

Consent Number: 033901226

**THE ENVIRONMENTAL IMPACT ASSESSMENT (FORESTRY)
(SCOTLAND) REGULATIONS 1999 ("the Regulations")**

**DETERMINATION OF AN APPLICATION UNDER REGULATION 4 OF THE
REGULATIONS FOR CONSENT TO CARRY OUT A RELEVANT PROJECT**

Applicant: Forestry Commission Scotland
West Argyll Forest District
Whitegates, Lochgilphead,
Argyll PA31 8RS
and
Greenpower (Carraig Gheal Ltd)
The e-Centre
Cooperage Way
Alloa
FK10 3LP

Location: West Loch Awe

Brief Particulars of the Relevant Project: The construction and operation of a timber haul route of 35.75km in length, primarily for the purpose of facilitating timber related activities (but also to be used by traffic relating to the Carraig Gheal Wind Farm), through Salachry Forest, Torran Farm, Inverliever Forest, Inverinan Forest, Fernoch Farm, Nant Forest, Barachander Farm and to upgrade a forest road through Ardcastle Wood. The Consent also relates to the excavation of 28 borrow pits to provide material for the road construction.

Date of Application: 24 September 2009

**Application Reference
Number:** 033901226

The Forestry Commissioners, having taken into consideration the Environmental Statement, submitted by the applicant and all other environmental information submitted by the applicant, all representation received by them in relation to the above application and all other material considerations including in particular their assessment of the direct and indirect effects of the relevant project on the environmental factors specified in Schedule 4 to the Regulations HEREBY

CONSENT to the carrying out of the relevant project as shown on Figures 1 to 4 in Volume III of the ES – West Loch Awe Timber Haul Route and Carraig Gheal Wind Farm Access Borrow Pits - Environmental Statement Figures.

This consent is subject to the conditions listed in Schedule 1 and compliance with the Environmental Statement and associated information which consists of the following documents and forms Schedule 2 of this consent:

Volume I: Overall Environmental Effects

- Main report
- Non Technical Summary

Volume II: West Loch Awe Timber Haul Route and Carraig Gheal Wind Farm Access Road Environmental Statement (November 2008)

- Main Report
- Non-Technical Summary
- Appendices
- Confidential Annex
- Figures

Volume III: West Loch Awe Timber Haul Route and Carraig Gheal Wind Farm Access Borrow Pits Environmental Statement

- Main report
- Figures
- Confidential Annex

Volume IV: Consultee and Applicants' Correspondence

Volume V: Additional Applicant's Reports

- Additional Applicant's Reports
- Additional Applicant's Report Confidential

Other Information

- Letter from Greenpower dated 19 January 2010 – Comments on Consultation Responses
- West Loch Awe Timber Haul Route and Carraig Gheal Wind Farm Access Viewshed: Advice Note: Golden Eagles – prepared by RPS Group on behalf of the applicant (14 January 2010)
- Management Map and Future Forests and Habitats Map for the High Inan area of the Inverinan Forest Design Plan revision. **MAPs 1 and 2**
- Letter from SNH dated 18 January 2010 – SNH revised Conditions

The reasons and considerations on which this decision is based are given in Schedule 3 hereto. For the avoidance of doubt nothing contained in Schedule 3 shall be deemed to qualify or amend the terms of conditions in Schedules 1 & 2.



Syd House

Conservator

For and on behalf of the Forestry Commissioners

Date 28/11/2010

IMPORTANT NOTICES TO APPLICANT

You have the right to appeal to the Scottish Ministers against any of the conditions attached to this consent. The appeal must be in writing and made to the Ministers within 28 days of the date you receive this consent unless the Ministers agree within that period of 28 days to extend the period within which the appeal may be lodged. Appeals (and applications for extension of the period for lodging an appeal) should be addressed to:

The Scottish Minister
SGRPID
Pentland House
Edinburgh
EH14 1TY

SCHEDULE 1

Conditions

1. Work in relation to the project shall be commenced within 5 years of the date of this consent.

Reason: To define the duration of the consent

2. No work shall be carried out in relation to the road construction after the expiration of such period (not being more than 10 years beginning with the date consent is granted) as is specified in the consent.

Reason: To define the duration of the consent

3. For the avoidance of doubt, unless specifically referred to in the conditions of consent, the method of working on site, and the design and mitigation measures shall be fully in accordance with the Environmental Statement submitted in conjunction with the application for consent and no deviations will be permitted without prior approval of the Forestry Commission Scotland (FCS).
4. Drainage, watercourse crossings and any other watercourse engineering on the proposed route will require to be regulated by SEPA under The Water Environment (Controlled Activities)(Scotland) Regulations 2005 (as amended)(CAR). An application must be made to SEPA prior to any construction work commencing on the route.

Reason: to minimise the impact on watercourses

5. Prior to the commencement of work on the route a report must be submitted to and approved by FCS (in consultation with SEPA) identifying known and unregistered water supply sites, together with details of mitigation measures required to protect water supplies. The mitigation measures must include a rapid response plan for handling any adverse impacts to potable water supplies or accidents such as spillages of fuels and the training of site personnel in river and stream protection measures.

Reason: to ensure protection of water supplies

6. A Construction Method Statement (CMS) must be agreed with FCS in consultation with SEPA prior to the commencement of the proposed work. The

CMS must cover all construction activity including the construction of the road and use of the borrow pits. It must address the following issues:

- *Waste* – all waste streams associated with the works must be identified (including soil, peat and other waste materials), as must how any waste generated will be stored safely and/or disposed of, and/or used on-site, for example in the restoration of borrow pits.
- *Surface water run-off* – including measures to prevent erosion, sedimentation or discoloration of controlled waters during construction activities, along with monitoring proposals and contingency plans. Measures for the restoration of the borrow pit sites must be detailed separately
- *Fuel and chemical storage* – including information on the management of fuels, oils, lubricants and hydraulic fluids, storage, bunding of fuel tanks, any site maintenance of equipment and emergency provisions to ensure that pollution will not occur.
- *Timing of operations* – including consideration of the timing of construction works to avoid periods of high rainfall

Reason: to minimise the impact on watercourses and to safeguard and protect the local environment

7. The proposed construction compound is not part of this Consent. A planning application must be submitted to Argyll and Bute Council as the Planning Authority and planning permission obtained before any work commences on the compound.

Reason: to ensure that the correct permissions are in place.

8. Method statements will be submitted to FCS in consultation with West of Scotland Archaeological Service for the mitigation of the impact on archaeology namely the mound at Achnacraobh and the settlement at Ardcastle and also in respect of dry stone walls that will be crossed by the proposed road. Thereafter the method statement will be implemented and all archaeological work completed in accordance with the method statement

Reason: To protect and minimise impact on archaeological sites.

9. No work shall commence on the route until written approval for any work to be carried out to a public road is obtained from the Argyll and Bute Council Roads Authority.

Reason: To ensure approval is obtained from the roads authority in the interest of road accessibility and public safety.

10. Prior to the commencement of the road construction on the site the applicant shall obtain an approved Traffic Management Plan from the planning authority, following consultation with the trunk roads authority and Strathclyde Constabulary. This plan shall include:
 - a) Details of routing of construction traffic and construction workers' traffic.
 - b) Provision of temporary car parks and wheel washing facilities.
 - c) Controlled routing of heavy machinery.
 - d) Details of any speed restrictions required.
 - e) Temporary site signage identifying routes for all site vehicles and advising drivers of all necessary information.

- f) The control of construction related traffic including enforcement procedures.

Reason: to minimise disruption arising as a result of traffic movements

11. An Ecological Clerk of Works (ECoW) must be in place during the construction phase to ensure that all environmental mitigation and enhancement measures set out in the Environmental Statement are delivered and that the contractor's own environmental management system is successfully implemented. The ECoW must be a suitably qualified ecologist. The ECoW should be present on site as appropriate and approve any construction works that have the potential for significant effects. The ECoW must review contractor's method statements to ensure compliance of mitigation and enhancement commitments.

Reason: to safeguard and protect the local environment

12. A tolerance of plus or minus 25m from the centre of the road will be permitted only with prior approval of the Ecological Clerk of Works. A greater deviation than 25m will require prior approval of FCS in consultation with FCS's statutory consultees.

Reason: to safeguard and protect the local environment

13. Avich crossing

The detailed design of the new bridge across the Avich together with an assessment of its visual impact in the surrounding area must be submitted for approval by FCS in consultation with SEPA and SNH, prior to the bridge works commencing.

Reason: to safeguard and protect the local environment

14. Monitoring of the aquatic environment associated with the road construction and formation of borrow pits must take place to ensure that the proposed mitigation is undertaken in an effective manner. Monitoring reports must be submitted to FCS on a monthly basis during the construction phase of the road. A post work survey must be carried out to assess any impact on fish populations and associated habitat. A copy of this report must be submitted to FCS within 6 months of completion of the road construction.

Reason: to safeguard and protect the aquatic environment

15. Borrow Pit 27 is not to be used or developed under any circumstances.

Reason: to help minimise potential disturbance to golden eagles

16. There will be no construction of the Eagle section of track (see note below for definition of the Eagle section of track) to occur during the breeding season (February to August inclusive). If it can be ascertained that the golden eagles are not using a nest site within 1Km of the haul route then operations may continue but only after agreement from FCS in consultation with SNH has been reached.

Reason: to help minimise potential disturbance to golden eagles

17. No use of the Eagle section of the track as a timber haul route will occur during the breeding season (February to August inclusive) unless otherwise agreed with FCS in consultation with SNH. If it can be ascertained that the golden eagles are

not using a nest site within 1km of the track then operations may continue but only after agreement from FCS in consultation with SNH.

Reason: to help minimise potential disturbance to golden eagles

18. Use of the Eagle section of the track for wind farm construction to be limited to two return convoy journeys per day travelling at a maximum speed of 15mph unless otherwise agreed with FCS in consultation with SNH.

Reason: to help minimise potential disturbance to golden eagles

19. Within the Eagle section of the track no flashing lights to be used on vehicles and no stops to be made on track.

Reason: to help minimise potential disturbance to golden eagles

20. No use of the Eagle section of the track for the period of one hour after sunrise and one hour before sunset unless otherwise agreed with FCS in consultation with SNH.

Reason: to help minimise potential disturbance to golden eagles

21. There is to be no night time use of the Eagle section of the track except for one return wind farm construction convoy pass per day unless otherwise agreed with FCS in consultation with SNH, the return journey not to take place before one hour after sunset. To minimise headlights causing any disturbance to eagles, adequate screening must be provided at approximately NM954186 on the west side of the corner of the track.

Reason: to help minimise potential disturbance to golden eagles

22. The area shown on the annexed map (Map 1) to be retained and managed as permanent screening through continuous silvicultural methods for the 1km Eagle section of the track.

Reason: to help minimise potential disturbance to golden eagles

Note "Eagle Section" for the avoidance of any doubt means the section of the WLATHR associated with the 1km buffer for golden eagles this approximately being between NM957181 to NM958186, as shown on Figure 7dii of the West Loch Awe Timber Haul Route and Carraig Gheal Wind Farm Access Environmental Statement Volume II Confidential Annex.

This consent has been issued to as joint applicants: **Forestry Commission Scotland, West Argyll Forest District, Whitegates, Lochgilphead, Argyll PA31 8RS and Greenpower (Carraig Gheal Ltd), The e-Centre, Cooperage Way, Alloa, FK10 3LP**

Signed.....  Date 25/1/2020.....

Syd House

Conservator

For and on behalf of the Forestry Commissioners

SCHEDULE 3

Annexed to consent to relevant project number 033901226

Reasons and considerations

1. Forestry Commission Scotland on 27th August 2007 received an application for the construction of a timber haul route of 35.75km in length on the west side of Loch Awe. Since the proposal could have a significant effect on the environment, the Forestry Commission stated that consent was required and that an Environmental Statement should be prepared under the Environmental Assessment (Forestry) (Scotland) Regulations 1999.
2. The reasons for requesting the preparation of an Environmental Statement were discussed in a meeting with the applicants, Argyll and Bute Council, SNH and RSPB on 7th August 2007. The scale and nature of the proposed work is likely to have a significant effect on:
 - Landscape
 - Birds
 - Mammals
 - Hydrology and Fisheries
 - Invertebrates and Amphibians
 - Vegetation
 - Archaeology & Cultural Heritage

Consultation

3. The applicants submitted their application for consent under Regulation 10 of the EIA (Forestry) (Scotland) Regulations ("the Regulations"), together with a draft Environmental Statement (ES), on 24th September 2009. The Application was for Consent to construct and operate a timber haul route, primarily for the purpose of facilitating timber related activities (but also to be used by traffic relating to the Carraig Gheal Wind Farm), through Salachray forest, Torran Farm, Inverliever Forest, Inverinan Forest, Fernoch Farm, Nant Forest, Barachander Farm and to upgrade a forest road through Ardcastle Wood. The Application included the excavation of 29 borrow pits. The Application replaced that previously submitted by the applicants in December 2008 and which remained undetermined and which was withdrawn by the applicants in September 2009.
4. Forestry Commission Scotland placed details of the application on the FCS's EIA Public Register from 23rd September to 21st October 2009. In accordance with Regulation 13(3) copies of the Environmental Statement were sent to Argyll and Bute Council, Scottish Natural Heritage (SNH), Scottish Environmental Protection Agency (SEPA), the Deer Commission for Scotland (DCS). The Royal Society for Protection of Birds (RSPB), Avich & Kilchrenan Community Council, Historic Scotland, West of Scotland Archaeology Service Scottish Enterprise, Argyll District Salmon Fishery Board, Argyll Fisheries Trust, were also sent copies of the ES and notified of the consultation process. A copy of the ES was placed in

Argyll and Bute Council Offices in Oban and the West Argyll Forest District Office in Lochgilphead during the period of public scrutiny of the proposals.

As a result of the consultation process and comments received from SNH, Avich & Kilchrenan Community Council, SEPA, West of Scotland Archaeology Service and Argyll Fisheries Trust the following conditions were added to the Consent:

- Prior to the commencement of work on the route a report must be submitted to and approved by FCS (in consultation with SEPA) identifying known and unregistered water supply sites, together with details of mitigation measures required to protect water supplies. The mitigation measures must include a rapid response plan for handling any adverse impacts to potable water supplies or accidents such as spillages of fuels and the training of site personnel in river and stream protection measures.

Reason: to ensure protection of water supplies

- Monitoring of the aquatic environment associated with the road construction and formation of borrow pits must take place to ensure that the proposed mitigation is undertaken in an effective manner. Monitoring reports must be submitted to FCS on a monthly basis during the construction phase of the road. A post work survey must be carried out to assess any impact on fish populations and associated habitat. A copy of this report must be submitted to FCS within 6 months of completion of the road construction.

Reason: to safeguard and protect the aquatic environment

- Borrow Pit 27 is not to be used or developed under any circumstances.

Reason: to help minimise potential disturbance to golden eagles

- There will be no construction of the Eagle section of track (see note below for definition of the Eagle section of track) to occur during the breeding season (February to August inclusive). If it can be ascertained that the golden eagles are not using a nest site within 1Km of the haul route then operations may continue but only after agreement from FCS in consultation with SNH has been reached.

Reason: to help minimise potential disturbance to golden eagles

- No use of the Eagle section of the track as a timber haul route will occur during the breeding season (February to August inclusive) unless otherwise agreed with FCS in consultation with SNH. If it can be ascertained that the golden eagles are not using a nest site within 1km of the track then operations may continue but only after agreement from FCS in consultation with SNH.

Reason: to help minimise potential disturbance to golden eagles

- Use of the Eagle section of the track for wind farm construction to be limited to two return convoy journeys per day travelling at a maximum speed of 15mph unless otherwise agreed with FCS in consultation with SNH.

Reason: to help minimise potential disturbance to golden eagles

- Within the Eagle section of the track no flashing lights to be used on vehicles and no stops to be made on track.

Reason: to help minimise potential disturbance to golden eagles

- No use of the Eagle section of the track for the period of one hour after sunrise and one hour before sunset unless otherwise agreed with FCS in consultation with SNH.

Reason: to help minimise potential disturbance to golden eagles

- There is to be no night time use of the Eagle section of the track except for one return wind farm construction convoy pass per day unless otherwise agreed with FCS in consultation with SNH, the return journey not to take place before one hour after sunset. To minimise headlights causing any disturbance to eagles, adequate screening must be provided at approximately NM954186 on the west side of the corner of the track.

Reason: to help minimise potential disturbance to golden eagles

- The area shown on the annexed map (Map 2) to be retained and managed as permanent screening through continuous silvicultural methods for the 1km Eagle section of the track.
5. Under paragraph 15(3) of the Regulations the Forestry Commission Scotland must in reaching a determination of an application, take into consideration the environmental information, any representations received and any other material consideration, including their particular assessment of the direct and indirect effects of the relevant project on the following (based on Schedule 4) of the Regulations:
- Human beings, fauna and flora
Soil, water, air, climate and the landscape
Material assets and the cultural heritage,
the interaction between these factors.
6. The Environmental Statement concluded that the effects of the proposals will be:
- This Environmental Statement fully complies with the requirements of Regulation 10 and Schedule 1 of the Regulations;
 - The overall Proposed Development design has been arrived at with due consideration for potential environmental effects. The final project design embodies a range of measures to avoid or reduce impacts on sensitive receptors. Inherently, it represents a very high standard of development design, and addresses the various environmental sensitivities represented within the Environmental Statement;

- The Schedule of Environmental Commitments will facilitate the implementation of the mitigation measures to ensure predicted effects are reduced to the residual levels;
 - The predicted residual effects of the Proposed Development will be acceptable, and not significant in EIA terms;
 - The Overall Proposed Development will provide positive gain through the enhancement of the environmental resource;
 - The Overall Proposed Development will provide benefits, social for the local communities, financial through reduced haulage costs, and environmental, through the reduction in harmful emissions.
 - The inclusion of the local extraction of material from borrow pits; avoiding significant haulage distances benefits the Overall Proposed Development.
7. Taking account of the Environmental Statement and the advice of its statutory consultees, the Forestry Commissioners have decided to approve the application.

