

**WEST DUNBARTONSHIRE COUNCIL**

**Report by Strategic Lead- Regulatory**

**Planning Committee: 20 March 2019**

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**DC18/207: Construction and operation of a 250kW hydropower scheme and associated infrastructure at Gavinburn Farm, Old Kilpatrick by Scotia Hydro**

**1. REASON FOR REPORT**

- 1.1** The application raises new and significant issues and is subject to objection. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

**2. RECOMMENDATION**

- 2.1** **Grant** planning permission subject to the conditions set out in Section 9.

**3. DEVELOPMENT DETAILS**

- 3.1** The development site is within the Kilpatrick Hills, north of Old Kilpatrick and the A82. The footprint of the proposed hydro development would cover an area of 3ha whilst the application site is approximate 39ha. The topography of the site steeply slopes away from Loch Humphrey(320 AOD) to the open fields of Gavinburn Farm (11AOD) where the terrain then changes and gently undulates down to the southernmost boundary of the site on the north side of the A82. The landscape of the site varies and is characterised by open moorland, a mix of commercial and natural woodland which then gives way to open farmland at Gavinburn Farm.
- 3.2** The site is within the Kilpatrick Hills Local Landscape Area and in the northernmost section of the Haw Craig Site of Special Scientific Interest (SSSI). Core Paths 87 and 84 go through the site as do numerous forestry tracks currently used by Forestry Commission Scotland to facilitate the felling of timber for commercial purposes. The site contains several small watercourses and drainage channels; most notable is the Glenarbuck Burn and the Gavin Burn which flow through the northern and southern half the site.
- 3.3** The proposal involves the installation of a hydroelectric scheme which would take water from a single point at Loch Humphrey using an existing

conduit (the intake) and it would travel down the slopes of the Kilpatrick Hills through 2700 metres of buried pipeline (the penstock), to a turbine located with a new 'powerhouse' building at Gavinburn Farm. The water would turn the turbine and this would generate electricity for export to the national grid. The water would then discharge via another short section of buried pipeline (the tailrace) to the nearby Gavin Burn that feeds into the River Clyde. The powerhouse would be a single storey, steel frame building measuring approximately 7mx6m in footprint with a ridge height of 5m and would have the appearance of an agricultural shed. A 10 metre wide 'construction corridor' is proposed alongside the route of the pipeline and would include temporary tracks for construction vehicles, areas for storing and separating turves and pipe laydown areas. Four culverts would be installed where the pipeline crosses watercourses. A 250 metre long permanent track to the powerhouse from Gavinburn Farm steading is proposed and would be used for maintenance of the turbine and associated equipment. A temporary site compound would be located adjacent to the powerhouse during the construction phase.

- 3.4 Access during the construction phase would be from three separate entrances: Sheephill Quarry entrance on the A82, Kilpatrick Braes Road north of the A82/ Erskine Bridge junction and the private entrance at Gavinburn Farm (also from the A82). All routes would use existing site tracks to access the development site.
- 3.5 The proposal is subject to an Environmental Impact Assessment (EIA) covering the following topics: archaeology, landscape & visual, noise, ecology, arboriculture, recreation & public amenity, transport, water resources & hydrology and socio-economic impacts.

#### **4. CONSULTATIONS**

- 4.1 Scottish Natural Heritage (SNH) has no objection to the proposal subject to conditions relating to the provision of an invasive species management plan and methodology on avoiding disturbance to Peregrine Falcon during construction.
- 4.2 The Scottish Environmental Protection Agency (SEPA) has no objection to the proposal subject to conditions relating to a site specific construction management plan to include a peat contingency plan and a more detailed waste management plan.
- 4.3 West Dunbartonshire Council Roads Service has no objection to the proposal subject to conditions relating to access and egress from the site and measures to control debris from the site.

- 4.4 West Dunbartonshire Council Environmental Health Service has no objection to the proposal subject to conditions relating to a noise impact assessment, construction phase hours of work and delivery vehicles time restrictions.
- 4.5 West Dunbartonshire Council Access Officer has no objection to the proposal subject to conditions related to an access management plan and a site restoration plan.
- 4.6 The West of Scotland Archaeology Service (WOSAS) has no objection to the proposal subject to a condition relating to an archaeological watching brief.
- 4.7 Scotways has no objection to the proposal subject to the provision of an access management plan.
- 4.8 Historic Environment Scotland, Scottish Water, Transport Scotland, Network Rail, Scotia Gas Networks and the Health & Safety Executive (HSE) have no objection to the proposal.

## 5. REPRESENTATIONS

- 5.1 A total of 10 representations have been received in relation to the application. 8 objections are from users of the Kilpatrick Hills footpath network together with 2 local residents. Old Kilpatrick, Bowling and Milton, Dumbarton East and Central, Silvertown and Overtown Community Council's and Clydebelt are supportive of the development in principle and make suggestions on matters that they feel should be considered as part of the application. The points of all representations can be summarised as follows:

### Points of objection:

- Weekly vehicular access via Gavinburn Farm to the powerhouse for maintenance purposes is too frequent;
- The existing culvert leading from Gavinburn Farm to the main site compound is not capable of supporting large/heavy vehicles;
- The materials proposed for the powerhouse are not in keeping with the overall farm setting and will result in blight and impact on local wildlife and local flora;
- Noise levels from the powerhouse will adversely affect nearby properties;
- Capacity of the existing culvert at Gavinburn Farm is not sufficient to cope with the discharge of water from the hydro scheme and may result in flooding in the immediate area;

- Using water from Loch Humphrey for a hydro scheme will have a detrimental effect on local wildlife and fish stocks;
- The Kilpatrick Hills are environmentally important and should not be built on;
- The proposal will have a detrimental effect on the recreational amenity of those who use the hills for walking and biking and also Loch Humphry for fishing
- The proposal will permanently change the local landscape, roads, local water, wildlife and biodiversity;
- Closure of the core path network during construction

Points of support and other matters:

- The principle of a hydro-electric scheme which will provide green energy and contribute towards the Scottish Government renewable energy targets, is supported;
- The proposal is supported subject to the following matters being addressed: archaeological watching brief, core paths/access management and protected species (otter and water vole);
- Adequate separation distance between Glenarbus Lodge and powerhouse to mitigate noise;
- Powerhouse should be designed to fit with the locale and consideration of screening/ planting;
- Deter any impacts on water extraction and potential effects on ecology;
- Potential for flooding;
- Access to the hills during construction should be maintained;
- All piping/cables should be buried and ground reinstated to original appearance.

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

### **6.1 Clydeplan**

The policies relevant to the application, and on which it has been assessed against, are as follows:

- Policy 10 – Delivering Heat & Electricity
- Policy 13 – Forestry and Woodland
- Policy 14 – Green Belt

**6.2** Policy 10 states that support should be given, where appropriate, to alternative renewable energy technologies and associated infrastructure; the principle of the proposal accords with this policy. Policy 13 states that development proposals should minimise the loss of existing trees and include, where appropriate, compensatory planting in line with the Scottish Government's Control of Woodland Removal Policy. Policy 14 recognises the importance of the greenbelt and its strategic value which places emphasis on its role in meeting requirements for the sustainable location of rural industries including renewable energy.

The proposal accords with all the policies above and will contribute to delivering the broad vision of a compact city region that is a successful, sustainable, low carbon, natural, resilient and a connected place.

### **6.3** West Dunbartonshire Adopted Local Plan 2010

The policies relevant to the application, and on which it has been assessed against, are as follows:

- DC6 – Renewable Energy
- GB1 – Green Belt
- RSA1 – Regional Scenic Area
- E9 – Landscape Character
- E2B – National Nature Conservation Site (Sites of Special Scientific Interest)
- E3A – Local Nature Conservation Sites
- E5 – Development affecting Trees
- R5 – Access Opportunities

Policy D6 states that renewable energy development will only be permitted where it can be established without unacceptable detriment to the landscape, natural and built heritage, sport and recreation interests and local amenity. The proposal would not result in a permanent detrimental change to any of the criteria as any potential adverse effects are confined to the construction period, when the pipeline will be laid, and are therefore of a short-term, temporary nature and this is addressed fully in Section 7 of the report.

Policy GB1 seeks to prevent any development for which there is no specific site justification and avoid any adverse effects on the landscape character of the local area. The proposed development is one would expect in a rural area. There would be very little impact on the long term appearance, character and use of the development site. The powerhouse has a technical requirement to be located at Gavinburn Farm and the proposal would also utilise existing infrastructure at Loch Humphrey. The design of the powerhouse is of a standard agricultural building and therefore would be appropriate in this rural location.

Landscape policies relating to the Kilpatrick Hills Regional Scenic Area (RSA) specifically and landscape character in general are covered by policies RSA1 and E9. There is a general presumption against proposals that would be detrimental to landscape quality and character and also the visual amenity or nature conservation value of the RSA. The proposal accords with these policies as it is considered that there is unlikely to be any adverse significant impact in the long term on the RSA or landscape

character subject to suitable mitigation measures and appropriate site restoration being implemented.

Policy E2B relates to Sites of Specific Scientific Interest (SSSI) and requires that the development should not compromise the objectives or integrity of a SSSI or where there are imperative reasons of overriding public interest. The pipeline does not compromise the integrity of the SSSI and can be accommodated within the terms of this policy.

Policy E3A seeks to maintain and enhance the environmental resources of the area by the protection of habitats, species and natural features which are vulnerable and/or specifically protected. Part of the proposal is in the Kilpatrick Braes Local Nature Conservation Area (LNCA) which is designated for its woodland and upland heath. SNH are satisfied that the proposals will not result in any long term adverse effects on the LNCA.

Policy E5 seeks to minimise the loss of existing trees and woodland and as the proposal would result in some tree loss, a tree survey has been undertaken and compensatory planting is proposed. The pipeline does not affect any ancient woodland.

The proposal is located in an area with several Core Paths and Rights of Way and policy R5 seeks to protect Core Paths. It is anticipated that there would be some short term, temporary adverse effects to specific sections of some of the Core Paths and Rights of Way during the construction phase. However, appropriate mitigation and conditions related to access management during construction will be implemented to prevent long term damage.

The proposed development complies with both Clydeplan and the adopted Local Plan and detailed assessment is set out in Section 7 below.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### **7.1 West Dunbartonshire Local Development Plan: Proposed Plan (2016)**

On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report as it recommended modification in respect of including the Duntiglenan Fields site in Clydebank as a housing development opportunity. Therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.

### **7.2 The policies relevant to the application and on which it has been assessed against are as follows:**

- DS5 – Renewable Energy
- GN1 - Greenbelt
- GN3 – The Habitat Network & Geodiversity
- GN4 – Landscape
- GN5 – Forestry, Woodland and Trees
- GN8 – Outdoor Access

The Policies contained within the Local Development Plan: Proposed Plan (2016) and Local Development Plan: Proposed Plan (2018) are broadly similar and fully in accordance with SPP are addressed below.

### **7.3 West Dunbartonshire Local Development Plan 2: Proposed Plan (2018)**

On 19<sup>th</sup> September 2018 the Planning Committee approved Local Development Plan 2: Proposed Plan for consultation. It is therefore the Council's most up to date policy position and it is a material consideration in the assessment of planning applications. However, the Plan has not been subject to its examination at the time of assessing this proposal.

The policies relevant to the application, and on which it has been assessed against, are as follows:

- RE1 – Renewable Energy Developments
- GB1 – Greenbelt & Countryside
- KH1 – Kilpatrick Hills
- ENV2 – Landscape Character
- ENV1 – Nature Conservation
- ENV4 – Forestry, Trees & Woodland
- CON3 – Core Paths and Natural Routes

**7.4** Policies DS5 (LDP1) and RE1 (LDP2) both relate to renewable energy and the content of these policies is broadly similar to policy DC6 of the adopted local plan. However, RE1 (LDP2) differs as it requires proposals to be considered against the relevant criteria contained within Paragraph 169 of SPP whereas DS5 (LDP1) has its own criteria. One of the criteria of LDP 2 is in relation to site decommissioning and restoration. Further details on site decommissioning and restoration would be secured through conditions and while the proposal has not provided any opportunities for energy storage, it is considered that the location and small scale capacity of the proposal would not make energy storage a viable consideration in this particular instance

**7.5** Policies GN1 (LDP1) and GB1 (LDP2) both relate to the greenbelt and the content of these policies is broadly similar to policy GB1 of the adopted local plan and the proposed development is considered acceptable in a rural location.

**7.6** The Kilpatrick Hills which is designated as a Local Landscape Area in both proposed plans. LDP 1 has a specific development strategy for the Kilpatrick Hills which seeks to protect and enhance them, which is consistent with the aims of policy KH1 in LDP2. Both plans require developers to take due cognisance of the Kilpatrick Hills Management Plan (2011) when formulating development proposals. The proposal accords with these policies as it is considered that there is unlikely to be any adverse significant impact in the long term on the Kilpatrick Hills.

**7.7** Landscape character is covered by policies GN4 (LDP1) and ENV2 (LDP2) whose content is broadly similar to policy E9 of the adopted local plan. Policies GN3 (LDP1) and ENV1 (LDP2) relate to natural heritage and are broadly similar in their requirements with policy E2B and E3A of the adopted local plan. Policies GN5 (LDP1) and ENV4 (LDP2) relate to trees and forestry and are broadly similar with policy E5 of the adopted local plan. Policies GN8 (LDP1) and CON3 (LDP2) relate to access core paths and are broadly similar with policy R5 of the adopted local plan. It is considered that the proposal complies with the above policies subject to the implementation of appropriate mitigation measures and conditions and this is discussed fully below.

**7.8** Scottish Planning Policy (SPP)

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 the equivalent of 100% of electricity demand by 2020. SPP recognises the role of energy in achieving the aim of a low carbon place while also balancing this with the need to protect and enhance Scotland's natural environment. The proposal would make a small contribution to renewable energy targets and subject to the implementation of appropriate mitigation measures and conditions, the proposal is considered to be in accordance with SPP.

**7.9** Principle of development

The proposed hydro scheme is located within a rural location where the principle of a renewable energy scheme is supported by the policies of the adopted and proposed local plans. A site-specific locational need has been demonstrated as the Kilpatrick Hills provides several advantages for a hydro-electric scheme: it can use existing infrastructure at Loch Humphrey where the water will be abstracted avoiding the need for any new above ground structures. The site represents an optimal level of 'head' (the distance between the intake and the powerhouse) of 309m. The more head, the higher the water pressure across the hydro turbine and the more power it will generate, ensuring the viability of the scheme. The impact on the local landscape has been minimised as the pipeline would be buried for its entirety and routed to work with the site topography,



to reduce impacts on the Glenar buck – Haw Craig SSSI and to avoid areas of Ancient Woodland and known habitats of protected species. The field at Gavinburn Farm provides a sufficient site area to accommodate the temporary construction compound and the permanent powerhouse. As the A82 runs along the southern boundary of the site, it is well positioned to use the road as an existing access route for deliveries. On site, existing forestry tracks would be used for heavy loads while sections of core paths would be used for lighter loads. Temporary tracks would be required alongside the route of the pipeline but would be reinstated post construction to ensure there is no scarring on the landscape beyond the construction and restoration period. The only permanent track proposed is sensitively sited within Gavinburn Farm to access the powerhouse for maintenance. Good practice methodology for reinstating and re-profiling the ground affected by excavation and laying of the pipeline is proposed which will ensure it regenerates effectively.

#### **7.10 Landscape & Visual Impact**

Given the location of the hydro development in the Kilpatrick Hills, as a Local Landscape Area, a Landscape & Visual Appraisal was carried out as part of the Environmental Impact Assessment. The appraisal concluded that there would be direct changes to the landscape character associated with construction activities however; these changes would be of short duration and temporary in nature until such time as the disturbed ground regenerates and vegetation cover is re-established. This is considered acceptable. The powerhouse, associated substation and the permanent access track to the powerhouse will not change the landscape character and these structures will be sited sensitively and adequately screened at the corner of the field at northern side of the A82. The proposal would also have no long term adverse visual effects from wider viewpoints of settlements such as Old Kilpatrick within the study area, public roads or recreational routes. Having considered the landscape assessment, it is considered that the impact of the development on the landscape will be short to medium term. SNH are also satisfied that the proposals will not have an adverse visual impact on the landscape.

#### **7.11 Siting/ design of buildings**

The powerhouse would be a single storey, steel frame structure on a reinforced concrete slab, formed from 215mm concrete blocks and measure approximately 7mx6m with a ridge height of 5m. The front elevation of the structure faces east towards Gavinburn Farm steading with double doors for access and would be finished externally with dark green profile sheets on the walls and grey steel profile on the pitched roof; louvres would be installed for ventilation. The finish of the powerhouse would be similar to that of a standard agricultural building and therefore would not be out of keeping with the landscape character of this location. Internally, the powerhouse would contain the turbine, generator, power

cabinet and a control panel. A small 'lean to' extension would contain a semi-buried 'pigging' chamber, with an external timber finish, which would enable the pipeline to be cleaned using a 'pig' or 'swab' that can travel through the pipe, clean it and identify any maintenance issues. The hydro scheme would connect into the national grid and a substation would be required; this would be located adjacent to the powerhouse and would measure approximately 5mx5m and 2.5m high. The water carried in the pipe would run through a short section of buried pipe (tailrace) of 750mm diameter from the rear elevation of the powerhouse and reach an above ground concrete outfall at the Gavin Burn, with 20mm steel bar screen to prevent entry of any fish or wildlife through the pipeline. A new permanent access track from Gavinburn farm steading to the powerhouse would be constructed measuring 250m in length and up to 4m wide and would have the appearance of an agricultural farm track with grass central strip. A turning circle would also be provided to allow maintenance vehicles to manoeuvre and exit the field in forward gear. The above ground development is considered to be acceptable from a visual and landscape perspective.

#### **7.12 Access & Recreation**

The proposal has the potential to impact upon recreational users of the Kilpatrick Hills. Public Right of Way (SD66) and Core Paths (87) are within the site boundary and would be directly affected by the installation of the pipeline. There would not be a requirement to close either of these routes during the construction period and banksmen would be appointed to manage the safe passage of users together with the appropriate siting of advisory warning signage. Core paths (159, 82, 84 and 87) will be used by construction traffic. The construction period is expected to last for approximately 9 months. It is anticipated that 1-2 HGV vehicles per day would need to use these routes for approximately 4 months. Conditions requiring a Public Access Management Plan and Path Restoration Plan would be attached to any permission requiring the management of the public during construction and details of core footpath restoration specification.

#### **7.13 Natural Heritage**

The Site of Special Scientific Interest (SSSI) of Haw-Craig is designated for its rock habitats and upland woodland. Whilst the pipeline passes through the northernmost section of the SSSI, it will not have an adverse impact as the habitats types for which the site is designated, are not present in this area. This has been confirmed by SNH who have no objection to the routing of the pipeline through the SSSI subject to the provision of a management plan to manage the invasive species. The majority of ground habitat within the development site is semi-improved neutral grassland and is not considered to be of significant importance to nature conservation. The exception is some small areas of dry modified

bog which is classed as a sensitive habitat. Impact on this habitat can be mitigated through a turve/soil management plan which will ensure the small areas of affected habitats can be restored post construction.

- 7.14** A badger sett was identified on site through survey and the pipeline has subsequently been moved to avoid the sett. A bat survey was carried out for trees in the area of the southern aspect of the development site and surrounding area. Whilst several trees were identified as having a range of 'medium-low' bat roost potential, none of these trees would be affected by the proposed hydro scheme. A nesting pair of peregrine falcons, which is protected as a Schedule 1 species, was recorded within the development site. Whilst the proposal would have no direct impact on the peregrine nest, there could be indirect impacts during the construction period so SNH has requested a method statement to be provided which outlines good practice methods on how disturbance can be minimised during construction. Peat probing was carried out within the development site and due to the limited evidence of peat habitats, SEPA has requested that a Peat Contingency Plan and this will be addressed by condition. Fish screens will be used to ensure they do not enter the pipeline and this is considered to be good practice.

**7.15** Forestry & Trees

Some of the trees on the site are protected by a Tree Preservation Order (TPO) and there is an area of ancient woodland to the south of the site. A tree survey was carried out and the pipeline has been sensitively sited to avoid impacting any trees within the area of ancient woodland to the south of the site. Only 2 trees would require to be felled which are protected by a TPO. The pipeline will be 'micro-sited' at this location to avoid impacting on other trees and their root systems and protective fencing will require to be erected to protect the trees during construction. A total of 450m<sup>2</sup> of commercial conifer plantation at the north of the site which is owned and managed by Forestry Commission Scotland would be felled as a result of the proposal. A compensatory planting scheme comprising native species across an area of 1.2ha at the western end of Gavinburn Farm will be planted as agreed with the Forestry Commission and land owner.

**7.16** Built & Cultural Heritage

The development site lies partially within the buffer zone of the Antonine Wall World Heritage Site. Historic Environment Scotland and West of Scotland Archaeology Service (WoSAS) are both satisfied that the proposal would not have a significant adverse effect on the World Heritage Site with WoSAS requesting an archaeological watching brief by condition.

**7.17** Noise

The main noise emitter from the development would be the turbine located in the powerhouse and the nearest properties to the powerhouse

are: Glenarbuck Lodge at 55m, Roman Crescent, Old Kilpatrick at 140m, Glenarbuck House at 260m and Gavinburn Farm at 320m. Potential for noise impact from the turbine is a point of objection in the representations. An initial noise assessment based on a hydro-electric scheme of similar scale, found that it is unlikely that the turbine would result in any significant adverse effects on occupiers of these properties. However, a more detailed noise impact assessment has been requested by the Council's Environmental Health Service and will be required to include mitigation measures, if necessary. Mitigation could include the sound proofing/attenuation of the powerhouse which will be incorporated into the construction to ensure nearby residents are not adversely affected by noise.

#### **7.18 Water Environment**

The construction phase is when sedimentation, pollution and contamination of ground water are most likely to occur. SEPA is satisfied by the inclusion of best practice standards and guidance, this will mitigate against potential effects. With regards to the capacity of Loch Humphrey and its associated burn, a separate licence would be required from SEPA for the abstraction of water and engineering works affecting watercourses such as culverts and the tailrace where the water is returned to the Gavin Burn.

#### **7.19 Traffic**

Transport Scotland and the Council's Roads Service have no objection to the proposed development as construction traffic will be using existing private tracks. The Council's Roads Service has requested conditions to ensure the proposed access and egress from Sheephill Quarry (large construction vehicles) and Gavinburn Farm (private access from the A82) is unchanged and alternative routes are not used. One vehicle (van) for maintenance purposes will access the powerhouse approximately once on a weekly basis. This is considered to be acceptable.

#### **7.20 Community Benefit**

Community benefits in relation to renewable energy are voluntary and vary greatly in how they are delivered and what form they take. Community benefits can include monetary payments (funds) or other voluntary benefits provided to the community such as direct funding of projects, one-off funding, local energy discount scheme or other site-specific benefits. However, the prospect of financial benefit to a community is not a material consideration in the determination of planning applications.

#### **7.21** In this instance the applicant has proposed a community benefit payment of £5000 per MW/year to be paid to Dumbarton & District Pipe Band to teach primary children in West Dunbartonshire bagpipe and drumming skills; this will help provide tuition. An interpretation board at Loch

Humphrey will also be installed which would provide information on the history of the lochs and the hydro-electric scheme. The Applicant has also indicated that they are keen to visit local schools to present information and educate on renewable energy and the Gavinburn scheme.

## **8. CONCLUSION**

- 8.1** National planning policy and the Adopted Plans and Proposed Plans are supportive of renewable energy schemes in principle. This is the first hydro scheme proposed in the West Dunbartonshire area and is to be welcomed. The hydro development is proposed in the Kilpatrick Hills and through proper reinstatement and mitigation, there will be no adverse impacts on ecology, the landscape or on access and recreation. The concerns and issues raised through the consultation process and by representations have been addressed through the details submitted as part of the application or through conditions.

## **9. CONDITIONS**

- 1. No development shall commence on site until an updated Construction Management Plan (CMP) which sets out how the construction phase of the development will be managed. This shall be submitted to and approved in writing by, the Planning Authority.**
  - a) Detailed construction methods for all aspects of the scheme (temporary access tracks, permanent tracks, site compounds, intakes, pipeline, tailrace/ outfall, powerhouse, culverts);**
  - b) Schedule of mitigation**
  - c) Pollution prevention safeguards and sedimentation safeguards;**
  - d) Storage and disposal of materials;**
  - e) Construction site facilities including the location of construction site huts, vehicle equipment, materials storage and location of parking area(s) for construction workers;**
  - f) Duration, timing and phasing of works;**
  - g) The width of the working corridor that construction works will be confined to (shown on a plan);**
  - h) Detailed landscape mitigation and restoration techniques for the entire route**
  - i) Detailed habitat mitigation and restoration targets;**
  - j) Treatment and management of peats and turves;**
  - k) Tree felling and tree/ root protection measures;**
  - l) Core path restoration methods and specification;**

- m) Protected species mitigation (including the provision of temporary; ramps in trenches and the capping of pipes at the end of a working day);**
- n) Details of toolbox talk for protected species to ensure all personnel are aware of what to do should evidence of species be discovered during construction of the hydro scheme;**
- o) Traffic management proposals - to minimise any conflict between construction vehicles and other road users;**
- p) Public access management proposals and advisory warning signage strategy and;**
- q) Hours of operation on site.**

**The CMP shall be implemented as approved:**

- 2. The development shall be undertaken in one continuous phase, with no partial implementation. Unless otherwise agreed in writing by the Planning Authority, all construction activities shall be completed within a 24-month period taken from the start date provided to the Local Planning Authority in accordance with the Notice of Initiation of Development and having regard to any other limitations on work periods set out in any other planning condition.**

- 3. No development shall commence on site, until an invasive species management plan, for scotch broom and rosebay willowherb, shall be submitted for approval in writing, by the Planning Authority and will include:**

- a) Areas to be avoided during construction are to be marked out by an ecologist;**
- b) Ensure careful vegetation management during construction/operational stages to ensure that no seed dispersal or spread by vegetative means occurs;**
- c) Agree a location and methodology for the storage of topsoil;**
- d) Produce a post construction management plan to manage the potential impact of rapid re-colonisation of these (or other) invasive species resulting from the disturbance of the seed bed during the construction and operational phases**

**The plan shall be implemented as approved within a timescale to be agreed with the Planning Authority.**

- 4. No construction shall commence on site until a Landscape Restoration Plan is submitted to, and approved in writing by, the**

- Planning Authority. The plan shall detail proposals for the reinstatement and management of all areas of the scheme and shall include a turve management plan. The details to be provided shall require the pipeline route to be exposed in short sections only (to be defined and agreed) and turves associated with the construction of the pipeline shall be stored for a maximum of two weeks. The Landscape Restoration Plan shall be implemented as approved within a timescale agreed with the Planning Authority.**
- 5. No development shall commence on the construction of the power house until a scheme of hard and soft landscaping works for the site of the powerhouse has been submitted to, and approved in writing by, the Planning Authority. The approved landscaping scheme shall be implemented in full prior to the initial operation of the powerhouse. Any trees or plants which within a period of five years from the completion of the development die, or for whatever reason, are removed or damaged shall be replaced in the next planting season with others of the same size and species.**
  - 6. No development shall commence until a detailed Public Access Management Plan has been submitted to and approved in writing by the Planning Authority. The Plan shall include:
    - a) All existing access points, paths, core paths, tracks, rights of way and other routes within and adjacent to the application site;**
    - b) Exact timings, impacts and mitigation for all site vehicle movements and works affecting the Core Path. Works directly affecting the Core Path route shall be programmed to minimise disturbance during peak walking seasons/weekends/days.**
    - c) Use of banksmen to manage the safe passage of users**
    - d) A mitigation communication strategy - local press, businesses and community groups informed of construction operation timetables and likely disturbance to path usage;**
    - e) Advisory construction warning signage strategy;**The approved Public Access Management Plan shall be implemented as approved.**
  - 7. No development shall commence on site until a photographic survey and annotated plan of all core paths that will be used by construction traffic is carried out to ascertain the pre- works standard of the paths and shall submitted for the approval in writing of the Planning**

**Authority. Within 1 month of construction being completed all paths shall be re-surveyed and reinstated to the agreed pre-works standard.**

- 8. No development shall commence on site 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:**

- a) Plan showing trees to be felled;**
- b) Plan showing area of compensatory planting;**
- c) Detailed planting specification and timescales;**
- d) Detailed maintenance programme;**
- e) Detailed management/ protection proposals for retained trees along the penstock route;**
- f) Details of forestry consultant responsible for supervision through to establishment.**

**The Woodland Management Plan shall be implemented as approved. Within a timescale agreed with the Planning Authority.**

- 9. All works shall be carried out in accordance with the approved details of the Aboricultural Impact Assessment and Method Statement (dated December 2018) for the protection of trees on site.**

- 10. No development shall take place until such time as a noise impact assessment has been submitted to and approved in writing by the planning authority. The noise impact assessment shall include an assessment of the potential for the proposed turbine/ powerhouse to cause noise nuisance affecting nearby residential properties. Where potential noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the planning authority. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme. Should the approved noise attenuation scheme impose restrictions upon the way in which operations on the site are carried out, the site shall be operated in this manner unless otherwise approved in writing by the planning authority. The noise impact assessment and any recommendations in respect of**



**attenuation measures shall be prepared by a suitably qualified person.**

- 11. During the period of construction, all works and ancillary operations shall be carried out between the following hours unless otherwise approved in writing by the planning authority:  
Mondays to Fridays: 0800-1800  
Saturdays: 0800-1300  
Sundays & public holidays: No working**
- 12. Prior to the commissioning of the scheme an interpretation board containing information relating to the history of the lochs and the approved hydro scheme shall be displayed at Loch Humphrey (or at alternative locations agreed with the Planning Authority) and maintained thereafter.**
- 13. Unless as may otherwise be agreed in writing by the Planning Authority, no works shall commence on the development hereby approved until an independent Ecological Clerk of Works (ECoW) has been appointed by the developer to oversee the implementation of the relevant planning conditions and the Construction Management Plan (CMP) during the detailed design, construction, and restoration phases of the development.**
- 14. Prior to appointing the ECoW in accordance with Condition 13 above, a 'scope of works' for that person shall be submitted to, and approved in writing by, the Planning Authority. As a minimum, the ECoW shall: be present to oversee all in-stream construction works; give advice on micro-siting project elements to protect trees and avoid important habitats, give Ecological 'toolbox talks' on emergency procedures if protected species are identified within or close to the construction corridor; ensure compliance with all wildlife legislation; undertake pre-construction checks for protected species (mammals, fish and birds); oversee implementation of all ecological mitigation, as detailed in the approved CMP; monitor restoration of the site and ensure that the agreed habitat restoration targets are achieved; and have the authority, on and off-site, to halt operations or to alter construction methods if they observe, monitor or otherwise identify that these operations are having adverse impacts on the natural heritage. The Scope of Works shall specify the stages of the process that the ECoW will be present on site for,**

and how regularly they will otherwise inspect the site. All works shall be carried out in accordance with the agreed scope of works.

15. Before the commencement of development on site, a Bird Disturbance Method Statement shall be submitted for the approval in writing of the Planning Authority. This shall include pre-construction surveys and timings, identify exclusion zones, method of surveying during construction for signs of disturbance and mitigation if birds are disturbed. The Bird Disturbance Method Statement shall be implemented as approved within a timescale to be agreed with the Planning Authority.
16. Before the commencement of development, a Peat Contingency Plan shall be submitted for the approval in writing of the Planning Authority and shall include:
  - a) A commitment to all construction activity ceasing immediately if deep peat is discovered;
  - b) On site storage options to ensure any peat is kept dry;
  - c) Details of proposed on site and off site use;
  - d) A commitment that SEPA will be contacted to obtain an appropriate level of waste management authorisation as required.The Peat Contingency Plan shall be implemented as approved within a timescale to be agreed with the Planning Authority.
17. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the planning authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief shall be submitted and approved in writing by the Planning Authority prior to the commencement of development on site.
18. No development shall commence on site, until a further survey of the site for badgers is submitted for the approval in writing by the Planning Authority. If any evidence of badgers is identified then any actions arising shall be agreed by the Planning Authority and implemented as approved.

- 19. Notwithstanding the submitted plans, unless as may otherwise be agreed in writing by the Planning Authority, the permanent access track to the powerhouse shall not exceed 2.5 metres in width and shall include a grass central strip.**
- 20. Prior to the commencement of the development, a 'micro siting' plan, informed by a topographical survey shall be submitted to, and approved in writing by, the Planning Authority, which shall include details of the precise route of the pipeline through the areas of woodland to the south of the site and the Haw Craig Site of Special Scientific Interest. The plan shall show details of the construction corridor at these locations and shall be implemented as approved.**
- 21. Unless otherwise agreed in writing by the Planning Authority, only the A82 Sheephill Quarry and Gavinburn Farm accesses shall be used by construction vehicles associated with the hydro scheme.**
- 22. A monitoring report shall be submitted to the Planning Authority setting out how the requirements of the Construction Management Plan and all other conditions of the permission are being adhered to on the site, and any issues arising, at the following intervals during the construction phase:**

  - a) Every month for the first 6 months (taken from the start date given in the Notice of Initiation), and**
  - b) Every two months for the remaining period of construction.**

**Unless otherwise agreed in writing by the Planning Authority, the monitoring reports shall include an update on construction progress, photographs, and an update from the ECoW.**
- 23. Unless otherwise agreed in writing by the Planning Authority, in the event of the scheme not generating electricity for a continuous period of twelve months with no realistic expectation of resumption in the foreseeable future, the site shall be reinstated within a period of two years in accordance with the scheme to be submitted to, and approved in writing by the Planning Authority, following the expiry of such a period of cessation or within such timescales as agreed in writing by the Planning Authority. Reinstatement shall include a methodology for the removal of the above ground infrastructures and restoration of the ground and restoration of the natural water regime to normal flows.**

**Peter Hesse**  
**Strategic Lead- Regulatory**  
**Date: 7<sup>th</sup> March 2018**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager  
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**Appendix:** Site Location Map

**Background Papers:**

1. Application forms, plans and Environmental Impact Assessment Report (EIAR);
2. Consultation responses;
3. Representations;
4. West Dunbartonshire Local Plan 2010;
5. Glasgow and the Clyde Valley Strategic Development Plan (Clydeplan) 2017;
6. Scottish Planning Policy;
7. West Dunbartonshire Local Development Plan Proposed Plan (LDP1);
8. West Dunbartonshire Local Development Plan Proposed Plan (LDP2);
9. Our Changing Places: Kilpatrick Hills & the Green Network;
10. Green Network Strategy;
11. Renewable Energy Planning Guidance.

**Wards affected:** Ward