Agenda item	7.6
Report	PLN/075/18
no	

### THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 27 November 2018

Report Title: 18/02458/FUL

Land at Loch A Bhraoin, Braemore, Loch Broom

Report By: Area Planning Manager – North

# 1. Purpose/Executive Summary

**1.1** Glendevon Energy Company Ltd

Installation of hydro-electric scheme (up to 2.0 mw) including dam and intakes, buried pipelines, powerhouse, tailrace, formation of access track, borrow pits, and buried 33kV cable grid connection (EIA development)

05 - Wester Ross, Strathpeffer And Lochalsh

Local Development

More than 5 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.)

#### 2. Recommendation

2.2 Members are asked to agree the recommendation to grant set out in section 11 of the report.

### 3. PROPOSED DEVELOPMENT

The application seeks consent to construct a new 2MW hydroelectric scheme on the river Cuileig. The scheme will impound Loch a Bhraoin to create a reservoir. The applicant was required to consider the potential impacts of the development upon the environment by undertaking an Environmental Impact Assessment (EIA).

The proposed intake is located on the Abhainn Cuileig, approx. 300m downstream of Loch a Bhraoin. The penstock and access track share the same route through a mature plantation of sitka and lodgepole pine, before crossing an area of open ground running parallel to the A832. The powerhouse is located off the A832 and adjacent to an existing intake on the river Cuileig.

The proposed development is located on the edge of the Fannichs, Bein Dearg and Glencalvie Special Landscape Area (SLA), and the edge of the Fisherfield, Letterewe, Fannichs Wild Land Area. The Fannich Hills SAC and SSSI lie approx. 500m to the south-east.

The key aspects of the development are as follows;

- A dam to raise the level of Loch a Bhraoin by 1.2m above its lowest natural level, and to divert water from Loch a Bhraoin into a penstock pipeline;
- A 1.8m diameter buried pipeline to transport water from the dam and intake structure to a powerhouse;
- A powerhouse located to the south of the A832 next to the existing Cuileig intake;
- A screened tailrace comprising part buried pipe and part open channel that returns water from the powerhouse to the Abhainn Cuileig;
- A new track linking the intake to the A832;
- A new track linking the powerhouse to the A832;
- A secondary intake on the Allt Breabaig with a buried pipeline connecting it to the Loch Bhraoin reservoir;
- A secondary intake on the Allt Leacach with a buried pipeline connecting it to the main penstock pipeline;
- A buried 33kv cable connecting the powerhouse to the local electricity distribution network at Auchindrean, Inverbroom; and
- Relocation of existing sections of pathway/argotrack along the north shore of Loch Bhraoin.

The proposed Loch a Bhraoin scheme is immediately upstream of the existing Cuileig run of river hydroelectric scheme, which is owned and operated by SSE. The proposed powerhouse is situated adjacent to the intake for this existing scheme and comprises of a wet harled and slate roofed rectangular plan building measuring 26m x 11m and 8.7m in height.

The dam is located approx. 300m from the outflow of Loch a Bhraoin into the Abhainn Cuileig and will be approx. 3.5m high from the river bed and approx. 25m wide. The dam is to be constructed of reinforced concrete. Permanent access to the dam would be by a gravel landrover track approx. 3m wide, following the line of the penstock pipeline.

The Allt Breabaig secondary intake diverts water from the Allt Breabaig to the reservoir, just upstream of the dam. This intake has been designed as a low profile overshot screen intake with no handrails to minimise visual/landscape impact. Access for construction would be by a temporary track from the dam site, which would be reinstated on completion.

The Allt Leacach secondary intake has similarly been designed as a low profile overshot screen intake with no handrails to sit as discreetly as possible in the landscape. Access for construction would be by a temporary track from the dam site, which would be reinstated on completion.

In total, up to 20,000 cubic metres of rock will be required for pipe bedding and track construction. It is proposed that this material would be won from two borrow pits on the site, where suitable rock exposures have been identified. Four temporary construction compounds are required; a main compound adjacent to the borrow pit in the plantation forestry, one adjacent to the second borrow pit located at the edge of the forestry plantation, one at the proposed dam, and one at the powerhouse.

- 3.2 The applicant utilised the Council's Pre-Application Advice Service for Local Developments. The advice provided related to the provision of supporting information required.
- 3.3 The Application was supported by the following documents;
  - EIA Report
  - Fish Habitat and Aquatic Ecology Survey
  - Hydrology Report
  - Landscape and Visual Impact Assessment
  - Loch Level Hydrology Report
  - Mammal Survey
  - Non-Technical Summary
  - Natural Vegetation Survey and Ground Water Dependent Terrestrial Ecosystem Identification Report
  - Peat Management Plan
  - Construction Method Statement
  - Details of Proposed Borrow Pits
  - Archaeological Evaluation
- 3.4 Variations:
  - The design of the powerhouse was amended to secure a form and finish more appropriate for its setting.
  - The Construction Method Statement was amended to incorporate points raised in consultation responses from SEPA and SNH.

#### 4. SITE DESCRIPTION

The development is located approx. 3km southwest of Braemore Junction, mostly within Inverbroom Estate, with an element of the secondary Breabaig intake within Foich Estate. The proposal is located within an area used by walkers to gain access to the Fannichs & Letterewe Munro groups, and there are a number of Public Rights of Way and paths in the area.

The development is within the river Cuileig Valley where there is minimal built structures and an expansive mountain and moorland setting. The landscape in this area is valued for its dramatic features, sense of remoteness, wildness and recreational opportunities. The site lies outwith any landscape or nature designations, however, the landscape is nonetheless impressive with the Fannich Hills SAC and SSSI approximately 500m to the south-east, and The Fannichs, Beinn Dearg and Glencalvie Special Landscape Area immediately to the southeast. The Abhainn Cuileig, Fisherfield, Letterewe and Fannichs Wild Land Area lies immediately to the south. As such, a landscape and visual assessment was carried out and submitted as part of the supporting environmental information.

The site of the dam/intake and first stretch of pipeline is within an open area of blanket bog, and then passes through an area of non-native plantation forestry emerging out and passing through wet/dry heath to the powerhouse site, which is adjacent to the A832 and existing river Cuileag intake. The pipeline from the secondary intake on the Allt Breabaig is located to the south-east of the main intake within in an area of blanket bog, and the pipeline from the secondary intake on the Allt Leacach is located to the north of the powerhouse site and passes through wet heathland before crossing under the A832.

There are no residential properties on the site, however some man-made structures are present such as the remains of a lodge and a boathouse located at the eastern end of the loch.

### 5. PLANNING HISTORY

5.1 RC/1995/242 – Hydro Electric Generating Facility – Application withdrawn 1998/00931/RC – Hydro Electric Generating Scheme – No objection to Secretary of State consultation subject to conditions – 30.06.1999.

### 6. PUBLIC PARTICIPATION

6.1 Advertised : Ross-shire Journal - Environmental Impact Assessment Report

Edinburgh Gazette - Environmental Impact Assessment Report

Original advert: 15.06.2018 Re-advertised :05.10.2018 Representation deadline : 15.07.2018 & 04.11.2018

Timeous representations : 25 Late representations : 0

- 6.2 Material considerations raised are summarised as follows:
  - Lack of clarity and analysis regarding the impacts of fluctuating water levels at Loch a Bhraoin. The proposal will have the most significant impact upon the littoral zone at the Loch. EIA only addresses mitigation in respect of schedule 1 species and lacks information to assess the extent of inundation.
  - The development will impact negatively on The Fannichs.
  - The benefit in terms of clean energy will be outweighed by the landscape impact.
  - The raw edge at the loch when water level is low not acceptable in terms of visual landscape impact.
  - Walkers in landscape susceptible to contemporary man-made intrusions. Environmental Statement too vague on finish of intakes. A planning condition should be used to ensure that facings of the dam and intake weirs use carefully placed boulders, cobbles and turves to blend in with the landform and landscape. Likewise with exposed pipe work and handrails.
  - Tighter working corridors are required for the Allt Beabaig and Allt Leachach intakes.
  - Phased restoration of the penstocks required rather than at the end.
  - Maintenance track for minor intakes should be walkers width only.
  - Design specification for replacement track along the north shore required.
     The old track should be removed as it will be exposed during drawdown.
  - The applicant did not reach out sufficiently to the local community and bodies of interest and lacked community engagement.
  - Address under which application advertised is not precise enough.
- All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>. Access to computers can be made available via Planning and Development Service offices.

#### 7. CONSULTATIONS

- 7.1 **THC Transport Planning Team**: No objection. Response confirmed that the access points proposed are satisfactory and sets out that the impact of construction operational and construction traffic on the local road network will not be significant. A condition is sought to secure a Construction Traffic Management Plan.
- 7.2 **THC Historic Environment Team**: No objection. A condition is requested requiring the evaluation, preservation and recording of any affected archaeological features.
- 7.3 **THC Forestry Officer**: No objection. Response sets out that the proposed compensatory planting proposal is acceptable and that a Woodland Management Plan should be secured via condition.
- 7.4 **THC Access Officer**: No objection. An Access Management Plan is requested to be secured by condition to ensure that construction does not prevent or deter access.

- 7.5 **THC Environmental Health :** No objection. Response states that no private water supplies will be impacted.
- 7.6 **THC Flood Risk Management Team :** No objection. Conditions are sought to secure new crossings designed for 1 in 200 year flood event (plus climate change) and final surface water drainage details for new areas of hardstanding.
- 7.7 **SEPA**: No objection. Amendments were sought to originally submitted Construction Method Statement (CMS) and Peat Management Plan (PMP). A revised CMS and PMP were submitted and SEPA have confirmed that they are now satisfied with these documents.

Conditions are sought to secure: buffer strips between watercourses and built infrastructure/lay down areas; GWDTE being marked out on site with appropriate buffer zone; Peat Management Plan; Construction Method Statement; and use of floating roads on areas of peat over 750mm deep.

7.8 **SNH**: No objection. Response states that the proposal does not raise issues of national interest and species/habitat assessment and mitigation proposed is acceptable. Response is in general agreement with landscape assessment, however recommend impact of minor intakes could be further minimised. It welcomes proposal to operate loch levels within the natural flood range and to reroute affected areas of path in order to minimise landscape and visual impact. It recommends that the planting plan ensures screening of powerhouse which is appropriate for landscape.

The developer provided clarity as to how the impact of the two minor intakes were to be minimised as far as possible through design and proposed routing to minimise the depth of the peat the pipe will need to traverse. It was also confirmed that the pipeline will be laid without markers to minimise landscape impact. The minimum realistic and achievable construction corridor width for the Allt Breabaig intake was confirmed as 25m and Allt Leacach intake confirmed as 15m.

- 7.9 **Transport Scotland :** No objection.
- 7.10 **Historic Environment Scotland :** No objection.
- 8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

# 8.1 **Highland Wide Local Development Plan 2012**

28	Sustainable Design
29	Design Quality & Place-making
36	Development in the Wider Countryside
51	Trees and Development

52	Principle of Development in Woodland
55	Peat and Soils
56	Travel
57	Natural, Built & Cultural heritage
58	Protected Species
59	Other Important Species
60	Other Important Habitats
61	Landscape
63	Water Environment
67	Renewable Energy Developments
77	Public Access

### 8.2 Wester Ross Local Plan (as continued in force, April 2012)

Outwith any Settlement Development Areas: no site specific relevant policies

### 8.3 Proposed West Highland and Islands Local Development Plan (2017)

Outwith any Settlement Development Areas: no site specific relevant policies

#### 9. OTHER MATERIAL CONSIDERATIONS

### 9.1 Highland Council Supplementary Planning Policy Guidance

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

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutory Protected Species (March 2013)

Highland's Renewable Energy Strategy & Planning Guidelines (May2006)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Trees, Woodland and Development (Jan 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

# 9.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

A Successful, Sustainable Place - Supporting Business and Employment

A Low Carbon Place - Renewable Electricity Generating Technologies and Storage

A Natural, Resilient Place - Valuing the Natural Environment

- Maximising the Benefits of Green Infrastructure
- Promoting Responsible Extraction of Resources

#### 10. PLANNING APPRAISAL

- 10.1 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.
- 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.
  - a) compliance with the development plan,
  - b) compatibility with national policy,
  - c) energy and economic benefit
  - d) landscape and visual impact
  - e) the impact on natural heritage
  - f) the impact on built and cultural heritage
  - g) roads and transport,
  - h) impacts on trees,
  - i) access and recreation,
  - j) construction impacts,
  - k) noise,
  - I) Peat, and
  - m) any other material considerations within representations.

### 10.3 Compliance with the development plan

The Development Plan comprises the adopted Highland wide Local Development Plan (HwLDP), the Wester Ross Local Plan (as continued in force) and adopted supplementary guidance. There are no site specific policies affecting this application site within the Wester Ross Local Plan (as continued in force). The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. The other HwLDP policies listed at 6.2 of this report are also relevant and the application must be assessed against these.

Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, and the contribution of the proposed development in meeting renewable energy targets and positive / negative effects on the local and national economy will be taken into consideration as well as all other relevant policies of the development plan and other relevant guidance. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall individually or cumulatively with other developments having regard to 11 specified criteria. If the Council is satisfied that there will be no significant adverse impact then the application will accord with the Development Plan.

The West Highland and Islands Local Development Proposed Plan (West Plan) does not contain any specific land allocations related to the proposed development.

# 10.4 **National Policy**

- There is strong support for renewable energy development in national policy. The Scottish Government has a target of 30% of Scotland's overall energy demand being generated from renewable resources by 2020 and 100% of electricity demand by 2020. These targets are not a cap.
- Notwithstanding the overarching context of support, SPP recognises that the need for energy and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict but also advise that detrimental effects can often be mitigated or effective planning conditions can be used to overcome potential objections to development.
- 10.4.3 Criteria outlined within SPP for the assessment of applications include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effects on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; development with the peat environment, noise and cumulative impact.

# 10.5 Energy and Economic Benefits

- While the Council has effectively met its own 2015 target, as previously set out in the Highland Renewable Energy Strategy, it remains the case that there are areas of Highland capable of satisfactorily absorbing renewable developments without significant effects.
- Notwithstanding any significant impacts that this proposal may have upon the landscape resource, amenity and heritage of the area, the development could be seen to be compatible with Scottish Government policy and guidance and increase its overall contribution to the Government, UK and European energy targets.

# 10.6 Landscape and visual impacts

- The proposed development is located on the edge of the Fannichs, Bein Dearg and Glencalvie Special Landscape Area (SLA), and the edge of the Fisherfield, Letterewe and Fannichs Wild Land Area (WLA).
- The landscape and visual impact assessment carried out as part of the EIA concluded that there would be temporary significant landscape effects resulting from the construction phase within the immediate landscape area around the river Cuileig and the A832. This impact would be as a result of the additional movements, activity and noise generated by the construction of the scheme, and would temporarily influence a receptors experience of the remote qualities. The

impact however would be limited to the area of the river valley, with areas beyond the river valley experiencing a non significant effect. This is, in part, would be due to the relatively compact nature of the proposal.

- In the longer term all landscape effects are anticipated to reduce to non-significant levels. It is however accepted that the introduction of the powerhouse and dam into previously undeveloped areas would have a continuous small degree of effect upon the landscape. It is also accepted that the drawdown around the loch will have a small longer term effect.
- Some effects were identified during construction to wild land characteristics, however, these would only affect a localised area, which within the context of the WLA as a whole, would be unlikely to noticeably affect the key qualities of the WLA. The operational phase of the scheme is considered unlikely to affect the wild land character.
- The visual effects of the development were also assessed, which included consideration of potential effects on receptors (i.e. people) resulting from changes in views from buildings, public roads and recreational routes and other valued outdoor viewing locations. Again, any adverse impact is restricted to the construction period when views experienced by receptors driving past works visible from the A832 and from receptors walking in the area will be impacted upon.
- The design of the powerhouse has been amended to improve its appearance and fit within the setting. The scale of building has been reduced slightly by creating a smaller lean-to entrance and finish materials have been amended from dry-dash and corrugated metal to a natural slate roof and off-white wet dash render to better assimilate the development into its rural context. Planting of native species around the powerhouse is proposed to help screen the structure from the adjacent A832. Its position set down in level from the main road will also help to minimise the impact. Given the powerhouse will only be visible to receptors for a short distance when passing the site, the landscape/visual impact of this aspect of the development is not considered to be significant.
- In the long term the main intake dam will not have a significant visual or landscape impact on the special landscape area or wild land qualities, in particular the remoteness and sense of wild and unspoiled landscape. Although it is introducing a man-made structure into the loch setting, views of the structure diminish relatively quickly on walking routes deeper into the surrounding hills. The secondary intakes have been designed to be as unobtrusive as possible with access post construction via foot or ATV.
- The new section of 3m wide permanent track to be formed linking the main intake to the A832 is located within a forestry plantation. This ensures that the visual and landscape impacts of this aspect of the development are minimised.
- 10.6.9 The proposed drawdown at Loch a Bhraoin is 1.2m and representations raise concern regarding the impact of fluctuating loch levels in terms of landscape and visual impact, and impact upon the ecology. The proposed drawdown range was

selected as it is within the Lochs natural drawdown range. Appendix 5-B of the EIA compares the natural and proposed reservoir levels since the installation of the SEPA Level gauge in 2009. Loch levels will not drop below the natural loch level, however, the loch will remain higher over longer periods. It is accepted that drawdown scarring at loch edges can occur as a result of controlled manipulations in water levels and that this can have adverse landscape and visual impact. However, in this case the variations in levels are within the Lochs natural range of fluctuation, which minimises landscape and visual impacts. Although the drawdown around the loch is likely to be noticeable and may appear as a human influenced feature within the landscape, the maximum drawdown would only appear when no water is being stored, and the area of drawdown would be smaller most of the time. It is expected that drawdown would first appear in early years as eroded peat and then form a pebbly beach character. The landscape and visual impact of the drawdown at the loch edge is not considered significant.

The conclusions of the EIA have been carefully considered and assessed in detail and are accepted. The overall long term landscape and visual effect of the scheme is not considered significant. The construction and reinstatement works proposed in order to mitigate against any significant adverse impact are secured by condition.

# 10.7 The impact upon natural heritage

- In terms of ornithology, the effects of the scheme upon Red Throated Diver, Black Throated Diver, Golden Eagle and Greenshank were identified as requiring detailed assessment. Impacts on these species have been addressed though early revisions to the design and layout of the scheme to avoid nest sites and mitigation measures are recommended in the EIA report. With regards to Golden Eagle, a Golden Eagle Protection Plan is required to cover the period of construction and ongoing operation of the proposed scheme. A phased approach to construction is recommended with mitigation associated with each phase. This mitigation is written into the Construction Method Statement and Golden Eagle Protection Plan, which can be secured by condition.
- Otters, Water Vole and Pine Marten were identified as the mammals that could potentially be impacted upon and effects on these species were assessed and mitigation prior to commencement and during construction has been identified. A specific Pine Marten Protection Plan is required and is secured by condition.
- No significant impacts upon aquatic ecology were identified. The Construction Management Plan has embedded mitigation with regards to aquatic environment and protecting fish populations.
- 10.7.4 The concerns raised in representations regarding the ecological effect on the littoral zone have been reviewed by the ecology specialists who prepared the EIA, and by SEPA and SNH. Following this review, the applicants' consultant ecologist, SEPA and SNH have not identified or recommended any further mitigation over and above that already forming part of the application. The response from statutory consultees is clear that the mitigation identified in the EIA

is appropriate and complete. If the mitigation is adopted the overall impacts on species should be negligible. In particular, the mitigation proposed for Water Voles will help to establish new areas of suitable habitat.

# 10.8 Impact on built and cultural heritage

An archaeological evaluation of the area potentially affected by the proposed scheme had been carried out. The evaluation considered sites around the perimeter of Loch A Bhraoin and in the area potentially affected by the dam, intakes pipelines and powerhouse. Where potential impacts are predicted mitigation is proposed. Features present vary from a ruinous fishing lodge, shieling huts and boundary walls/fences. To ensure that the required mitigation is carried out a condition is proposed requiring an Archaeological Management Plan.

### Roads and transport

The EIA included an assessment of the transportation aspects of the development, including estimated numbers and types of vehicular movements over the construction period. No significant impacts upon the road network have been identified. Two permanent new junctions are required from the A832, together with two temporary access points to be used during the construction period. An increase in traffic flows will result from the construction phase. However, once the scheme is operational the traffic numbers generated will be minimal and confined to maintenance typically 5 to 8 times a month. A Construction Traffic Management Plan can be secured via condition to ensure roads and transportation issues are properly managed during construction.

# 10.10 Impact on trees

10.9

A total of 8.25 hectares of sitka spruce and lodgepole pine plantation woodland is 10.10.1 to be removed in order to facilitate the development. This includes the 40m wide pipeline construction corridor, a 30m strip of felling for the access track from the A832, and an area for a construction compound and borrow pit. Approximately half of this area (4.13ha) would be re-stocked after construction, with the remainder (4.27ha) being provided as compensatory planting. The form of compensatory planting is yet to be agreed and is to be located in the open ground between the eastern edge of the forest block and the Allt Leacach, and will tie in with existing planting designed to screen the Cuileag intake. Woodland removal is considered unavoidable in order to facilitate this scheme and there is limited scope to vary the route of the penstock, which will benefit from the screening provided by the plantation woodland, the majority of which is unaffected by the development. Compensatory planting and a Woodland Management Plan is required and secured by condition. The compensatory planting accords with the provisions of the Scottish Government's Control of Woodland Removal Policy.

# 10.11 Access and recreation

- The proposed Loch a Bhraoin Hydro Scheme has the potential to impact upon recreational users. The scheme has been designed to minimise the effects on walkers by avoiding the areas where this activity takes place. A condition is attached ensuring that access is not obstructed or deterred during the construction phase. The visual impact from recreational routes is considered elsewhere in this report.
- Representations raise concerns regarding the proposed realignment of sections 10.11.2 of track between the boathouse and cottage and bothy at Loch a Bhraoin. Sections of this track are currently inundated at times when the loch level is naturally high. After the loch is dammed, the frequency of this inundation will increase and so it is considered necessary to realign the affected sections of track to keep them above the highest level and ensure access is maintained. The width of the track is not to increase beyond the existing and the realignment will only take place at the sections where there is an impact, which equates to approx. 300m of track. The existing track is to be reinstated to minimise any adverse visual impact. The exact specification of the realigned sections of the track will be agreed in consultation with the Council's access officer and SNH. The modified access track is likely to appear similar in character to the existing track and the restoration of the areas of track to be inundated will minimise visual and landscape impact. Furthermore, the application presents an opportunity to improve the existing track which is heavily eroded in places and is currently inundated with water when the loch level is high. The track has also been mechanically widened in places and its reinstatement is an opportunity to create a track that better fits with the landscape.

# 10.12 Construction impacts

Construction is predicted to last 18 months and activities include the installation of the intake weir and two secondary intake weirs, penstock, provision of powerhouse tailrace and construction of new access tracks and compounds. Approx. 13.93ha of habitat will be affected by the scheme, the majority of this is made up by the penstock and construction compounds and will be reinstated. Mitigation in the form of a Construction Method Statement (CMS) was submitted with the application and details measures to be undertaken in regard to GWTEs. Mitigation is also recommended with the EIA report. An ecological Clerk of Works (ecow) will be present on site during the construction phase to ensure the proper following of good practice and adherence to agreed mitigation. It is proposed to secure the agreed mitigation via a Construction Environment Management Document.

# 10.13 **Noise**

The properties nearest to the proposed development lie over 2.5km from the proposed powerhouse. Predicted construction and operational noise effects at these properties are well below the advisory minimum threshold.

# 10 14 Peat

10.14.1 The application was accompanied by a Peat Management Plan (PMP), which demonstrated that there has been micro-siting built into the design of the pipeline routing and access track alingnment that avoid areas of deep peat. The extraction and handling of peat proposed accords with current regulations and best practice. SEPA have confirmed that the Peat Management aspects of the proposal are acceptable and that the PMP should be a condition of the consent.

### 10.15 Other material matters raised in representation

- 10.15.1 The application was re-advertised with a new location description, which included Loch A Bhraoin. The address under which the application was originally advertised was considered too vague and to not fulfil statutory responsibilities in terms of public consultation.
- Representations raised concern regarding the lack of community consultation prior to the development. There is no statutory requirement for the developer to undertake community consultation with regards to this type of planning application. The developers have confirmed attendance at a Community Council meeting prior to the lodging the application. They have also met with the Community Council and other community representatives since lodging the application.
- The desirability of narrower working corridors for the minor intakes was raised in representations. This point was explored with the developers who have confirmed that the widths proposed in the CMS are as narrow as practically possible, and any amendment to working corridor widths would not be realistic or achievable. It is accepted that the corridor cannot sensibly be reduced below the width specified without moving peat and other stored material to an alternative location outwith the working corridor. This would be at the expense of the quality of reinstatement and involve an increase in vehicle movements.
- In response to points raised in the representations regarding the finish of the intakes, the exact design and finish of the intake structures is secured by condition, which ensures the final design blends with the environment as much as possible.
- A strong theme of objection is the negative impact that may occur as a result of the change in Loch levels. The scheme now has s CAR license from SEPA and neither SNH or SEPA raised concerns regarding this issue in their consultation responses. Both of the aforementioned consultees were consulted regarding points raised in representations regarding this aspect of the development, and both are content that the mitigation proposed prevents any significant impact.

### 11. CONCLUSION

11.1 National and local planning policy is supportive of renewable energy schemes where impacts are not significant. It is considered that through proper reinstatement and mitigation impacts, the long term post construction impacts of the development will be acceptable. The proposal is not considered to have a

significant impact in relation to landscape, visual or the designated and non-designated landscape features once operational and no significant ecological or hydrological impacts have been identified. It is therefore recommended that permission be granted subject to the conditions listed below.

#### 12. IMPLICATIONS

- 12.1 Resource Not applicable
- 12.2 Legal –Not applicable
- 12.3 Community (Equality, Poverty and Rural) –Not applicable
- 12.4 Climate Change/Carbon Clever –Not applicable
- 12.5 Risk Not applicable
- 12.6 Gaelic Not applicable

#### 13. RECOMMENDATION

Action required before decision N issued

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

1. The development shall be undertaken in accordance with the Environmental Impact Assessment Report, Construction Management Plan, Peat Management Plan and all other plans and supporting information hereby approved, except insofar as amended by the terms of this consent or as approved in writing by the Planning Authority in consultation with other relevant authorities. There shall be no partial implementation of the development, although construction works can be phased in accordance with the species/habitat mitigation proposed as part of this application. Construction activities shall be completed within a two year period from the commencement of development unless otherwise approved in writing by the Planning Authority. All reinstatement shall be undertaken within three months of completion of all construction work, and in accordance with condition 2 below, other than may be allowed expressly by the conditions of this permission or as otherwise approved in writing by the Planning Authority.

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

2. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the

Planning Authority (in consultation with SEPA, SNH and Transport Planning/Community Services). The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:

- i. An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
- ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;
- iii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
  - a. Habitat and Species Protection;
  - b. Pollution Prevention and Control;
  - c. Dust Management:
  - d. Noise and Vibration Mitigation;
  - e. Site Waste Management;
  - f. Surface and Ground Water Management;
    - i. Drainage and sediment management measures from all construction areas including access track improvements; and
    - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
  - g. Water Course Management;
  - h. Peat Stability, Slide Risk and Management;
  - i. Public and Private Water Supply Protection Measures;
  - j. Emergency Response Plans; and
  - k. Other relevant environmental management as may be relevant to the development.
- iv. Special Study Area plans for:
  - a. Groundwater-dependant Terrestrial Ecosystems;
  - b. Species habitat identified within the Environmental Impact Assessment and/or raised by consultees; and
  - Any other specific issue identified within the Environmental Impact Assessment, Schedule of Mitigation and/or conditions attached to this permission;
- v. Post-construction restoration and reinstatement of temporary working areas, compounds and borrow pits;
- vi. details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;

- vii. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- viii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with the client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

**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.

No development shall commence until a pre-commencement meeting has been held on site between the developer and their contractor(s) appointed to undertake the works hereby approved, the appointed ECoW, The Planning Authority, Scottish Natural Heritage (SNH) and the Scottish Environmental Protection Agency (SEPA) to ensure work commences in accordance with the approved Construction Environmental Management Document, referred to in Condition 2 above, as well as the approved Environmental Statement, its appendices and the approved plans.

Reason: To ensure that all agreed methodology and mitigation is implemented; in the interests of protecting the environment from the construction of the development hereby approved.

- 4. All new sections of realigned track at the north shore of Loch a Bhraoin shall be completed prior to the construction of the reservoir, and the existing sections of track subject to inundation and requiring replacement fully reinstated and restored. Prior to the commencement of development the following details shall be submitted to the Planning Authority for approval in writing;
  - details of the new sections of track, including, location, size, materials, finish and method of construction;
  - details of the reinstatement method of the existing sections of track that require re-routing; and
  - details of any of the approved habitat/species mitigation that may be relevant to this aspect of the development and details of how the works will incorporate any such mitigation.

The development shall thereafter proceed in accordance with the agreed details.

**Reason**: To ensure that the development does not result in any adverse impact upon access and recreation, and to ensure that the works do not result in an adverse visual, landscape or ecological impact.

No development shall commence until a detailed Woodland Management Plan has been submitted to and approved in writing by the planning authority. The Woodland Management Plan shall be prepared by a suitably qualified forestry consultant and include the following:

- Plan showing the areas to be felled
- Plan showing the areas to be restocked
- Plan showing areas of compensatory planting
- Detailed planting specification, including deer fencing
- Detailed maintenance programme, through to establishment
- Detailed management proposals for retained trees along the penstock route
- Timescale for implementation and schedule of supervision
- Details of appointed forestry consultant responsible for supervision through to establishment

All restocking and compensatory planting shall be implemented in full and in accordance with the approved Woodland Management Plan prior to first operation of the hydro scheme. All planting shall be maintained until successfully established to the satisfaction of the planning authority.

**Reason**: To protect Scotland's woodland resource, in accordance with the Scotlish Government's policy on the Control of Woodland Removal.

- No development shall commence until details of a scheme of hard and soft landscaping works for the site of the powerhouse have been submitted to, and approved in writing by, the planning authority. Details of the scheme shall include:
  - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
  - ii. A plan showing existing landscaping features and vegetation to be retained;
  - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
  - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
  - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, 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 the interests if visual amenity and to provide screening between the site and receptors passing along the A832.

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

The Archaeological Management Plan shall include proposals to mitigate the impacts to (as a minimum) Sites 1 (photographic record), 5 (photographic record), 10 (evaluative excavation) and 13 (detailed survey) as well as avoiding/minimising impacts to other sites as per the archaeology report submitted with the application. Site numbers are as described in the archaeology survey report (Dagg 2018).

**Reason**: In order to protect the archaeological and historic interest of the site.

8. Any new crossings, including the proposed pipe bridge, shall be designed to convey the 1 in 200 year plus climate change return period flow with appropriate allowance for freeboard.

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

Prior to the commencement of development, the final drainage design details for all new permanent hardstandings on the site shall be provided for review and approval. This shall demonstrate that all surface water will be managed in accordance with The Highland Council's Supplementary Guidance: Flood Risk and Drainage Impact Assessment.

**Reason**: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

- No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the planning authority. The approved traffic management plan shall include the following and shall be implemented prior to development commencing and remain in place until the development is complete.
  - Details of arrangements for road condition surveys of the A832 to be carried out by the developer in consultation with the local roads authority prior to and following construction.
  - Details of the arrangements for timber felling and extraction associated with the works.
  - Details of appropriate traffic management, which shall be established and maintained, as required, at the site access points during the construction period.

- Measures to ensure development traffic adheres to approved routes and platooning of vehicles during heavier flows such as concrete pours and timber extraction is prevented.
- Measures to ensure that all affected public roads are kept free of mud and debris arising from construction traffic.

**Reason**: To ensure that the construction phase of the development has no adverse impact upon road safety.

- 11. No development shall commence until a scheme for the working of each borrow pit within the site has been submitted to, and approved in writing by, the planning authority, in consultation with SEPA and SNH. Thereafter, the scheme shall be implemented as approved. The scheme shall make provision for:
  - Methods of working (including the timing of works and the use of explosives and/or rock-breaking equipment);
  - ii. A description of the volume and type of minerals, aggregates and/or fines to be extracted from each borrow pit;
  - iii. A site plan and section drawings showing the location and extent of each extraction area;
  - iv. Overburden (peat, soil and rock) handling and management;
  - v. Drainage infrastructure, including measures to prevent the drying out of surrounding peatland; and

A programme for the re-instatement, restoration and aftercare of each borrow pit once working has ceased.

Reason: To ensure that a scheme is in place to control the use of borrow pits to minimise the level of visual intrusion and any adverse impacts as a result of the construction phase of the development.

- No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the planning authority. The plan shall include details showing:
  - i. All existing access points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
  - ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures:
  - iii. All proposed paths, tracks and other routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);

iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

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

No development shall commence until all the pre-commencement survey work identified in the EIA has been undertaken within a period of time no longer than 12 months before development is scheduled to start and a report of survey and recommended mitigation has been submitted to, and approved in writing by, the planning authority. Development and work shall progress in accordance with any mitigation measures contained within the approved report/s of survey and the timescales contain therein.

Reason: To ensure that the site and its environs are surveyed within an appropriate timeframe in relation to the commencement of development and the development does not have an adverse impact on protected species or habitat.

No development shall commence until the Golden Eagle Action Plan and Pine Marten Action Plan identified in the EIA have been submitted to the planning authority for approval, in consultation with SNH. The development shall thereafter be carried out in compliance with these documents.

Reason: To minimise disturbance to nature conservation interests within the application site and ensure the protection of protected species and habitats.

- No development shall commence until details of the final detailed design of the dam and secondary intakes has been submitted to the planning authority for approval in writing; For the avoidance of doubt the following shall be applied;
  - Designs and external finishes shall be such that their appearance is visually softened and their visual impact in the landscape is minimised as far as practicable. Measures such as facing the dam and intake weirs in carefully placed boulders, cobbles and using textured or coloured concrete or other materials should be adopted. Any handrails associated with the main intake shall be timber. The secondary intakes shall have no handrails.

Reason: To ensure that the final designs of the dam and secondary intakes are acceptable in terms of visual and landscape impact.

No work shall commence until details showing minimum widths of the working corridors in relation to the new pipeline/track route and the formation of intakes is submitted to the Planning Authority for approval in writing. These corridors shall be informed by the details approved in this application. Development shall thereafter proceed in accordance with approved details.

Reason: To minimise the potential for adverse impacts upon the environment during the construction phase of the development.

Road construction on areas of peat over 750mm deep will be constructed as floating roads, as outlined in the approved Peat Management Plan.

Reason. To minimise damage to areas of peat in the interest of conservation management.

There shall be a 10m buffer between watercourses 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.

Reason: In the interests of pollution prevention.

Any micro-siting of the borrow pits, intake, turbine house, tailrace, storage areas and welfare facilities of more than 5m from the approved position (and within the application red site boundary) shall be notified to and thereafter agreed in writing by the Planning Authority at least 48 hours in advance of any such deviation by the developer. Any such micro-siting shall have regard to the minimum buffer to watercourses.

Reason: In order to allow the developer to adjust the positioning of the infrastructure on site to allow for site conditions.

#### **REASON FOR DECISION**

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

### **TIME LIMITS**

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

#### FOOTNOTE TO APPLICANT

## **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar

requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- 1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 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 and Conditions**

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

#### Flood Risk

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

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

#### **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\_or\_working\_on\_public\_roads/2

#### Mud and Debris on Road

Please note that it 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.

Designation: Area Planning Manager - North

Author: Rebecca Hindson

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location Plan (HC Committee Plan)

Plan 2 - LAB/GEL/001 REV P3 Location Plan

Plan 3 – 117017-D-LV2 REV 2.0.0 Landscaping Plan Designations

Plan 4 – LAB/GEL/200REV P3 Site Layout Plan Intake Area

Plan 5 – LAB/GEL/201 REV P3 Site Layout Plan

Plan 6 – LAB/GEL/203/REV P3 Elevations

Plan 7 – LAB/GEL/230 REV P2 Site Layout Plan (Allt Breabaig minor intake)

Plan 8 – LAB/GEL/220 Site Layout Plan (Allt Leachach minor intake)

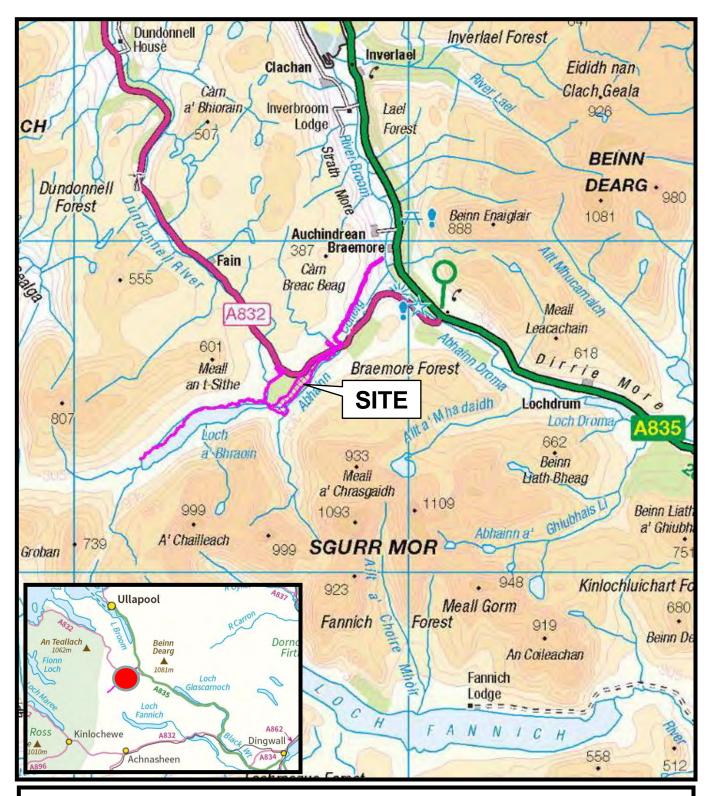
Plan 9 – LAB/GEL/231 PEV P2 Section Plan (minor intake arrangement)

Plan 10 – LAB/GEL/301 REV P3 Powerhouse Site Layout Plan

Plan 11 – LAB/GEL350 REV P2 Powerhouse Elevations

Plan 12 – LAB-GEL-351 PREV P3 Powerhouse Elevations

Plan 13 – LAB/GEL/600/REV P1 – Grid connection route



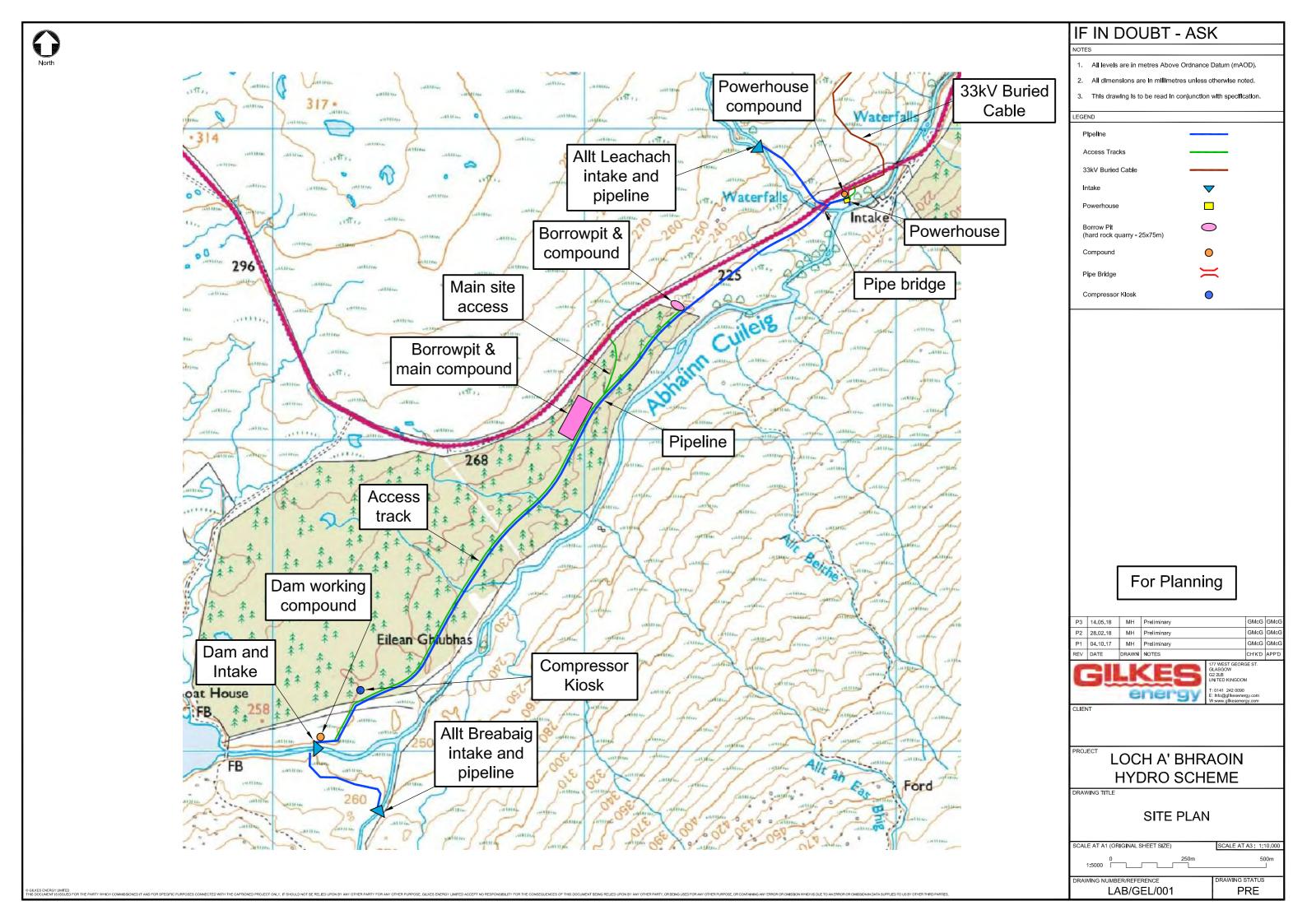


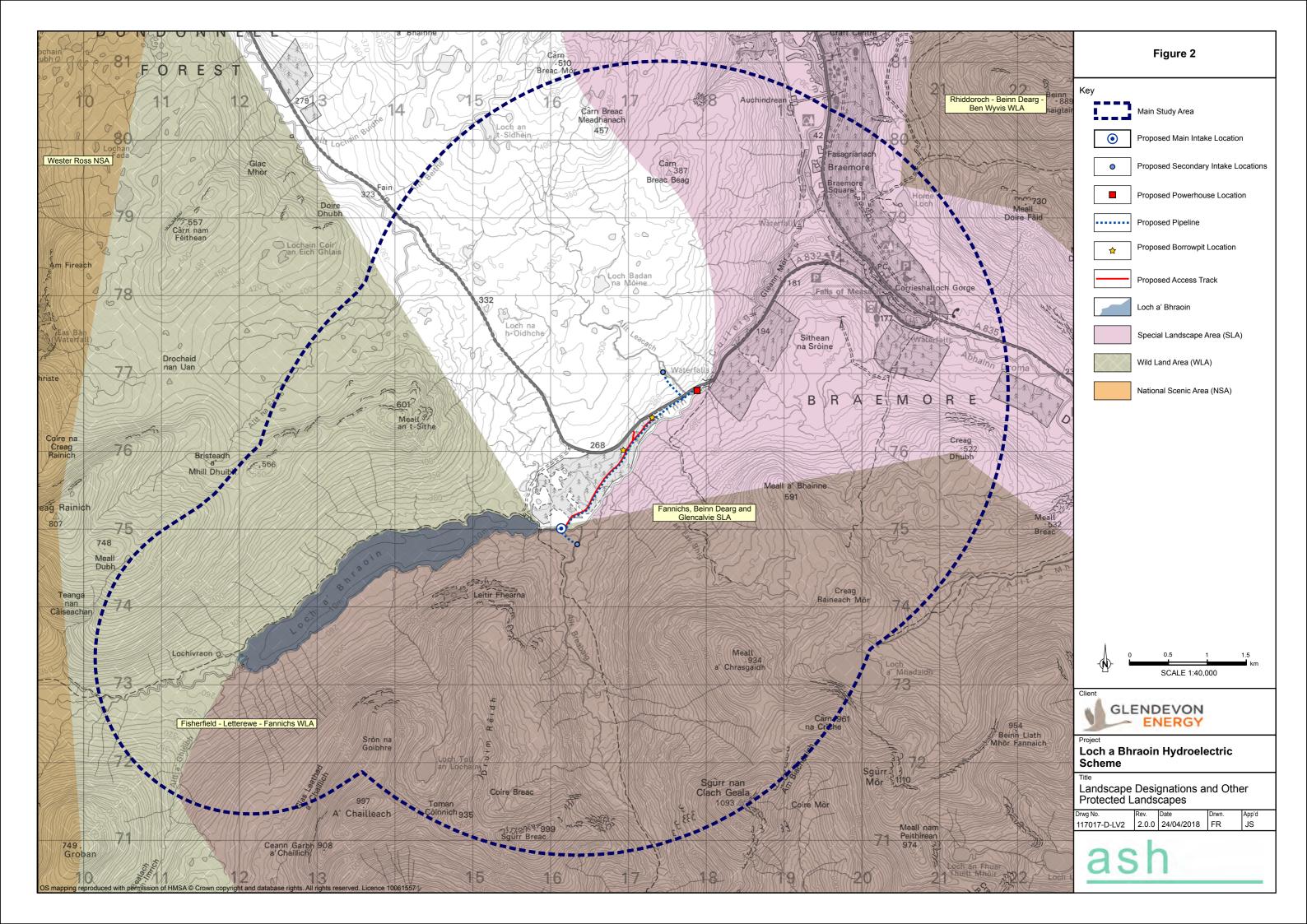
Planning & Development Service

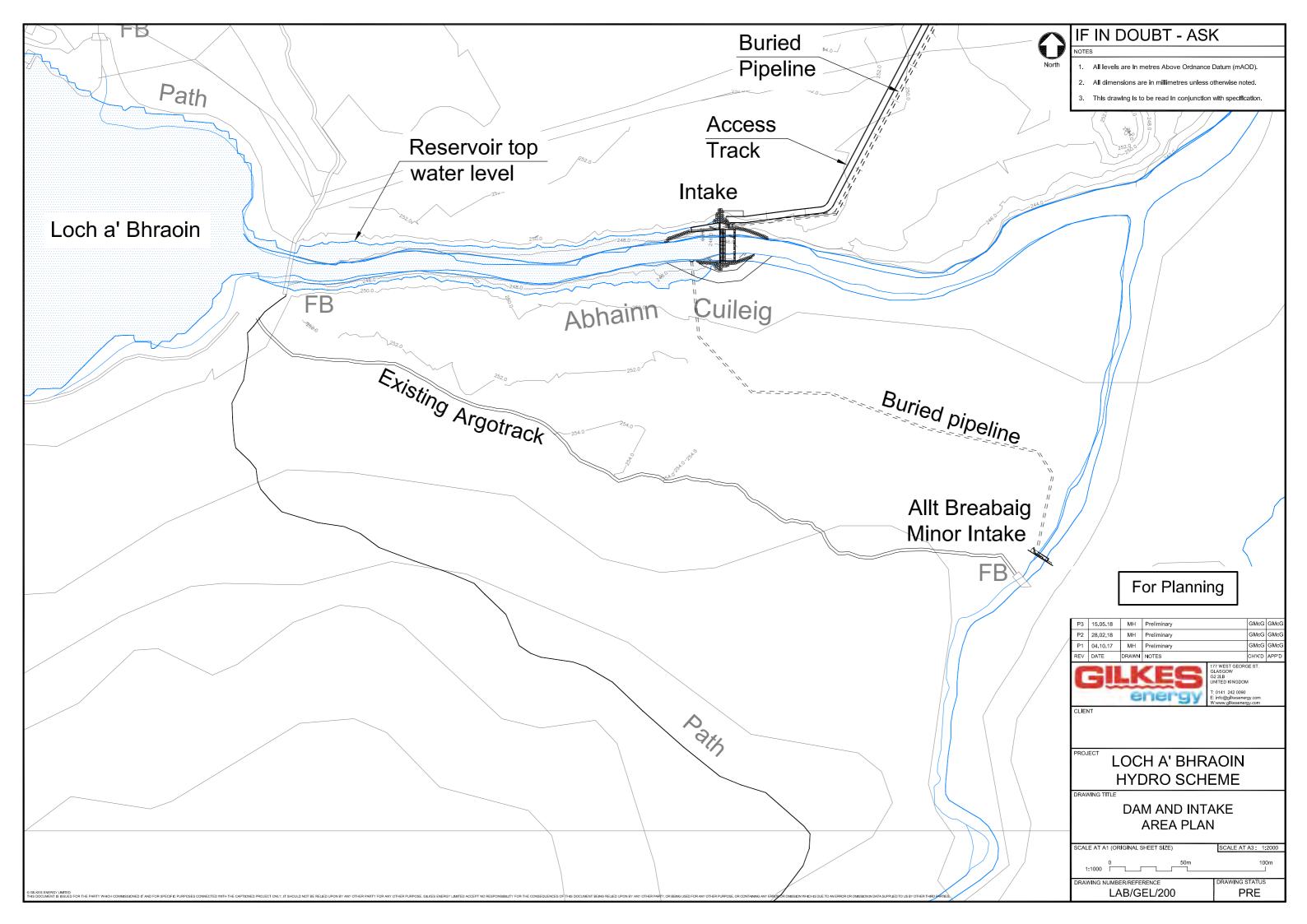
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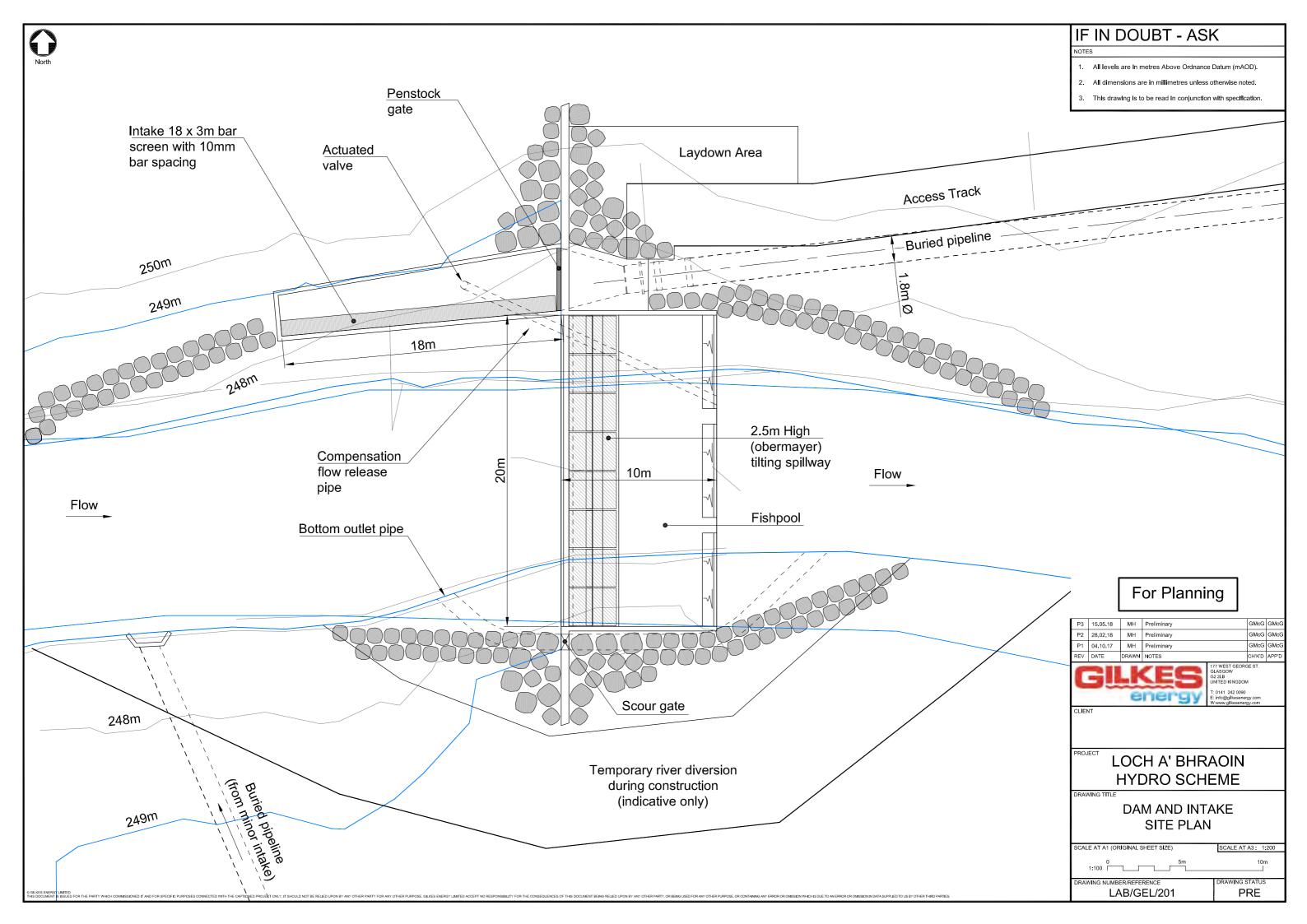
Installation of hydro-electric scheme including dam and intakes, buried pipelines, powerhouse, tailrace, formation of access track, borrow pits, and cable grid connection at Land at Loch a Bhraoin, Braemore, Lochbroom

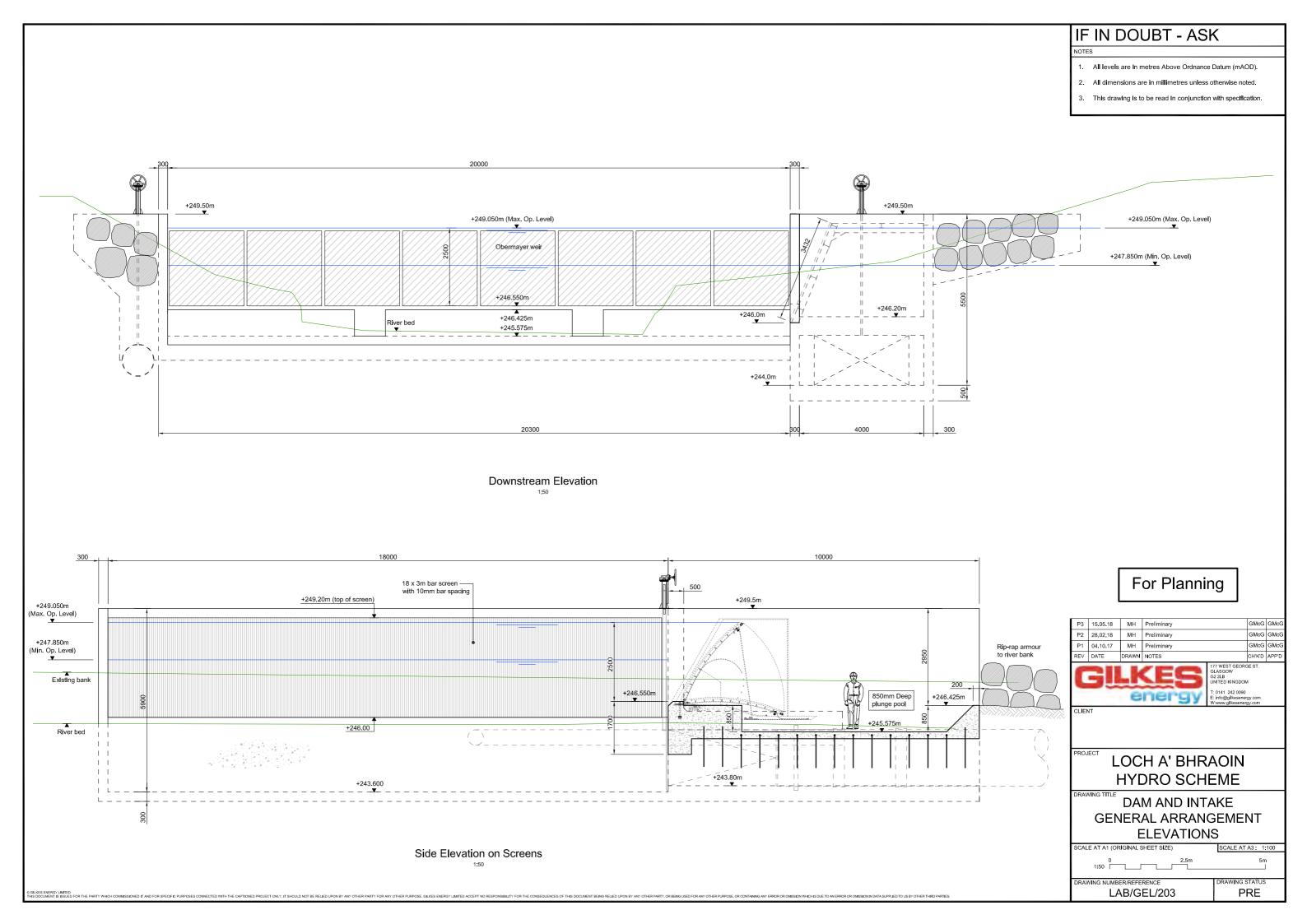


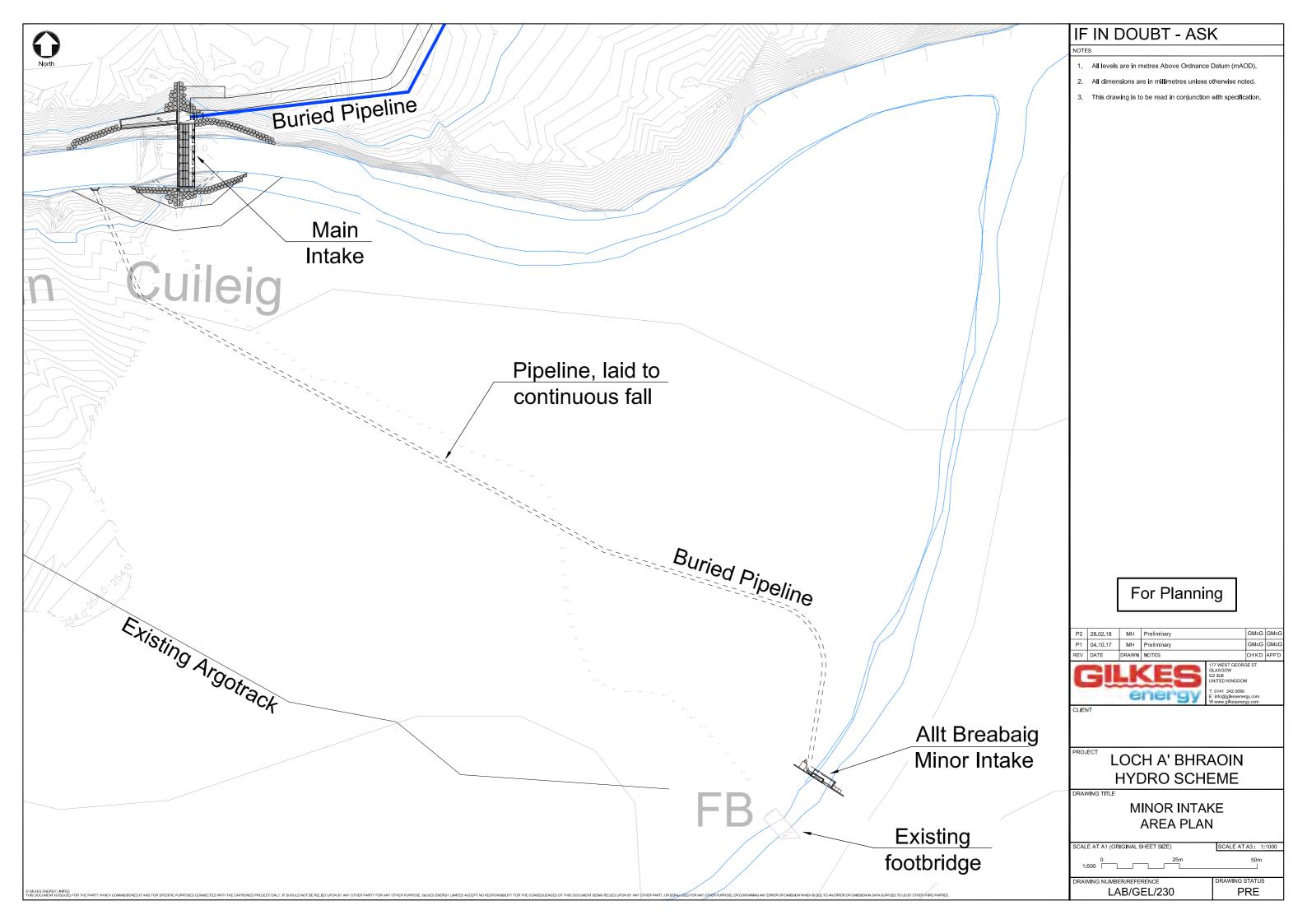


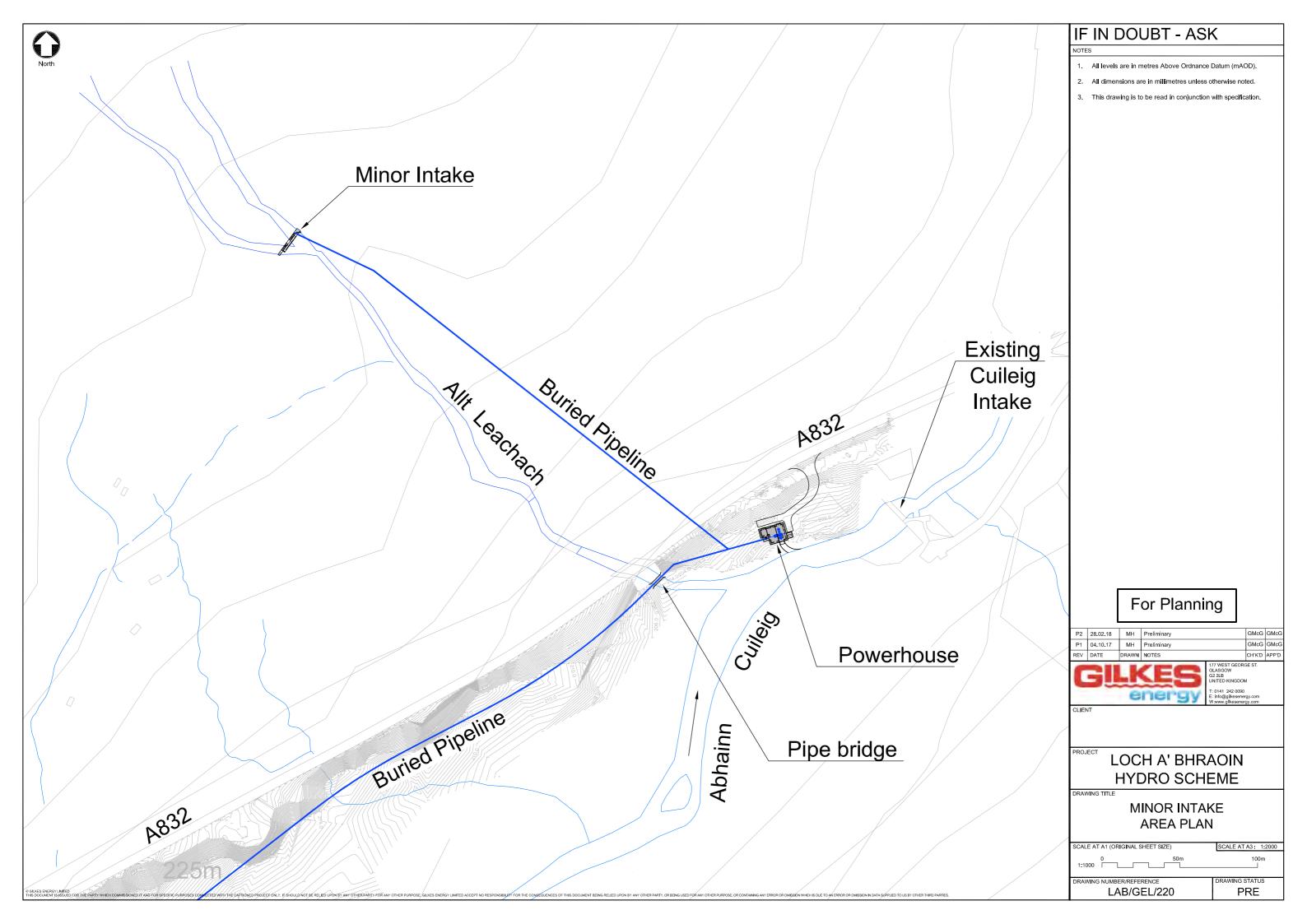


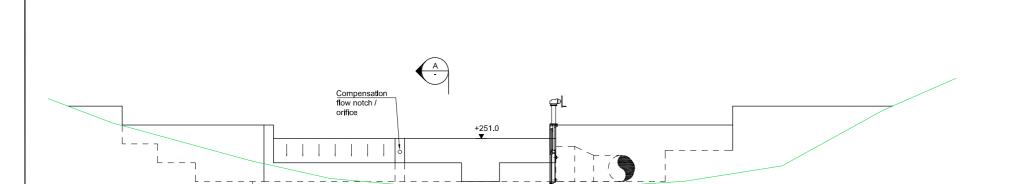




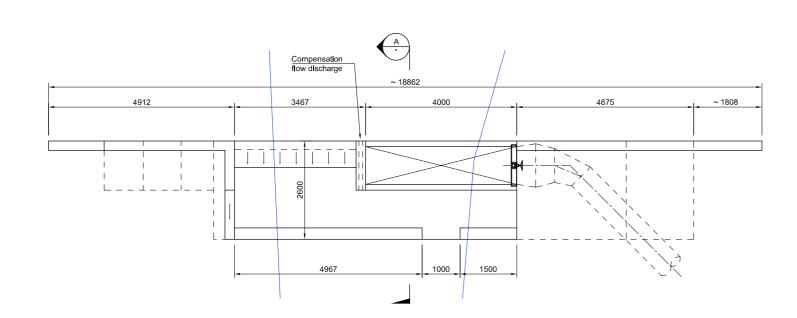




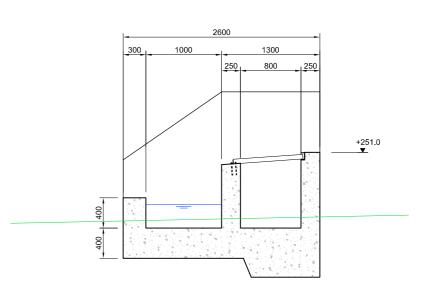




# Downstream Elevation



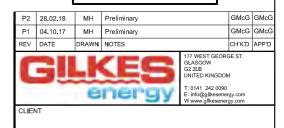




# For Planning

IF IN DOUBT - ASK

All levels are in metres Above Ordnance Datum (mAOD).
 All dimensions are in millimetres unless otherwise noted.
 This drawing is to be read in conjunction with specification.



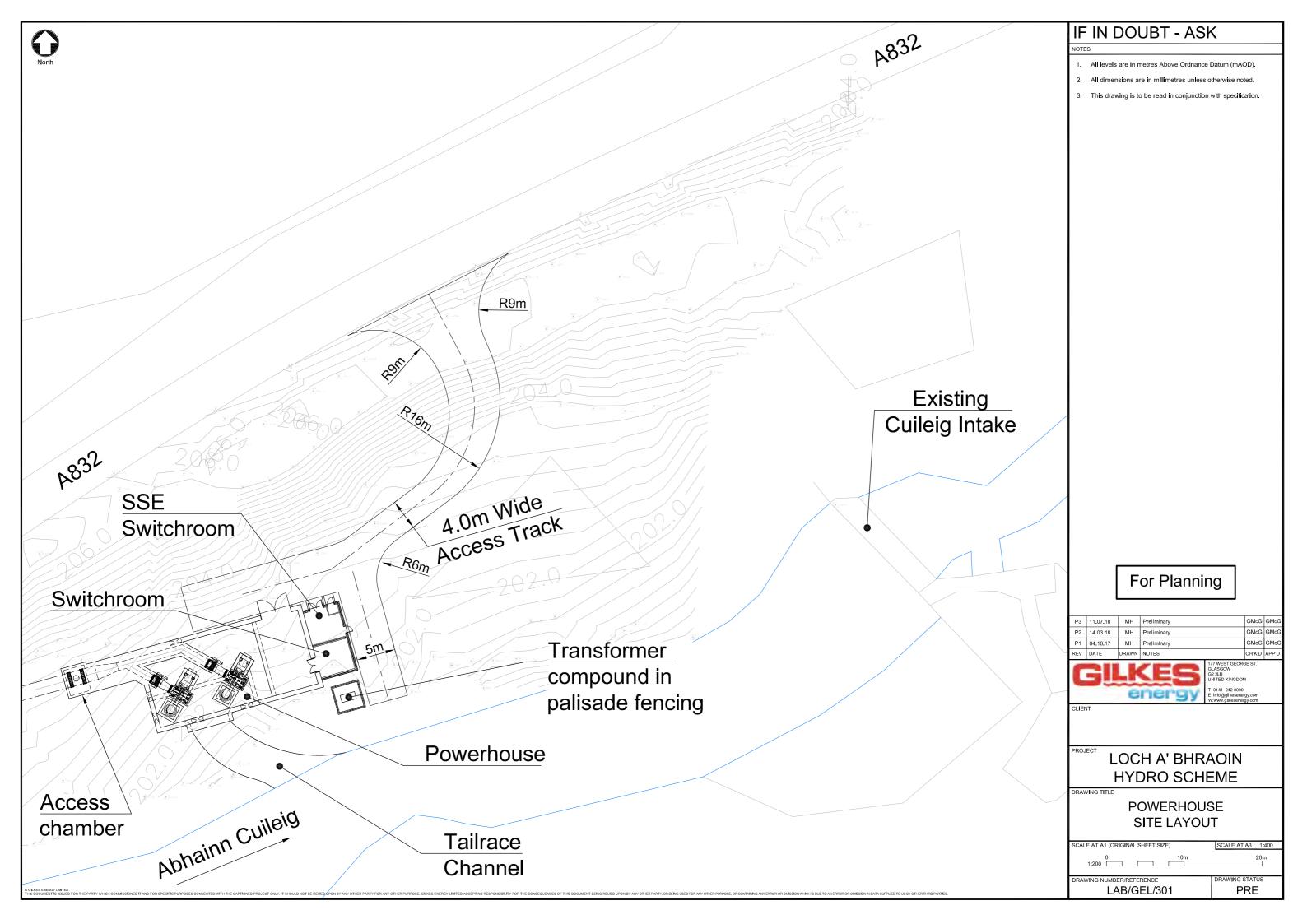
PROJECT

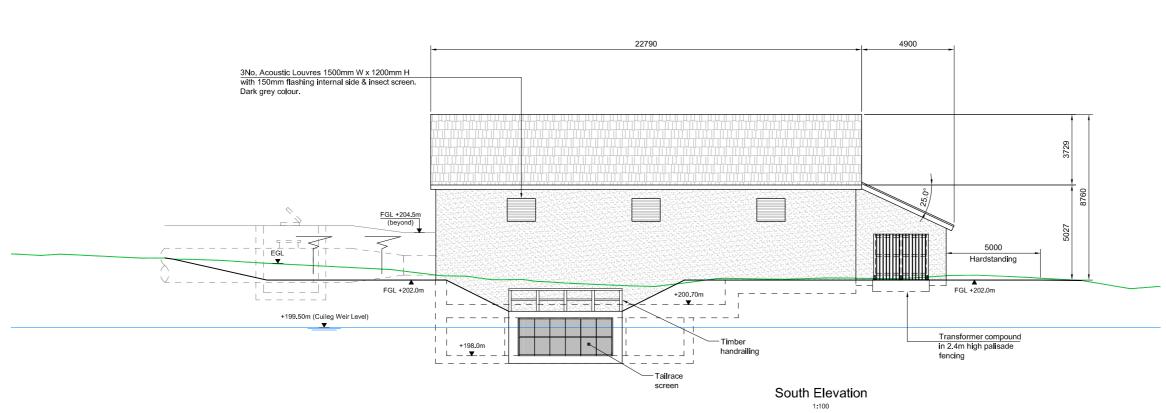
LOCH A' BHRAOIN
HYDRO SCHEME

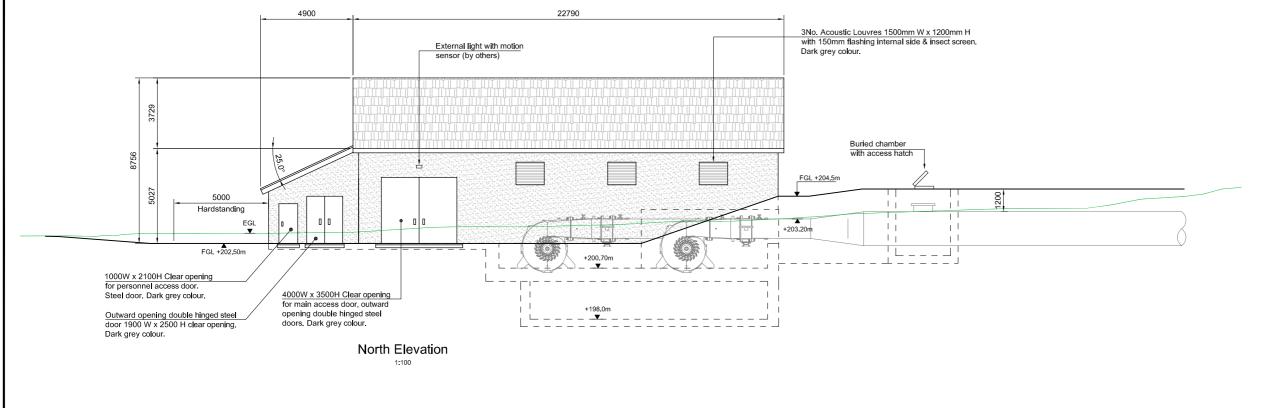
DRAWING TITLE

MINOR INTAKE GENERAL ARRANGEMENT

SCALE AT AT (ORIGINAL SHEET SIZE)	SCALE AT A3: VARIES	
0	1.25m	2.5m
1:25		
0	2.5m	5m
1:50		
DRAWING NUMBER/REFERENCE	DRAWING STATUS	
LAB/GEL/231		l pre l







# IF IN DOUBT - ASK

#### NOTES

- 1. All levels are In metres Above Ordnance Datum (mAOD).
- All dimensions are in millimetres unless otherwise noted.
- 3. This drawing is to be read in conjunction with specification.

#### Powerhouse Finish

- Walls to be wet harl finish off white / grey colour.
- 2. Doors and louvres to be anthracite grey colour RAL 7016.
- 3. Ralnwater goods to be black.
- 4. Roof to be natural slate.

# For Planning

P3	11.07.18	МН	Preliminary	GMcG	GMcG
P2	14.03.18	MH	Preliminary	GMcG	GMcG
P1	04.10.17	MH	Preliminary	GMcG	GMcG
REV	DATE	DRAWN	NOTES	CH'K'D	APP'D



CLIENT

LOCH A' BHRAOIN
HYDRO SCHEME

DRAWING TITLE

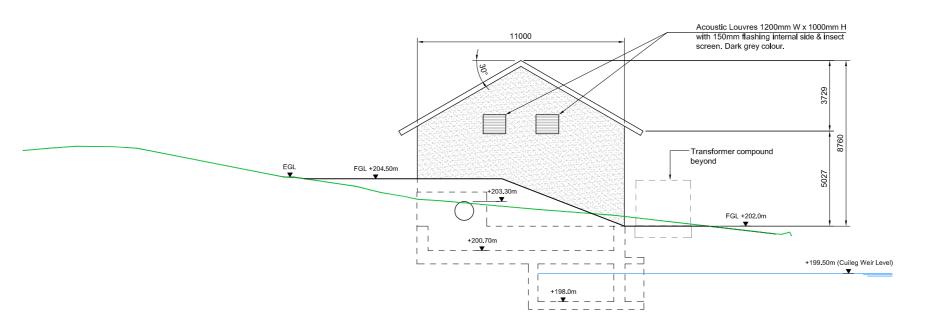
POWERHOUSE ELEVATIONS SHEET 1

LAB/GEL/350 PRE

MISSION WHICH IS DUE TO AN ERROR OR OMISSION IN DATA SUPPLIED TO US BY OTHER THIRD PARTIES.

# 11000 Transformer compound In 2.4m high palisade EGL (Beyond) FGL +204.50m (Beyond) EGL ▲ FGL +202.0m +200.70m 6000 +199.50m (Cuileg Weir Level) Hardstanding +198.0m

### East Elevation



West Elevation

# IF IN DOUBT - ASK

- 1. All levels are In metres Above Ordnance Datum (mAOD).
- 2. All dimensions are in millimetres unless otherwise noted.
- 3. This drawing is to be read in conjunction with specification.

- 1. Walls to be wet harl finish off white / grey colour.
- 2. Doors and louvres to be anthracite grey colour RAL 7016.
- 3. Ralnwater goods to be black.
- 4. Roof to be natural slate.

# For Planning

REV	DATE	DRAWN	NOTES	CH'K'D	APP'E
P1	04.10.17	MH	Preliminary	GMcG	GMc
P2	14.03.18	МН	Preliminary	GMcG	GMc
P3	11.07.18	МН	Preliminary	GMcG	GMc



LOCH A' BHRAOIN **HYDRO SCHEME** 

DRAWING TITLE

SCALE AT A1 (ORIGINAL SHEET SIZE)

**POWERHOUSE ELEVATIONS SHEET 2** 

RAWING STATUS LAB/GEL/351 PRE

SCALE AT A3: 1:200

