

Public Document Pack

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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20 June 2023

SUPPLEMENTARY PACK 1

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - ON A HYBRID BASIS IN THE MARRIAGE SUITE, HELENSBURGH AND LOMOND CIVIC CENTRE, 38 EAST CLYDE STREET, HELENSBURGH AND BY MICROSOFT TEAMS on WEDNESDAY, 21 JUNE 2023 at 1:00 PM

I enclose herewith supplementary reports for **items 5, 6, 7, 8, 9 and 10** on the Agenda for the above meeting.

Douglas Hendry
Executive Director

SUPPLEMENTARY REPORTS

- 5. HOLIDAYS DIRECT MARKETING: CHANGE OF USE OF LAND FOR THE SITING OF 10 HOLIDAY PODS, FORMATION OF VEHICULAR ACCESS AND PARKING, INSTALLATION OF SEWAGE TREATMENT PLANT AND ASSOCIATED LANDSCAPING: LAND BETWEEN ACHNAKEEP AND SCHOOLHOUSE COTTAGE, PORTSONACHAN (REF: 22/00625/PP) (Pages 3 - 8)**

Report by Head of Development and Economic Growth

- 6. MR COLIN CAMPBELL: ERECTION OF DECKING AND FENCING (RETROSPECTIVE): 3 ACADEMY TERRACE, ACADEMY ROAD, ROTHESAY, ISLE OF BUTE (REF: 22/01611/PP) (Pages 9 - 12)**

Report by Head of Development and Economic Growth

- 7. SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: TO CONSTRUCT AND OPERATE A 275 KILOVOLT (KV) ELECTRICITY SUBSTATION AND ASSOCIATED INFRASTRUCTURE. THE WORKS WILL COMPRISE CUT AND FILL TO TIE THE PLATFORM INTO THE EXISTING GROUND LEVEL LANDSCAPING, SUSTAINABLE DRAINAGE SYSTEMS (SUDS) BASINS, NEW PERMANENT ACCESS AND UPGRADES TO EXISTING TRACKS: LAND APPROX 1.6 KM NORTH WEST OF MINARD AND UPSLOPE OF THE EXISTING CRARAE SUBSTATION, MINARD (REF: 22/02376/PP) (Pages 13 - 24)**

Report by Head of Development and Economic Growth

8. **SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: ERECTION OF HIGH VOLTAGE ELECTRICITY SUBSTATION AND FORMATION OF ASSOCIATED ACCESS, LANDSCAPING, DRAINAGE AND MEANS OF ENCLOSURE (CRAIG MURRAIL) SUBSTATION): ACHNABRECK FOREST - LAND APPROXIMATELY 2.5 KM NORTH EAST OF LOCHGILPHEAD AND 4 KM SOUTH WEST OF LOCH GLASHAN, LOCHGILPHEAD (REF: 22/02578/PP) (Pages 25 - 36)**

Report by Head of Development and Economic Growth

9. **SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: ERECTION OF HIGH VOLTAGE ELECTRICITY SUBSTATION AND FORMATION OF ASSOCIATED ACCESS, LANDSCAPING, DRAINAGE AND MEANS OF ENCLOSURE (CROSSAIG (NORTH) SUBSTATION): LAND ADJACENT TO CROSSAIG SUBSTATION, SKIPNESS (REF: 23/00382/PP) (Pages 37 - 48)**

Report by Head of Development and Economic Growth

10. **MR D HIGGINS: ERECTION OF DWELLINGHOUSE, FORMATION OF VEHICULAR ACCESS AND ASSOCIATED WORKS: GARDEN GROUND OF TORWOOD HOUSE, TORWOODHILL ROAD, RHU, HELENSBURGH (REF: 22/02523/PP) (Pages 49 - 56)**

Report by Head of Development and Economic Growth

Planning, Protective Services and Licensing Committee

Councillor John Armour
Councillor Jan Brown
Councillor Kieron Green (Chair)
Councillor Daniel Hampsey
Councillor Fiona Howard
Councillor Andrew Kain
Councillor Liz McCabe
Councillor Peter Wallace

Councillor Gordon Blair
Councillor Audrey Forrest
Councillor Amanda Hampsey (Vice-Chair)
Councillor Graham Hardie
Councillor Mark Irvine
Councillor Paul Donald Kennedy
Councillor Luna Martin

Contact: Fiona McCallum

Tel. No. 01546 604392

**Argyll and Bute Council
Development and Economic Growth**

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 22/00625/PP

Planning Hierarchy: Local

Applicant: Holidays Direct Marketing

Proposal: Change of Use of land for the Siting of 10 Holiday Pods, Formation of Vehicular Access and Parking, Installation of Sewage Treatment Plant and associated Landscaping

Site Address: Land between Achnakeep and Schoolhouse Cottage Portsonachan

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

The purpose of this report is to advise Members that the Examination by Scottish Government Reporters into the Argyll and Bute Proposed Local Development Plan 2 has now concluded and the Examination Report has been published. The Examination Report is a material consideration of significant weight. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

2.0 RELEVANT PLDP2 POLICIES

Policy 01 - Settlement Areas

Policy 04 – Sustainable Development

Policy 05 – Design and Placemaking

Policy 06 – Green Infrastructure

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 14 – Bad Neighbour Development

Policy 23 – Tourist Development, Accommodation, Infrastructure and Facilities

Policy 25 – Tourism Development Opportunities

Policy 34 – Electric Vehicle Charging

Policy 35 – Design of New and Existing, Public Roads and Private Access

Policy 36 – New Private Access

Policy 39 – Construction Standards for Private Access

Policy 40 – Vehicle Parking Provision

Policy 41 – Off Site Highway Improvements

Policy 58 – Private Water Supplies and Water Conservation

Policy 60 – Private Sewage Treatment Plans and Wastewater Drainage

Policy 61 – Sustainable Drainage Systems (SUDS)

Policy 63 – Waste Related Development and Waste Management

Policy 71 – Development Impact on Local Landscape Area (LLA)

Policy 73 – Development Impact on Habitats, Species and Biodiversity.

Policy 77 – Forestry, Woodland and Trees

3.0 IMPLICATIONS OF PLDP 2 AS RECOMMENDED TO BE MODIFIED BY THE EXAMINATION REPORT

The assessment of the proposal against PLDP2 as recommended to be modified by the Examination Report is as follows:

Policy 01 – Settlement Areas: The proposal is located within the Settlement Area for Portsonachan as identified in PDLP2. The provisions of Policy 01 continues to set out general support for development within the settlement area. No substantive change to previous assessment.

Policy 04 – Sustainable Development: Promotes the principles of sustainable development and remain generally aligned with the requirements of ABC LDP STRAT 1 and NPF 4 Policies 1 and 2 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 05 – Design and Placemaking: Sets out principles for achieving good quality places and is generally aligned with the requirements of ABC LDP 2015 Policy LDP 9 and SG LDP Sustainable Design, and NPF4 Policy 14 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 06 – Green Infrastructure: Sets out a requirement for the developer to demonstrate how green infrastructure has been integrated into the design of the proposal from the outset. This policy overlaps with provisions elsewhere to consider enhancements to biodiversity and sustainable urban drainage which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 08 – Sustainable Siting: Sets out the principles for successfully integrating new development into its landscape/townscape setting and is aligned with the provisions of NPF4 and ABC LDP 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 09 – Sustainable Design: Sets out that development proposals should demonstrate consideration of and where possible utilisation of renewable sources of energy; and sustainable design and construction methods. The Supporting Statement accompanying the

application identifies that the proposal has been specifically designed to be energy and resource efficient. No substantive change to previous assessment.

Policy 10 – Design – All Development: Sets out requirements for the design of new development and is generally aligned with the provisions of NPF4 and ABC 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 14 – Bad Neighbour Development – Sets out that the Council will resist any proposal that has an unacceptable adverse impact upon the amenity of neighbouring land uses unless appropriately mitigated by planning condition or legal agreement. This is aligned with the provisions of NPF 4 Policy 23 and ABC 2015 Policy SG LDP BAD 1 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 23 – Tourist Development, Accommodation, Infrastructure and Facilities – Establishes a presumption in favour of new or improved tourist facilities and accommodation subject to various criteria and is generally aligned with the provisions of NPF4 Policy 30 and ABC 2015 Policies LDP 5, SG LDP TOUR 1 and SG LDP TOUR 3 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 25 – Tourism Development Opportunities - Establishes areas with a significant potential for the sustainable growth of the Argyll and Bute tourism industry. The proposed development is located within one such area which is already established within ABC 2015. The proposed development is therefore aligned with the provisions of NPF4 Policy 30 and ABC 2015 Policies LDP 5, SG LDP TOUR 1 and SG LDP TOUR 3 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 34 – Electric Vehicle Charging - This policy sets out a requirement for all new non-residential developments that attract a significant number of vehicles to have a minimum of 1 EV charging point for every five proposed parking spaces and for dedicated cable ducting to be installed to allow all remaining such parking spaces to be provided with a charging point in the future. In the case of this specific planning application, it is not considered that the proposed small scale development would attract a significant number of vehicles sufficient to warrant a requirement for two EV charging points plus cabling for the potential retro-fitting of the remaining eight of the proposed ten parking spaces. In addition, this matter has already been addressed in the applicant's supporting statements where it is acknowledged that the existing Portsonachan Hotel development already has two EV charging points which will be made available to serve the currently proposed site if required. No substantive change to previous assessment.

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes - Sets out that the acceptance of development utilising existing public roads is subject to road safety and street design issues being addressed to the satisfaction of the Roads Authority and Planning Authority. In this instance it has been identified by the Roads Authority that the existing public road serving the development is substandard and unsuited to accommodate additional development without commensurate improvement. The required improvement measures have been agreed with the developer and can be secured by planning condition. The proposed development is therefore aligned to the provisions of NPF4 Policy 13 as underpinned by LDP Policies LDP 11, SG LDP TRAN 2, SG LDP TRAN 4, SG LDP TRAN 5 and SG LDP TRAN 6 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 36 – New Private Access: Sets out the circumstances where a new private access may be considered to be acceptable. In this instance the proposal would connect to the public road by a private access connection and would be consistent with the principles of Policy 36a. No substantive change to previous assessment.

Policy 39 - Construction Standards for Private Access – Sets out the construction standards to be applied for private accesses and is generally aligned with the provisions of NPF4 Policy 13 and ABC 2015 Policy LDP 9, LDP 11, SG LDP TRAN 2, SG LDP TRAN 4, SG LDP TRAN 5 and SG LDP TRAN 6 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 40 – Vehicle Parking Provision - Sets out standards for off street car and vehicle parking. The proposed provision of 10 onsite parking spaces would be consistent with the requirements of Policy 40. No substantive change to previous assessment.

Policy 41 – Offsite Highway Improvements: Sets out an expectation that where new development would be served by a substandard private or public approach road then it will contribute proportionately to improvements to an agreed section of the public or private road network. A detailed assessment is set out in the main report of handling of this aspect in relation to ABC LDP 2015 Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 5. No substantive change to previous assessment.

Policy 58 – Private Water Supplies and Water Conservation – Sets out support in principle for the use of private water supplies subject to various criteria and is generally aligned with the provisions of NPF4 Policy 18 and ABC LDP 2015 policies LDP DM 10, LDP DM 11 and SG LDP SERV 6. No substantive change to previous assessment.

Policy 60 – Private Sewage Treatment Plans and Wastewater Drainage – Sets out that connection to an existing public sewer will be required unless various criteria apply. In the case of the specific development proposed, there is no existing public sewer available and the proposal is advanced on the basis of connection to a new private sewage treatment plant. The proposal is aligned with NPF4 Policies 18 and 22 in this regard as underpinned by ABC LDP 2015 policies LDP DM 10, LDP DM 11 and SG LDP SERV 1. No substantive change to previous assessment.

Policy 61 – Sustainable Drainage Systems (SUDS) - Sets out a requirement that proposal for SuDS are required in relation to all development prior to determination. The proposed development has been designed according to CIRIA C753 and Sewers for Scotland 4th Edition and has been deemed acceptable by the Council's flooding advisors. This is generally aligned to the existing NPF4 Policy 22 and ABC LDP 2015 policies LDP 10 and SG LDP SERV 2. No substantive change to previous assessment.

Policy 63 – Waste Related Development and Waste Management – Sets out the provision for waste storage and collection facilities in new developments and is aligned with the provisions of NPF4 Policy 12 and ABC LDP 2015 policies LDP 10 and SG LDP SERV 5(b). No substantive change to previous assessment.

Policy 71 – Development Impact on Local Landscape Area (LLA) – Sets out that the Council will resist development having a significant adverse impact upon the character and qualities of the landscape within an LLA unless two specific criteria apply. In the case of the current development, whilst the site is located within the North Argyll APQ it will not result in a significantly visually intrusive development within the site, the wider landscape or the APQ. This assessment is aligned with the provisions of NPF4 Policy 4 and ABC LDP 2015 policies LDP 3, SG LDP ENV 13 and SG LDP ENV 14. No substantive change to previous assessment.

Policy 73 – Development Impact on Habitats, Species and Biodiversity – Development Impact on Sites of International and National Importance. Encourages protection and enhancement of local biodiversity and affords protection to species and habitat and is aligned with the provisions of NPF4 Policy 3 and ABC LDP 2015 policies LDP3 and SG LDP ENV 1. The proposed development has been designed to afford protection and enhancement measures and there are no substantive changes to the previous assessment.

Policy 77 – Forestry, Woodland and Trees - Sets out criteria for the assessment of development impact on woodland and trees. The provisions of Policy 77 are aligned with the requirements of NPF4 Policy 6; ABC LDP 2015 Policy LDP 3, and SG LDP ENV 6 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

4.0 CONCLUSION

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. However, in this case there is no significant material change of policy between the Adopted Plan and Proposed Local Development Plan 2 as recommended to be modified by the Examination Report that would require further assessment or lead to a change in the recommendation.

5.0 RECOMMENDATION

Recommend that the application be determined in accordance with the Head of Development & Economic Growth's report dated 1st June 2023.

Author of Report: Tim Williams **Date:** 20th June 2023

Reviewing Officer: Sandra Davies **Date:** 20th June 2023

Fergus Murray
Head of Development and Economic Growth

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**Argyll and Bute Council
Development and Economic Growth**

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 22/01611/PP

Planning Hierarchy: Local

Applicant: Mr Colin Campbell

Proposal: Erection of Decking and Fencing (retrospective)

Site Address: 3 Academy Terrace, Academy Road, Rothesay, Isle of Bute

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

The purpose of this report is to advise Members that the Examination by Scottish Government Reporters into the Argyll and Bute Proposed Local Development Plan 2 has now concluded and the Examination Report has been published. The Examination Report is a material consideration of significant weight. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

2.0 RELEVANT PLDP2 POLICIES

Spatial and Settlement Strategy

Policy 01 - Settlement Areas

High Quality Places

Policy 04 – Sustainable Development

Policy 05 – Design and Placemaking

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 15 – Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment

Policy 16 – Listed Buildings

High Quality Environment

Policy 71 – Development Impact on Local Landscape Areas (LLA's)

3.0 IMPLICATIONS OF PLDP 2 AS RECOMMENDED TO BE MODIFIED BY THE EXAMINATION REPORT

The assessment of the proposal against PLDP2 as recommended to be modified by the Examination Report is as follows:

Policy 01 – Settlement Areas: The proposal is located within the Settlement Area for Rothesay as identified in PDL2. The provisions of Policy 01 continues to set out general support for development within the settlement area. No substantive change to previous assessment.

Policy 04 – Sustainable Development: Promotes the principles of sustainable development and remain generally aligned with the requirements of ABC LDP STRAT 1 and NPF 4 Policies 1 and 2 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 05 – Design and Placemaking: Sets out principles for achieving good quality places and is generally aligned with the requirements of ABC LDP 2015 Policy LDP 9 and SG LDP Sustainable Design, and NPF4 Policy 14 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 08 – Sustainable Siting: Sets out the principles for successfully integrating new development into its landscape/townscape setting and is aligned with the provisions of NPF4 and ABC 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 09 – Sustainable Design: Sets out that development proposals should demonstrate consideration of and, where possible, utilisation of renewable sources of energy and sustainable design and construction methods. This is aligned with the provisions of NPF4 and ABC 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter and, therefore, no substantive change to previous assessment.

Policy 10 – Design – All Development: Sets out requirements for the design of new development and is generally aligned with the provisions of NPF4 and ABC 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 15 – Supporting the Protection, Conservation and Enhancement of our Historic Built Environment: Sets out that development will not be supported where it fails to protect, conserve or enhance the special characteristics and/or cultural significance of the historic built environment, or to avoid any cumulative effect upon the integrity or special qualities of heritage assets. Policy 15 is aligned with the aims of NPF4 Policy 7 and ABC LDP 2015 Policy LDP 3 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 16 – Listed Buildings: Sets out requirements for development which affects a listed building or its wider setting. The aims of Policy 16 are aligned with the aims of NPF4 Policy 7 and ABC LDP 2015 Policy LDP 3 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 71 – Development Impact on Local Landscape Areas: Sets out requirements for development which affects Local Landscape Areas. The aims of Policy 71 are aligned with the aims of NPF4 Policy 4 and ABC LDP 2015 Policy LDP 3 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

4.0 CONCLUSION

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. However, in this case there is no significant material change of policy between the Adopted Plan and Proposed Local Development Plan 2 as recommended to be modified by the Examination Report that would require further assessment or lead to a change in the recommendation.

5.0 RECOMMENDATION

Recommend that the application be determined in accordance with the Head of Development & Economic Growth's report dated 1st June 2023.

Author of Report: Steven Gove

Date: 19th June 2023

Reviewing Officer: Kirsty Sweeney

Date: 19th June 2023

Fergus Murray
Head of Development and Economic Growth

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**Argyll and Bute Council
Development and Economic Growth**

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 22/02376//PP

Planning Hierarchy: National

Applicant: Scottish Hydro Electric Transmission Plc

Proposal: To construct and operate a 275 kilovolt (kV) Electricity Substation and associated infrastructure. The works will comprise cut and fill to tie the platform into the existing ground level landscaping, Sustainable Drainage Systems (SuDS) basins, new permanent access and upgrades to existing tracks

Site Address: Land Approx 1.6km North West of Minard and Upslope of the existing Crarae Substation, Minard

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

The purpose of this report is to:

a) Update Members that the holding Objection by SEPA in respect of the proposals has now been withdrawn subject to the imposition of the following condition which would replace conditions 7 set out in the main report.

New Condition 7

No development shall commence until a detailed peat management and reinstatement plan has been submitted to and approved by the Planning Authority in consultation with SEPA.

This shall be submitted to the planning authority and SEPA no later than two months prior to the intended commencement of development date and include details of :

- The written consent of all landowners whose land is to be utilised
- Methodology and volume of extraction,
- Phasing/timing of any works impacting peat
- Quality/classification of Peat to be extracted
- Details of any onsite peat re-instatement and /or enhancement
- Details of storage and transportation
- Details of the location, area and condition of onsite or offsite peatland to be improved

- Details of peat enhancement measures on this land
- Details of peatland restoration outcomes to be achieved
- Details of ongoing management arrangements of the restored peatland

The restored peatland shall thereafter be maintained in accordance with the terms of the approved peatland management plan, and retained in perpetuity unless with the written agreement of the Planning Authority in consultation with SEPA. The restored area shall not be subject to any works or operations in the future to undermine the objectives of the restoration objectives contained in the approved Peat Management Plan.

The peat improvement works shall also be undertaken in accordance with the objectives of the necessary habitat and management plan set out at condition 08 below.

Reason: In order to minimise disturbance of peat and ensure the appropriate reinstatement, reuse and management of peat in accordance with NPF 4 Policy 5 (c) objectives.

The Concerns previously raised by SEPA have now been addressed through the submission of further information by the applicants and additional requirements added to the proposed condition.

b) Advise Members that the Examination by Scottish Government Reporters into the Argyll and Bute Proposed Local Development Plan 2 has now concluded and the Examination Report has been published. The Examination Report is a material consideration of significant weight. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

2.0 RELEVANT PLDP2 POLICIES

Policy 02 – Outwith Settlement Areas

Policy 04 – Sustainable Development

Policy 06 – Green Infrastructure

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 30 - The Sustainable Growth of Renewables

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes

Policy 36 – New Private Accesses

Policy 61 – Sustainable Drainage Systems (SUDS)

Policy 73 – Development Impact on Habitats, Species and Biodiversity. Development Impact on Sites of International and National Importance.

Policy 77 – Forestry, Woodland and Trees

Policy 79 – Protection of Soil and Peat Resources

3.0 IMPLICATIONS OF PLDP 2 AS RECOMMENDED TO BE MODIFIED BY THE EXAMINATION REPORT

The assessment of the proposal against PLDP2 as recommended to be modified by the Examination Report is as follows:

The assessment of the proposal against PLDP2 as recommended to be modified by the Examination Report is as follows:

Policy 02 - Development Outside Settlement Areas: will only be acceptable where it can be demonstrated that it falls within with indicated criteria. In this instance Parts A and B of the policy are applicable. The proposal accords with Parts A and B as renewable infrastructure. There is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its proposed location. No substantive change to previous assessment.

Policy 04 – Sustainable Development: Promotes the principles of sustainable development and remain generally aligned with the requirements of ABC LDP STRAT 1 and NPF 4 Policies 1 and 2 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 05 – Design and Placemaking: Sets out principles for achieving good quality places and is generally aligned with the requirements of ABC LDP 2015 Policy LDP 9 and SG LDP Sustainable Design, and NPF4 Policy 14 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 06 – Green infrastructure: Sets out a requirement for the developer to demonstrate how green infrastructure has been integrated into the design of the proposal from the outset. This policy overlaps with provisions elsewhere to consider enhancements to biodiversity and sustainable urban drainage which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 08 – Sustainable Siting: Sets out the principles for successfully integrating new development into its landscape/townscape setting and is aligned with the provisions of NPF4 and ABC 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 09 – Sustainable Design: Sets out that development proposals should demonstrate consideration of and where possible utilisation of renewable sources of energy; and sustainable design and construction methods. No substantive change to previous assessment.

Policy 10 – Design – All Development: Sets out requirements for the design of new development and is generally aligned with the provisions of NPF4 and ABC 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 30 - The Sustainable Growth of Renewables: Policy 30 supports renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable environmental effects, whether individual or cumulative, on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses. This should be read in the context of the development plan as a whole including the objectives and principles of NPF4 and its topic specific policies including Policy 11. The current proposals are an essential part of the provision of a robust renewable energy transmission network vital to address climate change and are therefore considered to accord

with the objectives of policy 30. A detailed assessment of such matters is contained within the main report of handling. No substantive change to previous assessment.

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes: Sets out that the acceptance of development utilising existing public roads is subject to road safety and street design issues being addressed to the satisfaction of the Roads Authority and Planning Authority. A detailed assessment is set out in the main report of handling of this aspect in relation to ABC LDP 2015 Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 5. No substantive change to previous assessment.

Policy 36 – New Private Access: Sets out the circumstances where a new private access may be considered to be acceptable. No substantive change to previous assessment.

Policy 61 – Sustainable Urban Drainage Systems: Sets out a requirement that proposal for SuDS are required in relation to all development prior to determination. The proposal has been amended to include detail that SuDS are to be designed and installed in accordance to BRE Digest 365 Soakaway Design and BSEN - 752-4. No substantive change to previous assessment.

Policy 73 – Development Impact on Habitats, Species and Biodiversity. Development Impact on Sites of International and National Importance. The provisions of Policy 73 are generally aligned with the requirements of NPF4 Policy 3, and ABC LDP 2015 Policy LDP 3 and Sg LDP ENV 1 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 77 – Forestry, Woodland and Trees: Sets out criteria for the assessment of development impact on woodland and trees. The provisions of Policy 77 are aligned with the requirements of NPF4 Policy 6; ABC LDP 2015 Policy LDP 3, and SG LDP ENV 6 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 79 – Protection of Soil and Peat Resources: Sets out that the Council will only support development where appropriate measures are taken to maintain soil resources and functions through measures that are proportionate to the development. Policy 79 is aligned with the provisions of NPF4 Policy 5 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

4.0 CONCLUSION

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. However, in this case there is no significant material change of policy between the Adopted Plan and Proposed Local Development Plan 2 as recommended to be modified by the Examination Report that would require further assessment or lead to a change in the recommendation.

5.0 RECOMMENDATION

It is recommended that planning permission be approved subject to the revised conditions listed in Appendix 1 of supplementary report no.1.

Author of Report: David Moore **Date:** 19.06.23

Reviewing Officer: Sandra Davies **Date:** 20.06.23

Fergus Murray
Head of Development and Economic Growth

Appendix 1

- The development shall be implemented in accordance with the details specified on the application form dated 23.11.22; the Environmental Appraisal (November 2022), supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Location Plan	A01	A01	23.12.22
Figure 1.1 Red Line Boundary 1:20000	A01	A01	23.12.22
Site Layout Plan	4534c-DR-P-0017	Rev.5	26.05.23
Substation Compound Layout and Electrical Section Locations	4534c-DR-P-0004	Rev.3	23.12.22
Proposed Site Access Profiles	4534c-DR-P-0021		06.12.22
Proposed Site Profiles	4534c-DR-P-0018	Rev.1	06.12.22
Site Access Details	4534c-DR-P-0008	Rev.1	24.11.22
Typical Access Track Sections – Sheet 1	4534c-DR-P-0007	Rev.2	24.11.22
Typical Access Track Sections – Sheet 2	4534c-DR-P-0012	Rev.2	24.11.22
Typical Deer Fence and Gate	4534c-DR-P-0016		24.11.22
2.5m High Security Palisade Fencing Details	CE/34/2015	Rev.E	
Electrical Layout Elevations 01	4534c-DR-P-0011	Rev.1	24.11.22
Generator Building Elevations	4534c-DR-P-0009	Rev.2	24.11.22
Substation Building Elevations	4534c-DR-P-0006	Rev.2	24
Substation Building Layout	4534c-DR-P-0005	Rev.1	24.11.22
Transformer Building Elevations	4534c-DR-P-0019	Rev.1	24.11.22

Transformer Building Layout	4534c-DR-P-0020	Rev.1	24.11.22
Septic Tank and Private Water Supply Location	A01(Dated 16.12.22)	A0!	23.12.22

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. No construction works shall be commenced until a Finalised Construction Environmental Management Document [CEMD] has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA and other consultees, as appropriate. The development shall then proceed in accordance with the approved CEMD unless otherwise agreed in writing by the Planning Authority. The CEMD shall include:
- a. An updated Schedule of Mitigation (SM) highlighting mitigation set out within each chapter of the Environmental Appraisal (EA), and the conditions of this consent;
 - b. Processes to control/ action changes from the agreed SM;
 - c. Construction Environmental Management Plans (CEMPs) for the construction phase covering:
 - i. Habitat and species protection, including ECoW Details, surveys and species protection plans;
 - ii. Landscape and Mitigation Restoration Plan including compensatory planting (refer to Condition 9);
 - iii. Pollution prevention and control;
 - iv. Dust management, including construction activity and vehicle movements;
 - v. Construction noise and vibration
 - vi. Temporary site lighting;
 - vii. Watercourse crossings;
 - viii. Site waste management
 - ix. Surface and ground water management, including: drainage and sediment management measures from all construction areas including access tracks, mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring;
 - x. Mapping of borrow pits and associated habitats identified for restoration;
 - xi. Invasive Non-Native Species Management Plan
 - xii. Emergency Response Plans;
 - xiii. Timetable for post construction restoration/ reinstatement of the temporary working areas and construction compound; and
 - xiv. Other relevant environmental management as may be relevant to the development
 - d. A statement of responsibility to 'stop the job/ activity' if a breach or potential breach of mitigation or legislation occurs; and
 - e. Methods of monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority, and other relevant parties.

Reason: To ensure protection of surrounding environmental interests and general amenity.

3. No development shall commence until a Construction Traffic Management Plan (CTMP) and Phased Delivery Plan have been prepared and approved in writing by the Planning Authority and Transport Scotland as the trunk roads Authority. The Plan shall include details of:
 - a. Approved access routes,
 - b. Agreed operational practises (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, information of wheel cleansing facilities, signage to be installed on the A83 warning of construction traffic, signage or temporary traffic control measures to include for larger or abnormal loads, reporting of verge damage);
 - c. The provision of an appropriate Code of Practice to drivers of construction and delivery vehicles.
 - d. Abnormal load route surveys and finalised plan (including any accommodation measures required including the removal of street furniture, junction widening, traffic management).

The development shall be implemented in accordance with the duly approved Traffic Management Plan

Reason: To minimise the interference with the safety and free flow of traffic on the trunk road and to ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

4. No development or ground breaking works shall commence until a programme of archaeological works in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The scheme shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources

5. No development shall commence, until a strategy for housing incoming construction workers shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that any potential adverse impacts on the functioning of the local housing market and tourist accommodation to the detriment of the interests of the local community are identified and mitigated in accordance with the requirements of NPF4, and in particular Policy 11C and Policy 25 Objectives.

6. No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist/ hydrogeologist or other suitably competent person and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 or Part 3 of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as appropriate) which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

7. No development shall commence until a detailed peat management and reinstatement plan has been submitted to and approved by the Planning Authority in consultation with SEPA.

This shall be submitted to the planning authority and SEPA no later than two months prior to the intended commencement of development date and include details of :

- The written consent of all landowners whose land is to be utilised
- Methodology and volume of extraction,
- Phasing/timing of any works impacting peat
- Quality/classification of Peat to be extracted
- Details of any onsite peat re-instatement and /or enhancement
- Details of storage and transportation

- Details of the location, area and condition of onsite or offsite peatland to be improved
- Details of peat enhancement measures on this land
- Details of peatland restoration outcomes to be achieved
- Details of ongoing management arrangements of the restored peatland

The restored peatland shall thereafter be maintained in accordance with the terms of the approved peatland management plan, and retained in perpetuity unless with the written agreement of the Planning Authority in consultation with SEPA.

The restored area shall not be subject to any works or operations in the future to undermine the objectives of the restoration objectives contained in the approved Peat Management Plan.

The peat improvement works shall also be undertaken in accordance with the objectives of the necessary habitat and management plan set out at condition 08 below.

Reason: In order to minimise disturbance of peat and ensure the appropriate reinstatement, reuse and management of peat in accordance with NPF 4 Policy 5 (c) objectives.

8. No works to excavate any peat on the site shall be undertaken until a Habitat Management and Enhancement Plan has been submitted to and approved by the Planning Authority in consultation with its biodiversity advisor.

Reason: To ensure that works result in habitat enhancement works being undertaken in accordance with NPF 4 and LDP Objectives.

- 9 No development shall commence until a detailed Compensatory Planting Plan (CPP) and Long Term Forestry Management Plan (LTFMP) are submitted to and approved in writing by the Planning Authority, in consultation with Scottish Forestry. The approved CPP and LTFMP shall be implemented in full and in accordance with the approved timing, unless otherwise agreed in writing by the Planning Authority.

Reason: To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

10. No development shall commence until a revised Landscape Planting Plan and Maintenance Plan in accordance with BS EN ISO 11091:1999 has been submitted to and approved in writing by the Planning Authority. The revised plans must include:
- a. A plan showing numbers and locations of each tree and shrub species;
 - b. Planting schedule to show for each species, the total number, type and size at planting;
 - c. Specification for planting to include ground preparation, planting operations and protection from herbivores;
 - d. Compensatory planting scheme for tree loss
 - e. Schedule of implementation and phasing;

The approved Landscape Planting Plan and Maintenance Plan shall thereafter be implemented in full in accordance with the implementation schedule and maintained in accordance with the approved details. Any plant losses within the first five years will be replaced at the next planting season.

Reason: To ensure the development conserves and enhances the landscape character and biodiversity interests of the area.

11. Any watercourse crossings, hereby permitted, shall be designed to at least the capacity of the existing channel and to the 1 in 200 year plus climate change flow and an allowance for freeboard, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that new watercourse crossings do not affect the existing flows in the interests of flood risk.

12. No external lighting shall be installed on the site other than with the prior written approval of the planning authority. In that event the location, type and luminance of the lighting units to be installed shall be specified, and any duly approved lighting shall be installed in a manner which minimises illumination and glare outwith the boundary of the application site. The completed site shall not be illuminated other than in the event of staff being present on site.

Reason: In order to avoid unnecessary visual intrusion in the interests of the visual amenity of an area otherwise unaffected by the presence of light sources.

13. No development/works shall take place outside the following hours;
0800 – 1800 hours Monday to Friday,

0800 – 1300 hours Saturday

Not at all on Sunday, Bank or Scottish Public Holidays.

Reason: To minimise the impact of noise, generated by construction activities, on occupiers of residential properties.

14. No development shall commence until a noise management strategy and plan has been submitted to the Planning Authority for its approval in consultation with its Environmental Protection advisors. This shall set out the hours of associated with proposed vehicular movements which could potentially disturb residential occupiers. Such details as may be approved shall there after be adhered to unless with the written authority of Environmental Health Officers.

Reason: To safeguard residential amenity

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**Argyll and Bute Council
Development and Economic Growth**

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 22/02578/PP

Planning Hierarchy: National

Applicant: Scottish Hydro Electric Transmission Plc

Proposal: Erection of high voltage electricity substation and formation of associated access, landscaping, drainage and means of enclosure (Craig Murrail substation)

Site Address: Ach nabreck Forest - Land Approximately 2.5 Km North East Of Lochgilphead And 4 Km South West Of Loch Glashan, Lochgilphead.

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

The purpose of this report is to:

a) Update Members that the holding Objection by SEPA in respect of the proposals has now been withdrawn subject to the imposition of the following condition which would replace conditions 7 set out in the main report.

New Condition 7

No development shall commence until a detailed peat management and reinstatement plan has been submitted to and approved by the Planning Authority in consultation with SEPA.

This shall be submitted to the planning authority and SEPA no later than two months prior to the intended commencement of development date and include details of :

- The written consent of all landowners whose land is to be utilised
- Methodology and volume of extraction,
- Phasing/timing of any works impacting peat
- Quality/classification of Peat to be extracted
- Details of any onsite peat re-instatement and /or enhancement
- Details of storage and transportation
- Details of the location, area and condition of onsite or offsite peatland to be improved
- Details of peat enhancement measures on this land

- Details of peatland restoration outcomes to be achieved
- Details of ongoing management arrangements of the restored peatland

The restored peatland shall thereafter be maintained in accordance with the terms of the approved peatland management plan, and retained in perpetuity unless with the written agreement of the Planning Authority in consultation with SEPA. The restored area shall not be subject to any works or operations in the future to undermine the objectives of the restoration objectives contained in the approved Peat Management Plan.

The peat improvement works shall also be undertaken in accordance with the objectives of the necessary habitat and management plan set out at condition 08 below.

Reason: In order to minimise disturbance of peat and ensure the appropriate reinstatement, reuse and management of peat in accordance with NPF 4 Policy 5 (c) objectives.

The Concerns previously raised by SEPA have now been addressed through the submission of further information by the applicants and additional requirements added to the proposed condition.

b) Advise Members that the Examination by Scottish Government Reporters into the Argyll and Bute Proposed Local Development Plan 2 has now concluded and the Examination Report has been published. The Examination Report is a material consideration of significant weight. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

2.0 RELEVANT PLDP2 POLICIES

Policy 02 – Outwith Settlement Areas

Policy 04 – Sustainable Development

Policy 06 – Green Infrastructure

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 30 - The Sustainable Growth of Renewables

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes

Policy 36 – New Private Accesses

Policy 61 – Sustainable Drainage Systems (SUDS)

Policy 73 – Development Impact on Habitats, Species and Biodiversity. Development Impact on Sites of International and National Importance.

Policy 77 – Forestry, Woodland and Trees

Policy 79 – Protection of Soil and Peat Resources

3.0 IMPLICATIONS OF PLDP 2 AS RECOMMENDED TO BE MODIFIED BY THE EXAMINATION REPORT

The assessment of the proposal against PLDP2 as recommended to be modified by the Examination Report is as follows:

The assessment of the proposal against PLDP2 as recommended to be modified by the Examination Report is as follows:

Policy 02 - Development Outside Settlement Areas: will only be acceptable where it can be demonstrated that it falls within with indicated criteria. In this instance Parts A and B of the policy are applicable. The proposal accords with Parts A and B as renewable infrastructure. There is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its proposed location. No substantive change to previous assessment.

Policy 04 – Sustainable Development: Promotes the principles of sustainable development and remain generally aligned with the requirements of ABC LDP STRAT 1 and NPF 4 Policies 1 and 2 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 05 – Design and Placemaking: Sets out principles for achieving good quality places and is generally aligned with the requirements of ABC LDP 2015 Policy LDP 9 and SG LDP Sustainable Design, and NPF4 Policy 14 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 06 – Green infrastructure: Sets out a requirement for the developer to demonstrate how green infrastructure has been integrated into the design of the proposal from the outset. This policy overlaps with provisions elsewhere to consider enhancements to biodiversity and sustainable urban drainage which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 08 – Sustainable Siting: Sets out the principles for successfully integrating new development into its landscape/townscape setting and is aligned with the provisions of NPF4 and ABC 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 09 – Sustainable Design: Sets out that development proposals should demonstrate consideration of and where possible utilisation of renewable sources of energy; and sustainable design and construction methods. No substantive change to previous assessment.

Policy 10 – Design – All Development: Sets out requirements for the design of new development and is generally aligned with the provisions of NPF4 and ABC 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 30 - The Sustainable Growth of Renewables: Policy 30 supports renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable environmental effects, whether individual or cumulative, on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses. This should be read in the context of the development plan as a whole including the objectives and principles of NPF4 and its topic specific policies including Policy 11. The current proposals are an essential part of the provision of a robust renewable energy transmission network vital to address climate change and are therefore considered to accord

with the objectives of policy 30. A detailed assessment of such matters is contained within the main report of handling. No substantive change to previous assessment.

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes: Sets out that the acceptance of development utilising existing public roads is subject to road safety and street design issues being addressed to the satisfaction of the Roads Authority and Planning Authority. A detailed assessment is set out in the main report of handling of this aspect in relation to ABC LDP 2015 Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 5. No substantive change to previous assessment.

Policy 36 – New Private Access: Sets out the circumstances where a new private access may be considered to be acceptable. No substantive change to previous assessment.

Policy 61 – Sustainable Urban Drainage Systems: Sets out a requirement that proposal for SuDS are required in relation to all development prior to determination. The proposal has been amended to include detail that SuDS are to be designed and installed in accordance to BRE Digest 365 Soakaway Design and BSEN - 752-4. No substantive change to previous assessment.

Policy 73 – Development Impact on Habitats, Species and Biodiversity. Development Impact on Sites of International and National Importance. The provisions of Policy 73 are generally aligned with the requirements of NPF4 Policy 3, and ABC LDP 2015 Policy LDP 3 and Sg LDP ENV 1 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 77 – Forestry, Woodland and Trees: Sets out criteria for the assessment of development impact on woodland and trees. The provisions of Policy 77 are aligned with the requirements of NPF4 Policy 6; ABC LDP 2015 Policy LDP 3, and SG LDP ENV 6 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 79 – Protection of Soil and Peat Resources: Sets out that the Council will only support development where appropriate measures are taken to maintain soil resources and functions through measures that are proportionate to the development. Policy 79 is aligned with the provisions of NPF4 Policy 5 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

4.0 CONCLUSION

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. However, in this case there is no significant material change of policy between the Adopted Plan and Proposed Local Development Plan 2 as recommended to be modified by the Examination Report that would require further assessment or lead to a change in the recommendation.

5.0 RECOMMENDATION

It is recommended that planning permission be approved subject to the revised conditions listed in Appendix 1 of supplementary report no.1.

Author of Report: David Moore **Date:** 19.06.23

Reviewing Officer: Sandra Davies **Date:** 20.06.23

Fergus Murray
Head of Development and Economic Growth

Appendix 1

- The development shall be implemented in accordance with the details specified on the application form dated 14.12.22; the Environmental Appraisal (December 2022), supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Location Plan 1:75000	A01	A01	19.12.22
Site Location Plan 1:25000	A01	A01	19.12.22
Site Layout Plan	4534b-DR-P-0017	Rev.7	26.05.23
Substation Compound Layout and Electrical Section Locations	4534b-DR-P-0004	Rev.3	16.01.23
Proposed Site Access Profiles	4534b-DR-P-0021	-	19.12.22
Proposed Site Profiles	4534b-DR-P-0018	Rev.2	19.12.22
Site Access Details	4534b-DR-P-0008	Rev.1	19.12.22
Typical Access Track Sections – Sheet 1	4534b-DR-P-0007	Rev.2	19.12.22
Typical Access Track Sections – Sheet 2	4534b-DR-P-0012	Rev.2	19.12.22
2.5m High Security Palisade Fencing Details	CE/34/2015	Rev. E	19.12.22
Electrical Layout Elevations 01	4534b-DR-P-0011	Rev.1	19.12.22
Electrical layout Elevations 02	4534b-DR-P-0014	Rev.2	19.12.22
Electrical Layout Elevations 03	4534b-DR-P-0015	Rev.1	19.12.22
Generator Building Elevations	4534b-DR-P-0009	Rev.2	19.12.22
Substation Building Elevations	4534b-DR-P-0006	Rev.2	19.12.22
Substation Building Layout	4534b-DR-P-0005	Rev.1	19.12.22
Transformer Building Elevations	4534b-DR-P-0019	-	19.12.22
Transformer Building Layout	4534b-DR-P-0020	-	19.12.22
Switch Room Elevations	4534b-DR-P-0013		19.12.22
Switch Room Floor Plans	4534b-DR-P-0010	Rev.1	19.12.22

Septic Tank and Private Water Supply Location (15.12.22)	A01	A01	08.02.23
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Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. No construction works shall be commenced until a Finalised Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA and other consultees, as appropriate. The development shall then proceed in accordance with the approved CEMP unless otherwise agreed in writing by the Planning Authority. The CEMP shall include:
 - a. An updated Schedule of Mitigation (SM) highlighting mitigation set out within each chapter of the Environmental Appraisal (EA), and the conditions of this consent;
 - b. Processes to control/ action changes from the agreed SM;
 - c. Construction Environmental Management Plans (CEMPs) for the construction phase covering:
 - i. Habitat and species protection, including ECoW Details, surveys and species protection plans;
 - ii. Landscape and Mitigation Restoration Plan including compensatory planting (refer to Condition 9);
 - iii. Pollution prevention and control;
 - iv. Dust management, including construction activity and vehicle movements;
 - v. Construction noise and vibration
 - vi. Temporary site lighting;
 - vii. Watercourse crossings;
 - viii. Site waste management
 - ix. Surface and ground water management, including: drainage and sediment management measures from all construction areas including access tracks, mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring;
 - x. Mapping of borrow pits and associated habitats identified for restoration;
 - xi. Invasive Non-Native Species Management Plan
 - xii. Emergency Response Plans;
 - xiii. Timetable for post construction restoration/ reinstatement of the temporary working areas and construction compound; and
 - xiv. Other relevant environmental management as may be relevant to the development
 - d. A statement of responsibility to 'stop the job/ activity' if a breach or potential breach of mitigation or legislation occurs; and
 - e. Methods of monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority, and other relevant parties.

Reason: To ensure protection of surrounding environmental interests and general amenity.

3. No development shall commence until a Construction Traffic Management Plan (CTMP) and Phased Delivery Plan have been prepared and approved in writing by the Planning Authority and Transport Scotland as the trunk roads Authority. The Plan shall include details of:
 - a. Approved access routes,
 - b. Agreed operational practises (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, information of wheel cleansing facilities, signage to be installed on the A83 warning of construction traffic, signage or temporary traffic control measures to include for larger or abnormal loads, reporting of verge damage);
 - c. The provision of an appropriate Code of Practice to drivers of construction and delivery vehicles.
 - d. Abnormal load route surveys and finalised plan (including any accommodation measures required including the removal of street furniture, junction widening, traffic management).

The development shall be implemented in accordance with the duly approved Traffic Management Plan

Reason: To minimise the interference with the safety and free flow of traffic on the trunk road and to ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

4. No development or ground breaking works shall commence until a programme of archaeological works in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The scheme shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources

5. No development shall commence, until a strategy for housing incoming construction workers shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that any potential adverse impacts on the functioning of the local housing market and tourist accommodation to the detriment of the interests of the local community are identified and mitigated in accordance with the requirements of NPF4, and in particular Policy 11C and Policy 25 Objectives.

6. No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist/ hydrogeologist or other suitably competent person and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 or Part 3 of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as appropriate) which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

7. No development shall commence until a detailed peat management and reinstatement plan has been submitted to and approved by the Planning Authority in consultation with SEPA.

This shall be submitted to the planning authority and SEPA no later than two months prior to the intended commencement of development date and include details of :

- The written consent of all landowners whose land is to be utilised
- Methodology and volume of extraction,
- Phasing/timing of any works impacting peat
- Quality/classification of Peat to be extracted
- Details of any onsite peat re-instatement and /or enhancement
- Details of storage and transportation

- Details of the location, area and condition of onsite or offsite peatland to be improved
- Details of peat enhancement measures on this land
- Details of peatland restoration outcomes to be achieved
- Details of ongoing management arrangements of the restored peatland

The restored peatland shall thereafter be maintained in accordance with the terms of the approved peatland management plan, and retained in perpetuity unless with the written agreement of the Planning Authority in consultation with SEPA.

The restored area shall not be subject to any works or operations in the future to undermine the objectives of the restoration objectives contained in the approved Peat Management Plan.

The peat improvement works shall also be undertaken in accordance with the objectives of the necessary habitat and management plan set out at condition 08 below.

Reason: In order to minimise disturbance of peat and ensure the appropriate reinstatement, reuse and management of peat in accordance with NPF 4 Policy 5 (c) objectives.

8. No works to excavate any peat on the site shall be undertaken until a Habitat Management and Enhancement Plan has been submitted to and approved by the Planning Authority in consultation with its biodiversity advisor.

Reason: To ensure that works result in habitat enhancement works being undertaken in accordance with NPF 4 and LDP Objectives.

9. No development shall commence until a detailed Compensatory Planting Plan (CPP) and Long Term Forestry Management Plan (LTFMP) are submitted to and approved in writing by the Planning Authority, in consultation with Scottish Forestry. The approved CPP and LTFMP shall be implemented in full and in accordance with the approved timing, unless otherwise agreed in writing by the Planning Authority.

Reason: To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

10. No development shall commence, until a revised Landscape Planting Plan and Maintenance Plan in accordance with BS EN ISO 11091:1999 has been submitted to and approved in writing by the Planning Authority. The revised plans must include:

- a. A plan showing numbers and locations of each tree and shrub species;
- b. Planting schedule to show for each species, the total number, type and size at planting;
- c. Specification for planting to include ground preparation, planting operations and protection from herbivores;
- d. Compensatory planting scheme for tree loss
- e. Schedule of implementation and phasing;

The approved Landscape Planting Plan and Maintenance Plan shall thereafter be implemented in full in accordance with the implementation schedule and maintained in accordance with the approved details. Any plant losses within the first five years will be replaced at the next planting season.

Reason: To ensure the development conserves and enhances the landscape character and biodiversity interests of the area.

11. Any watercourse crossings, hereby permitted, shall be designed to at least the capacity of the existing channel and to the 1 in 200 year plus climate change flow and an allowance for freeboard, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that new watercourse crossings do not affect the existing flows in the interests of flood risk.

12. No external lighting shall be installed on the site other than with the prior written approval of the planning authority. In that event the location, type and luminance of the lighting units to be installed shall be specified, and any duly approved lighting shall be installed in a manner which minimises illumination and glare outwith the boundary of the application site. The completed site shall not be illuminated other than in the event of staff being present on site.

Reason: In order to avoid unnecessary visual intrusion in the interests of the visual amenity of an area otherwise unaffected by the presence of light sources.

13. No development shall take place outside the following hours:

07.00hrs and 19.00hrs Mon to Friday (inclusive)

07.00hrs and 18.00hrs Saturday

And not at all on Sundays or Scottish Bank Holidays unless as otherwise may be agreed with Environmental Protection Officers in advance of the operations.

Reason: To safeguard residential amenity

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**Argyll and Bute Council
Development and Economic Growth**

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 23/00382/PP

Planning Hierarchy: National

Applicant: Scottish Hydro Electric Transmission Plc

Proposal: Erection of high voltage electricity substation and formation of associated access, landscaping, drainage and means of enclosure (Crossaig (North) Substation)

Site Address: Land Adjacent To Crossaig Sub Station, Skipness .

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

The purpose of this report is to:

a) Update Members that the holding Objection by SEPA in respect of the proposals has now been withdrawn subject to the imposition of the following condition which would replace condition 7 set out in the main report.

New Condition 7

No development shall commence until a detailed peat management and reinstatement plan has been submitted to and approved by the Planning Authority in consultation with SEPA.

This shall be submitted to the planning authority and SEPA no later than two months prior to the intended commencement of development date and include details of :

- The written consent of all landowners whose land is to be utilised
- Methodology and volume of extraction,
- Phasing/timing of any works impacting peat
- Quality/classification of Peat to be extracted
- Details of any onsite peat re-instatement and /or enhancement
- Details of storage and transportation
- Details of the location, area and condition of onsite or offsite peatland to be improved
- Details of peat enhancement measures on this land
- Details of peatland restoration outcomes to be achieved

- Details of ongoing management arrangements of the restored peatland

The restored peatland shall thereafter be maintained in accordance with the terms of the approved peatland management plan, and retained in perpetuity unless with the written agreement of the Planning Authority in consultation with SEPA. The restored area shall not be subject to any works or operations in the future to undermine the objectives of the restoration objectives contained in the approved Peat Management Plan.

The peat improvement works shall also be undertaken in accordance with the objectives of the necessary habitat and management plan set out at condition 08 below.

Reason: In order to minimise disturbance of peat and ensure the appropriate reinstatement, reuse and management of peat in accordance with NPF 4 Policy 5 (c) objectives.

The Concerns previously raised by SEPA have now been addressed through the submission of further information by the applicants and additional requirements added to the proposed condition.

b) Advise Members that the Examination by Scottish Government Reporters into the Argyll and Bute Proposed Local Development Plan 2 has now concluded and the Examination Report has been published. The Examination Report is a material consideration of significant weight. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

2.0 RELEVANT PLDP2 POLICIES

Policy 02 – Outwith Settlement Areas

Policy 04 – Sustainable Development

Policy 06 – Green Infrastructure

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 30 - The Sustainable Growth of Renewables

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes

Policy 36 – New Private Accesses

Policy 61 – Sustainable Drainage Systems (SUDS)

Policy 73 – Development Impact on Habitats, Species and Biodiversity. Development Impact on Sites of International and National Importance.

Policy 77 – Forestry, Woodland and Trees

Policy 79 – Protection of Soil and Peat Resources

3.0 IMPLICATIONS OF PLDP 2 AS RECOMMENDED TO BE MODIFIED BY THE EXAMINATION REPORT

The assessment of the proposal against PLDP2 as recommended to be modified by the Examination Report is as follows:

Policy 02 - Development Outside Settlement Areas: will only be acceptable where it can be demonstrated that it falls within with indicated criteria. In this instance Parts A and B of the policy are applicable. The proposal accords with Parts A and B as renewable infrastructure. There is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its proposed location. No substantive change to previous assessment.

Policy 04 – Sustainable Development: Promotes the principles of sustainable development and remain generally aligned with the requirements of ABC LDP STRAT 1 and NPF 4 Policies 1 and 2 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 05 – Design and Placemaking: Sets out principles for achieving good quality places and is generally aligned with the requirements of ABC LDP 2015 Policy LDP 9 and SG LDP Sustainable Design, and NPF4 Policy 14 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 06 – Green infrastructure: Sets out a requirement for the developer to demonstrate how green infrastructure has been integrated into the design of the proposal from the outset. This policy overlaps with provisions elsewhere to consider enhancements to biodiversity and sustainable urban drainage which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 08 – Sustainable Siting: Sets out the principles for successfully integrating new development into its landscape/townscape setting and is aligned with the provisions of NPF4 and ABC 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 09 – Sustainable Design: Sets out that development proposals should demonstrate consideration of and where possible utilisation of renewable sources of energy; and sustainable design and construction methods. No substantive change to previous assessment.

Policy 10 – Design – All Development: Sets out requirements for the design of new development and is generally aligned with the provisions of NPF4 and ABC 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 30 - The Sustainable Growth of Renewables: Policy 30 supports renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable environmental effects, whether individual or cumulative, on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses. This should be read in the context of the development plan as a whole including the objectives and principles of NPF4 and its topic specific policies including Policy 11. The current proposals are an essential part of the provision of a robust renewable energy transmission network vital to address climate change and are therefore considered to accord with the objectives of policy 30. A detailed assessment of such matters is contained within the main report of handling. No substantive change to previous assessment.

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes: Sets out that the acceptance of development utilising existing public roads is subject to road safety and street design issues being addressed to the satisfaction of the Roads Authority and Planning Authority. A detailed assessment is set out in the main report of handling of this aspect in

relation to ABC LDP 2015 Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 5. No substantive change to previous assessment.

Policy 36 – New Private Access: Sets out the circumstances where a new private access may be considered to be acceptable. No substantive change to previous assessment.

Policy 61 – Sustainable Urban Drainage Systems: Sets out a requirement that proposal for SuDS are required in relation to all development prior to determination. The proposal has been amended to include detail that SuDS are to be designed and installed in accordance to BRE Digest 365 Soakaway Design and BSEN - 752-4. No substantive change to previous assessment.

Policy 73 – Development Impact on Habitats, Species and Biodiversity. Development Impact on Sites of International and National Importance. The provisions of Policy 73 are generally aligned with the requirements of NPF4 Policy 3, and ABC LDP 2015 Policy LDP 3 and Sg LDP ENV 1 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 77 – Forestry, Woodland and Trees: Sets out criteria for the assessment of development impact on woodland and trees. The provisions of Policy 77 are aligned with the requirements of NPF4 Policy 6; ABC LDP 2015 Policy LDP 3, and SG LDP ENV 6 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 79 – Protection of Soil and Peat Resources: Sets out that the Council will only support development where appropriate measures are taken to maintain soil resources and functions through measures that are proportionate to the development. Policy 79 is aligned with the provisions of NPF4 Policy 5 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

4.0 CONCLUSION

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. However, in this case there is no significant material change of policy between the Adopted Plan and Proposed Local Development Plan 2 as recommended to be modified by the Examination Report that would require further assessment or lead to a change in the recommendation.

5.0 RECOMMENDATION

It is recommended that planning permission be approved subject to the revised conditions listed in Appendix 1 of supplementary report no.1.

Author of Report: David Moore **Date:** 19.06.23

Reviewing Officer: Sandra Davies **Date:** 20.06.23

Fergus Murray
Head of Development and Economic Growth

Appendix 1

1. The development shall be implemented in accordance with the details specified on the application form dated 14.12.22; the Environmental Appraisal (December 2022), supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Location Plan	A01	A01	24.2.23
Site Layout Plan	4534d-DR-P-0017	Rev.5	26.5.23
Existing Substation Proposed Platform Extension and Detail	4534d-DR-P-0027	-	24.2.23
Substation Compound Layout and Electrical Section Locations	4534d-DR-P-0004	Rev.2	24.2.23
Proposed Site Access Profiles	4534d-DR-P-0021	Rev.1	24.2.23
Proposed Site Profiles	4534d-DR-P-0018	Rev.1	24.2.23
Site Access Details	4534d-DR-P-0008	Rev.2	24.2.23
Typical Deer Fence and Gate	4534d-DR-P-0016	-	24.2.23
2.5m High Security Palisade Fencing Details	CE/34/2015	Rev. E	24.2.23
Electrical Layout Elevations 01	4534d-DR-P-0011	Rev.1	24.2.23
Compound layout & Electrical Section Locations	4534d-DR_P-0004	Rev.2	24.2.23
Generator Building Elevations and Floor Plan	4534d-DR-P-0009	Rev.2	24.2.23
Control Building Elevations	4534d-DR-P-0006	Rev.1	24.2.23
Control Building Layout	4534d-DR-P-0022	Rev.1	24.2.23
Control Building Elevations	4534d-DR-P-0023	Rev.1	24.2.23
Transformer Building Elevations	4534d-DR-P-0019	Rev.1	24.2.23
Transformer Building Layout	4534d-DR-P-0020	Rev.1	24.2.23

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. No construction works shall be commenced until a Finalised Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA and other consultees, as appropriate. The development shall then proceed in accordance with the approved CEMP unless otherwise agreed in writing by the Planning Authority. The CEMP shall include:
 - a. An updated Schedule of Mitigation (SM) highlighting mitigation set out within each chapter of the Environmental Appraisal (EA), and the conditions of this consent;
 - b. Processes to control/ action changes from the agreed SM;
 - c. Construction Environmental Management Plans (CEMPs) for the construction phase covering:
 - i. Habitat and species protection, including ECoW Details, surveys and species protection plans;
 - ii. Landscape and Mitigation Restoration Plan including compensatory planting (refer to Condition 9);
 - iii. Pollution prevention and control;
 - iv. Dust management, including construction activity and vehicle movements;
 - v. Construction noise and vibration
 - vi. Temporary site lighting;
 - vii. Watercourse crossings;
 - viii. Site waste management
 - ix. Surface and ground water management, including: drainage and sediment management measures from all construction areas including access tracks, mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring;
 - x. Mapping of borrow pits and associated habitats identified for restoration;
 - xi. Invasive Non-Native Species Management Plan
 - xii. Emergency Response Plans;
 - xiii. Timetable for post construction restoration/ reinstatement of the temporary working areas and construction compound; and
 - xiv. Other relevant environmental management as may be relevant to the development
 - d. A statement of responsibility to 'stop the job/ activity' if a breach or potential breach of mitigation or legislation occurs; and
 - e. Methods of monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority, and other relevant parties.

Reason: To ensure protection of surrounding environmental interests and general amenity.

3. No development shall commence until a Construction Traffic Management Plan (CTMP) and Phased Delivery Plan have been prepared and approved in writing by the Planning Authority and Transport Scotland as the trunk roads Authority. The Plan shall include details of:
 - a. Approved access routes,

- All HGV construction traffic to use the Cross Kintyre Haul Route.
- The B8001 Redhouse - Skipness Road and the B842 Claonaig - Southend Road must not be used by HGV's.
- The B8001 Redhouse - Skipness Road and the B842 Claonaig - Southend Road may be used by LGV related to these works
- b. Agreed operational practises (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, information of wheel cleansing facilities, signage to be installed on the A83 warning of construction traffic, signage or temporary traffic control measures to include for larger or abnormal loads, reporting of verge damage);
- c. The provision of an appropriate Code of Practice to drivers of construction and delivery vehicles.
- d. Abnormal load route surveys and finalised plan (including any accommodation measures required including the removal of street furniture, junction widening, traffic management).

The development shall be implemented in accordance with the duly approved Traffic Management Plan

Reason: To minimise the interference with the safety and free flow of traffic on the trunk road and to ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk or local road network.

4. No development or ground breaking works shall commence until a programme of archaeological works in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The scheme shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources

5. No development shall commence, until a strategy for housing incoming construction workers shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that any potential adverse impacts on the functioning of the local housing market and tourist accommodation to the detriment of the interests

of the local community are identified and mitigated in accordance with the requirements of NPF4, and in particular Policy 11C and Policy 25 Objectives.

6. No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist/ hydrogeologist or other suitably competent person and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 or Part 3 of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as appropriate) which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

7. No development shall commence until a detailed peat management and reinstatement plan has been submitted to and approved by the Planning Authority in consultation with SEPA.

This shall be submitted to the planning authority and SEPA no later than two months prior to the intended commencement of development date and include details of :

- The written consent of all landowners whose land is to be utilised
- Methodology and volume of extraction,
- Phasing/timing of any works impacting peat
- Quality/classification of Peat to be extracted
- Details of any onsite peat re-instatement and /or enhancement
- Details of storage and transportation
- Details of the location, area and condition of onsite or offsite peatland to be improved
- Details of peat enhancement measures on this land
- Details of peatland restoration outcomes to be achieved

- Details of ongoing management arrangements of the restored peatland

The restored peatland shall thereafter be maintained in accordance with the terms of the approved peatland management plan, and retained in perpetuity unless with the written agreement of the Planning Authority in consultation with SEPA. The restored area shall not be subject to any works or operations in the future to undermine the objectives of the restoration objectives contained in the approved Peat Management Plan.

The peat improvement works shall also be undertaken in accordance with the objectives of the necessary habitat and management plan set out at condition 08 below.

Reason: In order to minimise disturbance of peat and ensure the appropriate reinstatement, reuse and management of peat in accordance with NPF 4 Policy 5 (c) objectives.

8. No works to excavate any peat on the site shall be undertaken until a Habitat Management and Enhancement Plan has been submitted to and approved by the Planning Authority in consultation with its biodiversity advisor.

Reason: To ensure that works result in habitat enhancement works being undertaken in accordance with NPF 4 and LDP Objectives.

9. No development shall commence until a detailed Compensatory Planting Plan (CPP) and Long Term Forestry Management Plan (LTFMP) are submitted to and approved in writing by the Planning Authority, in consultation with Scottish Forestry. The approved CPP and LTFMP shall be implemented in full and in accordance with the approved timing, unless otherwise agreed in writing by the Planning Authority.

Reason: To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

10. No development shall commence, until a revised Landscape Planting Plan and Maintenance Plan in accordance with BS EN ISO 11091:1999 has been submitted to and approved in writing by the Planning Authority. The revised plans must include:
 - a. A plan showing numbers and locations of each tree and shrub species;
 - b. Planting schedule to show for each species, the total number, type and size at planting;
 - c. Specification for planting to include ground preparation, planting operations and protection from herbivores;
 - d. Compensatory planting scheme for tree loss
 - e. Schedule of implementation and phasing;

The approved Landscape Planting Plan and Maintenance Plan shall thereafter be implemented in full in accordance with the implementation schedule and maintained

in accordance with the approved details. Any plant losses within the first five years will be replaced at the next planting season.

Reason: To ensure the development conserves and enhances the landscape character and biodiversity interests of the area.

11. Any watercourse crossings, hereby permitted, shall be designed to at least the capacity of the existing channel and to the 1 in 200 year plus climate change flow and an allowance for freeboard, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that new watercourse crossings do not affect the existing flows in the interests of flood risk.

12. No external lighting shall be installed on the site other than with the prior written approval of the planning authority. In that event the location, type and luminance of the lighting units to be installed shall be specified, and any duly approved lighting shall be installed in a manner which minimises illumination and glare outwith the boundary of the application site. The completed site shall not be illuminated other than in the event of staff being present on site.

Reason: In order to avoid unnecessary visual intrusion in the interests of the visual amenity of an area otherwise unaffected by the presence of light sources.

13. No development shall take place outside the following hours:

07.00hrs and 19.00hrs Mon to Friday (inclusive)

07.00hrs and 18.00hrs Saturday

No construction works shall take place on Sundays or Scottish Bank Holidays

unless as otherwise may be agreed in writing with Environmental Protection Officers in advance of the operations

Non-construction work and switching works can be carried out on Sundays and Scottish Bank Holidays between the hours of 08.00 and 13.00.

Reason: Reason: To minimise the impact of noise, generated by construction activities, on occupiers of residential properties.

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**Argyll and Bute Council
Development and Economic Growth**

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 22/02523/PP

Planning Hierarchy: Local

Applicant: Mr D. Higgins

Proposal: Erection of dwellinghouse, formation of vehicular access and associated work

Site Address: Garden Ground of Torwood House, Torwoodhill Road, Rhu, Helensburgh

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

The purpose of this report is to advise Members that:

- 1) The applicant has requested that determination of this application be deferred to allow an opportunity for him to engage in discussions to Council Officers and to prepare further details of a scheme of commensurate off-site road improvements for assessment by Planning Officers in consultation with Area Roads Engineers.
- 2) To advise Members of the implications of LDP2 as recommended by the Examination Report.
- 3) To advise members of further representations received from one of the original objectors in response to the submission of a revised site plan – proposed drawing no. 807(L)002 Revision A, received on 21st February 2023.

2.0 REQUEST FOR DEFERRAL

Members will be aware from the Main Report, that Council officers have assessed the proposal as being acceptable with reference to all material considerations with the exception of impact upon highways issues, having particular regard to the consultation response from the Council's Area Roads Engineer and third party representations.

It is also noted that the most recent formal consultation response from Area Roads recommends deferral of determination pending the submission of details of commensurate off-site improvements to the public approach road, commensurate to accommodate the intensification of traffic movements resulting from the proposed development. These commensurate improvements comprise the provision of two passing places on Torwoodhill Road between the proposed site access and the junction with Upper Torwoodhill Road.

Officers published the Main Report on the basis of information available at the time of the publication deadline in order to give the applicant a determination as soon as possible. During the drafting of the Main Report, Officers were engaged in negotiations with the applicant with

regard to the commensurate improvements. However, the timescale from the start of negotiations relative to the deadline for the publication of the report gave a very short window of opportunity to conclude the negotiations to an extent to allow a recommendation for approval prior to the report publication deadline. At the time of publication of the Main Report, the recommendation was that the application be refused on grounds that the applicant had failed to demonstrate that the required commensurate improvements could be implemented, and as such Officers considered that a recommendation for approval subject to a planning condition requiring implementation of the improvements would not be competent.

However, on 13th June, the applicant confirmed that the applicant:

“can provide the passing spaces in his land as he owns Torward House which is next to the proposed site - and the spaces can be formed within his land ownership.”

On the basis of this commitment in principle, Officer's would support the request for deferral in order to give the applicant the reasonable opportunity to seek to agree a detailed design for road improvements, particularly since the time available for the applicant to explore this opportunity was significantly constrained by the deadline for reports for the June PPSL meeting. In addition, Officers consider that the roads issue is the only one that warrants a recommendation for refusal, and that if this issue is reasonably capable of satisfactory resolution, then the most reasonable way to proceed would be defer formal determination to give the applicant a reasonable timescale to prepare details of a scheme of road improvements and to enter into further dialogue with planning officers in consultation with the Area Roads Engineer.

The application can be reported to PPSL at the next available opportunity upon resolution of this issue at which time the assessment will be based on a more categorical assessment of whether the required improvements can be implemented to the satisfaction of Area Roads.

3.0 RELEVANT PLDP2 POLICIES

Policy 01 - Settlement Areas

Policy 04 – Sustainable Development

Policy 05 – Design and Placemaking

Policy 06 – Green Infrastructure

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 15 – Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment

Policy 16 – Listed Buildings

Policy 17 – Conservation Areas

Policy 34 – Electric Vehicle Charging

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes

Policy 36 – New Private Accesses

Policy 40 – Vehicle Parking Provision

Policy 41 – Off Site Highway Improvements

Policy 61 – Sustainable Drainage Systems (SUDS)

Policy 66 – New Residential Development on Non-Allocated Housing Sites within Settlement Areas

Policy 73 – Development Impact on Habitats, Species and Biodiversity. Development Impact on Sites of International and National Importance.

Policy 77 – Forestry, Woodland and Trees

Policy 79 – Protection of Soil and Peat Resources

4.0 IMPLICATIONS OF PLDP 2 AS RECOMMENDED TO BE MODIFIED BY THE EXAMINATION REPORT

The assessment of this proposal against PLDP2 as recommended to be modified by the Examination Report is as follows:

Policy 01 – Settlement Areas: The proposal is located within the Settlement Area for Rhu as identified in PDLP2. The provisions of Policy 01 continues to set out general support for development within the settlement area. No substantive change to previous assessment.

Policy 04 – Sustainable Development: Promotes the principles of sustainable development and remains generally aligned with the requirements of ABC LDP STRAT 1 and NPF 4 Policies 1 and 2 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 05 – Design and Placemaking: Sets out principles for achieving good quality places and is generally aligned with the requirements of ABC LDP 2015 Policy LDP 9 and SG LDP Sustainable Design, and NPF4 Policy 14 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 06 – Green infrastructure: Sets out a requirement for the developer to demonstrate how green infrastructure has been integrated into the design of the proposal from the outset. This policy overlaps with provisions elsewhere to consider enhancements to biodiversity and sustainable urban drainage which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 08 – Sustainable Siting: Sets out the principles for successfully integrating new development into its landscape/townscape setting and is aligned with the provisions of NPF4 and ABC 2015 Policy LDP 9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 09 – Sustainable Design: Sets out that development proposals should demonstrate consideration of and where possible utilisation of renewable sources of energy; and sustainable design and construction methods. The Supporting Statement accompanying the application identifies that the proposal has been sited to maximise solar gain and would be constructed to meet Section 7 Sustainability of Scottish Technical Standards to provide an energy efficient build, enhanced natural lighting, home office space, energy efficient heating and improved storage space. No substantive change to previous assessment.

Policy 10 – Design – All Development: Sets out requirements for the design of new development and is generally aligned with the provisions of NPF4 and ABC 2015 Policy LDP

9 and SG LDP Sustainable Design which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 15 – Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment: Sets out that development will not be supported where it fails to protect, conserve or enhance the special characteristics and/or cultural significance of the historic built environment, or to avoid any cumulative effect upon the integrity or special qualities of heritage assets. Policy 15 is aligned with the aims of NPF4 Policy 7 and ABC LDP 2015 Policy LDP 3 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 16 – Listed Buildings: Sets out requirements for development which affects a listed building or its wider setting. The aims of Policy 16 are aligned with the aims of NPF4 Policy 7 and ABC LDP 2015 Policy LDP 3 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 17 – Conservation Areas: Sets out a requirement that new development will preserve or enhance the character and appearance of a conservation area. The aims of Policy 17 are aligned with the aims of NPF4 Policy 7 and ABC LDP 2015 Policy LDP 3 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 34 – Electric Vehicle Charging: This policy sets out a requirement for all new residential development with private off street parking to install dedicated cable ducting connecting each private residential parking space to the nearest electricity supply connection point capable of supporting the installation of a 7-kilowatt EV charging point. The provisions of Policy 34 introduce an additional requirement for residential development that has not been included within the design of the current proposal or the previous assessment. In the event that it were proposed to grant planning permission then it would be appropriate to seek the submission of further information to ascertain the practicability of this requirement in relation to the current development, and if deliverable and considered appropriate, to impose a planning condition to secure the provision of EV cable ducting within the implementation of the development.

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes: Sets out that the acceptance of development utilising existing public roads is subject to road safety and street design issues being addressed to the satisfaction of the Roads Authority and Planning Authority. In this instance it has been identified by the Roads Authority that the existing public road serving the development is substandard and unsuited to accommodate additional development without improvement; a detailed assessment is set out in the main report of handling of this aspect in relation to ABC LDP 2015 Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 5. On the basis that the applicant has not demonstrated that they would be able to address the underlying issues relating to street design and road safety the proposal would be viewed as contrary to the provisions of Policy 35. No substantive change to previous assessment.

Policy 36 – New Private Access: Sets out the circumstances where a new private access may be considered to be acceptable. In this instance the proposal would connect to the public road by a private driveway connection and would be consistent with the principles of Policy 36a. No substantive change to previous assessment.

Policy 40 – Vehicle Parking Provision: Sets out standards for off street car and vehicle parking. The proposed provision of 3 onsite parking spaces would be consistent with the requirements of Policy 40. No substantive change to previous assessment.

Policy 41 – Offsite Highway Improvements: Sets out an expectation that where new development would be served by a substandard private or public approach road then it will contribute proportionately to improvements to an agreed section of the public or private road

network. A detailed assessment is set out in the main report of handling of this aspect in relation to ABC LDP 2015 Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 5. No substantive change to previous assessment.

Policy 61 – Sustainable Urban Drainage Systems: Sets out a requirement that proposal for SuDS are required in relation to all development prior to determination. The proposal has been amended to include detail that SuDS are to be designed and installed in accordance to BRE Digest 365 Soakaway Design and BSEN - 752-4. No substantive change to previous assessment.

Policy 66 – New Residential Development on Non-Allocated Housing Sites within Settlement Areas: Sets out criteria to be applied to new residential development on non-allocated sites which seeks to secure an appropriate relationship with existing properties, respect the character of the locale, and to ensure that appropriate standards of access and parking are secured. The provisions of Policy 66 are aligned with the provisions of NPF 4 Policy 14, and elements of ABC LDP 2015 Policy LDP 9 and SG LDP Sustainable Design, Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 6 which are all covered within the previous assessment. No substantive change to previous assessment.

Policy 73 – Development Impact on Habitats, Species and Biodiversity. Development Impact on Sites of International and National Importance. The provisions of Policy 73 are generally aligned with the requirements of NPF4 Policy 3, and ABC LDP 2015 Policy LDP 3 and Sg LDP ENV 1 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 77 – Forestry, Woodland and Trees: Sets out criteria for the assessment of development impact on woodland and trees. The provisions of Policy 77 are aligned with the requirements of NPF4 Policy 6; ABC LDP 2015 Policy LDP 3, and SG LDP ENV 6 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

Policy 79 – Protection of Soil and Peat Resources: Sets out that the Council will only support development where appropriate measures are taken to maintain soil resources and functions through measures that are proportionate to the development. Policy 79 is aligned with the provisions of NPF4 Policy 5 which have already been applied to the assessment of this matter. No substantive change to previous assessment.

6.0 ADDITIONAL REPRESENTATIONS

Since publication of the Report, an amended representation has been received from:

- Albert Barclay - Carbeth House, Torwoodhill Road, Rhu

Representations are published in full on the planning application file and are available to view via the Public Access section of the Council's website, and a summary of the issues raised are summarised as follows:

- The further information provided by the revised Drwg 807(L)002A is a substantive amendment to the application and additional information should be provided by the applicant to demonstrate that the proposed soakaway solution is fit for purpose.
- The underlying strata of the site is rock, so it is questionable how the principle of soakaways (proprietary or otherwise) would actually work effectively.

- The implications will be far reaching in terms of flood risk to adjacent infrastructure and will not be easily rectified if a wrong assessment is made.
- A detailed Drainage Survey should be required for approval by the relevant authorities as a condition of planning approval, particularly given the revised proposals.
- Additional particulars and detailed information should be required for proper consideration prior to approval by committee.

Comment: - With respect to the objector, the latest representation offer some clarity on the issue of surface water/land drainage in respect of the revised drawings, however it does not raise any new material planning issues over and above those set out, and fully assessed in the Main Report. The revised representation does not raise any new issues that requires an amendment to the Main Report.

- The revised drawing does not address waste and soil water discharge. This matter also needs to be fully addressed.

Comment: - The application details propose that foul water drainage be by means of a connection to the public drainage network. The consultation response from Scottish Water does not indicate that there are any constraints that would warrant further information from the applicant in this respect. Land water drainage should be assessed as part of the proposed private surface water drainage system. No changes to the main Report are required in response to this issue.

7.0 CONCLUSION

Request for Deferral

Having regard to all material considerations, including the planning history of a planning permission for a similar development on this site in 2017; the consultation response from Area Roads on the current application; and the acceptance of the applicant in principle to implement off-site road improvements to provide two passing places on the public approach road; and given that Officers are otherwise minded to support this proposal, it considered wholly appropriate in these circumstances to allow the applicant every reasonable opportunity to seek, with Council Officers, to continue to seek a resolution that accords with the consultation response from Area Roads and with relevant transport/access policy.

However, should Members wish to determine the application on the basis of the information available at the time of publication of the Report, then the following matters should be noted.

LDP2 Assessment

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. However, in this case there is no significant material change of policy between the Adopted Plan and Proposed Local Development Plan 2 as recommended to be modified by the Examination Report that would require further assessment or lead to a change in the recommendation.

Further Representations

Whilst the latest representation received provides some clarity to the original objection in response to the submission of a revised site plan drawing showing soakaway drainage, with respect to the objector, it does not raise any new issues that have not been assessed within the body of the Main Report. For Members convenience, should planning permission ultimately be approved, then it is recommended by officers that it be subject to a suspensive planning condition requiring the submission and approval of further drainage details for assessment by officers in consultation with the Council's Flood Risk Assessor.

6.0 RECOMMENDATION

- 1) That Members defer determination of this application to allow an opportunity for the applicant to prepare and submit further details to demonstrate to the satisfaction of Council Officers that there are no constraints to the implementation of an agreed scheme of commensurate off-site road improvements.

Should Members wish to determine the application at the meeting on 21st June 2023, notwithstanding the Officer's recommendation above, then the secondary recommendation is that:

- 2) Members note the additional representation received: and,
- 3) Determine the application in accordance with the Head of Development & Economic Growth's report dated 13th June 2023.

Author of Report: N. Shewan **Date:** 20.06.2023

Reviewing Officer: Sandra Davies **Date:** 20.06.2023

Fergus Murray
Head of Development and Economic Growth

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