and intake structure can be positioned so it does not obstruct a key rock outcrop of the GCR. They advise that this could be mitigated further by ensuring that there is continuity in the outcrop above the level of the pond and the scheme is constructed with the lowest possible weir pond level. It is particularly difficult to specify micro siting associated with the construction of the weir, the applicant has suggested the deployment of geological expertise on site during the construction of the weir. This matter could be controlled conditionally to ensure that an independent expert is appointed at the applicants cost with the expert reporting to the Planning Authority.

Flooding and Drainage

- 112 Policy 2 of the Structure Plan and Policy 7 of the Highland Area Local Plan relate to floodrisk. Development which has a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should usually not be permitted. However, there are exceptions, for example where infrastructure is essential for operational reasons and where it cannot be located elsewhere. In such cases, the development should be designed to remain operational in times of flood and not impede water flow, and the effect on the flood water storage capacity should be kept to a minimum.
- 113 SEPA and the Flooding Officer in the Council have taken account of the Environmental Statement and offer no objection to the proposed development on flood risk grounds due to the nature of the proposal.

Private Water Supplies

- 114 Consultation with Environmental Health confirms that properties in the vicinity of the development are served by private water supplies, this issue is also highlighted in letters of representation on the application. The principal risk to water supplies is during the construction. While contamination of water supplies and retention of supply is a private legal issue, I consider it only reasonable to ensure water quality and water supplies are safeguarded thereby ensuring the amenity of residential premises is protected. Consequently a condition will be attached to the consent to secure this matter.

Nature Conservation Effects Designated Sites

River Tay Special Area of Conservation

- 115 The watercourse forms part of the River Tay Special Area of Conservation (SAC). The qualifying interests of the Tay Special Area of Conservation are as follows:-
- Atlantic salmon
 - sea lamprey
 - river lamprey,
 - brook lamprey,
 - clear-water lochs and
 - otters.
- 116 SNH have been consulted on the application and they advise that this proposal is likely to have a significant effect on the qualifying interests of the SAC. This is due to the potential release of sediment into the watercourses during construction and because of the inherent risk developments of this size and nature pose to the environment should no mitigation be provided.
- 117 In this case a commitment to mitigation is outlined in the ES. An initial Construction Method Statement and Environmental Management Plan are also provided, appendix (4-1 and 4-2). Accordingly it is considered that conditional control can be applied to ensure the submission of a final construction environmental management plan containing detailed plans, maps and timings for the approval of the Planning Authority in consultation with SEPA and thereafter implemented.

Requirement for an Appropriate Assessment

- 118 The status of the SAC means that the requirements of either the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the “Habitats Regulations”) apply, or the Conservation of Habitats and Species Regulations 2010 as amended apply.
- 119 Consultation with SNH confirms that adherence to the CMS will avoid significant impacts on the qualifying interests of the River Tay Special Area of Conservation (SAC) and obviate the need for an appropriate assessment.

Nature Conservation Effects Protected Species

- 120 The ES appears competent in identifying and surveying for protected species likely to be present across the development site and makes reasoned mitigation proposals to reduce the risk of any damaging impacts. This includes the need for contemporary surveys to inform disturbance mitigation efforts and to avoid direct harm to protected species. The mitigation proposals described in the ES, if followed, are likely to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and avoid harmful and illegal impacts on protected species and habitats.

- 121 Overall the implementation of appropriate mitigation secured by conditional control will ensure habitat and species are protected thereby complying with the TAYPlan as well as the applicable policies of the Local Plan and emerging Local Plan.

Cultural Heritage

Unscheduled Archaeology

- 122 Archaeological sites are an important, finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when allocating sites in the development plan and when making decisions on applications. Where preservation in-situ is not possible planning authorities should, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development.
- 123 Perth and Kinross Area Archaeologist (PKHT) has been consulted on the application and they advise that no archaeological condition should be attached to the consent taking account of Scottish Planning Policy.

Scheduled Ancient Monuments

- 124 Policy 25 of the HALP and policy HE1A of the PLDP protects Scheduled Ancient monuments (SAMs) from damage to the site and integrity of their setting. The ES has identified that SAM Clach na Boile lies approximately 2.8km from the proposed development. While there will be an element of inter-visibility between the proposal and the SAM Historic Scotland confirm the proposal is unlikely to have significant impacts on its setting, no objection is offered.

Listed Buildings

- 125 While the word setting is not defined in planning legislation Historic Scotland's guidance on this matter confirms that authorities are firmly encouraged not to interpret the word narrowly. It highlights at all times the listed building should remain the focus of its setting. Attention must never be distracted by the presence of any new development whether it be within or out with the curtilage. Following consultation with the Council's Conservation Officer I am content that the impact on the setting of listed buildings would be minimal. The application therefore accord with Local Plan Policy 28.

Landscape and Visual Effects

The Loch Rannoch and Glen Lyon National Scenic Area

- 126 The proposed scheme is located within the Loch Rannoch and Glen Lyon National Scenic Area (NSA). This designation covers a large area of highland

Perthshire, north of Killin and Loch Tay, and includes a series of mountain ranges and enclosed valleys. The Loch Rannoch area is a relatively wide, open loch, enclosed by steeply sloping sides. Woodland is prevalent on the lower slopes of the valley, leading to the more open and exposed upper slopes and summits. This area is recognised as of national value and high scenic quality.

Breadalbane-Schiehallion Core Area of Wild Land

- 127 The Breadalbane-Schiehallion Core Area of Wild Land (CAWL) is located to the south of the application site. The Core Areas of Wild Land are currently subject of a Scottish Government consultation exercise however they form a material consideration in the determination of the proposal. Core Areas of Wild Land have a distinct and special character, which are increasingly rare to find. They are a key component of Scotland's identity, they bring significant economic benefits, attracting visitors and tourists.
- 128 Policy 03, 18 and 22 of the Highland Area Local Plan and Policy NE1B of the Proposed Local Development Plan are key policies in the determination of this renewable energy application. Criterion contained within the policy seeks to safeguard the intrinsic landscape quality of the area and protect loss of amenity to neighbouring properties.
- 129 To assist the assessment a Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. I have assessed the implications of each component of the scheme and how this relates to the associated phases of the scheme such as construction and operation of the scheme.

Construction Compounds

- 130 The proposed construction compounds and pipe laydown areas will be highly visible from the adjacent residential properties as well as the public road along the lochside. They will have a detrimental impact on the visual amenity of the area, however, I am satisfied that given the impact is only temporary in nature and associated with the construction operations this element can be supported. Conditional control can ensure these areas are suitably reinstated following the completion of the development.

Access Tracks

- 131 The proposal includes the formation of a new access track and the use of existing access tracks. The construction of the new access track from the public road to the power house will have a substantial detrimental impact on the residential properties and users on the public road due to proximity of these receptors and the extent of cut and fill required. This impact can be reduced by ensuring that embankments are re-seeded and landscaped in a phased manner via conditions.

- 132 Objections have been expressed concern regarding the use of the existing access tracks as they may have been installed without the necessary consent. From the site visit it was apparent that the track is well established lower down the hillside however substantial works have been undertaken to the top section of the track which leads towards the intake location.
- 133 Construction works to form vehicle tracks for agriculture and forestry are usually permitted development under class 18 or Class 22 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). However, as this site is within a National Scenic Area these rights are withdrawn.
- 134 After liaison with the applicant it has been established that the works to the top section of the track were installed approximately two years ago to assist estate functions and provide safe access to the hillside for estate employees. As the works constitute a breach in planning control the applicant was invited to submit a retrospective application to regulate the breach.
- 135 During the construction of the hydro scheme the existing tracks are likely to cut up resulting in an element of scarring and heightened visual impact in the short term. However over time this will reduce through the re-establishment of vegetation. The impact can be further mitigated for through additional landscaping and re-seeding which can be conditioned.

Intake

- 136 The proposed intake structure and the requirement to have this micro-sited has already been discussed under the 'geology' heading. While the intake will create a new and uncharacteristic feature within this part of the NSA I am content that the location is unlikely to be visible from the wider National Scenic Area or the Core Area of Wild Land.

Pipeline

- 137 One of the main impacts will be the pipeline corridor and the potential for scarring the landscape through tree felling, vegetation clearance and construction activities. The agent has mapped the pipeline corridor and identified how trees may be affected. A traffic light system is used to distinguish trees that need to be removed, those that may require removal and those that can be retained. While the retention of trees will screen the development great care is required during the felling to ensure a linear feature in the landscape is not created, feathering the edges of the corridor should assist along with compensatory tree planting as a mitigation measure. The location of tree planting and species requires further clarification and this can be secured by condition to comply with the Forestry Commissions Policy on Woodland removal.
- 138 Where the pipeline is buried or mounded replacing original turfs or soil shortly after excavation along with spreading a locally derived seed mixture can reduce the impact. Where the pipe is laid over ground a geotextile material will be

placed over the pipe structure, this will assist in retaining soils and seeds to allow the establishment of vegetation over the pipe. I am satisfied with this approach.

Power House

- 139 I note the concern expressed about the powerhouse, however I consider the building to be sited in an appropriate location which takes account of the surrounding topography. In terms of design I am content with the scale, form and materials of the building which is suitable for this location.
- 140 Overall I am content that the proposal will be of a scale that will have no lasting harmful effects upon the nationally important special features of the NSA, CAWL or the landscape character types as defined by Scottish Natural Heritages Tayside Landscape Character Assessment 1999 (TLCA) if made subject to landscape mitigation. Accordingly I consider the development complies with Policy 3 of the Tayplan as well as Highland Area Local Plan policy 3, 18 and 22 as well as NE1B of the Proposed Local Plan.

Transport

- 141 There will be initial plant deliveries and then deliveries of pipes and ready mix concrete trucks on a periodic basis and the one off delivery of the turbine and generator during the construction period. There will also be regular daily site personnel and delivery van movements during construction. There will therefore be a temporary increase in traffic associated with construction. I appreciate construction operations will have an impact on the nearby residential properties in terms of noise and vehicular movement, however they will be for a temporary period only and the timing and operations associated with construction are controlled by separate legislation outwith the planning remit.
- 142 Transport Scotland has been consulted on the proposal due to the impact the development may have on the trunk road. They recognise the development will increase the percentage of traffic but they will cause minimal environmental impact on the trunk road network.
- 143 The Council's Transport Planner has been consulted on the proposal and has offered no objection subject to conditions.

Public Access

- 144 Outdoor Access has now been given a new context in Scotland, since the Land Reform (Scotland) Act 2003. This establishes a duty on local authorities to uphold the outdoor access rights as specified in Section 13(1) of the Act. However, this duty on local authorities does not stop them from carrying on with the authority's other functions, an example of this is when they are considering planning applications for development on land over which access rights are exercisable, they will still be able to give consent for developments. Although, where appropriate, local authorities should consider attaching a suitable planning condition to enable them to ensure reasonable continuing public access.

- 145 In this case the existing access tracks have the potential to be used for access. During construction there is potential that the development could impair outdoor access rights. To ensure this doesn't occur the Access Officer recommends a condition to ensure that an access plan is put in place to inform the public of access restrictions during construction and to improve public access provision.

Noise

- 146 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission. Sound levels in gardens and amenity areas also need to be considered in terms of enabling a reasonable degree of peaceful enjoyment of these spaces for residents and this is an issue that has been raised in letters of representation.
- 147 The Environmental Health Service of the Council has taken account of the applicant's noise assessment as well as the materials used in the construction of the power house. They consider that conditional control should be exercised to protect the amenity of existing residents.

Content and Adequacy of the Environmental Statement

- 148 The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.
- 149 Part II, Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 outlines the information required to be included in any EIA. The basic content and the associated background information of the Environmental Statement are considered to meet the requirements of those regulations.

LEGAL AGREEMENTS

- 150 None required.

DIRECTION BY SCOTTISH MINISTERS

- 151 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 152 The proposed development would contribute to the Scottish Government's target of 100% of electricity generation from renewable energy sources by 2020. I have taken account of the potential impacts the development may have on the environment and sensitive receptors and conclude that a grant of planning permission for the proposed development with conditional control to secure mitigation measures would comply with the Development Plan for the area. In this case there are no material considerations that would justify refusal of the application.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The development shall be undertaken in accordance with the Application and Environmental Statement, unless otherwise provided for by conditions imposed on the planning consent. The development shall be undertaken in its entirety, with no partial implementation and construction activities shall be completed within an 18 month period from the commencement of the development unless otherwise agreed in writing by the Planning Authority.
- 2 Prior to the commencement of development the operator of the hydro scheme shall have written permission from the relevant competent authority to export electricity to the National Electrical Grid. Details of the connection point and methods of connecting to the grid from the powerhouse shall be submitted for approval of the Council as Planning Authority. Thereafter the connection shall be installed in accordance with the approved method.
- 3 Prior to Commencement of Development, a Detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and approved by the Planning Authority. Such details shall be submitted not less than one month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the Development shall be fully undertaken in accordance with the approved CEMP.
- 4 Development shall not commence until an independent and suitably qualified Ecological Clerk of Works (ECoW) or Environmental Manager has been appointed at the developers expense. Details of this appointment shall be subject to the prior written approval of the Planning Authority. The appointed

person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW or Environmental Manager in representation of the Planning Authority relating to this development shall have responsibility for the following:

- a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- c) Prior to the commencement of development they shall provide an environmental / ecological tool box talk for construction staff.
- d) They will have authority to amend working practices where required. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- f) They are required to submit a detailed monthly report for the review of the Planning Authority in consultation with SEPA for the duration of development.
- g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented to the satisfaction of the Council as Planning Authority until completion of development.

- 5 Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes
- (b) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (c) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (e) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (f) arrangements to ensure that access for emergency service vehicles are not impeded;
- (g) co-ordination with other major commercial users known to use roads affected by construction traffic;
- (h) monitoring, reporting and implementation arrangements; and
- (i) arrangements for dealing with non-compliance

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

- 6 Development shall not commence until an independent and suitably qualified geological expert has been appointed at the developers expense. Details of this appointment shall be subject to the prior written approval of the Planning Authority. The appointed person will be responsible for the micro siting of the intake structure and shall remain in post for duration of construction associated with the intake. They will ensure the following:

- a) That the weir pond level is the lowest possible: and,
- b) There is continuity in the outcrop above the level of the pond.

The geological expert has authority to stop operations if the works are not undertaken in accordance with his recommendations. Should this occur the geological expert shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

- 7 Prior to the commencement of development the external surfaces of the building(s) and, where applicable, all areas of hard surfacing, shall not be constructed other than in materials, details/samples of which shall be submitted to and approved in writing by the Local Planning Authority.
- 8 Prior to Commencement of Development, a fully detailed landscaping mitigation plan which will ensure there is no net loss of trees associated with the felling required to implement the consent shall be submitted to and approved in writing by the Planning Authority. Measures to protect the new planting from animals should be included, along with plans for re-seeding and how this shall be implemented in phases to coincide with construction works. On approval the landscaping scheme shall be fully implemented to the satisfaction of the Planning Authority in accordance with the phasing plan. Any plant failures through disease, weather exposure, neglect or damage shall be replaced with equivalent species within one year of such failure.
- 9 Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.
- 10 All temporary contractors' site compounds shall be removed and the land reinstated to its former profile and condition no later than 3 months following the final commissioning of the development or by the end of the first available seeding/planting season after the final commissioning of the development, whichever is the later.

- 11 In the event that the crossing of a watercourse by an access track is unavoidable, details of the method of crossing shall be submitted to, and approved in writing by the Planning Authority in consultation with SEPA prior to formation of the crossing.
- 12 Construction work on the site shall be confined to the hours of 0700-1900 Mondays to Fridays and 0700-1300 hours on Saturdays, with no working on Sundays, local or national public holidays unless otherwise agreed in writing with the planning authority.
- 13 Power generating equipment shall be acoustically enclosed to attenuate sound there from, such that it does not exceed Noise Rating 30 between the hours of 0700 and 2300 hours or Noise Rating 20 between the hours 2300 and 0700 hours within any neighbouring noise-sensitive property. The measurement shall be taken with the windows slightly open and the figure when measured and/or calculated and plotted on a Noise Rating chart.
- 14 The Powerhouse and Transformer Compound shall be designed and constructed to the satisfaction of the Planning Authority to ensure that nearby dwellings are not subjected to Vibration Dose Values in excess of 0.2 to 0.4 $m/s^{1.75}$ between 2300 and 0700 hours (as set out in Table 1 of BS 6472-1:2008 Evaluation of human exposure to vibration in buildings) as a result of vibration from plant associated with the application.
- 15 In the event the Development fails to produce electricity on a commercial basis to the public network for a continuous period of 12 months with no realistic expectation of resumption in the foreseeable future, then, unless otherwise agreed in writing with the Planning Authority, it shall be deemed to have permanently ceased to be required. The Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall take any decision following discussion with the Company and such other parties it considers appropriate. If the Development is deemed to have ceased to be required the Company shall cause the Development to be decommissioned and the site will be reinstated within a period of eighteen months following the expiry of such period of cessation or within such timescale as agreed in writing by the Planning Authority.

Reinstatement shall include the removal of the above ground infrastructure, if considered necessary and restoration of the natural water regime to normal flows, to the written satisfaction of the Planning Authority in consultation with other relevant authorities in accordance with condition 15.

- 16 Prior to any decommissioning of the site a Decommissioning Method Statement shall be submitted for the approval of the Council as Planning Authority in consultation with SNH and SEPA. This method statement should ensure there is a process in place for ensuring good practice working methods are used for the removal of infrastructure and site restoration.

Reasons:

- 1 To ensure the development is implemented in accordance with the application documentation and that it is constructed in one continuous phase and within an acceptable timescale.
- 2 To ensure that the plant is capable of exporting electricity to the national grid.
- 3 In the interest of protecting environmental quality and of bio-diversity.
- 4 To ensure a suitably qualified person oversees management of ecological interests on the site.
- 5 In the interests of pedestrian and road safety.
- 6 To allow limited flexibility in siting of the intake structure to minimise landscape and geological impacts.
- 7 To ensure that the proposed development does not prejudice the appearance of the locality.
- 8 Landscaping.
- 9 To protect private water supplies.
- 10 In the interests of visual amenity.
- 11 In order to ensure the environmental interests of the site are not compromised.
- 12-13 To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plans.
- 14 To minimise disturbance and protect the amenity of nearby residents.
- 15 To ensure the development is decommissioned and the site reinstated when ceased to generate electricity.
- 16 To ensure that the site is reinstated to the satisfaction of the Planning Authority.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 4 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency
- 5 The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2011 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
- 6 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

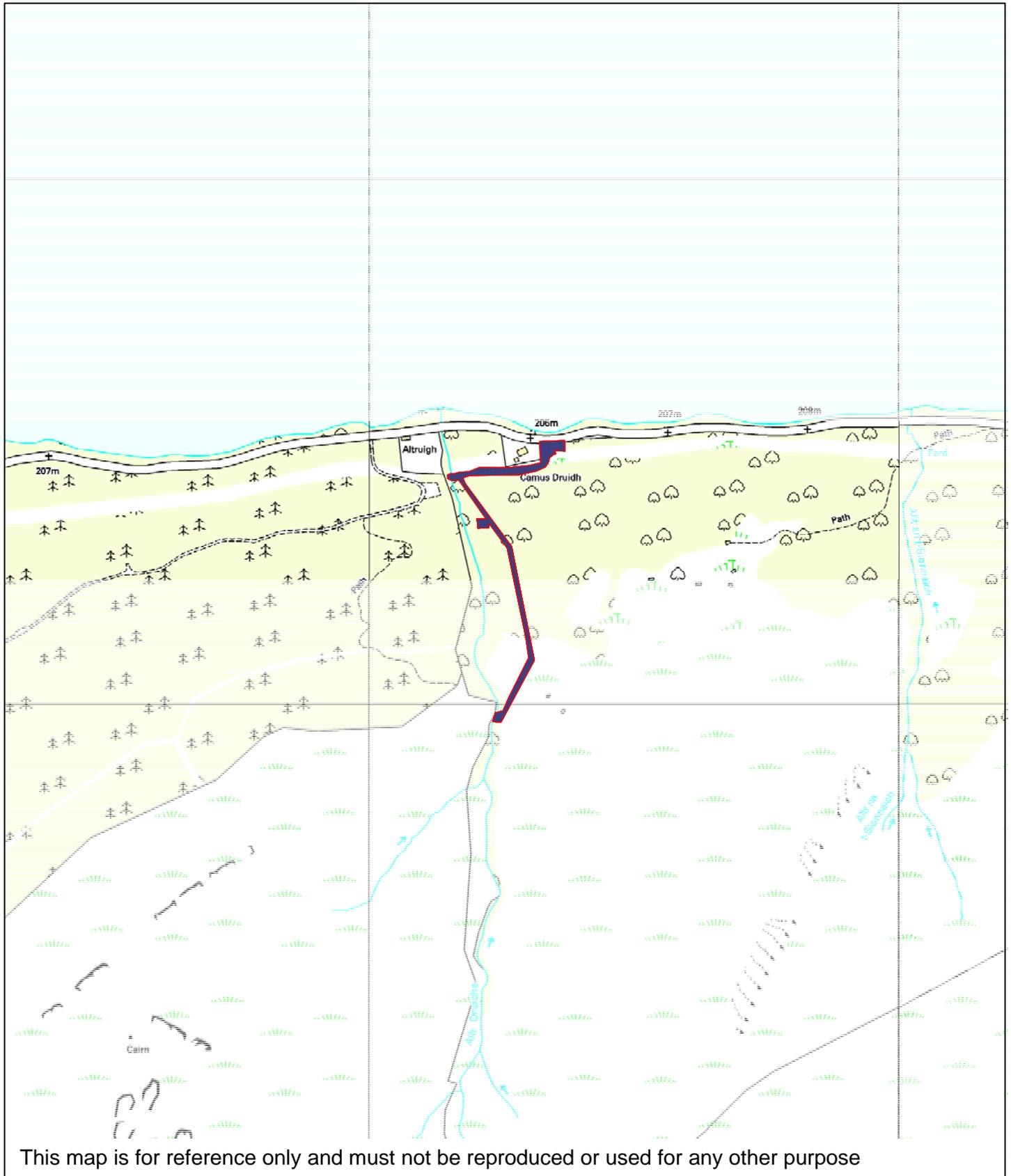
Background Papers: 8
Contact Officer: John Russell Ext 75346
Date: 21 November 2013

Nick Brian
Development Quality Manager

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↑ Scale
1:10000

Perth & Kinross Council

13/01346/FLL

Allt Druidhe Hydro Scheme, Rannoch

Installation of a hydro electric scheme



↑ Scale
1:25000

