

**PLANNING PERMISSION**

Reference No: 15/04716/FUL

To:  
Green Highland Renewables  
Mrs Mairead Murnion  
Inveralmond Road  
Inveralmond Industrial Estate  
Perth  
PH1 3TW

**Town and Country Planning (Scotland) Act 1997 (As Amended)  
Planning Etc. (Scotland) Act 2006**

**DECISION NOTICE**

**A RUN-OF-RIVER HYDRO SCHEME OF UP TO 700KW CAPACITY LOCATED UPON ABHAINN  
GREADHAIN WITH GLEANN A' CHAOLAIS.  
LAND 760M SOUTH OF 1 GLEN COTTAGES GLENACHULISH BALLACHULISH**

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following documents:

Document Type	Document No.	Version No.	Date Received
Location Plan	20053-DG-100	P2	21.12.2015
Site Layout Plan	20053-DG-200	P2	21.12.2015
Floor Plan	20053-DG-201	P1	21.12.2015
Elevations	20053-DG-202	P2	21.12.2015
Floor/Elevation Plan	20053-DG-301	P2	21.12.2015

**CONDITIONS AND REASONS**

This consent is granted subject to the following conditions and reasons:

- No development, site excavations or groundworks shall commence until pre-construction surveys have been undertaken for otter, pine marten, bats, red squirrels, water voles, wildcat, badger and breeding birds and these surveys shall take place no more than 3 weeks prior to ground breaking works. The surveys shall be submitted to the Planning Authority together with a Report to contain any recommended mitigation measures, and no development shall commence until approval has been given in writing by the Planning Authority. The development shall thereafter be undertaken in accordance with any mitigation measures recommended in the Report, as approved.

**Reason:** *In the interests of the environment in accordance with Policies 58, 59 and 60 of the Highland wide Local Development Plan.*

- The development shall be carried out strictly in accordance with the following submitted reports (or updated final versions as required by condition 3 below) and the recommended mitigation identified therein:

**Dated:** 23rd November 2016

*Susan Macmillan*

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**Area Planning Manager**

- Environmental Report - Green Highland - Dec 2015
- Tree Removal/Protection Plan - GHR Feb 2016
- Tree Review & Plans - GHR May 2016
- Tree Restocking Plan - FCS Lochaber Forest District - May 2016
- Fish habitat and Electro fishing report - GHR April 2015
- Ecology Surveys - Blairbeg Consulting for GHR Sept 2015
- Draft Construction Method Statement - GHR Dec 2015
- Traffic Management Plan Dwg No.20053 TMPV1 - Feb 2016
- Draft Construction Environment Management Plan - GHR June 2016

**Reason :** *In the interests of the environment in accordance with Policies 28, 36, 57, 58, 59, 60 and 63 of the Highland wide Local Development Plan.*

3. At least two (2) months prior to the commencement of any works, a site specific Construction Environmental Management Plan (CEMP) must be submitted for the written approval of the planning authority in consultation with SEPA and all work shall be carried out in accordance with the approved plan. For the avoidance of doubt the CEMP should incorporate:

- a peat depth survey
- details of micro-siting to avoid areas of deep peat,
- appropriate mitigation in areas of peat and for GWDTEs,
- the precise position of section(s) of floating track;
- how any excess peat will be dealt with;
- how the trees that are to be felled are to be used (preferably for economic use rather than waste);
- a finalised CMS

the CMS element to include :

- no borrow pits within this application site area, and details of where any additional materials required for the development hereby approved will be sourced from
- no helicopters or blasting as part of this development
- details of the finished treatment of the area to be made tidy adjacent to the powerhouse
- Final site decommissioning

**Reason :** *To control impacts on the water environment, and to land and air in accordance with policies 28, 36, 57, 58, 59, 60 and 63 of the Highland wide Local Development Plan.*

4. The developer shall appoint an Environmental Clerk of Works who shall be available to be called upon during the whole construction period and the appointed person shall have the authority to modify construction practices in order to protect ecological interests. The identity and role of the ECoW to be submitted to and approved in writing by the Planning Authority prior to the commencement of development. The ECoW's monitoring reports shall be made available to the Planning Authority and this specialist role should include powers to stop works and to implement remedial work with immediate effect.

**Reason :** *To minimise disturbance to nature conservation interests within the hydro scheme site in accordance with Policies 57, 58, 59, 60 and 63 of the Highland wide Local Development Plan.*

**Dated:** 23rd November 2016

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Area Planning Manager

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5. No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

**Reason :** *In order to ensure the protection of retained trees, which are important amenity assets, during construction, in accordance with Policies 51 and 52 of the Highland wide Local Development Plan.*

6. No development, site excavation or groundwork shall commence until all retained trees have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

**Reason :** *In order to ensure the protection of retained trees, which are important amenity assets, during construction, in accordance with Policies 51 and 52 of the Highland wide Local Development Plan.*

7. No development, site excavation or groundwork shall commence until a Tree Planting Plan and Maintenance Programme has been submitted to, and approved in writing by, the Planning Authority. The approved Tree Planting Plan shall be commenced during the first planting season following commencement of development, or as otherwise approved in writing by the Planning Authority, with maintenance thereafter being carried out in accordance with the approved Maintenance Programme. For the avoidance of doubt an equivalent amount of tree planting shall be undertaken to that felled as a consequence of this development. The Tree Planting should fit in with the Forest Plan for the plantation as a whole.

**Reason :** *In order to secure the long term management of the trees and/or woodland in accordance with Policies 51 and 52 of the Highland wide Local Development Plan, and Scottish Planning Policy on Control of Woodland Removal.*

8. Construction traffic for the hydro scheme hereby approved and timber lorries and machinery required to fell forestry for the hydro scheme shall access the site in accordance with the approved Traffic Management Plan: Appendix I of the Environmental Report dwg no. 20053-DG-100 Rev.P2 updated February 2016. For the avoidance of doubt no HGVs shall access the site via the A828 and U1598 Glenachulish Road. Special provision shall be made for the delivery of the turbine and generator - prior contact to be made with the Council's Community Services (Roads) Dept at Carr's Corner, Fort William, and representatives of the local community/Balachulish Community Council.

**Reason :** *In the interests of amenity and road safety in accordance with Policies 28 and 67 of the Highland wide Local Development Plan.*

9. Public access to any Core Path within, or adjacent to, the application site shall at no time be obstructed or deterred by construction-related activities, unless otherwise approved in writing by the Council's Access Officer (in conjunction with FCS) as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or determent shall cover only the smallest area practicable and for the shortest duration possible, with waymarked diversions provided as necessary.

**Dated: 23rd November 2016**

*Susan Macmillan* 

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**Area Planning Manager**

**Reason :** *In order to ensure that access to the core path network is not obstructed as a result of this development, in accordance with Policies 28 and 77 of the Highland wide Local Development Plan*

10. The materials and their colour to be used on the walls and roof of the powerhouse hereby approved shall be as specified on the approved drawing no.20053-DRG-202 Rev.P2 dated 016.12.15 unless the prior written approval of the planning authority is obtained for other materials.

**Reason :** *In the interests of visual amenity and in order to integrate the proposal with its surroundings in accordance with Policy 28 of the Highland wide Local Development Plan.*

11. All plant, machinery and equipment associated with this development shall be so installed, maintained and operated such that either of the following standards are met: -

- any associated operating noise does not exceed NR 20 when measured or calculated within the bedroom of any noise-sensitive premises with windows open for ventilation purposes;

**OR**

- the operating noise Rating level does not exceed the Background noise level by more than 5dB(A) including any characteristics penalty. Terms and measurements to be in accordance with BS 4142: 1997 Rating industrial noise affecting mixed residential and industrial areas.

(For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.)

**Reason :** *In the interests of residential amenity in accordance with policy 28 of the Highland wide Local Development Plan.*

12. No works shall commence on the powerhouse or outfall until full details of the noise attenuation measures to be built into the design of the powerhouse and outfall have been submitted to and approved in writing by the Planning Authority. The development shall be constructed in accordance with the details as approved, and operated in accordance with any necessary noise attenuation measures as may be approved.

**Reason :** *In the interests of residential amenity in accordance with policy 28 of the Highland wide Local Development Plan.*

**Variations**

During the processing of the application the following variations were made to the proposal:

1. Tree Removal and protection, and Replanting plans reviewed and revised May 2016;
2. Further details of traffic management Feb 2016

**Section 75 Obligation**

None

**Dated: 23rd November 2016**

Susan Macmillan   
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**Area Planning Manager**

**IMPORTANT INFORMATIVES**

Please read the following informatives and, where necessary, act upon the requirements specified:

**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.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

**Accordance with Approved Plans & Conditions**

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

**Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

**Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

**Dated: 23rd November 2016**

*Susan Macmillan* 

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**Area Planning Manager**

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:  
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:  
[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

**Transport Scotland - Trunk Roads Consent**

The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

**Mud & Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

**Protected Species - Contractors' Guidance**

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

**Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

**Dated: 23rd November 2016**

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**Area Planning Manager**

**Private Water Supply**

Measures shall be put in place as set out in Method Sheet 14 of the submitted draft Construction Method Statement to prevent pollution of the existing private supply, which is just upstream of the outfall hereby approved. Bottled supplies and/or a tanker of potable water shall be made available to local residents and the Ballachulish Hotel should there be an interruption of the supply or if its quality is unacceptably diminished as a result of construction works for this development. Regular monitoring is to be undertaken as set out in the Method Sheet and the results made available on request to the Council and any resident who is served off this private supply. (It is advised that pre-commencement baseline measurements are established prior to any ground works at the site).

**Local Liaison**

It is advised that the developer liaises with the local community in Glenachulish to publicise the timing of construction works, in particular the temporary use of the woodland car park as a construction compound, to provide signage regarding the timing and extent of the works, and details of alternative parking and routes that avoid the construction corridor. The final condition of the area to be made tidy should also be discussed with local residents and details provided to the Planning Authority as part of the CEMP (see condition 3 above).

**Land Ownership/Planning Permission**

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

**RIGHT OF APPEAL, REVIEW ETC.**

1. If the applicant is aggrieved by the decision to refuse permission for, or approval required by a condition in respect of the proposed local development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. Notices of Review can be submitted online via the ePlanning portal at <https://www.eplanning.scot>. Alternatively the Notice of Review can be emailed to [review.body@highland.gov.uk](mailto:review.body@highland.gov.uk) or addressed to:

Highland Council Review Body  
eProcessing Centre  
Council Headquarters  
Glenurquhart Road  
Inverness  
IV3 5NX

Please quote the relevant application reference number with any submission.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**Dated: 23rd November 2016**

*Susan Macmillan* 

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**Area Planning Manager**

To:  
Planning & Development Service  
Highland Council  
Fulton House  
Fort William  
PH33 6XY

**IMPORTANT:** Failure to notify the planning authority of the initiation of development constitutes a breach of planning control.

**Notification of Initiation of Development**

**RUN-OF-RIVER HYDRO SCHEME OF UP TO 700KW CAPACITY LOCATED UPON ABHAINN GREADHAIN WITH GLEANN A' CHAOLAIS LAND 760M SOUTH OF 1 GLEN COTTAGES GLENACHULISH BALLACHULISH**

Date of planning permission: 23rd November 2016

In accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) you are advised it is intended to initiate the above development on the following date:

(a)	Insert date of initiation.
(b)	Insert full name, email address (if available) and address of the person(s) intending to carry out the development*
(c)	Insert full name and address of the owner(s) of the land to which the development is related if different from (b)
(d)	Where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name and contact details of that person.

\*In the first instance any correspondence relating to the Notification of Initiation of Development will be addressed to this person.

Signed ..... agent/applicant

Dated .....



To:  
Planning & Development Service  
Highland Council  
Fulton House  
Fort William  
PH33 6XY

**Notification of Completion of Development**

In accordance with Section 27B 1997 Planning Act (as amended) you are advised of the completion of the following development:

**RUN-OF-RIVER HYDRO SCHEME OF UP TO 700KW CAPACITY LOCATED UPON ABHAINN GREATHAIN WITH GLEANN A' CHAOLAIS LAND 760M SOUTH OF 1 GLEN COTTAGES GLENACHULISH BALLACHULISH**

Date of planning permission: 23rd November 2016

(a)	Insert date of completion of development
(b)	Insert name and address of the person submitting Notification of Completion*

\*Any correspondence relating to the Notification of Completion will be addressed to this person.

Signed ..... agent/applicant

Dated .....

