

Public Document Pack

Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD

8 February 2023

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 15 FEBRUARY 2023** at **11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES**
 - (a) Planning, Protective Services and Licensing Committee held on 18 January 2023 at 11.00 am (Pages 3 - 8)
 - (b) Planning, Protective Services and Licensing Committee held on 18 January 2023 at 2.00 pm (Pages 9 - 14)
 - (c) Planning, Protective Services and Licensing Committee held on 18 January 2023 at 2.30 pm (Pages 15 - 22)
4. **ROSNEATH FARMS LTD: SITE FOR THE ERECTION OF DWELLINGHOUSE: PLOT 7, LAND TO THE REAR OF LOCHEWE AND ARDLANISH, KILGREGGAN, HELENSBURGH (REF: 21/00349/PPP) (Pages 23 - 46)**

Report by Head of Development and Economic Growth
5. **MR GRAHAM WYLIE: VARIATION OF CONDITION NUMBERS 3, 4, 5 AND 6 AND REMOVAL OF CONDITIONS 7 AND 8 RELATIVE TO PLANNING PERMISSION 20/01150/PP (ERECTION OF DWELLINGHOUSE). ACCESS ARRANGEMENTS: RHU LODGE, FERRY ROAD, RHU, HELENSBURGH (REF: 21/02709/PP) (Pages 47 - 90)**

Report by Head of Development and Economic Growth

6. **THE SCOTTISH GOVERNMENT ON BEHALF OF ENERGIEKONTOR UK LTD: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO ROWAN WIND FARM: LAND APPROXIMATELY 4.5KM NORTH WEST OF TARBERT, ARGYLL & BUTE (REF: 22/00385/S36)** (Pages 91 - 98)
Report by Head of Development and Economic Growth
7. **SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: TO CONSTRUCT AND OPERATE A 132/275 KILOVOLT (KV) GIS SUBSTATION AND ASSOCIATED INFRASTRUCTURE THAT WILL CONNECT THE EXISTING 132 KV OVERHEAD LINE (OHL) FROM TAYNUILT TO INVERARAY TO A PROPOSED 275 KV OHL TO DALMALLY: LAND APPROXIMATELY 2.5 KM SOUTH WEST OF CLADICH, ARGYLL AND BUTE (REF: 22/00728/PP)** (Pages 99 - 130)
Report by Head of Development and Economic Growth
8. **SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: CONSTRUCTION OF APPROXIMATELY 13.3 KM OF 275KV OVER HEAD LINE (OHL) FROM BETWEEN A PROPOSED SUBSTATION AT CREAG DHUBH TO THE EXISTING SCOTTISH POWER ENERGY NETWORKS (SPEN) 275 KV OHL THAT RUNS FROM DALMALLY TO INVERARNAN: LAND SOUTH OF DALMALLY AND EAST OF CLADICH (REF: 22/01298/S37)** (Pages 131 - 170)
Report by Executive Director with responsibility for Legal & Regulatory Support
9. **THE SCOTTISH GOVERNMENT ON BEHALF OF DRAX CRUACHAN EXPANSION LIMITED: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO CONSTRUCTION AND OPERATION OF NEW UNDERGROUND POWER STATION AND ASSOCIATED INFRASTRUCTURE ADJACENT TO CRUACHAN 1 TO PROVIDE UP TO 600 MEGAWATTS (MW) OF ADDITIONAL NEW GENERATING CAPACITY: CRUACHAN POWER STATION, LOCHAWE, DALMALLY (REF: 22/01221/S36)** (Pages 171 - 230)
Report by Head of Development and Economic Growth
10. **PLANNING PERFORMANCE FRAMEWORK REPORT 2021/2022** (Pages 231 - 242)
Report by Executive Director with responsibility for Development and Economic Growth

Planning, Protective Services and Licensing Committee

Councillor John Armour	Councillor Jan Brown
Councillor Audrey Forrest	Councillor Kieron Green (Chair)
Councillor Amanda Hampsey (Vice-Chair)	
Councillor Daniel Hampsey	Councillor Graham Hardie
Councillor Fiona Howard	Councillor Willie Hume
Councillor Mark Irvine	Councillor Andrew Kain
Councillor Paul Donald Kennedy	Councillor Liz McCabe
Councillor Luna Martin	Councillor Peter Wallace

Contact: Fiona McCallum, Committee Services Officer

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 18 JANUARY 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Jan Brown	Councillor Andrew Kain
Councillor Amanda Hampsey	Councillor Paul Donald Kennedy
Councillor Daniel Hampsey	Councillor Liz McCabe
Councillor Graham Hardie	Councillor Luna Martin
Councillor Fiona Howard	Councillor Peter Wallace
Councillor Willie Hume	

Attending: Stuart McLean, Committee Manager
Sandra Davies, Major Applications Team Leader
Howard Young, Area Team Leader – Helensburgh and Lomond
Arlene Knox, Senior Planning Officer
Emma Jane, Planning Officer
Raymond Kane, Traffic and Development Officer

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Audrey Forrest.

2. DECLARATIONS OF INTEREST

Councillor Paul Kennedy declared a non-financial interest in item 4 on the Agenda (Mr Graham Wylie: Variation of Condition Numbers 3, 4, 5 and 6 and Removal of Conditions 7 and 8 Relative to Planning Permission 20/01150/PP (Erection of Dwellinghouse). Access Arrangements: Rhu Lodge, Ferry Road, Rhu, Helensburgh (Ref: 21/02709/PP)), as he was acquainted with the Applicant. He advised that he would remain in the meeting but take no part in the consideration of this application.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 15 November 2022 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 23 November 2022 was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 9 December 2022 was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 21 December 2022 at 2.00 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 21 December 2022 at 2.30 pm was approved as a correct record.

f) The Minute of the Planning, Protective Services and Licensing Committee held on 21 December 2022 at 3.00 pm was approved as a correct record.

4. MR GRAHAM WYLIE: VARIATION OF CONDITION NUMBERS 3, 4, 5 AND 6 AND REMOVAL OF CONDITIONS 7 AND 8 RELATIVE TO PLANNING PERMISSION 20/01150/PP (ERECTION OF DWELLINGHOUSE). ACCESS ARRANGEMENTS: RHU LODGE, FERRY ROAD, RHU, HELENSBURGH (REF: 21/02709/PP)

At the PPSL Committee on 23 November 2022 it was agreed to continue consideration of this application and instruct Officers to make arrangements for the Committee to accompany Planning and Roads Officers on a site visit which subsequently took place on 12 January 2023.

The Area Team Leader advised that he had received an email from the Applicant on 17 January 2023 intimating that he would like to submit further amended plans to address issues raised within supplementary report number 3. The Applicant sought continuation of this application to the February PPSL Committee to give him time to submit these revised plans.

Decision

The Committee agreed to continue consideration of this application to the PPSL Committee in February 2023.

(Reference: Report by Head of Development and Economic Growth dated 8 November 2022, supplementary report number 1 dated 22 November 2022, supplementary report number 2 dated 10 January 2023 and supplementary report number 3 dated 16 January 2023, submitted)

Councillor Luna Martin joined the meeting during consideration of the foregoing item.

5. THE SCOTTISH GOVERNMENT ON BEHALF OF AECOM LIMITED (ON BEHALF OF RWE RENEWABLES UK ONSHORE WIND LTD): ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO CLACHAIG GLEN WIND FARM AND BATTERY STORAGE: APPROXIMATELY 20KM NORTH OF CAMPBELTOWN AND 1.8KM NORTH-EAST OF MUASDALE ON THE WEST COAST OF KINTYRE (REF: 22/00613/S36)

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised that the Scottish Parliament had approved National Planning Framework 4 (NPF4) on 11 January 2023 and that it was the intention of Scottish Ministers to adopt and publish NPF4 on 13 February 2023 with NPF3 and Scottish Planning Policy superseded from that date. The status of NPF4 did not alter the Officer recommendation in the report as the revised Draft NPF4 was considered in the determination of the proposal and was referenced in the report.

In Scotland, any application to construct or operate an onshore power generating station, in this case, a renewable energy development with an installed capacity of over 50 megawatts (MW) requires the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Any ministerial authorisation would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this

process is one of a consultee along with various other consultation bodies. It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by the Scottish Government.

The proposed development site lies within the Upland Forest Moor Mosaic Landscape Character Type identified in the Argyll & Bute Landscape Wind Energy Capacity Study. In terms of the Local Development Plan proposals map, the proposed wind farm and access is located within the 'Rural Opportunity Area', 'Countryside Zone', and the 'Very Sensitive Countryside Zone'.

This report reviews the policy considerations which are applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations undertaken by the Council, and third party opinion expressed to the Scottish Government.

It is recommended that the Council raise an objection to this Section 36 consultation on Landscape & Visual Grounds for the reasons detailed in the report of handling and that the Scottish Government be notified accordingly. The Committee were also asked to note that an objection from the Council would instigate the requirement for a Public Local inquiry to be held.

Decision

The Committee agreed on behalf of the Council, as Planning Authority to object to this proposal for the following reason and that the Scottish Government be notified accordingly:

1. Landscape & Visual Impact (including cumulative)

Argyll & Bute Council assesses development proposals with the aim of protecting conserving and where possible enhancing the built, human, and natural environment. A development proposal will not be supported when it does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form, and design. Argyll & Bute Council will resist renewable energy developments where these are not consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

The proposed site lies within the *Upland Forest Moor Mosaic* LCT identified in the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS). This landscape has some characteristics which reduce sensitivity to large scale wind energy development including a generally simple landform and land cover and an expansive scale. However, these uplands already accommodate a number of operational and consented wind farms which limits scope for further wind farm development whilst minimising effects on more sensitive landscape and visual receptors within the Kintyre coasts, West Loch Tarbert, and the islands of Gigha and Arran.

This proposal would have significant adverse effects on the character of the *Upland Forest Moor Mosaic* LCT. It would also significantly and adversely affect the character of the Sound of Gigha between Gigha and Kintyre. There would be relatively limited views from the settled east and west coasts of Kintyre but with more extensive visibility

occurring across the Sound of Gigha, Gigha and from the more sparsely settled upland area immediately surrounding the proposed development.

A consent for 14 turbines between 115.5m and 126.5m applies to the site. This proposal comprises 12 turbines between 185m and 200m. The principal change between the consented and proposed scheme is the greater degree of intrusion associated with the substantially larger turbines now proposed on views from the Sound of Gigha and from the eastern side of Gigha, and also in close views from a section of the Kintyre Way. The visible aviation lighting fixed to 8 of the proposed turbines would also be likely to extend the duration of significant adverse visual effects experienced from these same locations. In views from Gigha and the Sound of Gigha the proposal would be significantly larger than other operational and consented wind farms and would form a key focus in views towards the Kintyre peninsula, detracting from the scenic character of water, settled coastal fringe and uplands.

The potential cumulative effects of this proposal with the Sheirdrim and Narachan application-stage wind farms are additionally of concern as together these schemes would dominate views to the east from the north-eastern part of Gigha. Lighting of the Narachan wind farm and this proposal could extend the duration of significant adverse cumulative effects during hours of darkness.

Argyll & Bute Council therefore objects to this proposal on landscape and visual grounds. There could be scope to mitigate the effects of this proposal through a reduction in the size of turbines and possible omission/reposition of more prominent turbines (for example Turbines 1 and 3 which are particularly prominent in views from the west). Further mitigation of visible aviation lighting should also be considered through the installation of an Aircraft Detection Lighting System once approved by the CAA which would significantly reduce the duration of lighting.

Having due regard to the above it is concluded that the proposal will have significant adverse landscape and visual impacts (including cumulative) and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; of the Argyll & Bute Local Development Plan; SPP (2014); NPF3; Policy 4 – Natural Places and Policy 11 – Energy of Revised Draft NPF4; the Onshore Wind Policy Statement, (2022); and guidance contained in the Argyll & Bute Landscape Wind Energy Capacity Study 2017.

Notes for the Energy Consents Unit

Battery Storage – Whilst, the provision of battery storage meets the requirements of policy, Officers are concerned that no consideration has been given to the Landscape & Visual Impact of this battery storage facility. This is a large facility of 27 shipping containers proposed to be located in a rural landscape. Before a decision is reached on this proposal by the ECU it is the view of Argyll & Bute Council that the impacts of this needs to be considered.

Noise – Argyll & Bute Council would be grateful to receive clarification from the Applicant in respect to the points raised by the Noise Consultant on residential receptors and fixed limits.

(Reference: Report by Head of Development and Economic Growth dated 4 January 2023 and supplementary report number 1 dated 17 January 2023, submitted)

6. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A report providing an update on the recent decision by The Planning and Environmental Appeals Division in relation to Planning Appeal Reference PPA-130-2084 in respect of the construction of Creag Dhubh Wind Farm at Creag Dhubh, North East of Strachur Village, was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth dated 21 December 2022, submitted)

This page is intentionally left blank

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 18 JANUARY 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Willie Hume
Councillor Jan Brown	Councillor Mark Irvine
Councillor Amanda Hampsey	Councillor Andrew Kain
Councillor Daniel Hampsey	Councillor Paul Donald Kennedy
Councillor Graham Hardie	Councillor Liz McCabe
Councillor Fiona Howard	Councillor Peter Wallace

Attending: Stuart McLean, Committee Manager
Fiona Macdonald, Solicitor
Kevin Oliphant-Smith, Applicant
Sergeant David Holmes, Police Scotland

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Audrey Forrest.

2. DECLARATIONS OF INTEREST

Councillor Paul Donald Kennedy advised that he held a Taxi Driver's Licence and operated in the Helensburgh and Lomond area. He stated that as this application was for the Bute and Cowal area he felt this would not prevent him from taking part in this hearing.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (K OLIPHANT-SMITH, DUNOON)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission.

For this hearing the Applicant opted to proceed by way of video call and joined the meeting by Microsoft Teams. Police Scotland opted to proceed by way of audio call and Sergeant David Holmes joined the meeting by telephone.

The Chair outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

APPLICANT

Mr Oliphant-Smith referred to the 2008 conviction which had not been declared on his application form and advised that he had not been aware that he had to declare it as he thought it was spent. He said that before submitting his application to the Council he had attended Dunoon Police Station and took all his files with him. This included his Disclosure Certificate which detailed his convictions. He advised that a Police Sergeant had informed him that he did not think it would be necessary to add this conviction to the application form but in the interests of transparency suggested that he should add a code.

He said that he did not know the code and that the Police Sergeant had obtained this for him and added it to the form. He advised that he had been surprised that an objection from Police Scotland had been received. He said that he now had a clean driving licence with no points and that he had no disqualifications. He said that he had received no other convictions, cautions or reprimands over the last 9 years. He advised that he held a Taxi Driver Licence for the Isle of Man and presented a copy of this for the Committee to view. He advised that he'd had no problems, cautions or reprimands while holding this licence. He said that it was his intention to move to Dunoon to be close to family and to contribute to Dunoon and Argyll and Bute. He referred to Argyll and Bute Council actively seeking people to come and live and invest in the local area and that he was trying to do that. He advised that he had previously worked in government in 5 separate departments. He referred to working in local hospitals during Covid on the Isle of Man on various wards, looking after vulnerable patients. He said he was also undertaking a Law Degree through the Open University which would take 5 or 6 years to complete and that this was very much his future idea. He also advised of previously being elected as a local authority Councillor on the Isle of Man in 2016 in which he was a member of several Committees.

POLICE SCOTLAND

Sergeant Holmes advised that the submission by Police Scotland was not an objection. He said it was a representation to allow the Committee to make an informed decision in respect of this application.

He referred to the letter from the Divisional Commander dated 18 October 2022 which advised that the Applicant had 2 convictions dated 16 December 2008 and 8 April 2014. Both of these convictions related to being in charge of a motor vehicle whilst over the prescribed alcohol limit.

MEMBERS' QUESTIONS

Councillor Brown referred to Mr Oliphant-Smith's conviction in 2014 which resulted in him being banned from driving for 6 years. She sought and received confirmation from Mr Oliphant-Smith that this ban was lifted in 2020 and that he had only been driving regularly for the past 2 years and that this would be 3 years in April 2023.

Councillor Kain sought and received confirmation from Mr Oliphant-Smith that he received his Taxi Driver Licence for the Isle of Man last year.

Councillor Kennedy asked Mr Oliphant-Smith why he had not declared his 2008 conviction on his application form. Mr Oliphant-Smith said that he had been confused between English and Scottish legislation regarding spent convictions.

Councillor Kennedy pointed out that Mr Oliphant-Smith had been charged twice for being in charge of a vehicle but not for driving. He commented that these sentences appeared quite severe for these charges. He asked Mr Oliphant-Smith to explain why he was banned from driving for so long. Mr Oliphant-Smith advised that Isle of Man laws were a lot stricter and came down harshly on any crimes. He said that in respect of the 2008 conviction, he advised that even though it stated 'in charge of a motor vehicle whilst over the prescribed alcohol limit', he was driving. He said that he had been just over the limit as he had not eaten all day. He advised that the Sergeant who breathalysed him had said that if he had eaten a sandwich during the day he would have been under the limit. Mr Oliphant-Smith confirmed that in respect of the 2014 conviction he was not driving and that he was in the back seat of the vehicle. The Police Officers who charged him made

the decision that this was a crime and the Courts followed the process that for 2 alcohol related offences within a 5 year period they had to issue the toughest sentence they could give.

Councillor Kennedy queried the difference between Scottish and English alcohol limits and asked which limits the Isle of Man used. Mr Oliphant-Smith said he believed that the Isle of Man had its own limits. He said that based on the limit of 35 micrograms of breath, the reading for his first conviction was 36.4 micrograms.

Councillor Kennedy referred to the cost of car insurance for taxi driving and suggested Mr Oliphant-Smith's might be quite high as a result of these convictions. Mr Oliphant-Smith said that his driving licence was clear with no penalty points and that car insurers did not consider convictions that were more than 5 years ago.

Councillor Hume asked Mr Oliphant-Smith what his breathalyser reading was in 2014. Mr Oliphant-Smith said he could not remember but he thought that it was a bit higher than in 2008. He said that the driving ban was not down to the reading but because of the proximity in time between the 2 drink driving convictions. He advised that if the reading had been high, based on guidance, he would have received a custodial sentence.

Councillor Armour said he had noted from the Police letter that Mr Oliphant-Smith had to retake his driving test and attend a drink driving rehabilitation course. He asked Mr Oliphant-Smith to advise when he attended this course and what it had entailed. Mr Oliphant-Smith said he attended the course in November 2014 and that it was a one day course, sitting in a classroom watching YouTube videos of American Police Officers showing car crashes in America in the 1980s. He advised that he did not find the course particularly helpful. He commented that it would be beneficial if they came up with a good rehabilitation course or education course which could be shown to young drivers before they got their licences. He said that would be useful and that he had suggested this in a letter to the Court following his attendance at the rehabilitation course. Mr Oliphant-Smith advised that he did not just lose his licence, he had also lost his job and that this had affected his family. He advised that educationally this conviction had been a very good lesson for him and something that he would like to put to use.

Councillor Brown asked if Mr Oliphant-Smith had undertaken any other counselling. Mr Oliphant-Smith said he did have counselling. He advised of losing a son just before the 2014 conviction and that he had been suffering from anxiety and depression, which he did not recognise at the time, and which led to him self-medicating with alcohol. Losing his licence led him to seek help and counselling. He added that when he started working in the hospital in 2020 he was sent on other counselling courses as a staff member in order to help patients. He said that these courses had also helped him.

Councillor Green referred to the dates of the convictions and asked Mr Oliphant-Smith to confirm when the offences took place. Mr Oliphant-Smith said that for the April 2014 conviction he believed the incident took place in March 2014. He said that for the 2008 conviction he was in Court the same day.

Councillor Green asked Mr Oliphant-Smith how his use of alcohol had changed since these convictions. Mr Oliphant-Smith referred to being older now and having other responsibilities. He said the idea of going for drink was no longer worth it. He said he had a son to look after and had to think ahead if he would need to drive the next day or think about whether he would want a hangover. Referring to his mental health, he said that if he did take a couple of drinks he found he did not feel great for a couple of days after. He

advised that after driving taxis on the Isle of Man, he decided to stop drinking altogether. He said that when you started as a taxi driver you were learning every day and were responsible for picking up people with very small children, and vulnerable people going to hospital, some of whom required assistance in and out of the car. He said you could not do any of these tasks if under the influence of alcohol from the night before and that it was not safe.

Councillor Green sought and received confirmation from Mr Oliphant-Smith that he was 22 and 28 years old when the offences took place and that he was now 36 years old.

Councillor Kennedy referred to Mr Oliphant-Smith receiving his Taxi Driver Licence on the Isle of Man and asked if he had to attend a Committee to obtain his Licence. He also asked what types of Committee Mr Oliphant-Smith sat on when he was a Councillor. Mr Oliphant-Smith confirmed that he had to attend a meeting of the Road Traffic Licensing Committee which was an independent body separate from the Council. He advised that when he was a Councillor the Committee he sat on overseen beach management and waste management.

Councillor Kennedy asked Mr Oliphant-Smith if the Committee that granted his Taxi Driver Licence had discussed his convictions in a severe manner. Mr Oliphant-Smith said that the Committee had been quite harsh. He said that the meeting had been adjourned after an hour and that he had been called back for a second meeting. He said the whole process took 4 months. He said that it was worse than going to court. He advised that the process followed by Argyll and Bute Council was a lot easier and that everyone was a lot nicer.

Councillor Kennedy asked Mr Oliphant-Smith if there were any mitigating circumstances that swayed the Isle of Man Committee to grant the licence. Mr Oliphant-Smith referred to his previous standing in the community, references from charities he worked with, and his work in the local community. He also referred to the fact that he had not been in any trouble with the Police in 9 years and that it could be seen from his history that he had turned his life around. Mr Oliphant-Smith confirmed that if this Committee wished, he could obtain references to support this application.

Councillor Kennedy sought and received confirmation from Mr Oliphant-Smith that he was not currently employed in Dunoon. He said that he had parents in Dunoon who helped and supported him. He advised that if he could not gain any meaningful employment in Dunoon he would need to consider moving elsewhere.

Councillor Green sought and received confirmation from Mr Oliphant-Smith that he was in politics for 10 years but was not a Councillor on the Isle of Man for very long. He advised that he had resigned from this post after 2 months due to being a victim of crime within the Council.

Councillor Hardie referred to Mr Oliphant-Smith using alcohol to self-medicate. He asked if life got stressful again would Mr Oliphant-Smith go back to alcohol or if he had other support mechanisms in place. Mr Oliphant-Smith said he had not self-medicated because of stress. He referred to having a lot of symptoms at the time which later led to a diagnosis of fibromyalgia which resulted in pain in the upper part of his back. He said he found that lifestyle changes were the best approach. He said that alcohol was the worst thing for that condition. He said he had turned his life around in a health sense.

SUMMING UP

Police Scotland

Sergeant Holmes advised that he had nothing further to add.

Applicant

Mr Oliphant-Smith thanked the Members for the opportunity to talk.

When asked, both parties confirmed that they had received a fair hearing.

DEBATE

Councillor Kain said he was minded to approve this application. He commented that the Police submission was a representation and not an objection. He said that bearing in mind that the Isle of Man had stricter rules, Mr Oliphant-Smith was granted a Taxi Driver Licence there 12 months ago, and that he was inclined to approve this application.

Councillor Kennedy said he was very much of the same mind as Councillor Kain. He referred to the offences occurring some time ago, with the most recent one 9 years ago for being drunk in charge. He said that it appeared Mr Oliphant-Smith had turned a corner and wanted to make a go of it and have a future in law. He said he was minded to grant this licence.

Councillor Armour said he could not disagree with anything said by Councillors Kain and Kennedy. He commented that Mr Oliphant-Smith had given frank and full information as requested. He said he had done a bit of “googling” and could see that Mr Oliphant-Smith had done a lot in helping out as a volunteer. He advised that he thought that Mr Oliphant-Smith was someone that had made mistakes and that he had learnt from these mistakes. He advised that he would not want to stop anyone from gaining employment and trying to put the past behind them. He confirmed that he fully supported granting this licence.

Councillor Hume said that he totally agreed with his colleagues. He advised that he thought Mr Oliphant-Smith had been very transparent and honest and that he had no objection to granting this licence.

Councillor Daniel Hampsey said he was of the same mind. He advised that as a Dunoon Councillor it was good to have more people in business for the local economy. He said that Mr Oliphant-Smith had been very transparent with everything that had happened and that he supported the granting of this licence.

Councillor Hardie said that Mr Oliphant-Smith had been very open and honest and that he had no problem with granting this licence.

Councillor Green referred to Mr Oliphant-Smith being 22 and 28 years old when the offences took place. He commented that being older now, with different responsibilities, Mr Oliphant-Smith gave the impression of having learnt his lesson regarding alcohol and vehicles and in that respect he was happy to grant the licence.

DECISION

The Committee unanimously agreed to grant a Taxi Driver Licence to Mr Kevin Oliphant-Smith and noted that he would receive written confirmation of this within 7 days.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 18 JANUARY 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Willie Hume
Councillor Jan Brown	Councillor Mark Irvine
Councillor Amanda Hampsey	Councillor Andrew Kain
Councillor Daniel Hampsey	Councillor Paul Donald Kennedy
Councillor Graham Hardie	Councillor Liz McCabe
Councillor Fiona Howard	Councillor Peter Wallace

Attending: Stuart McLean, Committee Manager
Fiona Macdonald, Solicitor
Grayham Plumb, Applicant
Sergeant David Holmes, Police Scotland

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Audrey Forrest.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A STREET TRADER LICENCE (G PLUMB, DALMALLY)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission.

For this hearing the Applicant opted to proceed by way of video call and joined the meeting by Microsoft Teams. Police Scotland opted to proceed by way of audio call and Sergeant David Holmes joined the meeting by telephone.

The Chair outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

APPLICANT

Mr Plumb said that he had moved up from England 12 months ago and was looking to improve his lifestyle and mental health. He advised that it had been a dream of his from 16 years old, to work in a catering van. He said that he had seen a gap in the market and that he was really passionate about doing this and had everything set up and ready to go.

POLICE SCOTLAND

Sergeant Holmes referred to a letter dated 18 October 2022 from the Divisional Commander which advised that the Chief Constable objected to this application on the

grounds that the Applicant was not a fit and proper person to be the holder of a licence by virtue of a conviction dated 12 February 2020 which related to assault occasioning actual bodily harm.

MEMBERS' QUESTIONS

Councillor Kain asked Mr Plumb to outline what the assault related to. Mr Plumb advised that he and a friend went to Wales for a night out and water sports. A friend of his friend also came along on the night out and that he did not know him at this point. He advised that they went out for a meal and a couple of beers and then on to a night club. At closing time they came out of the club and he saw 20 to 30 people, mainly girls, having a squabble and scuffle. He said that after 2 or 3 minutes he realised that the person that had come out with him and his friend was in a fight. He said he did not go near the fight. He advised that the boy his friend's friend was fighting with came towards him with his arms open and that he had taken this as a threat and threw a punch. He said that the Police arrived and he admitted to what had happened.

Councillor Kain commented on the conviction being extreme for one punch. He asked Mr Plumb if there were other charges. Mr Plumb advised that due to the person having the fight first being a friend of his friend, and as he had fought with the same person, his offence was put together with what the other person was charged with. He advised that in the Court they were charged with the same thing. He said it was classed as if they had both fought at the same time but it had not been like that.

Councillor Armour asked Mr Plumb why he had not declared his conviction on his application form when it clearly stated that all convictions should be declared. Mr Plumb said it had been an honest mistake and that he had nothing to hide. He advised that when the incident happened he was the first person to hold his hand up and admit fault. He referred to going through the application with his mum and girlfriend and that they had thought that as the suspended sentence had been done there was no need to declare it.

Councillor Armour referred again to the application form clearly stating that all criminal convictions should be stated. Mr Plumb said he could only apologise for not reading the application properly, or misinterpreting it. He said he was not trying to get away with anything and that it was just a mistake.

Councillor Brown referred to part 5 of the application which referred to the ownership of land where the burger van would be sited. She noted that Mr Plumb had indicated he was not the owner of the land. She sought and received confirmation from Mr Plumb that he had received permission from the land owner via an email. Mr Plumb advised that he had forwarded this email 2 or 3 months back confirming he had permission.

Councillor Brown sought and received confirmation from Mr Plumb that he had his Food Hygiene certificate from Environmental Health. He advised that there was another couple of courses he would like to do to improve things and that he also had the experience of working in catering vans for 3 or 4 years.

Councillor Brown asked Mr Plumb what days and times he would operate as this detail was not filled out on the application form. Mr Plumb said he was not sure yet and that he needed to work out when the best times would be for business. He said he was thinking about working Thursdays – Sundays from 8 am. He hoped to provide for tourists as well as locals.

Councillor Brown asked Mr Plumb if the disposal of a suspended prison sentence for 48 weeks and compensation of £1,000 was just for him or if the other person got the same. Mr Plumb said the other person got a longer suspended sentence of a few more weeks. He did not receive a fine as he was on benefits and that he was given community service.

Councillor Kennedy sought and received confirmation from Mr Plumb that the victim was not hospitalised at the time of the incident. Mr Plumb advised that if he remembered correctly, the victim got 4 stitches the day after.

Councillor Kennedy asked Mr Plumb how long before the conviction the offence occurred. Mr Plumb said the offence was in 2019 just before Covid. He said that everything was adjourned 3 or 4 times. He advised that he had pled guilty right away but the other person pled not guilty which caused a lot of problems. He advised that at the last minute the other person pled guilty. He said there was no trial.

Councillor Kennedy commented on Mr Plumb not declaring his conviction on the application form and advised that as far as he could recollect failing to disclose a conviction could lead to being charged with an offence. He asked Mr Plumb if he had been charged for not declaring his conviction and Mr Plumb said he had not been charged.

Councillor Kennedy sought clarity on whether a person could be charged for not declaring a criminal conviction on their application form. The Council's Solicitor, Fiona Macdonald referred to section 6 of the application form which advised that anyone giving a false declaration could be liable to summary conviction or a fine not exceeding £2,500. She pointed out that this statement was directly before where the application was signed by the Applicant.

Councillor Kennedy queried whether Police Scotland had considered that option. Mr Plumb said that he had not tried to hide his conviction. He acknowledged that it was a huge error to leave it off the application form and that he wished he had not. He said he was not trying to get away with anything. He said that he did the punishment and was trying to get on better with things now.

Councillor Howard commented that the letter of consent from the landowner was ticked off as supplied on the application. She sought and received confirmation from Mr Plumb that he was set up and ready to apply for third party insurance if his licence was granted.

Councillor Irvine sought and received confirmation from Mr Plumb that the extent of his involvement in the incident was a single punch and that he had then surrendered to the Police.

Councillor Irvine referred to the publically available court report which stated something different – it said that Mr Plumb had punched and kicked the person on the ground. He sought clarification on this from Mr Plumb. Mr Plumb said that he had been tarnished with the same brush as the other person. He said that he was calm and that it was the other person that was pulled away by security staff for kicking the victim on the ground. Referring to CCTV evidence, he advised that he had pointed out to the Police who he was on the footage. When it came to Court he thought it would be outlined who was who as all you could see was a scuffle in the distance but this information was not provided. He said that he threw one punch.

SUMMING UP

Police Scotland

Sergeant Holmes advised that he had nothing further to add.

Applicant

Mr Plumb thanked the Committee for hearing him out. He said that he knew it would be easy to look at what he had done and that it was not good. He advised that he would like it considered that what was on paper was not necessarily a person. He advised that he had changed his lifestyle and moved here for more tranquillity and peace of mind. He said his brain moved slower and this was the next step to keep progressing. He thanked everyone for listening.

When asked, both parties confirmed that they had received a fair hearing.

DEBATE

Councillor Hardie advised that the fact that Mr Plumb had not declared his conviction on his application form did not fill him with confidence and due to the seriousness of the conviction he was minded to refuse the application.

Councillor Armour sought clarification from Officers as to whether or not the application was valid because the convictions were not declared and because there appeared to be no physical evidence of permission from the land owner. Ms Macdonald advised that it would be up to Members based on what had been put forward by the Applicant. She said she would need to seek advice on the validity of the application. She pointed out that she understood there had been occasions in the past where convictions had been over looked on applications and that the Police may have a view or not on that.

Councillor Armour sought clarity on whether or not the email from the land owner had been received by anyone. Ms Macdonald advised that she would have expected that any paperwork in relation to the application would have been forwarded to the licensing section and that could be clarified. She said she understood everything in respect of Environmental Health was done and dusted in advance of the hearing today. She said there was no reason to believe that the email had not been sent but she did not have a copy of it in front of her today. She advised that in the interest of fairness the Committee could decide to continue consideration of this application but that would be up to them.

Sergeant Holmes advised that Police Scotland had received a copy of the email that the Applicant had referred to. Councillor Green commented that he was aware the land owner had been advertising for someone to take this business on.

Councillor Armour expressed his concern about whether or not the application was valid and that he would be looking for a continuation. With regard to the conviction, he said he was split down the middle with that but he did have concerns.

Councillor Hume advised that he thought the hearing should be continued as he did not believe the Committee had all the facts and that he could not make a decision today.

Councillor Kain agreed that there should be a continuation as the application was incomplete in terms of dates and times of operation and that the Applicant had been a bit vague about how often and how long he would operate.

Councillor Howard said that she could not remember seeing all documents for other cases and could not understand why the Committee should be demanding them now. She commented that the surroundings of a quiet car park would be quite different from a night club and that she did not think Mr Plumb would get as wired up or mad as in a drunken state outside a night club. She said she was inclined to give him the benefit of the doubt. Referring to the days of operation, she advised that when starting a new business in a new place you would not necessarily know until you actually started what hours and days of business would be best. She said that she thought the Committee should give Mr Plumb the benefit of doubt and let him try it and see and if it didn't work out the licence could always be revoked.

Councillor Kennedy said that he had sympathy for the Applicant but noted that the conviction was fairly recent and had been omitted from the application form. He said that he would be keen to know if Mr Plumb would be operating the van by himself. He said he would like to give him a chance but it was pretty soon after that event.

Councillor Brown said she was a bit conflicted. She commented that Mr Plumb only had the one conviction. She referred to the missing bits and omissions on the application form and said she would like to think that was just a mistake. She said that although she was conflicted she would like to give Mr Plumb the benefit of the doubt.

Councillor McCabe said she could understand Councillor Brown being conflicted. She commented on what Mr Plumb had gone through today before the Committee and said that it was as bad as being at Court. She said that he'd had to sit here and that it had not been a nice day for him for one offence. She referred to having her own catering business and advised that she did not know what days she should open and when she would be busy and that she'd had to adjust as she went along. She said she would like to give Mr Plumb the benefit of the doubt.

Councillor Amanda Hampsey said she would like to see a continuation of this case so that anything that was felt by the Committee to be missing could be put in place. She said that she would like to see Mr Plumb have a chance at this and if this meant a continuation to get things in place it would give him a fair hearing.

Councillor Daniel Hampsey also advised that he thought the Committee should go for a continuation. He said it was a positive thing to start a new business. He referred to Mr Plumb having only one conviction and said it would not be fair to him to have to wait years and years before moving forward. He said it would be nice to give him the benefit of the doubt.

Councillor Green referred to the Committee being satisfied in the past with applications that had slight errors or omissions and that the Committee have gone on to grant or reject applications. He said he did not think there would be grounds for continuing. He advised that he personally thought the Committee should be making a decision today and that the key thing was the conviction and whether or not Mr Plumb was a fit and proper person.

Councillor Green referred to the various views around the table and suggested that a vote should be taken as to whether or not a continuation should be agreed or if the Committee should proceed to make a decision today. Councillor Amanda Hampsey advised that she

would like to retract her earlier comment to have a continuation and advised that she would second a Motion from Councillor Green to come to a decision today.

Motion

To agree make a decision on the application today.

Moved by Councillor Kieron Green, seconded by Councillor Amanda Hampsey.

Amendment

To agree to continue consideration of this application to allow for additional information to be provided to the Committee.

Moved by Councillor John Armour, seconded by Councillor Andrew Kain.

A vote was taken by calling the role.

Motion

Amendment

Councillor Brown	Councillor Armour
Councillor Green	Councillor Hume
Councillor A Hampsey	Councillor Kain
Councillor D Hampsey	
Councillor Hardie	
Councillor Howard	
Councillor Irvine	
Councillor Kennedy	
Councillor McCabe	
Councillor Wallace	

The Motion was carried by 10 votes to 3 and the Committee resolved accordingly.

Motion

On the basis of the Police objection and the seriousness of the offence, to refuse the application on the grounds that the Applicant was not a fit and proper person to hold a licence.

Moved by Councillor Graham Hardie, seconded by Councillor Paul Donald Kennedy.

Amendment

To agree to grant a Street Trader Licence to Mr Grayham Plumb.

Moved by Councillor Liz McCabe, seconded by Councillor Fiona Howard.

A vote was taken by calling the roll.

Motion

Amendment

Councillor Armour	Councillor Brown
Councillor Hardie	Councillor Green

Councillor Hume
Councillor Kain
Councillor Kennedy

Councillor A Hampsey
Councillor D Hampsey
Councillor Howard
Councillor Irvine
Councillor McCabe
Councillor Wallace

The Amendment was carried by 8 votes to 5 and the Committee resolved accordingly.

DECISION

The Committee agreed to grant a Street Trader Licence to Mr Grayham Plumb and noted that he would receive written confirmation of this within 7 days.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

This page is intentionally left blank

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

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: 21/00349/PPP
Planning Hierarchy: Local
Applicant: Rosneath Farms Ltd
Proposal: Site for the erection of dwellinghouse
Site Address: Plot 7, Land To The Rear Of Lochewe and Ardlanish, Kilcreggan, Helensburgh Argyll And Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the erection of a dwellinghouse
- Formation of access
- Installation of private foul drainage scheme comprising septic tank with outfall to soakaway

(ii) Other specified operations

- Connection to public water supply network
-

(B) RECOMMENDATION:

Planning permission in principle be approved subject to conditions

(C) CONSULTATIONS:

Area Roads – 30.04.2021 - No objections subject to conditions.

It is noted that the existing private access does not have capacity for further development without essential improvement and road widening works being carried out.

Parking to be provided in accordance with adopted standards referred to in SG LDP TRAN 6.

Surface water must not be discharged from the site onto the carriageway.

Scottish Water – 13.04.2021 - No objections.

This does not confirm that the proposed development can currently be serviced. Further investigations into Water capacity may be required upon submission of a formal application by the applicant to Scottish Water.

Records do not show any public Waste Water infrastructure within vicinity of site - advise applicant to explore private treatment options.
Surface water connection in to Scottish water combined sewer system will be accepted only in limited exceptional circumstances on brownfield sites.

WoSAS – 07.05.2021 –

Recommended that any planning permission be subject to a safeguarding conditions requiring an archaeological watching brief to be carried out during ground disturbance works.

(D) HISTORY:

No relevant planning history on this application site.

(E) PUBLICITY:

Regulation 20 Advert Local Application – Expired 13.05.2021

Neighbour Consultation - Expired 13.05.2021

(F) REPRESENTATIONS:

(i) Representations received from:

Sabine Colgan - No Address Provided
Sheena Edwards - Portkil House, Kilcreggan, Helensburgh
John Lindsay - Portkil Lodge, Kilcreggan, Helensburgh
S.A. Mieszkowski - Raith Cottage, Kilcreggan, Helensburgh
C.I. Martin - Raith Cottage, Kilcreggan, Helensburgh
Martin Hodgson - No Address Provided
Roger Mitchell – Greensleeves, Kilcreggan, Helensburgh
Jean Mitchell – Greensleeves, Kilcreggan, Helensburgh
Alex Stewart – No Address Provided
Sue Stewart – No Address Provided
Sue Carpenter – Newport, Kilcreggan, Helensburgh
Calum MacLeod – Newport, Kilcreggan, Helensburgh

(ii) Summary of issues raised:

A total of 12 representations have been received.

Ten of these object to the proposed development and two are neutral in tone however they raise planning issues that require to be addressed.

All representations and objections are available for inspection on the planning file via the Council's web-site, however the issues raised by objectors and other contributors are summarised below:

General Principle of Development in Relation Spatial Strategy

- This proposed house is the latest in a series of several separate applications for residential development that would be the 17th new house

in the hamlet of Portkil by the applicant over recent years. This process avoids the applicant's requirement to provide an element of social housing, referred to as "development creep." This is an inappropriate scale of new development relative to the size of the original hamlet.

- Cumulative development of this hamlet has increased traffic movements to the detriment of the quality of the natural environment and residential amenities contrary to LDP policy.

Comment: - The proposed development has to be assessed with regard to its individual merits however issues such as the capacity of the existing private road will be taken into consideration.

- Approval of this application will open up even further development.
Comment: - The current application falls to be assessed with regard to its individual merits. Anticipation of further development is not a material consideration. Any new applications for further development at this hamlet will be assessed on their own merits having regard to all relevant material planning considerations. This will include the Portkil (Village and Minor Settlement) Development Management Zone as designated in the approved Local Development Pattern.

Impact on Historic Environment

- Adverse impact on the setting of nearby listed buildings with reference to their social history interest.

Comment: - This is a material consideration and is assessed in detail in Section (P) below with reference to LDP policy and guidance by HES.)

- The site is in an area of historical interest with evidence of stone coffins and pre-historic tools having been discovered.

Comment: - This is acknowledged. However as the degree of archaeological significance of the site is uncertain, National and local policy guidance advises that development may be approved in principle subject to an archaeological safeguarding condition (refer to consultation response from WoSAS and the assessment at Section (P)).

Impact on the Natural Environment

- Adverse impact of proposed development on existing natural features and conditions that provides wildlife habitat potential. Ongoing noise from residential use of the site will have an adverse impact upon birds and other wildlife habitat.
- Proposed development should be assessed with regard to the European Birds and Habitats Directive.

Comment: - Refer to assessment at Section(P) below.

Detriment to Residential Amenities

- Loss of privacy to occupiers of adjacent houses due to close proximity.
Comment: - Notwithstanding that detailed design is not shown at this stage it is considered that the site is large enough to accommodate a dwellinghouse without detriment to the residential amenities of existing residents by reason of direct overlooking windows to habitable rooms in accordance with supplementary guidance.

- Detriment to local residential amenity by reason noise and vibration disturbance; dust and debris: fumes: etc of prolonged and constant construction activity.

Comment: - Whilst this these issues are not dismissed as causing nuisance to residents they are not a material consideration in relation to the current application. Any planning permission will be subject to planning conditions to safeguard residential amenities during the construction phase and any breach will be investigated and acted upon.

- Increased light pollution.

Comment: - The application site is bounded by four existing residential properties. Whilst it bounds onto open countryside to the north east and south east, a new house would relate to existing houses adjacent to it and the increase in light resulting from one house on the edge of a hamlet of houses will not have a material impact on either residential amenities or the natural environment/landscape character.

Vehicular Access

- Private access road does not have capacity to serve existing development with congestion caused by an intensification of traffic movements and inability of vehicles to pass.

- Capacity issues relating to the private road and the intensification of traffic movements has resulted in vehicle related damage to property and road safety issues. This will be exacerbated by additional development.

Comment: - Refer to assessment at Section (P).

- There are large holes in the roads. Road maintenance is not the legal responsibility of local residents.

Comment: - It is not clear whether this refers to the wider public road network or the private road (Portkil Road) linking the development at Portkil to the B833 public road. Reference to maintenance responsibilities under the terms of title deeds strongly indicates the former. Maintenance of the private access road is a private legal matter and as such, the condition of the private access road surface is not a material land-use planning consideration that can be afforded material weight by the planning authority in assessing this planning application.

- Private access to Plot 7 (current application site is too narrow for construction vehicles. This will result in obstruction of access to existing houses by reason of construction vehicles unloading/parking on shared section of private road.

Comment: - It is the responsibility of the developer to provide safe and appropriate access to the site for construction plant and materials within any constraints.

- Access is not wide enough to accommodate fire tender vehicles

Comment: - This is a Building Warrant consideration.

Drainage and Flooding

Existing residents have been threatened by flooding due to surface water run-off from the private road, made worse by inadequate, damaged/blocked field drains and ditches.

Comment: - Refer to the assessment at Section (P)

Infrastructure Services

- Services infrastructure, including surface water drainage and public water supply in this area does not have capacity to serve any more development.

Comment: - Refer to the assessment at Section (P)

Proposed development will further reduce water pressure in the local area.

Comment: - The consultation response from Scottish water does not identify any constraints with regard to public water supply, however Scottish Water may investigate capacity, or any other existing issues with regard to service, upon receipt of an application form the developer. Existing residents experiencing water pressure issues should contact Scottish water in the first instance.

- Concern that there is inadequate provision of fire hydrants to serve the existing number of properties.

Comment: - Fire hydrants and access for fire tenders is a matter related to an application for a Building warrant (as opposed to an application for planning permission.) The adequacy of the number and location of fire hydrants will be assessed as part of any subsequent application to the Council for a Building Warrant. Residents with concerns over existing provisions for fire-fighting are advised to contact the Fire service in the first instance.

Miscellaneous

- Previous housing development has been built on good quality agricultural land and not to an appropriate scale, design and siting relative to the countryside contrary to LDP policy and local objections.

Comment: - The contributor accepts that the current application site is not good quality land. Notwithstanding repeated objections regarding previously approved housing development, this current application falls to be determined on its individual merits having regard to all material considerations including LDP policy and material planning considerations raised by contributors.

- Alleged indifference of landowner to maintaining the quality of the area with specific alleged actions or lack of actions.
- Alleged destruction of one third of woodland on the application site by the landowner during the bird nesting season in 2020, demonstrating disregard for the natural environment.

Comment: - Not a material planning considerations in relation the current planning application. The habitats regulations are legislatively separate to Town and country Planning legislation and the Council is not the appropriate authority in respect of alleged breaches. Allegations of offences under the provisions of the Wildlife and Countryside Act 1981/Conservation (Natural Habitats, &c.) Regulations 1994 should be reported to NatureScot or Police Scotland.

Concerns regarding landfilling with contaminated material should be reported to the Council's Environmental Health Services.

- The planning authority developer has failed to manage breaches of planning conditions by the developer(s) in respect of previous

developments. Approval of the current application will exacerbate these issues.

Comment: - Officers cannot comment in detail on allegations of lack of responses to breaches of specific planning conditions relative to previously approved development within this area. Local residents are advised to contact Planning Services to report any ongoing breaches of conditions separate to this current process application and Officers will investigate these concerns and respond if required. Should the current application be approved subject to planning conditions then Officers will seek to ensure that the development is implemented with due regard to those conditions.

- There's no identified need for additional housing in this location.

Comment: - The application does not seek to justify the proposed development with regard to any exceptional circumstances including an identified need for housing. This application is for small-scale residential development on a site within a designated minor settlement, consistent in principle with the LDP Settlement and Spatial Strategy. A lack of identified need is not material to this proposal and does not in itself warrant refusal of planning permission.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|--|-----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes |

Percolation Test Results Report – 19th March 2021

- Report refers to percolation tests in relation to 3 no. trial holes. (It's noted that location of trial holes not supplied.)
 - The above informed a "percolation value".
 - Septic tank soakaway calculations
 - Proposed subsurface drainage system for proposed soakaway recommended as 5m x 20m trench with 150mm dia. perforated drainage pipes as indicated on site plan.
- NOTE: - Contrary to the above, neither the plan attached to the Percolation Test Report or any other plan submitted as par of the

application shows the proposed location for a soakaway.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

'Argyll and Bute Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 6 – Impact on Trees / Woodland

Landscape and Design

SG LDP ENV 14 – Landscape

Historic Environment and Archaeology

SG LDP ENV 16(a) – Impact on Listed Buildings
SG LDP ENV 20 – Impact on Sites of Archaeological Importance

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

SG LDP SERV 5(c) – Safeguarding Existing Waste Management Sites

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 5 – Off-site Highway Improvements

SG LDP TRAN 6 – Vehicle Parking Provision

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

- NPF4 – Approved by Scottish Parliament 11th January 2023.
- Historic Environment Policy for Scotland (HEPS) – 04.04.2019 – Historic Environment Scotland (HES).
- Managing Change in the Historic Environment: Setting – 03.02.2020 – HES
- *Argyll and Bute proposed Local Development Plan 2 (November 2019)*
The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below.
 - Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
 - Policy 36 – New Private Accesses
 - Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
 - Policy 39 – Construction Standards for Private Access

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: No

A total of 12 representations have been received in objection to the proposed development (10 objections and 2 representations of a neutral nature.)

The approved Hearing protocol advocates a lesser emphasis on the previous numbers (of representations) threshold as a 'trigger' for a Hearing and more reliance on a criteria based approach in order to 'add value' to the determination process.

- The material considerations in relation to the proposal are not considered to be significantly complex.
- The proposed development is considered to be consistent with fundamental and up-to-date Local Development Plan policies and supplementary guidance. As such, the recommendation does not seek to justify a departure to the provisions of the Local Development Plan.

Therefore, having regard to the criteria-based assessments set out in current protocol, it is considered that a Pre-Determination Hearing will not add value to the decision-making process, and is not required.

(P) Assessment and summary of determining issues and material considerations

The proposed site is situated within the minor settlement boundary for Portkil as designated in the Argyll and Bute local development Plan 2015. As such, the proposal is consistent with the Settlement and Spatial Strategy and should be supported unless it would result in adverse environmental, transport or service impact.

The proposed development, by reason of location, siting, scale, density and massing will integrate successfully with the existing pattern of built development in accordance with the provisions of policies LDP 9 and Sg – Sustainable Siting and Design Principles.

Subject to safeguarding conditions, it is considered that the site can accommodate a single dwellinghouse without adverse impact upon the natural or historic environment.

Subject to commensurate improvements to the existing private access road it is considered that the proposal can be served by an appropriate private and public road regime. The applicant has confirmed that he owns the land to either side of the private road along its length, and such the required improvement works can be secured by a suspensive planning condition.

It is considered that private drainage infrastructure can be provided to serve the proposed development without risk of flooding. Full details of the private drainage system can be secured by means of planning condition.

It is therefore recommended that planning permission in principle should be approved subject to the planning conditions recommended below.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

Subject to appropriate safeguarding conditions to secure the appropriate siting and design of a modest dwellinghouse within the site, the site is considered to represent an appropriate opportunity for development within the defined ROA consistent the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/a

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
No

Author of Report: Norman Shewan **Date:** 02.02.2023

Reviewing Officer: Sandra Davies **Date:** 06.02.2023

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/00349/PPP**1. PPP - Standard Condition & Notes 1**

Plans and particulars of the matters specified in conditions 3, 4, 5, 6, 7 and 8 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).PP - Approved Details & Standard Notes – Non EIA Development

2. PPP - Approved Details & Standard Notes 2

The development shall be implemented in accordance with the details specified on the application form dated 17th February 2021, 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
Location Plan	PL-657-00	-	18.02.21
Location Plan and Existing & Proposed Site Plan	PL-657-01	-	18.02.21

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

3. Design and Finishes

Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate:

- (i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- (ii) Taking consideration of the Sustainable Siting and Design Principles set out in the adopted 'Argyll and Bute Local Development Plan' 2015;
- (iii) Single or single storey with accommodation in the roof space;
- (iv) A house siting, scale and plan form that responds clearly to the natural contours of the site in order that the proposed built development 'hunkers down' into the prevailing landform and minimises intrusive cut and fill excavation;
- (v) Building scale, massing and form that reflects, or sympathetic to the existing pattern of built development in the immediate vicinity;
- (vi) Narrow span volumetric form with symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate, unless an alternative roof form/design/materiality can be demonstrated as an acceptable alternative solution to the satisfaction of the planning authority by means of a comprehensive Design Statement;

- (vii) External walls finished in wet dash render, smooth render, natural stone, timber or a mixture of these finishes unless an alternative material cladding strategy can be justified by means of a Design Statement to the satisfaction of the planning authority;
- (viii) Window openings with a vertical emphasis unless alternative opening proportions can be justified as an integral part of a robust design process and justified by means of a Design Statement to the satisfaction of the planning authority.
- (ix) Existing and proposed sections through the site to demonstrate that the dwellinghouse will be sited in a manner sympathetic to the wider landscape impact of the area.
- (x) Existing topographical survey and proposed site plan showing ground levels and finished floor levels (FFLs) relative to an identified fixed datum point located close to but outwith the application site.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.

4. Pursuant to Condition 1, no development shall commence until plans and details showing the following works to the vehicular access, including the existing private access road from the junction of the proposed new access to the proposed site for a dwellinghouse to the junction with the B833 public road, and parking regime to serve the proposed development are submitted to and approved in writing by the Local Planning Authority:
- (i) Access at connection between the development site and the private access track to be constructed in accordance with Council's Roads Standard Detail Drawing SD 08/004a.
 - (ii) Commensurate improvements to the existing private access road/track to provide a continuous 5.5 metre adoptable carriageway width between the junction of the Rosneath road (B833) and the private access to the proposed dwellinghouse, including a 2 metre wide service strip/grass verge;
 - (iii) Parking provision commensurate with the size of dwellinghouse proposed in accordance with SG LDP TRAN 6 and the Car Parking Standards of the adopted 'Argyll and Bute Local Development Plan' 2015.

Prior to commencement of any works on the application site:

- (i) The commensurate improvements to the private access road from the access point to the proposed dwellinghouse to the junction with the Rosneath road (B833), as specified above, shall be completed, and written confirmation that the improvements have been implemented to an adoptable standard has been issued by the planning authority in consultation with the Council's Roads and Infrastructure Services.
- (ii) The approved scheme of works in respect of the junction layout at the connection between the private site access and the private track shall be formed to at least type 1 base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the junction at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the improved private access and passing place shall be completed prior to the development first being occupied and the visibility splays shall be maintained clear of all obstructions thereafter.

The approved parking and turning layout shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: To ensure that the proposed development can be served by an appropriate private/public road regime and in the interests of road safety in accordance with the provisions of the Argyll and Bute local Development Plan – 2015 and policies 35, 36, 37 and 39 of the emerging Proposed Argyll and Bute Local Development Plan 2.

5. No development or other work shall be carried out on the site until a pre-commencement survey for the presence of protected species has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority in consultation with NatureScot. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.

6. **PPP – Archaeological Watching Brief**

Pursuant to Condition 1 - no development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service.

The method statement 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.

7. **PPP – Full Landscaping Scheme**

Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- (i) Existing and proposed ground levels in relation to an identified fixed datum;
- (ii) A tree survey including a site plan accurately showing the location and species of existing trees within the site and identifying those to be retained and those to be felled;
- (iii) A proposed scheme for the planting of a substantial tree belt along the south eastern edge of the application site boundary including an appropriate mix of deciduous species, sizes and planting densities;
- (iv) Location design and materials of proposed walls, fences and gates;

- (v) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- (vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

If it is not possible to provide a suitably deep tree buffer zone within the planning application site boundary then a tree belt shall be provided in the adjacent field alongside the south eastern boundary of the application site.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

8. **PPP – Details of New Private Foul Drainage System**

Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

9. **Sustainable Drainage System**

Notwithstanding the provisions of Condition 2, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753 and Sewers for Scotland 4th Edition with post development runoff not exceeding the greenfield runoff rate. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

ADDITIONAL NOTES TO APPLICANT

- Regard should be had to the West of Scotland Archaeology Service's consultation comments in respect of the proposed development.
- Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/00349/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located within the Portkil Village/minor Settlement Development management Zone designated in the Argyll and Bute Local development Plan 2015 (the LDP) wherein Policy LDP DM 1 (C) gives encouragement to sustainable and small scale residential development on appropriate sites.

As such the proposed development is consistent in principle with the LDP Settlement and Spatial Strategy.

The assessment of whether this site is otherwise appropriate is set out within other sections report, with reference to all relevant material planning considerations including site specific LDP policy; consultation responses and planning issues raised by contributors.

B. Location, Nature and Design of Proposed Development

The application site is located within the hamlet of Portkil located to the north east of the key settlement of Kilcreggan towards at the southern end of the Rosneath Peninsula. The hamlet is served by an existing private access road with a junction onto the public road network at the B833 some 460 metres to the north of the edge of Potkil.

The application forms state that the site measure approximately 2100m². The site is irregularly shaped, but generally wedge-shaped with a 'leg' at its southern end to provide access to a shared private access road. It is bounded to the south west by an existing residential property known as "Portkil Lodge." It is bounded to the west and north by existing houses (from north to south – "Newport", "Ardlanish" and "Lochewe"). The north eastern and south eastern site boundaries are demarcated by existing field boundary fences giving onto open fields. (The north eastern and south eastern site boundaries coincide with the eastern boundary of the Portkil Minor Settlement as designated in the LDP.)

The site is characterised by thick undergrowth with some marshy ground conditions within the western and northern areas where the ground level is comparatively low. The eastern part of the site has dense undergrowth and an area of deciduous woodland. Map records indicate that the woodland within the application site appears to have been part of a larger area of woodland extending into open countryside south east of the site. This area of woodland outside off the site boundary has been removed. Levels are generally uneven and the levels generally fall over the length of the site from north to south with a cross fall from east to west. Officers site visit revealed a substantial amount of burrows within the eastern part of the site although it was not possible to identify the species habitat. An open field drain/ditch has been dug along the rear of the western site boundary with "Lochewe" discharging onto an unsurfaced farm track that runs along the south western edge of the site and gives access from the 'main' private road to the fields to the east between "Lochewe" and "Portkil Lodge." This strip of land (existing farm track) is within the application site in order to provide a private access from the shared private road to serve the proposed house.

The application proposal is to establish the principle of erection of a house on the application site with vehicular access to the shared private access road and installation of private drainage system comprising a new septic tank discharging to a soakaway. No details of the private drainage system has been provided (apart from a very brief description in the Percolation Test Report and such the detailed design will be assessed by means of a subsequent application for approval of matters specified by conditions (AMSC). The submitted site plan indicates a house to be sited within the widest part of the site to the rear of "Lochewe" and "Ardlanish" however it is noted that no design work has been carried out and that the layout, scale and massing shown is purely indicative at this stage; and that siting/layout, scale, massing, form, design and external materials will be agreed as reserved matters by an application for AMSC. This is acceptable in procedural terms.

Therefore this application for planning permission in principle will be assessed in terms of the principle of the erection of a single dwellinghouse with vehicular access and any other details will be subject to planning conditions.

C. Natural Environment

Policy LDP 3 and SG LDP ENV 1 generally aim to give stronger protection, and where appropriate seek enhancement, to habitats and species, even when they are not associated with specifically designated nature conservation sites.

NPF 4 places considerable emphasis upon the need for planning to respond to the global biodiversity crisis and to secure positive effects for biodiversity and our natural environment. National Planning Policies 3 and 4 serve to protect biodiversity and natural assets, which in turn play a crucial role in carbon reduction. NPP 3 advises that proposals for local development should include appropriate measures to conserve, restore and enhance biodiversity, proportionate to the scale and nature of the development. NPP 4 advises that, if there are reasonable evidence to suggest that a protected species is present on site or may be affected by a proposed development then steps must be taken to establish its presence and potential impacts must be fully considered prior to the determination of the application.

Where there is evidence of protected species on a site that would be affected by proposed development then the applicant will be required to submit a specialist survey and if necessary a mitigation plan as part of a planning application. Development proposals that are likely to have an adverse effect on protected species and habitat will only be permitted where it can be justified in accordance with the relevant protected species legislation.

The application site is not overlain by, or in proximity to any European, national or local designations. However, it does have several conditions that would support natural habitat. This is confirmed by evidence of numerous burrows identified during the officer's site inspection however there was no demonstrable evidence to the particular habitat. The existing tree belt and hedgerow provides good conditions for nesting birds.

Given the uncertainty of the significance of species habitat within the site, it is recommended that permission be approved subject to a safeguarding condition to require a pre-commencement survey and report by an appropriate professional to confirm, or otherwise, the presence of protected species. This report will also recommend appropriate measures to mitigate against impact on habitat, and the development shall be carried out in accordance with the approved mitigation strategy.

D. Built Environment

Policies LDP 9 and SG LDP – Sustainable Siting and Design Principles generally serve to require a good standard of siting, layout design that integrates appropriately with the existing built development pattern and character. SG – Sustainable requires that design of new housing in settlements be assessed against general principles set out in paragraphs 4.1 and 4.2 (SG – Sustainable). These principles relate to location, layout, access, density, services and design.

The minor settlement of Portkil is a small to medium cluster of built development within open countryside. The overall pattern of development is a clustered form (as opposed to being linear). The original settlement of Portkil comprised a group of historic buildings including Portkil House, Portkil Cottage, Portkil Lodge and several smaller cottages. This original group is still evident at the southern end of the settlement as having a distinct character to modern housing development that has taken to the north over recent years. The proposed house plot is ‘tucked into’ a corner to the rear of three of these more modern houses and the part of the site to be developed by a house is separated from “Portkil Lodge” to the south west by a farm track. (The farm track is within the current application site in order to provide access to the proposed house – it will continue to serve as an access to fields to the east of the settlement.) Ground levels rise to the north and north east of the site such that any development will ‘sit in a landscape ‘bowl’ when viewed from the north. It is considered that that the application site has a strong relationship with existing built development adjoining to the west and north and would appear as a logical extension of the settlement rounding off built development up to the edge of the defined settlement boundary.

Although densities of recent new development vary across the northern part of Portkil, the size of the site is generally comparable with several other existing properties and as such it is not considered that development will be out of keeping with the existing built development pattern in relation to density.

It is considered that the proposed development, by reason of location and size in relation to existing built development, would integrate in a satisfactory manner with the local pattern of built development in accordance with the provisions of policy LDP 9 and SG LDP – Sustainable siting and Design Principles.

E. Impact on the Historic Environment

The application site is adjacent to the north of two category C listed buildings, “Portkil Cottage” and “Portkil Lodge.”

Policy LDP 3 and SG LDP ENV 16(a) serve to require that development affecting a listed building or its setting shall preserve the building or its setting and any special architectural or historic interest that it possesses.

In order to inform this assessment, an abridged extract of the listing by Historic Environment Scotland, is reproduced below for each building: -

“Portkil Cottage: -

Circa 1840, L-plan cottage with slightly later wing addition to NE. Low single storey, gabled cottage, former factor’s house to Portkil House. Grey cement render with ashlar margins and dressings; advanced bracketted eaves. NW (ENTRANCE) ELEVATION: broad 3-bay gable to outer right, lean-to boarded porch addition at centre; flanking windows. Gabled wing advanced to left. SE

(MAIN) ELEVATION: 3-bay symmetrical block with slightly recessed 2-bay wing addition to outer right. Advanced gabled centre bay breaking eaves. Earlier 19th century with early 20th century alterations. Low, single storey, broad cottage; cement harled with ashlar margins, mullions and dressings; chamfered reveals; stop-chamfered arrises and quoins. Advanced boarded eaves.

Former Coach Master's House and Coach House: -

SW (MAIN) ELEVATION: 3 bays symmetrically disposed; round-headed doorway at centre; tall stack directly above; slightly advanced flanking bays with tripartite windows. NW ELEVATION: former coach house elevation; original openings infilled to accommodate 3 casement windows; broad coach door at centre with flanking doors. Shallow pitched grey slate piended roof with lead flashings; tall coped wallhead stack, chamfered arrises; single octagonal can."

"Managing Change in the historic Environment – Setting" advises that is important to:

- *Identify the historic assets that might be affected;*
- *Define the setting of each historic asset; and,*
- *Assess the impact of any new development on this.*

Officers have identified the assets in this instance as the above two listed buildings. The two separately listed buildings are sited in very close proximity to each other and both are set in spacious grounds with mature landscaping and clearly defined boundaries demarcated by established natural screening, notably along the shared (northern) boundary with the application site and the eastern and southern boundaries. The original settlement pattern was such that these two listed buildings formed part a cohesive group of buildings including Portkil House to the west, but otherwise set in open countryside to the south, east and north. This open countryside setting is considered to form part of the setting. However, only a short length of the north eastern boundary of Portkil Lodge is close to existing development ("Lochewe") and extension of built development in this area will have a negligible impact upon the open countryside setting of the listed building from the north.

The two listed buildings are low, single-storey buildings and are sited at a significantly lower level than the application site due to prevailing landform. As such, it is considered that the setting of these buildings is protected by their large curtilages and strongly defined natural boundaries. There is very limited intervisibility between these listed buildings and the application site. The application site is not materially closer to the listed buildings than the recently constructed houses adjoining to the west, "Lochewe" and "Ardlanish" and in terms of spatial development pattern, the proposal could be considered as a part of this group of recent housing development distinct from the listed buildings and their curtilages.

On this basis, Officers are satisfied that the proposed development will not have a materially detrimental impact upon the historic or architectural character of nearby listed buildings or the integrity of their settings, in accordance with the provisions of Policy LDP 3 and SG LDP 16(a) as well as Historic Environment Policy for Scotland (HEPS) and the Managing Change in the Historic Environment advice by HES.

F. Impact on Woodland.

LDP 3 and SG LDP ENV 6 seek to generally protect and where possible enhance the natural environment in relation to trees/woodland and establish the principle that the Council will resist development likely to have an adverse impact on trees by the

preservation of and where appropriate compensatory planting of new woodland and trees. Development proposals will not be supported where they will result in *“fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy.”*

NPF 4 places considerable emphasis upon the need for planning to respond to the global biodiversity crisis and to secure positive effects for biodiversity and our natural environment. SPP – Policy 6 offers support to development proposals that enhance, expand and improve woodland and tree cover.

The submitted site plan does not show existing trees with an indication of trees to be retained or removed however an officers site inspection has revealed that there is a small linear group of deciduous trees (and thick ground cover) extending along the south eastern boundary of the site with open countryside beyond. Officers' assessment is that many of these existing trees will require to be felled in order to implement the proposed development of the site. As well as providing a very important natural screen to the edge of built development in this area, the existing tree group provides potential for wildlife habitat.

In the event that significant tree removal is unavoidable, it is considered that the application can only be supported if new tree planting can be achieved by the applicant as a compensatory mitigation. This approach is consistent with the provisions of SG LDP ENV 6. Compensatory tree planting can be secured by means of a planning condition. If an effective buffer tree planting zone is not achievable within the current application site boundary as expected, then the recommended planning condition can allow for planting of an appropriate number and species of deciduous trees to form a 'tree belt' within the field adjacent to the east-south-east site boundary. Although outwith the current application site boundary it is noted that the adjacent field is within the ownership/control of the applicant, and as such, there is no ownership obstacle to compliance with such a condition.

G. Landscape Character

Whilst within settlement, the site is bounded to the east and north by open countryside and as such the impact on landscape character has been assessed.

NatureScot has assessed this wider landscape as “Rolling Farmland with Estates” type characterised by (abridged) groups of fairly large, rectangular fields enclosed by linear shelterbelts and blocks of mixed woodland: scattered large farmsteads in countryside: urban development on coastal plains and broader valleys: etc.

As previously set out, it is considered that the proposed development will relate strongly to the existing built development pattern and will not result in an obtrusive and discordant expansion into the wider landscape setting. The planting of a compensatory linear tree belt adjacent to the ESE site boundary will significantly assist the assimilation of new development on the edge of built development into the wider landscape character.

H. Archaeological Matters

LDP 3 and SG LDP ENV 20 establish a presumption in favour of retaining, protecting, preserving and enhancing existing archaeological heritage.

The Council's archaeological consultant organisation WoSAS has advised that the application site lies within an area of some archaeological sensitivity based on the presence of recorded sites and finds from various periods in the surrounding landscape. It is considered that the proposed ground disturbance associated with this proposal is reasonably large in scale and stands a chance of unearthing unrecorded buried remains which may survive below ground. As the degree of archaeological significance is uncertain, WoSAS has recommended that any planning permission be subject to a safeguarding conditions requiring an archaeological watching brief to be carried out by an acceptable archaeological organisation during all ground disturbance works. This approach is consistent with national guidance and LDP policy and supplementary guidance.

I. Road Network, Parking and Associated Transport Matters.

Policy LDP 11 generally serves to ensure that all new development is served by transport infrastructure and makes provision for car-parking in accordance with Council standards. SG LDP TRAN 4 requires that further development served by an existing private access or private road (as an alternative to a public road) will only be acceptable where:

- (i) *“the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed development and that takes into account current access issues (informed by an assessment of usage); AND;*
- (ii) *The applicant can secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.”*

Policy 35 of the proposed LDP 2 (Design of New and Existing, Public Roads and Private Access Regimes) seeks to establish similar principles to policy LDP 11 in the current LDP. Policy 36 of pLDP2 (New Private Accesses) advises that new private accesses that form an individual private driveway serving a single user development will generally be acceptable where it doesn't generate unacceptable levels of traffic. Policy 37 of pLDP2 (Development Utilising and existing Private Access or Existing private Road) is similar to SG LDP TRAN 4 of the LDP - 2015 (above) in relation to the current application in terms of securing commensurate improvements to the private road where required. Policy 39 (pLDP2) seeks to establish Construction Standards for Private Access.

The proposed development is served by a private access driveway from the proposed plot to the nearby 'main' shared private road along the line of an existing farm track. From there, access to the public road network is via a single-width private road from Portkil to a junction with the B833 some 460 metres to the north of the settlement.

The planning authority considers that the existing shared private access road does not have capacity to accommodate additional traffic generated by any further development within this hamlet. This assessment reflects concerns expressed by existing residents. However, the development is considered to be acceptable in respect of access issues provided that essential road improvement and widening works over the length of the private road from the settlement boundary to the B833 junction are carried out by the landowner/developer. This can be achieved by a suspensive planning condition. Although the private road is outwith the application site edged red, the applicant has confirmed that land on either side of the road along its full length is in the same

ownership as the applicant, and as such there is no potential ownership constraint that would preclude the use of such a condition.

This approach is consistent with the provisions of policy LDP 11 and SG LDP TRAN 4 of the approved LDP – 2015 and policies 35,36, 37 and 39 of the emerging pLDP2.

Policy LDP 11 and SG LDP TRAN 6 generally require the provision of on-site car parking and manoeuvring area in accordance with the Council's car parking standards set out in the SG i.e 2 no. parking spaces for a 3-bedroom house and 3 no. spaces for a house with more than three bedrooms. Officers are satisfied that the site is large enough to accommodate sufficient car parking and turning space in accordance with policy; and the detailed layout of parking and turning can be dealt with as a matter specified by condition attached to this current planning decision.

J. Service Infrastructure - Drainage

Water supply is proposed by means of connection to the public) Scottish water) public supply network. Whilst concerns regarding intermittent water pressure issues by local residents are acknowledged, Scottish Water has not raised any capacity issues with regard to water supply infrastructure, and as such this issue does not warrant refusal of the application. Scottish Water may assess water capacity upon receipt of an application by the developer.

SG LDP SERV 1 generally requires that new development connect to the public sewer unless the applicant can demonstrate that "*connection is not feasible, for technical or economic reasons...*" The Scottish Water consultation response confirms that there is no public waste water infrastructure within the vicinity of the site and as such a private treatment plant is an acceptable option in this instance.

It is proposed that drainage for the house be served by a private treatment system comprising installation of a septic tank with discharge to a soakaway. Percolation test results have been submitted to demonstrate that a soakaway system is appropriate and test results used to inform the detailed design and volume of the proposed soakaway.

On this basis, the planning authority is satisfied that adequate water supply and drainage infrastructure can be provided to serve the propose development in accordance with the provisions of policy LDP 10 and SG LDP SERV 1.



0 5 10 20 Meters

© Crown copyright and database right 2022. All rights reserved. Ordnance Survey Licence number 100023368



Location Plan Relative to Planning Application:21/00349/PPP



1:1,250

This page is intentionally left blank

**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: 21/02709/PP

Planning Hierarchy: Local Development

Applicant: Mr Graham Wylie

Proposal: Variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP (Erection of dwellinghouse). Access arrangements

Site Address: Rhu Lodge, Ferry Road, Rhu, Helensburgh, Argyll and Bute, G84 8NF

SUPPLEMENTARY REPORT NO. 4

1. INTRODUCTION

The attention of Members is drawn to the main Report of Handling dated 8th November 2022 and to supplementary reports; No.1 dated 22nd November 2022, No. 2 dated 10th January 2023 and No. 3 dated 16th January 2023 that are currently before them for consideration in respect of the above application.

Committee members postponed the determination of the application pending the submission of further drawings which were received on the 6th of February 2023. In light of the most recent submission we have re-consulted the roads department. In order for the roads department to respond to this submission we would seek to again postpone the determination of this application to the next committee meeting in March.

Further to this; subsequent to the last continuation please note that the determination of this application will be made after NPF 4 has been adopted. Therefore, it is necessary to apply policy NPF 4 to the next supplementary report.

2. RECOMMENDATION

Recommend that determination of the application be postponed to the March meeting of PPSL.

Author of Report: Emma Jane **Date:** 8th February 2023

Reviewing Officer: Peter Bain **Date:** 8th February 2023

Fergus Murray
Head of Development and Economic Growth

This page is intentionally left blank

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: 21/02709/PP

Planning Hierarchy: Local Development

Applicant: Mr Graham Wylie

Proposal: Variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP (Erection of dwellinghouse). Access arrangements

Site Address: Rhu Lodge, Ferry Road, Rhu, Helensburgh, Argyll and Bute, G84 8NF

SUPPLEMENTARY REPORT NO. 3

1. INTRODUCTION

The attention of Members is drawn to the main Report of Handling dated 8th November 2022 and to supplementary reports; No.1 dated 22nd November 2022 and No. 2 dated 10th January 2023 that are currently before them for consideration in respect of the above application.

Committee members postponed the determination of the application pending a site visit, which took place on the 12th of January 2023. This supplementary report has been provided with regards to additional revised drawings received from the applicant on the 10th of January 2023.

Below is a list of all revised drawings that have been provided and also provides a commentary (in conjunction with the roads area manager) on these drawings.

19 / 20 / R2 A - Proposed passing place improvements Rev A; This drawing illustrates the location of the proposed passing place it does not illustrate or provide any further details.

19 / 20 / R4 C - Proposed traffic calming improvements Rev C; This drawing indicates the location of two proposed speed humps as well as noting that the new passing place is to be 5500mm wide (please see the comment below in regards to the revised driveway plan in relation to this). In terms of the existing and proposed speed humps, these are noted, however, the presence of such features does not permit us to determine the operational speed of the road to less than 20mph.

19 / 20 / R5 C - Combined traffic calming measures Rev C; This drawing shows the existing and proposed speed humps – while these are noted it does not alter the minimum accepted speed limit of 20mph. This drawing also notes the new passing place is to be 5500mm wide. Please see the comment below in regards to the revised driveway plan which flags up the specific issues with this proposed passing place.

19 / 20 / R7 C - Ferry Road proposed improvements Rev C; This drawing shows the extent of the proposed improvement works and also notes the new passing place is to be 5500mm wide - please see the comment below in regards to the revised driveway plan in relation to the proposed passing place. This drawing also indicates the proposed grass verge as well as the existing and proposed passing places – please see comment below in regards to the re-alignment and passing place details required.

19 / 20 / R9 C - Ferry Road extent of re-surfacing Rev C; This drawing shows the extent of the proposed re-surfacing works, the proposed grass verge to sections and indicates the proposed and existing passing places. As below if the applicant wishes to install a grass verge then full details of the proposed re-alignment are required (this drawings does not adequately show this as we require details showing the full extent of re-alignment, dimensions along the full length, method of illumination for the re-alignment etc.). Furthermore, the existing and proposed 100m intervisible passing places between the driveway access and the public road are not adequately detailed. This drawing also fails to detail the second passing place that is required between the driveway access and the main road – the passing place indicated at the junction of the public road does not meet standard detail SD 08/003 A as it is a junction . All passing places must be no more than 100m apart and intervisible for all road users. All passing places must be constructed in accordance with the minimum requirements as set out in standard detail SD 08/003 A. This drawing also notes the new passing place is to be 5500mm wide - please see the comment below in regards to the revised driveway plan in relation to this.

19 / 20 / R10 A - Driveway plan Rev A; This drawing shows the proposed driveway access and proposed passing place at the driveway access – this drawing fails to detail the full extent of the proposed road re-alignment required to install the grass verge along the boundary wall. If the applicant wishes to install a grass verge then details of the full roads re-alignment must be included. These details should include illumination of the carriageway (i.e. bollards). Furthermore the visibility splay should be 2.4m back from the edge of the carriageway – this drawing shows the splay set back 2m. Lastly, if the applicant wishes to install a grass verge then the method of preventing water from flowing onto the carriageway should be within the property boundary and not at the edge of the proposed verge as this drawing illustrates.

22034_006 A - ECS drawing Rev A; This drawing shows the proposed access alterations including visibility splays and alterations to the existing boundary wall. This drawing also shows the two new speed humps and also indicates the 100m intervisible passing place between the Rosslea access and the new passing place at the driveway access. Road widths are also indicated on this drawing. The detail showing the 100m intervisible passing place is incorrect as the suggested passing place at the access to the Rosslea is not in line with standard detail SD 08/003 A – this suggested passing place is also not considered to be intervisible for all road users as those exiting the Rosslea will not be able to see traffic from the right. This drawing also indicates localised widening of 7m at the access to the adjacent property however, this is not adequately detailed as no lengths of the widening are stipulated. Lastly this drawing fails to demonstrate the requirement for 100m intervisible passing places between the driveway access and the public road.

2. RECOMMENDATION

The additional revised drawings submitted by the applicant have been considered and commented on but do not alter the recommendation contained in the main Report of Handling dated 8th November 2022; namely, that the application be **granted** subject to the conditions, reasons and informative notes contained therein.

Author of Report: Emma Jane **Date:** 16th January 2023

Reviewing Officer: Howard Young **Date:** 16th January 2023

Fergus Murray
Head of Development and Economic Growth

This page is intentionally left blank

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: 21/02709/PP

Planning Hierarchy: Local Development

Applicant: Mr Graham Wylie

Proposal: Variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP (Erection of dwellinghouse). Access arrangements

Site Address: Rhu Lodge, Ferry Road, Rhu, Helensburgh, Argyll and Bute, G84 8NF

SUPPLEMENTARY REPORT NO. 2

1. INTRODUCTION

The attention of Members is drawn to the main Report of Handling dated 8th November 2022 and to supplementary report No.1 dated 22nd November 2022 that is currently before them for consideration in respect of the above application.

This supplementary report has been provided with regards to additional correspondence received by the applicant on the 14th of December 2022 and also in response to the applicant's comments received on the 23rd of November in response to supplementary report No.1.

Firstly, with regards to the additional correspondence received on the 14th of December for which the main points 1 & 2 have been copied in (**in bold**) below;

1. The roads officer twice stated that the minimum width for fire engine access is 3.5 metres. This is misinformation. The required width for fire engine access widths at "pinch points" is 2.75 metres. In the context of Ferry road as with many other private accesses this can be critical and the PPSL members have been misguided here.

In respect of the above Stuart Watson the Assistant Network and Standards Manager has noted; Designing Streets (extract below) makes allowance for a carriageway width to be reduced to 2.75m over short distances, this is not intended to cover the full length of a road. The minimum width is stated as 3.7m and any reduction from this has to be agreed by the Fire Safety Officer.

"Emergency vehicles - The requirements for emergency vehicles are generally dictated by the fire service requirements. All development proposals should be discussed with the relevant Fire Authorities.

The Association of Chief Fire Officers has expanded upon and clarified these requirements as follows:

- *A 3.7 m carriageway (kerb to kerb) is required for operating space at the scene of a fire. Simply to reach a fire, the access route could be reduced to 2.75 m over short distances, provided the pump appliance can get to within 45 m of all points within a dwelling.*
- *If an authority or developer wishes to reduce the running carriageway width to below 3.7 m, they should consult the local Fire Safety Officer.”*

In addition to the above, the National Roads Development guide, under section 3.1.9 (d) Fire Fighting, states:

“Notwithstanding the recommended road widths in these guidelines, all roads should accommodate access and operation of fire tenders. The width of roads and reinforced emergency vehicle paths and their proximity to buildings is detailed in Part E of the Building Standards (Scotland) Regulations. This document specifies a minimum width of 3.7 metres adjacent to low rise dwellings to facilitate the use of pumping appliances (this width is increased to 4.5 metres to permit the use of heavy rescue and firefighting equipment where buildings are 9 metres or more in height). **It should be noted that a basic vehicle path of 3.5 metres width (2.75 metres at pinch points)** is appropriate for access but not operation of the fire tender. ”

2. It was also stated at the meeting that discussions with the roads officer and the applicant had reached a stage where there may be no point in further discussion. Again misinformation. Apart from an initial discussion with the roads officer in July / August 2020 there have been no discussions or site meeting between the roads officer and the applicant to date. I asked the roads officer in November 2020 for a meeting which was declined. Over the last two years despite many attempts to engage with the roads officer there has been no meaningful assistance from the officer.

In respect of the above Stuart Watson the Assistant Network and Standards Manager has noted; Road Officers have not refused to meet - only that there was no merit in meeting before an acceptable submission had been received.

Secondly, with regards to the applicant’s comments received on the 23rd of November 2022 in respect of supplementary report No.1 the following is noted in conjunction with the roads area manager;

The applicant has noted in regards to road width; *Details have been provided to confirm that the full length of the private road between the A 814 and the development site would achieve a 3.5 metre width. Also I have submitted confirmation that at the location where the existing road width requires to be increased, the frontages have given their permission.*

In terms of the above comment from the applicant it is noted that drawings detailing new/ widened sections of carriageway ‘make-up’, in accordance with standard detail section requirements available with SD 08/003 Rev A have not been provided within the drawing package. Furthermore, where the existing carriageway is to be retained, no details have been

provided as to the method of 'proving' the existing formation is suitable for retention in accordance with the aforementioned standard section detail.

The applicant also notes in regards to passing places; *a site visit would confirm that the area of the existing passing places exceeds the width and length of a standard passing place. Although the geometry of these passing places differs from standard detail SD 08/003A they provide the same ability to pass easily and safely and have done so for many years. This is where consideration should be given to the fact that Ferry Road is within Rhu Conservation Area and as such any improvements should be both proportionate and commensurate with any current access issues and take into account the location of the site. Any required improvements should therefore be the minimum necessary to satisfy any identified roads issues.*

In terms of the above comment from the applicant it is confirmed that the geometry of passing places has been considered within the geometry detailed within SD 08/003 Rev A. Therefore, to ensure consistency throughout the area, passing place geometry shall be constructed in accordance with SD 08/003 Rev A. Where this is not apparent within the drawing package provided, the condition has been applied. Whilst consideration should be applied towards the Conservation Area status, so to should it be applied to the road safety of all road users.

Furthermore, the applicant has noted the following in regards to the proposed passing place at the driveway access and proposals to install a grass verge; *I confirm that the proposal to introduce a new grass verge has been proposed from the submission of the application which was validated 16th February 2022. The supporting drawings were included. To date no construction details have been requested, however, prior to any works starting on site this detail would be submitted for approval. It should be noted that the angle the roads officer refers to as being "too acute" is 50% less acute than the junction of Ferry road and the main A814. The proposed passing place final design to be agreed prior to any works starting on site.*

In response to the above the roads officer has noted that until such time that drawings/ details have been provided/ approved by Roads the condition previously set out shall apply.

Lastly the applicants have noted in regards to speed limits; *As previously advised the existing traffic calming measures (speed ramps) plus the proposal of an additional passing place and further traffic calming measures ensures that the traffic speeds are below 20mph. It should not be forgotten that very few vehicles travel along this route, however, these combined traffic calming measures will maintain slow traffic speeds.*

In regards to the above, from a position of road safety, the road has been measured against the lowest regulatory speed of 20mph. With due consideration for the hierarchy of road users, which places pedestrians over vehicles, in addition to there being no footway in this location, the assessment speed of 20mph was considered correct from a position of road safety to all road users.

2. RECOMMENDATION

The additional comments from the applicant have been mentioned for completeness but do not alter the recommendation contained in the main Report of Handling dated 8th November

2022; namely, that the application be **granted** subject to the conditions, reasons and informative notes contained therein.

Author of Report: Emma Jane **Date:** 10th January 2023

Reviewing Officer: Howard Young **Date:** 10th January 2023

Fergus Murray
Head of Development and Economic Growth

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: 21/02709/PP

Planning Hierarchy: Local Development

Applicant: Mr Graham Wylie

Proposal: Variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP (Erection of dwellinghouse). Access arrangements

Site Address: Rhu Lodge, Ferry Road, Rhu, Helensburgh, Argyll and Bute, G84 8NF

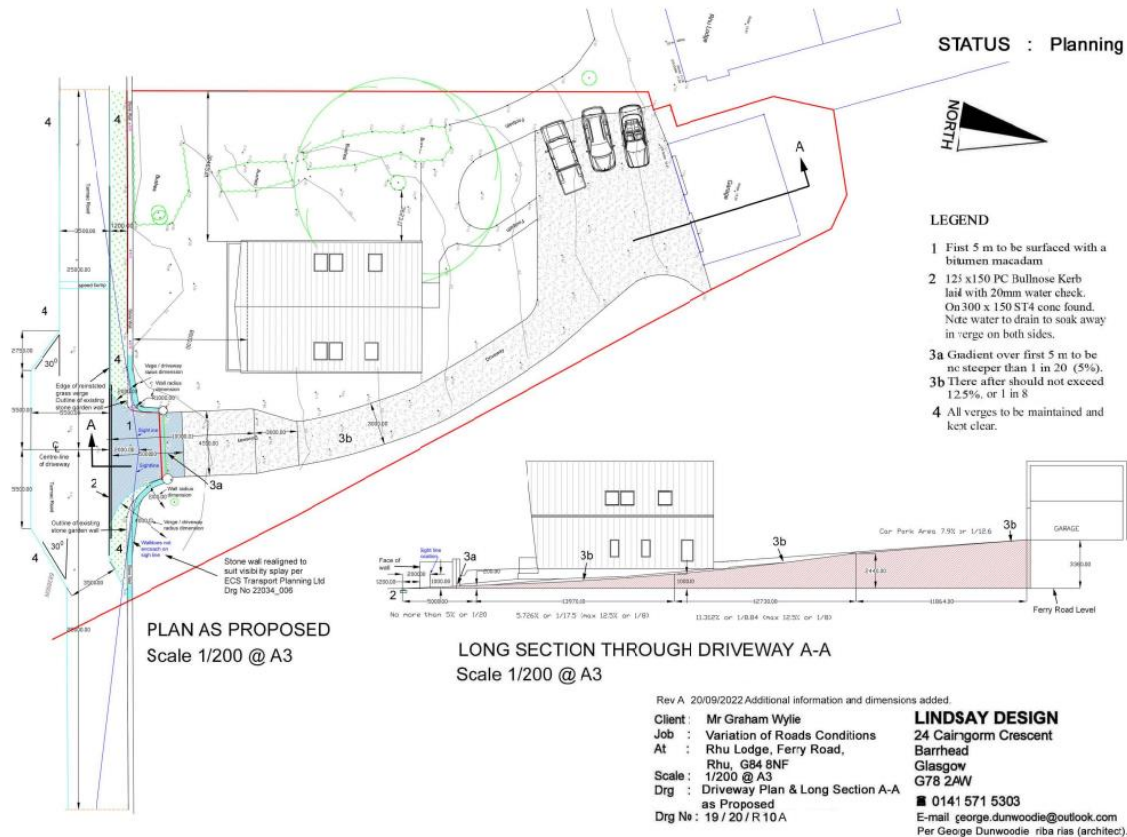
SUPPLEMENTARY REPORT NO. 1

1. INTRODUCTION

The attention of Members is drawn to the main Report of Handling dated 8th November 2022 that is currently before them for consideration in respect of the above application.

This supplementary report has been provided with regards to proposed drawing reference 19/20/10 as an updated drawing (ref: 19/20/10 REV A) below, has been supplied by the applicant. The roads officer has provided further comment on this drawing and has noted;

Whilst the details as shown within this drawing noting the 4.5m wide driveway for the first 10m, the radius and the kerb with water check are correct, it is noted that they have been shown in the incorrect location as these should be measured back from the boundary wall and not from a point beyond the boundary wall therefore, the details contained within this drawing are not acceptable.



Further to this, the applicant has provided further information within an email to Members commenting on the detail within the published report of handling. Most of the matters noted have been covered in detail within the report of handling and appendix A. However please note the following additional comments;

In Relation to note 1; *The requirement to provide a 3.5 metre wide adopted road between the A814 and the entrance dwelling (sic) is unnecessary, and most of Ferry Road is already more than 3.5 metres wide and the submitted plans show that a 3.5 metre wide road can be provided along the whole length of the road by simply surfacing a small gully approximately 60 metres long, on the north side of the road, immediately after the split.*

Officer comment; While it is noted that the proposed drawings contain a note that the carriageway will be 3.5m wide we do not have specific details of this to show that the proposals accord with the standard details. It is also noted that the road is within shared ownership hence why condition 3(a) should remain to ensure this is implemented.

In relation to note 2; *With respect to the provision of passing places, there are two intervisible passing places already in existence, within 100 metres of each other, and these have operated safely for many years. At the access to the approved new dwelling a third passing place will be introduced.*

Officer comment; Again while this has been noted on the proposed drawings, there has been no details provided to show that the existing passing places accord with standard detail SD 08/003 A, hence why condition 3(b) should remain to ensure this is implemented as per the standard detail.

In relation to note 3; *The Road's Officer's additional concern, the absence of a formal turning head, cannot be introduced now. The current application seeks only the variation (or*

removal) of conditions that were attached to the previous grant of planning permission, and this did not include any requirement in respect of the turning head, which in any event is already used by the Council refuse lorry, and which has proved to be more than adequate for many years.

Officers comment; In regards to the lack of formal turning head, this has been raised as a concern that supported the need for roads improvements. There is no planning condition being imposed that requires this.

In terms of the proposed passing place at the driveway access and proposals to install a grass verge, it is noted that the visibility splays as detailed within revised drawing 9/20/10 REV A show the splays taken from a point beyond the boundary / edge of existing carriageway. There is no existing verge, if the applicant wishes to realign the road to install a verge then we would need specific details on this, in terms of road construction. Furthermore, this would no longer solely be assessed as a passing place but as a road realignment and therefore, the details within this drawing are not acceptable as the angle is too acute hence the requirement for a condition.

Lastly in response to the comments in regards to speed limits, the roads officer has noted; Ferry road is a private road and therefore has no enforceable speed limit, it is commonly accepted that the default speed limit should be 30mph on private roads. As a local authority we cannot imply a speed limit of less than 20mph therefore, in the absence of accurate speed surveys we have deemed a 20mph visibility splay is acceptable, this is detailed as part of the planning conditions.

2. RECOMMENDATION

This revised drawing and the additional comments from the applicant have been mentioned for completeness but do not alter the recommendation contained in the main Report of Handling dated 8th November 2022; namely, that the application be **granted** subject to the conditions, reasons and informative notes contained therein.

Author of Report: Emma Jane **Date:** 22nd November 2022

Reviewing Officer: Howard Young **Date:** 22nd November 2022

Fergus Murray
Head of Development and Economic Growth

This page is intentionally left blank

Argyll and Bute Council
Development & Economic Growth

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: 21/02709/PP
Planning Hierarchy: Local
Applicant: Mr Graham Wylie
Proposal: Variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP (Erection of dwellinghouse). Access arrangements
Site Address: Rhu Lodge, Ferry Road, Rhu, Helensburgh, Argyll And Bute, G84 8NF

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP (Erection of dwellinghouse). Access arrangements

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

Planning permission be approved subject to conditions recommended herein.

(C) CONSULTATIONS:

Rhu and Shandon Community Council - 07.03.2022 – Object

Rhu and Shandon Community Council have objected on the basis that the proposed roads alterations will harm the character of the conservation area and they would like to see the road remain as is.

Roads Helensburgh And Lomond - 04.03.2022 – Object

Roads Helensburgh and Lomond have objected to the proposals to vary/omit the roads conditions relative to planning permission 20/01150/PP due to the current issues with the existing access road, as follows; Existing carriageway width is less than the acceptable carriageway width of 3.5m for emergency services vehicles, No intervisible Passing Places & No formal turning head In accordance with:

SG LDP TRAN 4. They further note that; Private Access shall be constructed to incorporate minimum standards to function safely and effectively as set out in the Council's Road Development Guide, in particular in relation to adequate visibility splays, access gradients, geometry, passing places, boundary definition, turning capacities, integrated provision for waste management and recycling. Based on this roads have noted that conditions 3, 5, 6, 7 & 8 relative to planning permission 20/01150/PP shall remain unchanged and condition 4 should be revised to suit the roads consultation original response relative to planning application 20/01150/PP being a minimum visibility splay of 2.4 x 25 x 1.05 metres and not the 2.4 x 42 x 1.05 metres as per the decision notice for 20/01150/PP.

(D) HISTORY:

02/00728/DET

Alterations to dwellinghouse
11.06.2002

15/00085/PP

Erection of sunroom extension
02.04.2015

16/00225/PP

Erection of dwellinghouse
23.03.2016

17/00194/PP

Erection of detached garage
13.03.2017

20/01150/PP

Erection of dwellinghouse
18.11.2020

(E) PUBLICITY:

Advert Type: Listed Building/Conservation Advert

Expiry Date: 24.03.2022

(F) REPRESENTATIONS:

i) Representations received from:

Objection

1. *Brian Fleming Abergare House Rhu* 10.03.2022

2. Ruth Chappell Fleming Abergare House Rhu 10.03.2022
3. Tim Lamb Rhu Cottage Ferry Road Rhu Helensburgh 10.03.2022
4. Jim Duncan Shoreacres Artarman Road Rhu Helensburgh Argyll And Bute 10.03.2022

Support

1. Colin Jackson Tanglewood Cumberland Road Rhu Helensburgh 02.03.2022
2. C A Cook Clanard Gareloch Road Rhu Helensburgh 02.03.2022
3. Jane Weir Victoria Cottage Hall Road Rhu Helensburgh 02.03.2022
4. Juliet Baines 1 Rhu Ellen Cottage Gareloch Road Rhu Helensburgh 02.03.2022
5. K Wallace 9 Guthrie Place Rhu Helensburgh Argyll And Bute 02.03.2022
6. Ann McKendrick Lagarie Torwoodhill Road Rhu 02.03.2022
7. Brian Murray 7 Church Road Rhu 02.03.2022
8. J Cairns 3 County Cottage Rhu 02.03.2022
9. R J Sawkins 66 East Clyde Street Helensburgh Argyll And Bute 03.03.2022
10. Danielle Paterson Rocklea Garelochhead Helensburgh Argyll And Bute 22.02.2022
11. Michelle Cameron 17 Nelson Place Helensburgh Argyll And Bute G84 9ES 23.02.2022
12. Kathleen McGinley Ferry Coach House Ferry Road Rhu Helensburgh 24.02.2022
13. John MacBeath Tigh Na Mara Ferry Road Rhu Helensburgh 22.02.2022
14. Maureen Kinnear Rosslea West Ferry Road Rhu Helensburgh 28.02.2022
15. Lynn Nicolson Rhu Lodge Ferry Road Rhu Helensburgh 03.03.2022
16. John McMeeking Ramah Rhu Point Ferry Road Rhu Argyll And Bute G84 8NF 21.02.2022
17. Roderic Taylor Garedale Manse Brae Rhu Helensburgh Argyll And Bute 23.02.2022
18. Emma Dodds 100 West Clyde Street Helensburgh Argyll And Bute G84 8BE 25.02.2022
19. Becky Morgan 100 West Clyde Street Helensburgh Argyll And Bute G84 8BE 25.02.2022
20. William Petrie Ground Floor Flat Craigard Church Road Rhu Helensburgh Argyll And Bute
21. Elizabeth Law 12 Cameron Drive Tullichewan Alexandria G83 0JT 28.02.2022
22. Paul Cairns 3 County Cottage Gareloch Road Rhu Helensburgh 03.03.2022
23. Jon Reid 10 Cumberland Terrace Rhu 03.03.2022
24. Peter Bogden 6 Rhu House Gareloch Road Rhu Helensburgh 03.03.2022
25. Fiona McNair 1 Glebefield Road Rhu Helensburgh Argyll And Bute 03.03.2022
26. Elizabeth Macdonald 4 Braehead Place Rhu Helensburgh Argyll And Bute 03.03.2022
27. Iain Coats 26 Redclyffe Gardens Helensburgh Argyll And Bute G84 9JJ 03.03.2022
28. Jo McKenzie 22 Baird Avenue Helensburgh Argyll And Bute G84 8DW 03.03.2022
29. Andrew Shearar 10 Havelock Street Helensburgh Argyll And Bute G84 7HB 03.03.2022

30. John Young 30 Stuckleckie Road Helensburgh Argyll And Bute G84 7NN
03.03.2022
31. Kathleen Young 30 Stuckleckie Road Helensburgh Argyll And Bute G84
7NN 03.03.2022
32. Roberta Kelly 10 Gallagher Way Renton Dumbarton 03.03.2022
33. Clive Burns 25 Malcolm Place Helensburgh Argyll And Bute G84 9HW
03.03.2022
34. R Boothby 5 Camperdown Helensburgh 03.03.2022
35. C Boothby 5 Camperdown Helensburgh 03.03.2022
36. Anne Marie Johnston 30 Templeton Way Helensburgh Argyll And Bute G84
8FA 03.03.2022
37. Ronald Grant 2/1 23 East Princes Street Helensburgh 03.03.2022
38. C Woolner 5 Princess Way Rosneath Helensburgh Argyll And Bute
03.03.2022
39. J Crossan 145 West King Street Helensburgh Argyll And Bute G84 8DJ
03.03.2022
40. J Cavana 31 Deanston Crescent Helensburgh 03.03.2022
41. L Nott 30 South King Street Helensburgh Argyll And Bute G84 7DX
03.03.2022
42. Margaret Harvey 37 Old Luss Road Helensburgh Argyll And Bute G84 7BN
03.03.2022
43. Tracy McGregor 1 Jeanie Deans Drive Helensburgh Argyll And Bute G84
7TG 03.03.2022
44. S Boothby 13 Kings Crescent Helensburgh Argyll And Bute G84 7RB
03.03.2022
45. Emma Campbell 1 Golf Place Helensburgh Argyll And Bute G84 9HQ
03.03.2022
46. B Cairns 36 Macleod Drive Helensburgh Argyll And Bute G84 9QU
03.03.2022
47. H Scott 77 West King Street Helensburgh Argyll And Bute G84 8EE
03.03.2022
48. William Johnston 30 Templeton Way Helensburgh Argyll And Bute G84
8FA 03.03.2022
49. Linda Conner 6 Hope Street Helensburgh Argyll And Bute G84 7EB
03.03.2022
50. Olly Ross 1 Upper Colquhoun Street Helensburgh Argyll And Bute G84
9AG 03.03.2022
51. Mick Howe Dilmun Ferry Road Rhu Helensburgh Argyll And Bute
07.03.2022
52. Kieran Robertson 18 Laggary Road Rhu Helensburgh Argyll And Bute
02.03.2022
53. Ella Lawson 2 Spys Lane Rhu Helensburgh Argyll And Bute 02.03.2022
54. S Forsyth Flat 1 8 Guthrie Place Rhu Helensburgh 02.03.2022
55. Agnes Murray 7 Church Place Rhu Helensburgh Argyll And Bute
02.03.2022
56. James Ritchie 14 Church Place Rhu Helensburgh Argyll And Bute
02.03.2022
57. A Cameron 9 Church Place Rhu Helensburgh Argyll And Bute 02.03.2022
58. Tim Brown 16 Church Place Rhu Helensburgh Argyll And Bute 02.03.2022
59. Mark Johnstone 1/2 Ardenlea Cumberland Road Rhu 02.03.2022
60. Zoe McEwan Dalarnie Pier Road Rhu Helensburgh 02.03.2022
61. Charlene Hamilton Woodside Cottage Cumberland Road Rhu Helensburgh
02.03.2022
62. Patricia Drummond 16 Rhu Ellen Court Rhu Helensburgh Argyll And Bute
02.03.2022

63. Ross Balfour Whistlers Burn Rhu 02.03.2022
64. Bernard Howe Dilmun Ferry Road Rhu Argyll And Bute G84 8NF
23.02.2022
65. Mrs Lynsey Petchey 3 Kidston Gardens Rhu Road Higher Helensburgh
Argyll And Bute 24.02.2022
66. Mary McGinley Ferry Coach House Ferry Road Rhu Helensburgh Argyll
And Bute
67. Kerry Gould Tummel Cottage Cumberland Road Rhu Helensburgh
08.03.2022
68. O Johnston 12A Cairndhu Gardens Rhu 08.03.2022
69. Paul Rickards 4 Rhu House Gareloch Road Rhu Helensburgh 08.03.2022
70. Elspeth McNicol Lower Lochview Church Road Rhu 08.03.2022
71. Pauline Cochrane 9 Church Road Rhu 08.03.2022
72. Claire Harvey 14 Barge Court Rhu 08.03.2022
73. Ona McPhail 4 East Abercromby Street Helensburgh Argyll And Bute G84
7SP 08.03.2022
74. Paul King 4 East Abercromby Street Helensburgh Argyll And Bute G84 7SP
08.03.2022
75. Margaret Martin 17 Loch Drive Helensburgh Argyll And Bute G84 8PY
08.03.2022
76. Iain Martin 17 Loch Drive Helensburgh Argyll And Bute G84 8PY
08.03.2022
77. K C Gibson 14 old Luss road Balloch G83 8qp 05.03.2022
78. Graham Wylie Rhu Lodge Ferry Road Rhu Helensburgh Argyll And Bute
13.03.2022
79. David Macpherson 27C Queen Street Helensburgh Argyll And Bute G84
9QL 07.03.2022
80. Josephine Brown 21 Brae House Manse Brae Rhu Helensburgh
16.03.2022
81. H McNaught 11 Rhu Ellen Court Rhu Helensburgh Argyll And Bute
16.03.2022
82. D Miller Flat Ground/2 Sunnyside Hall Road Rhu 16.03.2022
83. Unknown Flat 3 22 Barge Court Manse Brae Rhu 16.03.2022
84. R Kilpatrick 14 Bonar Law Helensburgh 16.03.2022
85. David Fletcher 81 B West Princes Street Helensburgh 16.03.2022
86. Jenifer Cox 15 Walker Place Helensburgh 16.03.2022
87. Megan Mundie 25 Baird Avenue Helensburgh Argyll And Bute G84 8DW
16.03.2022
88. David Stewart 49B Dumbarton Road Bowling G60 5AQ 16.03.2022
89. Joan Kilpatrick 14 Bonar Law Avenue Helesnburgh 16.03.2022
90. Robert Morley Flat 1/2 18 West Clyde Street Helensburgh Argyll And Bute
16.03.2022
91. George Stewart Flat 1 Hillhead House Kirk Brae Shandon 16.03.2022
92. Fay Stewart Bochyle Kirk Brae Shandon G84 8NP 16.03.2022
93. J Cox 15 Walker Place Helensburgh 16.03.2022
94. A Cairns 36 Macleod Drive Helensburgh Argyll And Bute G84 9QU
16.03.2022
95. Graham Wylie Rhu Lodge Ferry Road Rhu Helensburgh Argyll And Bute
09.03.2022
96. Russell Leonard 39 Dennistoun Crescent Helensburgh Argyll And Bute G84
7JG 07.03.2022
97. Fiona Braddick 37 Johnson Court Helensburgh Argyll And Bute G84 7LJ
07.03.2022
98. J McMurdo Helensburgh G84 8DS 07.03.2022
99. Unknown 2/5 Hood Court Helensburgh 07.03.2022

100. Maire Sutherland 52 Maitland Court Helensburgh Argyll And Bute G84 7EE 07.03.2022
101. D Hannah 10 Drumadoon Drive Helensburgh Argyll And Bute G84 9SF 07.03.2022
102. Alison Hannah 10 Drumadoon Drive Helensburgh Argyll And Bute G84 9SF 07.03.2022
103. M Siniscalco 13 Maclachlan Road Helensburgh Argyll And Bute G84 9BY 07.03.2022
104. Joan Bissett 13 Maclachlan Road Helensburgh Argyll And Bute G84 9BY 07.03.2022
105. Sybil Kennedy 35 Campbell Street Helensburgh Argyll And Bute G84 8XZ 07.03.2022
106. Alistair Dickson 238 West Princes Street Helensburgh Argyll And Bute G84 8HA 07.03.2022
107. S Mackenzie 1/1 4 Hanover Street Helensburgh 07.03.2022
108. Melanie Andrews 46 Abercromby Crescent Helensburgh Argyll And Bute G84 9DX 07.03.2022

ii) Summary of issues raised:

Objection

- Concern on the possible sub-division and use of previously approved dwelling house on site as three short term lets

Comment: *this application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP however, it is noted that the owner has since removed the commercial listing for the above*

- Concern that the supposed commercial enterprise of the site of Rhu Lodge could impact the surrounding area

Comment: *as comment above*

- Concern that Ferry Roads integrity as an ancient right of way and drove road as an integral part of Scottish Gaelic life and culture could be undermined

Comment: *the principle of development has been established under the previous consent (ref: 20/01150/PP), this application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP*

- Concern that the character of Ferry Road could be affected by the proposals

Comment: *as comment above*

- Concern that the proposals could affect the character of the surrounding conservation area

Comment: *as comment above*

- Note that the proposed drawings are not in line with private discussions between neighbours and the applicant

Comment: *This is not a material planning consideration*

- Concern that the boathouse as previously approved under application reference 20/01150/PP could be used commercially

Comment: *This application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP. The use of this property as a commercial business does not form part of this application nor the previous. If this were to be the case then a future planning application would be required for the change of use*

- Note that it is undesirable and inappropriate for a development within the boundary of Rhu Lodge to overflow beyond the site boundary by way of changes to Ferry Road which could affect the character and layout of Ferry Road and the surrounding conservation area

Comment: *the principle of development has been established under the previous consent (ref: 20/01150/PP), this application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP*

- Concern about possible public misinformation resulting in the large number of 'pro-forma letters' supporting this application which misinterpret the point at issue

Comment: *This is not a material planning consideration*

- Note that the proposals include development on land not within the applicant's ownership

Comment: *Within the application form the applicant has noted that they are the sole owner of all the land*

Support

- Note that any increase in traffic caused by one additional 2 bed dwelling on Ferry Road would be insignificant

Comment: *The above comments are noted*

- Note that a 3 bed dwelling was constructed on Ferry Road in 2018 with no roads conditions requiring the introduction of a public road

Comment: *Each application is assessed on its own merits*

- Comment that the supposed negligible increase in traffic resulting from the construction of a 2 bed dwelling does not require a publicly adopted road to be installed

Comment: *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety*

- Concern that the roads alterations could affect the character of Ferry Road and the wider conservation area

Comment: *the principle of development has been established under the previous consent (ref: 20/01150/PP), this application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP*

- Note that the introduction of a public road combined with the construction of sea retaining walls, associated guard rails and rock armour would result in the loss of a part of Rhu beach and mature trees

Comment: *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety. The drawing submitted under this application indicates the above interventions would be subject to a further planning application if this were to be the proposed method of achieving the roads conditions under consent (ref: 20/01150/PP)*

- Note that a public road is being proposed to replace the private road

Comment: *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety*

- Concern that the introduction of a public road could cause more traffic and obstructions than one additional dwelling

Comment: *as comment above*

- Comment that the change of Ferry Road from a private to public road would be detrimental to users of the road

Comment: *as comment above*

- Note that the council currently struggle to maintain existing roads therefore, why would they want to take on further road maintenance

Comment: *this is not a material planning consideration*

- Note that it is understood that 50m of stone boundary wall has to be demolished and a number of mature trees removed to allow for the required visibility splay. This would affect the appearance and character of the conservation area

Comment: *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety. The drawing submitted under this application indicates the above interventions would be subject to a further planning application if this were to be the proposed method of achieving the roads conditions under consent (ref: 20/01150/PP)*

- Concern that the properties accessed off Ferry Road will not be able to access their properties while improvement works are undertaken

Comment: *this is a civil matter between the parties concerned*

- Note that if the Rosslea Hotel can host large weddings while accessed off Ferry Road then why can't a 2 bed dwelling be built without the requirement for the roads conditions

Comment: *Each application is assessed on its own merits*

- Concern that the provision of a public road could have a detrimental impact on the area in terms of wildlife and beauty

Comment: *the area roads manager was consulted on the previous consent (ref: 20/01150/PP) and requires improvements to the existing private road in the interest of road safety*

- Note that the roads officer's conditions as per application reference 20/01150/PP state that Ferry Road requires to be a publically adopted road and furthermore, latterly the roads officer confirmed that the road will not be adopted

Comment: *the roads conditions as per application reference 20/01150/PP noted that the private road required improvements for it to be brought up to an adoptable standard, this does not necessarily mean the road will be adopted*

- Comment that the points raised in the community council's consultation response are not in relation to this application

Comment: *This application solely relates to; the variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP. The comments raised by the community council in relation to any supposed commercial use are subject to an enforcement investigation*

Has the application been the subject of:

- | | |
|--|---|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes, a report by ECS Transport Planning Ltd has been provided. The conclusion of this report is included below; |

In conclusion the request by the Council's local roads officer requiring the road to be reconstructed to an adoptable standard would have a major impact on Rhu Bay. In accordance with the SCOTS National Road Guide a 3.5 metre adopted road width is not possible for the reasons given above and would require to be 5.5 metres wide.

This scale of works is not commensurate with the level of development proposed and therefore does not accord with the Council's planning policies or accord with Designing Streets.

Throughout the application process for the dwelling house and this current application, we have failed to see sight of the local Roads Officer's assessment of usage other than the road serves more than 5 houses is a concern.

We are also concerned at the inconsistent approach taken by the local roads officer in assessing other planning applications for single dwellings served off a private road with more than 10 houses.

The commensurate improvements proposed for Ferry Road have been devised following a comprehensive assessment of usage and have been designed to be sympathetic to the Conservation Area.

The proposed road improvements support road safety and ensure any road concerns have been satisfied giving continuous improvement for the benefit of all road users and are of a scale commensurate with the scale of development.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

'Argyll and Bute Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

LDP 11 – Improving our Connectivity and Infrastructure

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas

SG LDP HOU 1 – General Housing Development including Affordable Housing

SG LDP Sustainable - Sustainable Siting and Design Principles

SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems

SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 –Vehicle Parking Provision

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

- Argyll and Bute Sustainable Design Guidance, 2006
- Scottish Planning Policy (SPP), 2014
- National Roads Development Guide
- Consultation Responses
- Third party representations

Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below.

- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 – New Private Accesses
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Access
- Policy 41 – Off Site Highway Improvements
-

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: No. This is a local application. It is considered that the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan and that the material land-use planning issues arising are not unduly complex. As such it is not considered that a Hearing will add value to the determination process.

(P) Assessment and summary of determining issues and material considerations:

Permission is sought for the following; Variation of condition numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP (Erection of dwelling house) access arrangements. The site is located at; Rhu Lodge, Ferry Road, Rhu, Helensburgh, which is within the minor settlement boundary of Rhu, where policies LDP DM 1 and LDP SG HOU1 of the adopted Local Development Plan accepts the principle of small scale development (5 dwellings or less). The site is also within the Rhu Conservation Area; where policies LPD 3 and SG LPD ENV 17 of the adopted Local Development Plan require that

any new development within these areas must be of the highest quality and respect and enhance the Conservation Area.

It is noted that the principle of development has been established under the previous consent (ref: 20/01150/PP). This application solely relates to the variation of roads conditions; numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP.

Set out below is the main assessment from the previous consent which establishes the principal of development on the site;

'Planning Permission is sought for the erection of a dwelling house within the garden ground of; Rhu Lodge, Ferry Road, Rhu, Helensburgh. The site is within the minor settlement boundary of Rhu, where policies LDP DM 1 and LDP SG HOU1 of the adopted Local Development Plan accepts the principle of small scale development (5 dwellings or less). The site is also within the Rhu Conservation Area; where policies LPD 3 and SG LPD ENV 17 of the adopted Local Development Plan require that any new development within these areas must be of the highest quality and respect and enhance the Conservation Area. Within these areas location, siting, design, materials and boundary treatments must all be high quality and tree protection / management will be essential. The site area is approximately 1000 square metres with the site itself being generally level with a gentle slope to the South Eastern boundary. The surrounding area is established residential.

The site is bounded to the South East by a 2 metre high stone wall. In front of this stone wall is the access road – Ferry Road. The proposed house plot is located to the Southern corner of the site in front of an existing garage. There have been a number of consents for domestic development and extension on this site. None of these consents are located within the proposed development area for this dwelling house. It is proposed to sub-divide the garden ground of Rhu Lodge which at present has two vehicular accesses off Ferry Road. It is proposed that the garden ground is divided to give this new proposed dwelling house sole access via the existing Southern access and furthermore it is proposed that the land allocated to this proposal will include the existing detached double garage. There are two mature beech trees located on the proposal site however the dwelling house has been positioned to avoid these trees and furthermore raft foundation have been proposed over typical trench foundations to again avoid impact on the roots of these trees.

The proposed new dwelling house is set back from the existing stone boundary wall by approximately 8 metres and has a footprint of approximately 110 square metres. The dwelling house will be 1.5 storeys high (eaves approximately 8m above ground level) and will be of a contemporary 'boat house' style. The two bedroom will be located on the ground floor with the open plan living accommodation above on the first floor. The proposed external materials are; walls & roof – standing seam zinc (front inset elevation to have small area of timber cladding), rainwater goods – folded PPC coated steel, base course – engineering brick, windows (including roof lights) & doors – dark grey alu-clad. There will be a small area of decking to the front of the proposal with a glass balustrade.

The proposal requires careful consideration in relation to the surrounding Conservation Area in terms of design. The primary matters for determination relate

to scale, siting, residential amenity and materials to ensure that a high quality development is delivered. The proposed contemporary 'boat house' style dwelling is of a high quality architectural design that is well detailed and utilises high quality materials. The scale is appropriate to the site and wider conservation area. The proposal is not considered over development of the site as the overall Rhu Lodge site ownership extends to approximately 10500 square metres with the new site boundary of the proposal extending to approximately 1000 square metres and the new dwelling house having an approximate foot print of 110 square metres.

The Area Roads Manager has provided observations and conditions that will be appended to this report to ensure the means of vehicular access, sightlines and parking/turning arrangements will be subject to further assessment by the Planning Authority.

Furthermore a connection to the existing public sewer may require further consents from the Water Authority and all hardstanding areas shall comply with SUDS regulations. These matters can be secured by notes to applicant or safeguarding condition and be in accordance with supplementary guidance SG LDP SERV 2 - Incorporation of Natural Features / Sustainable Drainage Systems (SuDs).

Taking account of the above, it is recommended that planning permission be granted. The site is within the settlement boundary where there is a presumption in favour residential developments. The proposed plot is considered to be acceptable and it is considered to be of a density comparable with other plots in the area. The scale and design is acceptable and there are no issues with regards to loss of amenity to surrounding properties or the wider area. The proposals raise no issues in terms of overlooking or loss of daylight / privacy to surrounding properties. It is therefore considered that the proposal is in accordance with Policies LDP START1, LDP DM1, LDP 3, LDP 9, SG LDP ENV 17, SG LDP - Sustainable Siting and Design Principles, SG LDP HOU 1, SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll & Bute Council Local Development Plan.'

As part of the previous approval's (ref: 20/01150/PP) determination process, upon receipt of the roads officers consultation response the applicant was contacted by the planning authority to flag-up the roads conditions to ensure they were aware of them and could meet them. The applicant responded that they were aware of the roads conditions and were not concerned. It is noted at this point, if the applicant had informed the planning authority that they could not meet the required roads conditions then we would have proceeded with a recommendation for refusal on roads grounds.

It is noted that during the determination process a revised package of information was submitted by the applicants which included a set of revised drawings, a report by ECS Transport Planning Ltd and a covering letter from the agent which details the basis of their reasoning behind their proposal to vary / remove the roads conditions relative to planning permission 20/01150/PP and what variations / omissions are being proposed. The roads officer was subsequently re-consulted on the basis of this revised package of information and in turn the applicants have passed comment on this consultation, to which the roads officer has provided a further response.

This application solely relates to the variation of roads conditions; numbers 3, 4, 5 and 6 and removal of conditions 7 and 8 relative to planning permission 20/01150/PP. The previous conditions as per 20/01150/PP, the proposed variations/omissions and the roads officers' consultation response to this application are assessed in Appendix A.

On the basis of the assessment in Appendix A, subject to planning conditions, it is considered that the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan – 2015 and all other associated guidance.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

It is considered that, subject to planning conditions, the proposed development is in accordance with all relevant provisions of the Argyll and Bute Local Development Plan and does not give rise to any other material land-use planning matters such as would warrant a departure to these provisions

(S) Reasoned justification for a departure to the provisions of the Development Plan

Not applicable – It is considered that the proposed development accords with all relevant provisions of the Development Plan

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
No

Author of Report: Emma Jane **Date:** 08.11.2022

Reviewing Officer: Howard Young **Date:** 08.11.2022

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/02709/PP**1. PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 20/12/2021 and, the original approved drawings from application ref; 20/01150/PP listed in the table below and the related amendment approved under this 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
Location Plan	1 of 14	A	02.02.2020
Site Photographs Sheet 1	2 of 14	A	02.02.2020
Site Photographs Sheet 2	3 of 14	C	02.02.2020
Site Photographs Sheet 3	4 of 14	-	02.02.2020
Site Photographs Sheet 4	5 of 14	-	02.02.2020
Site Plan/Roof Plan as Proposed	6 of 14	C	02.02.2020
Floor Plans as Proposed	7 of 14	A	02.02.2020
North and West Elevations as Proposed	8 of 14	B	02.02.2020
South and East Elevations as Proposed	9 of 14	B	02.02.2020
Cross Section X X as Proposed	10 of 14	-	02.02.2020
Proposed Landscape and Planting Layout Plan	11 of 14	-	02.02.2020
Topographic Survey	12 of 14	-	02.02.2020
Arboricultural Report	13 of 14	-	02.02.2020
Design and Access Statement 2020	14 of 14	-	02.02.2020

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

2. Notwithstanding the effect of Condition 1; Prior to the commencement of development the developer shall submit written evidence to the Planning Authority that an agreement with Scottish Water is in place for the connection of the proposed development to the public water supply.

Reason: *In the interests of public health and to ensure the availability of an adequate water supply to serve the proposed development.*

3. Notwithstanding the effect of Condition 1; the following improvement works to the access road are required:

- a) The provision of a 3.5 metre adopted road between A814 and the entrance dwellings.
- b) Passing places at a maximum of 100 metre spacing's should be provided as per Operational Services Drg No SD 08/003 rev a.

Full details of these proposed road improvements at Ferry Road shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager prior to works commencing on site. Thereafter the improvements shall be completed and in place before the dwellinghouse hereby approved shall be completed or brought into use.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

4. Notwithstanding the effect of Condition 1; In accordance with 'Roads Guidance For Developers' a sightline visibility splay of 2.4 x 25 x 1.05 metres at the driveway access with Ferry Road. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

5. Notwithstanding the effect of Condition 1; The private access to the dwelling house should be constructed as per Drg SD 08/002.

Reason: *In the interest of road safety and in accordance with the Council's Roads Guidance for Developers'.*

6. Notwithstanding the effect of Condition 1; Prior to construction of the dwelling house, the private access shall be surfaced with bituminous material (or other approved hard material) for a distance of 5m from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

7. Notwithstanding the effect of Condition 1; The gradient of the private accesses will not exceed 5% for the first 5 metres and no more than 12.5% over the remainder of the access. Details of this shall be submitted to and approved in writing by the Planning Authority prior to works starting on site.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

8. Notwithstanding the effect of Condition 1; Prior to work starting on site full details of 2 No. parking spaces to be provided within the curtilage of the dwellinghouse shall be submitted to and approved in writing by the Planning Authority. Thereafter the required car parking spaces shall be fully implemented prior to the occupation of the dwellinghouse.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

9. Notwithstanding the effect of Condition 1; Samples of the proposed materials to be used for the external walls and roof of the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

Reason: *In the interests of visual amenity and in order to integrate the proposal with its surroundings.*

NOTE TO APPLICANT

•The proposed road improvements to the existing private road to bring it to an adoptable standard will require the submission of an application for a roads construction consent. After subsequent Approval a finance security road bond will be required to be lodged before any works commence on site.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/02709/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located within the minor settlement boundary of Rhu, where policies LDP DM 1 and LDP SG HOU1 of the adopted Local Development Plan accepts the principle of small scale development (5 dwellings or less).

It is therefore considered that the original proposed development for a dwellinghouse is consistent in principle with the LDP Settlement and Spatial Strategy.

B. Location, Nature and Design of Proposed Development

The application site area is approximately 1000 square metres and sits within the garden ground of; Rhu Lodge, Ferry Road, Rhu, Helensburgh. The site is generally level with a gentle slope to the South Eastern boundary. The surrounding area is established residential. The site is bounded to the South East by a 2 metre high stone wall. In front of this stone wall is the access road – Ferry Road.

The principle of development has been established under the previous consent (ref: 20/01150/PP), as such the key issues in this instance do not relate to establishing the principal of development but to the roads and access issues. An extract from the original report justifying the dwellinghouse is included above.

C. Road Network, Parking and Associated Transport Matters.

The site is served by an existing private road, Ferry Road. Policy LDP 11 and SG LDP TRAN 4 generally require that new development is served by an appropriate standard of access and SG LDP TRAN 6 requires that adequate provision is made for off-street car parking in accordance with approved parking standards.

The consultation response from the Council's Area Roads Engineer has noted that in accordance with SG LDP TRAN 4;

(A) Developments shall be served by a public road (over which the public have right of access and maintainable at public expense;

Except in the following circumstances:-

(2) Further development that utilises an existing private access or private road will only be accepted if:-

(i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the applicant can;

(ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority;

Further to this the roads officer has noted the following issues with the current access;

1. Existing carriageway width is less than the acceptable carriageway width of 3.5m for emergency services vehicles
2. No intervisible Passing Places
3. No formal turning head

SG LDP TRAN 4 notes that the private access shall be constructed to incorporate minimum standards to function safely and effectively as set out in the Council's Road Development Guide, in particular in relation to adequate visibility splays, access gradients, geometry, passing places, boundary definition, turning capacities, integrated provision for waste management and recycling.

When reviewing the below planning conditions '*Circular 4/1998: The use of conditions in planning permissions*' has been considered and in particular the six tests as follows;

Conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:

- *Necessary*
- *relevant to planning*
- *relevant to the development to be permitted*
- *enforceable*
- *precise*
- *reasonable in all other respects*

Set out below are the original conditions together with the suggested amendments and an analysis in conjunction with the roads area manager.

Condition 3 as per approval reference 20/01150/PP;

Notwithstanding the effect of Condition 1; the following improvement works to the access road are required:

- a) The provision of a 3.5 metre adopted road between A814 and the entrance dwellings.
- b) Passing places at a maximum of 100 metre spacing's should be provided as per Operational Services Drg No SD 08/003 rev a.

Full details of these proposed road improvements at Ferry Road shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager prior to works commencing on site. Thereafter the improvements shall be completed and in place before the dwellinghouse hereby approved shall be completed or brought into use.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Proposed change as per this application;

The applicants wish to replace conditions 3a & b with the following;

Notwithstanding the effect of Condition 1; prior to the first occupation of the dwelling hereby approved, the following improvement works to the access road are required:

The provision of a private access road, between the A814 and the entrance to the approved new dwelling, with a minimum width of 3.5 metres, incorporating the traffic calming measures as shown on approved ECS drawing number 22034_006, and drawings 19/20/R2 Rev A, 19/20/R4 Rev B, 19/20/R5 Rev B, 19/20/R7 Rev B and 19/20/R9 Rev B.

The applicants have provided a detailed reasoning as to why this condition should be changed, which has been summarised below;

The applicants have stated that the local roads officer fails to provide reasons to demonstrate that the additional traffic generated from a new single dwelling would make Ferry Road unsafe. They also note that condition 3 (a) requires a 3.5 metre adopted road; however, this fails to adhere to the National Road Development Guide, their reasoning behind this is to ensure that the utility providers are able to gain access to their apparatus in the future and if Ferry Road is required to be reconstructed to an adoptable standard it would be necessary to provide a 5.5 metre wide carriageway not 3.5 metres.

In terms of 3 (b) the applicants have noted that the minimum standard detailed for a private access within the Council's LP and LDP allow for a 4.5 metre width for a distance of 10 metres from the junction with the public road. As a 4.5 metre access width is acceptable at the location with the highest risk. The passing place design should take account of the setting of the place and the type of traffic travelling along the route. Except for the bin lorry the general vehicle movements are standard motor cars. Therefore, the requirement for all passing places to be 5.5 metres wide is an over engineered solution.

Conclusion;

The roads officer has concluded that conditions 3a & 3b should remain unchanged for the reasons detailed below;

In response to the above the roads officer has provided an extract from the National Roads Development Guidance, paragraph 3.1.6 (e), Services in Shared Surfaces, which facilitates service strips within the running surface and notes that manholes should be located within parking areas or widened areas within the total road width. Therefore, the roads officer notes that it would be possible for utility providers to gain access to their apparatus on a 3.5 metre wide carriageway. The roads officer has also noted; the provision of 3.5m adoptable road accounts for the presence of the existing verge, were the carriageway to be bound by a wall, the minimum width for emergency service vehicles, as per the National Roads Development Guide is 3.7m. A minimum road width of 3.5 plus verge is therefore, required to facilitate safe access and egress of pedestrians, vehicles and emergency service vehicles. In addition, roads have commented that the surfacing extents shown with drawing 19/20/R9B do not comply

with the aforementioned condition to provide a 3.5 metre adopted road between the A814 and the entrance dwellings.

The roads officer has also advised that a lack of forward visibility has underlined the requirement for localised carriageway widening to 5.5m at points of intervisibility. To allow any further development on this private access road, intervisible passing places must be provided and constructed in accordance with SD08/003. All vehicle passing places should be constructed in accordance with the minimum geometry requirements set out with SD08/003. They also note that on review of drawing 22034_006 and in accordance with the National Roads Development Guide, all intervisible passing places should provide a minimum width, throughout its length, of 5.5 metres, note this should be shown over the length of the intervisible passing place and not solely at the radius/ access point.

Further to the above the roads officer has advised that as the existing road currently serves 10 dwellings and a hotel, the private access road is deemed substandard and will, in the interest of pedestrian and vehicle safety require improvements prior to any further development. The roads officer has further commented that on review of the revised drawings the removal of an existing verge/ pedestrian 'step-off', between the A814 and the access to the Rosslea property, to achieve a minimum carriageway width is considered an unacceptable method towards achieving a minimum carriageway width. This is in direct contradiction of the hierarchy of road users and, places vehicle traffic over pedestrian movements. As such, the removal of any existing verge/ 'step-off' would not be supported.

Condition 4 as per approval 20/01150/PP;

Notwithstanding the effect of Condition 1; In accordance with 'Roads Guidance For Developers' a sightline visibility splay of 2.4 x 42 x 1.05 metres at the driveway access with Ferry Road. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

***Reason:** In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Proposed change as per this application;

The applicants wish to replace condition 4 with the following;

Notwithstanding the effect of Condition 1; prior to the first occupation of the dwelling hereby approved, the access to the dwelling hereby permitted shall be formed in accordance with the details shown on approved ECS drawings number 22034_006 and drawing 19/20/R10. The access shall incorporate visibility splays measuring 2 x 25 x 1.05 metres, and these shall be maintained in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Conclusion;

The roads officer has concluded that condition 4 should be altered for the reasons detailed below;

The original roads consultation response to application 20/01150/PP noted a sightline visibility splay of 2.4 x 25 x 1.05 metres at the driveway access with Ferry Road. Whereas the decision notice noted 2.4 x 42 x 1.05 metres. Therefore this condition should be altered to;

Notwithstanding the effect of Condition 1; In accordance with 'Roads Guidance For Developers' a sightline visibility splay of 2.4 x 25 x 1.05 metres at the driveway access with Ferry Road. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Condition 5 as per approval 20/01150/PP;

Notwithstanding the effect of Condition 1; The private access to the dwelling house should be constructed as per Drg SD 08/002.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Proposed change as per this application;

The applicants wish to replace condition 5 with the following;

Notwithstanding the effect of Condition 1; Prior to the first occupation of the dwelling hereby permitted, the parking and turning provisions as shown on approved Drawing 19/20/10 shall be implemented in full. Thereafter the approved parking and turning provisions shall be maintained in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

The applicants have provided a detailed reasoning as to why this condition should be changed, which have been summarised below;

The applicants have stated that the local roads officer fails to recognise that this private access is in fact an individual driveway for which the minimum width of 2.75 metres is all that is required to be in accordance with the National Road Development Guide. The applicants have also noted; that the gradient shown is less than the 12.5% (1 in 8), the existing levels show a gradient 1 in 11.6 (8.5%) this is below the maximum gradient requirements and they have confirmed that it would be possible to provide drainage to prevent surface water discharge.

Conclusion;

The roads officer has concluded that condition 5 should remain unchanged for the reasons detailed below;

The roads officer has noted that the access should be constructed in accordance with SD08/002 titled, Private Drive Way from Un-kerbed Road. Within which, drawing note 6 details "Where access is bounded by walls the minimum width will be 3.7m." therefore, 2.75m is unacceptable. Furthermore, the roads officer has commented on drawing 19/20/R10 and notes, that this drawing fails to detail a minimum access width of 4.5m, does not achieve the drainage requirements defined with SD 08/002A and fails to detail the radius of the realigned boundary walls.

Condition 6 as per approval 20/01150/PP;

Notwithstanding the effect of Condition 1; The private access shall be surfaced with bituminous material for a distance of 5 metres from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.

Reason: In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.

Proposed change as per this application;

The applicants wish to remove condition 6 as they believe this condition conflicts with condition 5 which allows for a bituminous or concrete surface, and they have suggested that it is not unreasonable to vary the condition to allow for any other approved hard material.

Conclusion;

The roads officer has concluded that condition 6 can be amended as follows;

Notwithstanding the effect of Condition 1; Prior to construction of the dwelling house, the private access shall be surfaced with bituminous material (or other approved hard material) for a distance of 5m from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.

Reason: In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.

Condition 7 as per approval 20/01150/PP;

Notwithstanding the effect of Condition 1; The gradient of the private accesses will not exceed 5% for the first 5 metres and no more than 12.5% over the remainder of the access.

Reason: In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.

Proposed change as per this application;

The applicants wish to remove condition 7 as the gradient requirements have been detailed within the most recent drawing package.

Conclusion;

The roads officer notes that whilst the gradient requirements have been detailed within the most recent drawing ref; 19/20/R10, there are other elements included within this drawing which are not in accordance with roads guidance. Therefore, this condition shall remain as part of the application review to ensure implementation. However, it is noted that the phasing was not included within this condition and therefore, the roads officer has concluded that condition 7 can be amended as follows;

Notwithstanding the effect of Condition 1; The gradient of the private accesses will not exceed 5% for the first 5 metres and no more than 12.5% over the remainder of the access. Details of this shall be submitted to and approved in writing by the Planning Authority prior to works starting on site.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Condition 8 as per approval 20/01150/PP;

Notwithstanding the effect of Condition 1; The provision for car parking within the curtilage of each dwelling shall be in accordance with the Council's Local Development Plan supplementary guidance SG LDP TRAN 6 Vehicle Parking Provision.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Proposed change as per this application;

The applicants wish to remove condition 8 as the parking provision requirements have been detailed within the most recent drawing package.

Conclusion;

The roads officer notes that whilst the parking provision requirements have been outlined within the most recent drawing ref; 19/20/R10, there are other elements included within this drawing which are not in accordance with roads guidance. Therefore, this condition shall remain as part of the application review to ensure implementation. However, it is noted that the phasing was not included within this condition and therefore, the roads officer has concluded that condition 8 can be amended as follows;

Notwithstanding the effect of Condition 1; Prior to work starting on site full details of 2 No. parking spaces to be provided within the curtilage of the dwellinghouse shall be submitted to and approved in writing by the Planning Authority. Thereafter the required car parking spaces shall be fully implemented prior to the occupation of the dwellinghouse.

Reason: *In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

When reviewing the above planning conditions it is considered that they do meet the six tests as per '*Circular 4/1998: The use of conditions in planning permissions*'. Based on the above assessment, it is considered that subject to the revised conditions set out above, the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan – 2015 and all other associated guidance.

This page is intentionally left blank



Application Site

0 5 10 20 Meters

© Crown copyright and database right 2022. All rights reserved. Ordnance Survey Licence number 100023368



Location Plan Relative to Planning Application: 21/02709/PP



1:1,250

This page is intentionally left blank

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

This Supplementary report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) Section 36 consultation on the proposed Rowan wind farm on Land Approximately 4.5km North West of Tarbert, Argyll & Bute

Reference No: 22/00385/S36

Applicant: The Scottish Government on behalf of EnergieKontor UK Ltd
Proposal: Electricity Act Section 36 consultation relevant to Rowan Wind Farm

Site Address: Land Approximately 4.5km North West of Tarbert, Argyll & Bute

SUPPLEMENTARY REPORT NO. 3

1. INTRODUCTION

This proposal was originally presented to committee on the 28th of September 2022. Three reports were considered: the Report of Handling; and Supplementary Reports 1 and 2. The Committee agreed on behalf of the Council, as Planning Authority, to object to this proposal for the reasons detailed in the Report of Handling. The Energy Consents Unit was notified of this decision accordingly. The consultation with the Energy Consent concluded and because of the objection from the Planning Authority, in terms of the Electricity Act, if that objection is not withdrawn, the Scottish Ministers must cause a Public Inquiry to be held.

2. RE-CONSULTATION

The Energy Consents Unit reconsulted the Planning Authority on the 14th of December 2022. The reason for this being that Revised Draft NPF4 (National Planning Framework 4) had been laid in Parliament. If approved by Parliament and adopted by Scottish Ministers, the draft as laid NPF4 will become part of the Development Plan. As the Planning Authority's consultation response of 28th September 2022 was provided prior to the NPF4 being laid, the Scottish Government would like to give the Planning Authority the opportunity to provide further comment on NPF4. They have advised that there is no need to repeat comments previously provided. The Scottish Government are interested in the Council's view on the implications of this document and in particular sections on: Natural Places (page 40) and Energy (pages 53/54).

As this S36 consultation was not a delegated item in terms of the Council's Constitution, Officers do not have the authority to give the Council's view in relation to NPF4 without first presenting a report to PPSL committee. This report therefore seeks Members' agreement on Officers' further consultation response to the ECU.

3. STATUS OF NPF4

The status of NPF4 has changed since the Council was reconsulted and is likely to change again prior to the committee considering this report. NPF4 2022, received final approval from the Scottish Parliament on 11 January 2023 and awaits adoption by the Scottish Ministers. It

is understood that NPF4 2022 will be adopted on 13th February 2023. At that time, it will replace National Planning Policy 3 (NPF3) and Scottish Planning Policy 2014 (SPP), and will become the national element of the statutory development plan – for all parts of Scotland. This report has, therefore, been prepared on the assumption that NPF4 2022 has been adopted by the Scottish Government and SPP and NPF3 have been superseded. NPF4 should now be given significant weight in the decision-making process.

4. ASSESSMENT AGAINST NPF4

As requested by the Scottish Government, Officers recommend the following views on the implications of NPF4 and sections on: Natural Places (page 40) and Energy (pages 53/54) are relayed to the ECU as the Planning Authority's position on this application.

The Spatial Strategy in NPF4 sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that Scotland's environment is a national asset which supports our economy, identity, health, and wellbeing. It sets out that we have already taken significant steps towards decarbonising energy and land use, but choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The Spatial Strategy reflects legislation in setting out that decisions require to reflect the long-term public interest. However, in doing so it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that needs to be provided and the assets that should be protected to ensure they continue to benefit future generations. The Spatial Priorities support the planning and delivery of sustainable places, where we reduce emissions, restore, and better connect biodiversity; liveable places, where we can all live better, healthier lives; and productive places, where we have a greener, fairer, and more inclusive wellbeing economy.

Eighteen **national developments support** this strategy. National developments will be a focus for delivery, as well as exemplars of the Place Principle, placemaking and a Community Wealth Building (CWB) approach to economic development. The type of development subject to this application is identified generically as a national development of "Strategic Renewable Electricity Generation" given it has the capacity to generate and store more than 50MW. There is in principle support for national scale developments as they have been identified of national importance in the delivery of Scotland's Spatial Strategy. However, any project identified as a national development requires to be considered at a project level to ensure all statutory tests are met. This includes consideration against the provisions of the Development Plan, of which National Planning Framework 4 is now a part.

NPF4 - Policy 11: Energy – The intention of Policy 11 is to encourage, promote and facilitate all forms of renewable energy development onshore and offshore (including wind farms and battery storage). The policy outcome is expansion of renewable, low-carbon and zero emissions technologies. Policy 11 sets out that development proposals for all forms of renewable energy (including wind farms) will be supported. This policy continues to set out that proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Furthermore, applications need to demonstrate how, through project design and mitigation, the impact on a range of considerations has been addressed. This allows for consideration of matters related to impacts on communities and individual dwellings in relation to amenity; landscape and visual impact; public access; aviation and defence interests; telecommunications; traffic; historic environment; biodiversity (including birds); impacts on trees; decommissioning; site restoration; and cumulative effects.

While the weight to be given to each of the considerations in Policy 11 is a matter for the decision maker, NPF4 is clear that significant weight will require to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. In relation to landscape and visual impacts it advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable. This support is not however to the exclusion of other factors, a balance still requires to be struck in terms of the impact of development. NPF4 must be read as a whole, and detailed consideration given to linked policies, such as Policy 4: Natural Places, considered below. Project design and mitigation needs to show how impacts (both individual and cumulative) on numerous receptors, including the natural environment have been addressed.

NPF4 Policy 4: Natural Places – The intention of Policy 4 is to protect, restore and enhance natural assets, making the best use of nature-based solutions. The policy outcome is that natural places are protected and restored, and natural assets are managed in a sustainable way that supports and grows their essential benefits and services. Of relevance to this proposal is policy 4(a) which sets out that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported.

Landscape & Visual Impact (including cumulative) - As detailed in the Report of Handling, and Supplementary Reports 1 and 2, it is considered that the proposed development will have significant adverse landscape and visual impacts (including cumulative) which will have an unacceptable impact on the environment. Following the introduction of NPF4, this matter has been revisited and assessed in the context of this new policy document. To help with this, further advice has also been sought from the Councils Landscape Consultant. The outcome being that a different view has been reached in regard to the Landscape & Visual Impact (including cumulative) which focuses on the regional impacts of the proposal.

The proposed development site lies within the Knapdale Upland Forest Moor Mosaic Landscape Character Type (LCT) which covers much of the Knapdale area between West Loch Tarbert and the southern edge of the Knapdale National Scenic Area. This landscape has a simpler landform in the south-west but is complex and craggy in the north-east.

This proposal, which comprises very large turbines of up to 200m, would be sited in a basin which reduces its prominence and intrusion seen from Loch Fyne and from the settled eastern coastal fringes of this loch. The containment provided by landform is however diminished in views from the south around West Loch Tarbert where turbines would be visible in closer proximity and where their scale would be more appreciated due to greater visual exposure and because they would be seen in close conjunction with the smaller scale settled loch fringes. The proposal would significantly affect the character of West Loch Tarbert and views from the A83, the Islay ferry route, settlement and recreation routes on the south-eastern shores of the loch. Proposed aviation lighting would increase the duration of these significant adverse effects. While it is acknowledged that the extent of these significant adverse landscape and visual effects is confined to the waters and south-eastern shores of West Loch Tarbert and the proposal is well screened and/or distant from other sensitive locations, there is concern about the effects on the tourist routes of the A83 and the Islay ferry which are regionally important within Argyll and Bute.

The potential cumulative effects of visible aviation lighting on character and views are also a concern given the number of recent applications for turbines >150m in Argyll & Bute requiring such lighting, including application stage: Narachan, Earraghail, Clachaig Glen and this proposal although we consider that these effects could be mitigated to an acceptable degree by the adoption of an Air Detection Lighting System which would significantly reduce the duration of visible night-time lighting.

The principal concern is, however, the cumulative landscape and visual effects likely to occur with the application-stage Sheirdrim wind farm. If the Sheirdrim proposal is consented on appeal, it is considered that the addition of the Rowan proposal would result in significant combined cumulative landscape and visual effects on the West Loch Tarbert area with a substantial increase in the extent of major adverse effects. It is considered that the nature of these significant effects on landscape and visual interests would be of regional importance, affecting not just the tourist routes of A83 and the Islay Ferry but also settlement and recreation routes including views to and from the nationally important scheduled monument of Dun Skeig. In conclusion, it is considered that the cumulative landscape and visual impact of this proposal with Sheirdrim is unacceptable, and the proposed development is contrary to the provisions of Policy 11 – Energy of National Planning Framework 4 (NPF4) and Policy 4 – Natural Places in this regard.

Aviation Impact - As detailed in the Report of Handling, and Supplementary Reports 1 and 2, it is considered that the proposed development will have an adverse impact on aviation due to unresolved aviation objections from National Air Traffic Services (NATS) and Glasgow Prestwick Airport (GPA). Following the introduction of NPF4, this matter has been revisited and assessed in the context of this new policy document. Policy 11 requires consideration to be given to such matters. The Applicant has advised that these objections are unlikely to be resolved before Committee. Consequently, it is considered that there is no need to alter the Councils earlier reason for objection in this regard which includes a caveat that Argyll & Bute Council would no longer object on the grounds of adverse aviation impact if NATS and GPA withdraw their objections.

In conclusion, as there are outstanding aviation objections it is concluded that the proposed development is contrary to the provisions of Policy 11 – Energy of National Planning Framework 4 (NPF4) in this regard.

5. CONCLUSION & RECOMMENDATION

While NPF4 sets out that wind energy developments are to be supported, and significant weight must be given to the global climate emergency and nature crises. This is not however, blanket support without qualification, the support is in principle, and it is for the decision maker to take account of all other relevant policies. In considering the appropriateness of the development, while significant weight has been given to these matters, the cumulative landscape and visual impact of this proposal with Sheirdrim and outstanding aviation objections are considered to outweigh the benefits of the development in relation to contribution towards energy targets and limited socio-economic benefits. It is clear from NPF4, that whilst more weight must be given to the climate emergency, there is still not a policy expectation that an adverse impact on the environment should be accepted as the price to pay for the ability to satisfy these commitments. The natural environment also requires to be seen as a finite resource worthy of protection. It must be recognised that such support should only be given where justified.

Having considered NPF4 it is recommended that the Council as Planning Authority continues to object to this proposal for the revised reasons detailed below, and that the Scottish Government be notified accordingly. Members should note that an objection from the Council will instigate the requirement for a Public Local Inquiry to be held.

6. RECOMMENDED REASONS FOR OBJECTION TO: 22/00385/S36

1. Landscape & Visual Impact (including cumulative)

The proposed development site lies within the Knapdale Upland Forest Moor Mosaic Landscape Character Type (LCT) which covers much of the Knapdale area between West

Loch Tarbert and the southern edge of the Knapdale National Scenic Area. This landscape has a simpler landform in the south-west but is complex and craggy in the north-east.

This proposal, which comprises very large turbines of up to 200m, would be sited in a basin which reduces its prominence and intrusion seen from Loch Fyne and from the settled eastern coastal fringes of this loch. The containment provided by landform is however diminished in views from the south around West Loch Tarbert where turbines would be visible in closer proximity and where their scale would be more appreciated due to greater visual exposure and because they would be seen in close conjunction with the smaller scale settled loch fringes. The proposal would significantly affect the character of West Loch Tarbert and views from the A83, the Islay ferry route, settlement and recreation routes on the south-eastern shores of the loch. Proposed aviation lighting would increase the duration of these significant adverse effects. While it is acknowledged that the extent of these significant adverse landscape and visual effects is confined to the waters and south-eastern shores of West Loch Tarbert and the proposal is well screened and/or distant from other sensitive locations, there is concern about the effects on the tourist routes of the A83 and the Islay ferry which are regionally important within Argyll and Bute.

The potential cumulative effects of visible aviation lighting on character and views are also a concern given the number of recent applications for turbines >150m in Argyll & Bute requiring such lighting, including application stage: Narachan, Earraghail, Clachaig Glen and this proposal although we consider that these effects could be mitigated to an acceptable degree by the adoption of an Air Detection Lighting System which would significantly reduce the duration of visible night-time lighting.

The principal concern is, however, the cumulative landscape and visual effects likely to occur with the application-stage Sheirdrim wind farm. If the Sheirdrim proposal is consented on appeal, it is considered that the addition of the Rowan proposal would result in significant combined cumulative landscape and visual effects on the West Loch Tarbert area with a substantial increase in the extent of major adverse effects. It is considered that the nature of these significant effects on landscape and visual interests would be of regional importance, affecting not just the tourist routes of A83 and the Islay Ferry but also settlement and recreation routes including views to and from the nationally important scheduled monument of Dun Skeig.

In conclusion, it is considered that the cumulative landscape and visual impact of this proposal with Sheirdrim is unacceptable.

Having due regard to the above it is concluded that the proposal will have significant adverse cumulative landscape and visual impacts and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; the Argyll & Bute Landscape Wind Energy Capacity Study 2017; the Onshore wind policy statement and Policies 4 (Natural Places) and 11 (Energy) of National Planning Framework 4 (NPF4)

2. Aviation

Argyll & Bute Council will assess development proposals with the aim of preventing unnecessary dangers to aircraft. Policy requires that development is refused where it would constrain the present and future operations of existing airports and airfields.

National Air Traffic Services Safeguarding (NATS) have advised that an unacceptable technical impact is anticipated, and they object. Glasgow Prestwick Airport advise that the development raises aviation safety concerns which have an operational impact on the airport as an air navigation services provider. Until all technical and operational aviation safety matters are addressed to the satisfaction of Glasgow Prestwick Airport, and a mitigation agreement is put in place for the life of the wind farm, the airport also objects to the proposal.

Local Development Plan Policy is clear that developments that have an adverse impact on the Safeguarding of Airports should be refused.

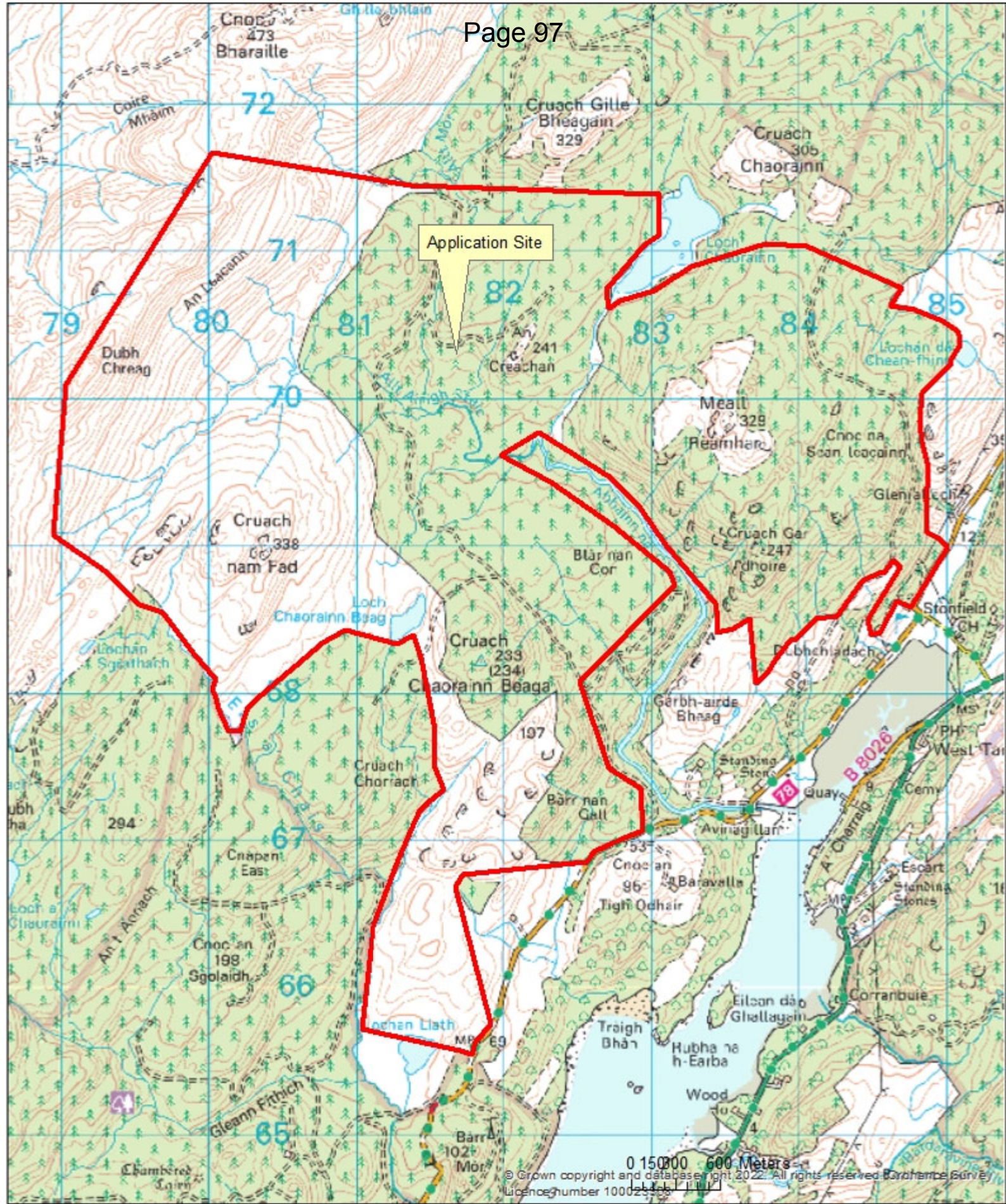
Having due regard to the above it is concluded that due to the fact that National Air Traffic Services Safeguarding (NATS) and Glasgow Prestwick Airport have advised the Energy Consents Unit that they object to the proposal, it will have an adverse impact on aviation and is therefore inconsistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and SG LDP TRAN 7 –Safeguarding of Airports of the Argyll & Bute Local Development Plan, the Onshore Wind Policy Statement and Policy 11 (Energy) of the National Planning Framework 4 in this respect.

Argyll & Bute Council therefore object to the proposal due to the adverse impact it would have on Aviation. The Energy Consents Unit should please note that if National Air Traffic Services (NATS) and Glasgow Prestwick Airport withdraw their objections, then Argyll & Bute Council would no longer object on these grounds. Should these objections not be removed, and the proposal progresses to an Inquiry, Argyll & Bute Council would defer to National Air Traffic Services and Glasgow Prestwick Airport as the Technical Experts on this matter

**Author of Report: Arlene Knox
Reviewing Officer: Sandra Davies**

**Date: 31st January 2023
Date: 31st January 2023**

**Fergus Murray
Head of Development and Economic Growth**



Location Plan Relative to Planning Application: 22/00385/S36



1:32,500

This page is intentionally left blank

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

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: 22/00728/PP
Planning Hierarchy: National Application
Applicant: Scottish Hydro Electric Transmission PLC
Proposal: To construct and operate a 132/ 275 kilovolt (kV) GIS substation and associated infrastructure that will connect the existing 132 kV overhead line (OHL) from Taynuilt to Inveraray to a proposed 275 kV OHL to Dalmally.
Site Address: Land approximately 2.5 km South West of Cladich, Argyll and Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Construction of substation platform (190m x 225m) to accommodate Gas Insulated Switchgear (GIS)
- Erection of buildings, installation of electrical plant and erection of perimeter security fencing
- Widening of existing forestry tracks (1,895m in length) and upgrading of existing culverted watercourse crossing the River Aray
- Construction of 323m of new access track, comprising 108m connecting the existing forest track to the substation site and 215m of access track continuing around the substation site on the south east and north east aspects
- Landscape planting
- SUDs, comprising four basins to the east of the substation platform
- Peat restoration on-site by way of dressing of substation platform slopes and access tracks, as well as ditches and other cut areas

(ii) Other specified operations

- Temporary site laydown area approximately 200m south east of the substation site
 - 3.55ha of management felling to the northwest of substation site which forms part of long-term forest plan for the area
-

(B) RECOMMENDATION:

It is recommended that Members grant planning permission subject to the conditions and reasons attached.

(C) CONSULTATIONS:

Transport Scotland (6th September 2022) – has no objection subject to the inclusion of planning conditions, as outlined by the Area Roads Officer together with the submission of a decommissioning plan.

Scottish Environmental Protection Agency (13th October 2022) - has no objection to the proposal subject to the inclusion of planning conditions. Regarding the impacts on peat and carbon balance, SEPA welcome the design to minimise the impact on deep peat, although confirm that 35,000m³ of peat will be disturbed by the project. A small volume of this can be used for site reinstatement and it is proposed that the rest be used in peatland restoration works on or in close proximity to the wider overhead line project working corridor. SEPA are content with this proposal and request a planning condition is applied for the agreement of a finalised Peat Management Plan (PMP).

Regarding flood risk and the water environment, SEPA request a planning condition for the replacement of the existing River Aray water crossing and for the assurance that the works are carried out in accordance with the submitted Schedule of Mitigation and Outline Construction Environmental Management Plan.

NatureScot (24th January 2023) – confirm the proposal falls othwith their consultation threshold and have no specific comments.

Scottish Rights of Way and Access Society – no response at time of writing.

Historic Environment Scotland - no response at time of writing.

ARGYLL & BUTE COUNCIL INTERNAL CONSULTATION RESPONSES

Area Roads Oban (28th September 2022) – has no objection subject to the inclusion of conditions. The Officer notes that the proposal is accessed by a private track situated off the A819 Dalmally- Inveraray Road within a rural 60mph restriction with upgrading required to the existing access. A Construction Traffic Management Plan is required prior to the commencement of works which must take into account further energy works in the Loch Awe area that could have a cumulative impact on the local area roads. Further planning conditions required include maintenance of visibility splays; the sheeting of construction LGVs transporting materials; wheel cleansing facility prior to vehicles entering the public road; construction traffic signage on the public road; and no erection of walls, fences hedges within 2m of the public road junction. A Roads Openings Permit (s56) will be required to be obtained from the Roads Authority.

Biodiversity Officer (12th September 2022) has no objection to the proposal, commenting that the proposal fits well with biodiversity objectives, with further clarification to be provided through planning conditions regarding use of peat, and identification of borrow pits and their restoration.

Environmental Health Officer (1st February 2023) – no objection subject to planning condition requiring the submission of a private water supply appraisal.

West of Scotland Archaeology Service (7th September 2022) - requests the inclusion of a planning condition for the agreement and implementation of a programme of archaeological works in accordance with a written scheme of investigation for the site. This is required as the development site lies in an area of fairly rich archaeological remains from the prehistoric and medieval periods. The proposals include the routes of two old roads, one of a possible drove road marked on OS First Edition Maps and the other the recorded line of Wade's Military Road. The Officer however notes the area has been afforested and the current state of both recorded sites is unknown, thus the requirement of the planning condition in accordance with Scottish Planning Policy.

Flood Risk Advisor (8th September 2022) - notes that the site elevations range from approximately 200 metres Above Ordnance Datum to 250m AOD, with the River Aray running through the north eastern section of the site under the existing access track. The overall site boundary contains small, isolated locations indicated to be at risk on the SEPA Pluvial Flood Risk maps, with depths expected to be between 0.3-1m in these locations. It is expected that the proposed station building will overlay these areas at risk. The Officer considers this is acceptable though displaced surface water should be accounted for within the drainage design. The proposed utilisation of SuDS detention basins and drainage ditches with water to be attenuated and restricted to 50l/s before discharge to the River Aray is considered acceptable.

The River Aray at this location has a catchment area of <3km² and is too small to be considered by the SEPA Fluvial Flood Map. The siting of the substation at least 30m away from the watercourse on ground at least 5m above the watercourse is acceptable. Given the pluvial flood risk to the site, the Officer recommends the elevation of FFLs of buildings to 0.3m above surrounding ground level if practicable. New watercourse crossings are to be designed such that post-development channel capacity is the same or greater than pre-development channel capacity and a planning condition is recommended to ensure adherence.

Core Paths Access Technician (24th January 2023) – has no specific comments on the application noting that the area does not appear to be heavily used by the public for recreational activities.

Glenorchy and Innishall Community Council – no response at time of writing.

(D) HISTORY:

Specific to the site:

21/01230/PAN- Proposal of Application Notice for the erection of electricity substation comprising platform area, control building, associated plant and infrastructure, ancillary facilities, access track(s), laydown area(s) and landscape works. Land East of Creag Dhubh, Cladich, Argyll and Bute. Opinion Issued 18 August 2021.

21/02348/SCREEN- Screening Opinion for the installation of 132/275kV substation and associated works. Creag Dhubh Substation. Screening opinion issued on 16 March 2022

Of relevance:

21/00286/SCOPE- Scoping request for proposed Section 37 application for the proposed Creag Dhubh to Dalmally 275 kV connection. Scoping opinion issued on 30 June 2021.

22/02305/S37- Section 37 Application for Creag Dhubh to Inveraray 275kV Overhead Line. Creag Dhubh To Inveraray Overhead Line, Inveraray Estate Woodland, Inveraray, Argyll and Bute. Under Consideration.

(E) PUBLICITY:

MREG20- Regulation 20 Major Application Advert – Expired on 22nd September 2022

(F) REPRESENTATIONS:

(i) Representations received from:

At the time of writing, no letters of public representation have been received.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|--|---|
| (i) Environmental Impact Assessment Report: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | Yes – included within the Environmental Appraisal Report. |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes |

Environmental Appraisal Report,
Planning Statement,
Pre-application Consultation Report

The Environmental Appraisal Report covers the following topics:

- Proposed Development
- Design and Alternatives
- Landscape and Visual Amenity
- Cultural Heritage and Archaeology
- Ecology and Ornithology

- Hydrology and Hydrogeology
- Traffic and Transport
- Noise
- Schedule of Mitigation
- Cumulative Effects

The supporting Technical Annexes includes:

- EIA Screening Opinion Request Report and Adopted Screening Opinion
- Consultation Register
- Outline Construction Environmental Management Plan
- Woodland Report
- Cultural Heritage Assets in the Inner and Outer Study Areas
- Ecology Methodology and Results
- Habitats Regulations Appraisal
- Draft Peat Management Plan and Peat Depth Survey Results
- SUDs technical memo
- Peat Landslide and Hazard Risk Assessment
- Acoustics Glossary
- Anticipated Construction Equipment

(H) PLANNING OBLIGATIONS

**Is a Section 75 No
agreement
required:**

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan (2015)

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 5 – Supporting the Sustainable Growth of our Economy

LDP 6 – Supporting the Sustainable Growth of Renewables

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance to the Argyll and Bute Local Plan 2015 & 2016

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 6 – Impact on Trees / Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 10 – Geodiversity
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 13 -- Development Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 14 – Landscape
SG LDP ENV 19 – Impact on Scheduled Ancient Monuments (SAMs)
SG LDP ENV 20 – Impact on Sites of Archaeological Importance
SG LDP BAD 1 – Bad Neighbour Development
SG LDP Sustainable – Sustainable Siting and Design Principles
SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 3 – Drainage Impact Assessment
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision
Supplementary Guidance 2 (December 2016)

Note: The above supplementary guidance has been approved by the Scottish Government. It therefore constitutes adopted policy and the Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

- National Planning Policy Framework 4, Scottish Government (Draft NPF4 to be enacted on 13.2.23)
- Planning Advice Notes & Web-based Renewables Guidance
- Renewable energy and climate change framework
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
- The Future of Energy in Scotland: Scottish Energy Strategy, Scottish Government (December 2017) and position Update dated 16.3.21
- Scotland's Draft Energy Strategy and Just Transition Plan: Ministerial statement (Dated 10.1.23)
- The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
- Views of statutory and other consultees;
- Planning history of the site
- Legitimate public concern or support expressed on relevant planning matters

Argyll and Bute proposed Local Development Plan 2 (November 2019)

The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be

afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:

- Policy 14 – Bad Neighbour Development
- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 – New Private Accesses
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Access
- Policy 58 – Private Water Supplies and Water Conservation
- Policy 63 – Waste Related Development and Waste Management
- Policy 78 – Woodland Removal

Scottish Government Planning Policy and Guidance

National Planning Framework 4, which will come into force on 13th February 2023, will supersede Scottish Planning Policy and form part of the Development Plan. NPF4 comprises 4 parts:

- Part 1 – sets out an overarching spatial strategy for Scotland in the future. This includes priorities, spatial principles and action areas.
- Part 2- sets out proposed national developments that support the spatial strategy.
- Part 3- sets out policies for the development and use of land that are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. It is clear that this part of the document should be taken as a whole, and all relevant policies should be applied to each application.
- Part 4- provides an outline on how Scottish Government will implement the strategy set out in the document.

The Spatial Strategy sets out that we must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, building a wellbeing economy, and create great places. It makes it clear that new development and infrastructure will be required to meet the net zero targets by 2045. To facilitate this, it sets out that we must rebalance our planning system so that climate change and nature recovery are the primary guiding principles in all our decisions. It sets out that significant weight should be given to the global climate emergency when considering development proposals. The document sets out that the planning system should support all forms of renewable development in principle. Specific to this proposal, it also defines ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’ as National Development which includes new and/or upgraded infrastructure directly supporting high voltage 132kV or more electricity lines and substations. It explains that the electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. It sets out a series of emerging policies which building upon existing provisions of Scottish Planning Policy. Specific policies of relevance to this application are:

- Policy 1- Tackling the Climate Nature Crisis
- Policy 2- Climate Mitigation and Adaption

- Policy 3- Biodiversity
- Policy 4- Natural Places
- Policy 5 – Soils
- Policy 6- Forestry, Woodland and Trees
- Policy 7- Historic Assets and Places
- Policy 11- Energy
- Policy 14- Design, quality and Place
- Policy 18- Infrastructure First
- Policy 22- Flood Risk and Water Management
- Policy 23- Health and Safety
- Policy 25- Community Wealth Building

Energy Policy Framework

Statutory and policy requirements at UK and Scottish level to mitigate climate change and increase renewable energy generation are informed by higher level international agreements, primarily the Paris Agreement (2015) which commits United Nations signatory countries to take action to cut carbon emissions and emphasises the aim of restricting temperature rises to below 2°C above preindustrial levels. At the UK level, action to tackle climate change is underpinned by the Climate Change Act 2008 as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019. A range of policy documents set out the UK Governments binding commitments to cut carbon emissions through the deployment of renewable energy, including the UK Government's Ten Point Plan for a Green Industrial Revolution (2020), Energy White Paper (2020), Carbon Plan (2011), the UK Renewable Energy Roadmap (2011) (updated 2012 and 2013) and the British Energy Security Strategy.

More recently the publication of Scotland's Draft Energy Strategy and Just Transition Plan and the accompanying Ministerial statement (Dated 10.1.23) further reinforces the importance of achieving net zero and addressing the Climate Emergency.

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: The opportunity to attend a pre-determination hearing is required to be offered in relation to applications for planning permission for major developments which are significant departures from the development plan and for all national developments. Their purpose is to allow the views of applicants and those who have made representations to be heard before a planning decision is taken. The planning authority has discretion over how hearings will operate in its area. Subject to no requests for a pre-determination Hearing being received from the application or consultee by 14th February 2023 a Hearing will not be required.

(P) Assessment and summary of determining issues and material considerations

This application is for the erection of an electrical substation. The proposed substation is required in order to connect the existing 132kV OHL network between Taynuilt to Inveraray to the proposed 13.3km double circuit Creag Dhubh to Dalmally 275kV Connection (the proposed OHL). This OHL will then in turn connect to the existing SPEN 275kV OHL running between Dalmally and Inverarnan, in order to allow connection for renewable generation in the area across the wider GB electricity network.

The Proposed Development consists of the substation buildings and electrical infrastructure, and associated works required to accommodate construction, landscaping and access. The development footprint for the proposed substation site once completed includes the substation platforms, cut/fill embankments, access road, associated culverts, Sustainable Urban Drainage System (SUDS) and solar panels.

It is considered that the proposal would accord fully with the policies of the development plan and there are no material consideration which would indicate otherwise.

Taking account of the above, it is recommended that planning permission be approved subject to conditions. A full report is included in the appendix of this report.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The Scottish Government and the Council each have policies in support of projects which increase the capacity of the grid network to serve the community and in particular the significant level of investment in renewable energy. NPF4 justifies the need for such investment highlighting such development as of national importance.

Argyll and Bute has been successful in attracting inward investment in renewables, enabled in part by a significant level of investment in the improvement of the electricity transmission network. This success has led to the area having a good understanding of this type of project and this Council having appropriate policies and guidance to assist in its assessment, and to effectively manage their implementation on the ground. For example, the use of Construction and Environmental Management Plans “CEMP”, a particular approach to assist with the implementation / management of such large-scale projects with a focus on environmental protection. There are investment benefits too that favour these projects, not just from the short term construction but a continued stream of investment assisting with apprenticeships schemes and partnership networks with local companies.

Statutory and other consultees responding to this application are generally supportive. Some have requested planning conditions to be attached to any grant of planning permission to effectively ensure that their specific interests are secured.

There are clear impacts that might be expected from this development, particularly during its construction. These can be managed through best practice construction management techniques to ensure surrounding interests, particularly road access and the amenity of local housing is safeguarded from the key impacts of the development; by planning conditions to strengthen and clarify the plans and supporting environmental information provided by the applicant. The proposal will also be overseen by an appointed Ecological Clerk of Works, with any permission requiring regular compliance monitoring and ongoing engagement.

Although not development under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, Officers are satisfied that environmental effects of this development can be addressed by way of mitigation. Officers have incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of construction and operational compliance has been secured through Conditions attached to this permission.

The application can be supported in the context of the Council's Development Plan and in particular it's LDP Policies 6, 10 and 11 which relate to renewable energy grid infrastructure and the underlying support for renewable energy development which is consented in this area. All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:

No

Author of Report: Steph Wade

Date: 31/1/23

Reviewing Officer: Sandra Davies

Date: 31/1/23

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/00782/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 13/04/2022, the Environmental Appraisal (April 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
Location Plan	R170_3673_Fig1_1_RedlineBoundarySite_C		14/04/22
Proposed A819 Site Access Design Location Plan	LT29_CRDH_0804_0010	B	08/08/22
Proposed A819 Site Access Design General Arrangement Plan	LT29_CRDH_0804-001	B	08/08/22
Proposed A819 Site Access Design Construction Details	LT29_CRDH-0804_0013	C	22/08/22
Proposed Substation Electrical Layout	LT29_CRDH_1104_0007	01	08/08/22
Proposed Substation Cross Sections	LT29_CRDH_1104_0008	01	08/08/22
Proposed Storage Buildings-Elevations	LT29_CRDH_0805_0005	0C	08/08/22
Proposed Storage Buildings-Floorplans	LT29_CRDH_0805_0006	0A	16/08/22
Proposed 132kV GIS Building Elevations	LT29_CRDH_0805_0003	0D	08/08/22
Proposed 132kV GIS Building	LT29_CRDH_0805_0001	01	08/08/22

Floor Plan and Sections			
Proposed 257kV GIS Building Elevations	LT29_CRDH_0805_0004	0D	08/08/22
Proposed 257kV GIS Building Floor Plan and Sections	LT29_CRDH_0805_0002	01	08/08/22
Location of septic tank, borehole water supply and SUDS	R170_3673_Fig1_SepticTank_BHWS_SUDS_D		08/08/22
2.5m High Security Palisade Fencing Details	CE/34/2015	E	08/08/22
2.5m High Security Palisade Fencing	CE/34/2016	E	08/08/22

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 appropriate 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 Environment Management Plans (CEMPs) for the construction phase covering:
 - i) Habitat and species protection, including ECoW details, and surveys.
 - ii) Landscape and Mitigation Restoration Plan
 - iii) Long Term woodland management and compensatory planting plan (refer to Condition 9)
 - iv) Pollution prevention and control;
 - v) Dust management, including construction activity and vehicle movements;
 - vi) Construction Noise and Vibration (refer to Condition 7)
 - vii) Temporary Site lighting;
 - 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) Soil Management and Peat Management (refer to Condition 8)

- xi) Mapping of borrow pits and associated habitats identified for restoration;
 - xii) Habitat Management and Restoration Plan;
 - xiii) Emergency Response Plans;
 - xiv) Timetable for post construction restoration/ reinstatement of the temporary working areas and construction compound; and
 - xv) 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 Local Authority, in consultation with the Roads Authority, and Transport Scotland as the trunk roads Authority. The Plan shall details approved access routes, 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 A819 warning of construction traffic. reporting of verge damage) and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. The development shall be implemented in accordance with the duly approved Traffic Management Plan.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure the safety of pedestrians and cycle users using the trunk road and adjacent facilities and to be consistent with current guidance and best practice.

- 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. Prior to the commencement of development, 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 Construction Noise Management Plan (CNMP) which demonstrates how the developer will ensure the best practicable measures are implemented in order to reduce the impact of construction noise and vibration, is submitted to and approved in writing by the Planning Authority. The CNMP shall include, but is not limited to, the following:
- a) A description of the most significant noise sources in terms of equipment; processes or phases of construction;
 - b) The proposed operating hours and the estimated duration of the works for each phase;
 - c) A detailed plan showing the location of noise and vibration sources and noise sensitive receptors; and
 - d) A description of noise mitigation methods that will be put in place including the proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified.

Thereafter the development shall progress in accordance with the approved CNMP with all approved mitigation measures to be in place prior to the commencement of development, or as otherwise agreed in writing by the Planning Authority.

Reason: In the interest of safeguarding residential amenity.

- 8 No development shall commence until a finalised Peat Management Plan (PMP) has been submitted to and agreed in writing by the Planning Authority, in consultation with SEPA. The finalised version shall outline the further measures proposed to reduce peat disturbance, recalculate the volumes of peat to be disturbed and indicate the finalised measures for peatland restoration. Thereafter the development shall progress in accordance with the approved PMP.

Reason: In order to minimise disturbance of peat and ensure the appropriate reuse and management of peat.

- 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 The development shall not become operational until vehicle wheel cleansing facilities have been installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the Local Authority, in consultation with Transport Scotland as the trunk roads authority.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 11 Notwithstanding the provisions of Condition 1, the finished ground floor levels of the buildings of the development shall be elevated to 0.3m above surrounding ground level unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure appropriate mitigation for flood risk and to ensure an acceptable relationship between the development and its surroundings

- 12 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. This includes the replacement of the existing River Array watercourse crossing with a new oversized box culvert, or bottomless traditional style bridge to accommodate the 1 in 200 year flood event without constriction.

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

- 13 The development shall not include for the provision of walls, fences or hedges within 2.0 metres of the carriageway of the public road, and any gates shall open inwards, away from the public road.

Reason: In the interest of road safety.

- 14 Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Operational Services Drawing No SD08/001a; and visibility splays of 160 metres x 2.4 metres shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

- 15 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 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.

- 16 All vehicles transporting construction material to and from the proposed development shall be sheeted.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 17 Any blasting for the development, hereby permitted, shall not exceed vibration levels at the nearest NSR's of the guideline limits presented in BS 7385-2: 19937 and BS 6472-2: 20088.

Reason: In the interests of protecting amenity of neighbouring land use occupiers.

NOTE TO APPLICANT

Guidance on the submission of a request for a NMA is available online. [Guidance Note \(argyll-bute.gov.uk\)](http://argyll-bute.gov.uk)

- Regard should be had to the advice to the applicant supplied by SEPA in their consultation responses, copies of which can be viewed on the planning pages of the Council's Website. Please note that in respect of condition 2 above SEPA advises that the finalised peat management and restoration proposals should adhere to their advice as included within their part 4 of their consultation comments.
- Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.
- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 22/00782/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The Development Plan comprises the adopted Argyll and Bute Local Development Plan 2015 (LDP) and all statutory adopted supplementary guidance.

The proposal is for the erection of a substation connecting the existing 132kV network between Inveraray to Taynuilt and also connecting to the existing Dalmally 275kV substation via the new overhead line which is subject of application ref.22/02305/S37. The proposal is part of a number of infrastructure proposals to maintain “*an efficient, coordinate and economical electrical transmission system*” and is required to allow connection for renewable generation in the area across the wider electricity network.

The preamble to Policy LDP 11 (Improving Our Connectivity and Infrastructure) confirms that an important infrastructure related issue is renewable energy, where Argyll and Bute’s considerable potential to contribute to national target’s is currently constrained by insufficient grid capacity. Of relevance, is also Policy LDP 6 (Supporting the Sustainable Growth of Renewables), which provides policy provision for renewable energy developments within Argyll and Bute together with their enabling infrastructure. Policy LDP 10 also provides support for developments which contribute to renewable energy generation.

Regarding the principle of development, the proposal falls within Policy LDP 6 and Policy LDP 11. Policy support is offered within these two policies for improving grid infrastructure to facilitate renewable energy generation, having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption. Such support is subject to the proposals not having an unacceptable significant impact on the environment, local communities, historic environment, landscape character and visual amenity. The proposal must therefore be assessed against the other LDP policies referenced in this report. These matters are assessed in full within a number of material planning considerations examined within this report.

As the development would provide additional grid capacity for the transmission network and would help to facilitate an increasing proportion of electricity generation from renewable sources, the principle of the development receives support under policies LDP 6 and 11 subject to site selection, design and overcoming any unacceptable significant environmental effects.

In terms of the Local Development Plan Settlement Strategy, the application site lies within a combination of the ‘Countryside Zone’ and ‘Very Sensitive Countryside’ development management zones, as defined within Policy LDP DM1 of the Argyll and Bute Local Development Plan 2015. Policy LDP DM 1 supports the development of renewable energy related development within the ‘Very Sensitive Countryside’ development management zone, providing they are consistent with other Local Development Plan policies.

As a required infrastructure project to meet the demands required by renewable energy developments within the wider area, the principle of development is considered acceptable under the terms of policies LDP DM1- Development within the Development Management Zones; LDP 6- Supporting the Sustainable Growth of

Renewables; LDP 10- Maximising our Resources and Reducing our Consumption and LDP 11- Improving our Connectivity and Infrastructure.

B. National Policy.

Scotland's Fourth National Planning Framework (NPF4), sets out the Government's thoughts on how best to achieve a more successful country through increasing sustainable economic growth whilst responding to the climate emergency. It includes plans for infrastructural investment including a high voltage electricity transmission network deemed vital for meeting national targets for electricity generation, statutory climate change targets and security of energy supplies. The current application falls into the category of National Development. Whilst this establishes a need for the project, all necessary assessments and consents are still required for such development. Appropriate levels of mitigation would still be expected to help avoid or reduce environmental effects.

NPF4 states that a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. NPF4 emphasises that to deliver sustainable places, Local Development Plans should maximise the benefits of renewable energy whilst enhancing blue and green infrastructure, decarbonising transport and building resilient connections. Resilience and a growing green economy are stated to depend on the delivery of improved grid connections, including high voltage grid cables.

The lifecycle greenhouse gas emissions assessment within NPF4, concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

An aim of the planning system is to create sustainable places, delivering the change needed to adapt to the impacts of climate change whilst pushing forwards to tackle the climate emergency. The national spatial strategy of NPF4 is that Scotland's future places will be net zero, nature positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. Every decision on future developments must therefore contribute to making Scotland a more sustainable place. The connection of approved renewable energy projects to the grid, which would be enhanced by this project, advances its sustainable development credentials. The expansion of the grid transmission network in Argyll and Bute not only is a short term economic construction boost, but also a long term infrastructural benefit to the area. A priority of the Scottish Energy Strategy (2017) is to champion Scotland's renewable energy potential, creating new jobs and supply chain opportunities.

C. Background to the Proposal.

This application forms part of Scottish & Southern Electric Networks 'Argyll and Kintyre 275kV Strategy'. The project looks to upgrade the original transmission network within Argyll and Bute which was constructed over 60 years ago and designed to transmit electricity to consumers in rural areas of low-density population, to a transmission network which meets modern transmission demands, predominantly from renewable generation. Requests from renewable generation developers to connect to the network in this area exceed current capacity of the existing transmission network, meaning a new transmission circuit is required to meet demand from generation

developers and ensure security of supply. SSEN therefore look to increase the network capability in Argyll and Kintyre to enable connection of further renewable generation and to export to the wider GB network. The 275kV Strategy consists of 3 projects as outlined:

- Creag Dhubh- Dalmally 275kV Connection – This project involves establishing a new substation (the subject of this application) and a new switching station at Glen Lochy, connected by approximately 14km of new overhead line.
- Creag Dhubh- Inveraray 275kV Overhead line- This project involves 8-12km of new overhead 275kV line constructed between the proposed new substation at Creag Dhubh and a connection point on the Inveraray to Crossaig overhead line. It will initially be operated at 132kV, but will be capable of 275kV operation, once associated transmission network connected substations to the south have been upgraded to 275kV capacity. The existing 132kV overhead line between Inveraray and the proposed new Creag Dhubh substation will be removed.
- Argyll and Kintyre 275kV substations – Existing connected substations south of Inveraray require upgrade to 275kV capability, and as a result SSEN are proposing a new project involving the construction and operation of a new 275kV substation in the vicinity of the existing An Suidhe, Crarae and Crossaig Substations, and in the vicinity of Craig Murrail, north of Lochgilphead.

D. Location, Nature and Design of Proposed Development.

The proposed development is located 2.5km south west of Cladich on the eastern slopes of Cruach na Gearrchoise within the River Aray catchment. The site is located within a large commercial conifer plantation which is in the process of being harvested. The surrounding land is a mix of regenerating moorland, conifers and a small number of large trees. The majority of the application site has been harvested already and comprises small immature trees, and some mature trees along the western boundary.

The site selection process for the substation is detailed in the Environmental Appraisal (refer to section 4.2: Site Selection of the Report). This explains that the aim of the process was to identify a proposed site which is technically feasible and economically efficient, and which causes the least disturbance to the environment; and those living in it, visiting it or using it for recreation. Of the eight sites considered, two were selected as preferred sites, with subsequent investigations identifying the presence of significant volumes of environmentally sensitive and technically challenging peatland at both preferred sites. This resulted in further survey work and micro-siting to determine the site with the least amount of peat disturbance.

The Proposal comprises the creation of a substation platform in the region of 4.2ha to accommodate the Gas- Insulated Switchgear (GIS). This would be created using cut and fill to create a level platform at 209m AOD, cutting some land within the site area from 220mAOD. One side of the substation will comprise a 275kV double busbar Gas Insulated Switchgear (GIS), housed in the larger of two main buildings (approximately 22m x 14m x 20m) and will include connection of two 275kV overhead line bays. The other side will consist of 132kV double busbar GIS, housed in the smaller of the two buildings (approximately 22m x 14m x 20m) and will include four 132kV overhead line bays and a possible grid transformer bay. Both sets of GIS will have two bays to connect to the centrally located super grid transformers which sit between the two buildings. The 275/132kV super grid transformers (SGT) will be rated at 480 MVA.

The substation includes a single storey building to house the site services and control equipment. A private bore hole is proposed to provide a private water supply to the

development with the requirement for toilet facilities, a shower and sink for the maintenance staff as the converter station will not be permanently manned.

Additional land is required for cut and fill to tie the platform into the existing ground levels spanning a radius up to 50m from the substation. Based on the indicative cut and fill volumes imported and exported materials for the Proposed Development are as follows:

- Imported material- an indicative 40,000m³ sand, gravel and rock would be required for the substation platform and new access track.
- Exported material- of the anticipated 33,772m³ peat/peaty topsoil anticipated to be removed during the substation earthworks, a total of 3,525m³ is anticipated for reused, with the remaining amount to be exported to off-site restoration areas.

The proposal includes the erection of OHL towers, construction of an access track to enter the site, site drainage, SUDS pond and landscaping. The proposed access track would be 250m in length, connecting the substation to the existing private forestry tracks approximately 20m southeast of the substation. The substation is proposed to be enclosed by a 2.4m - 4m high security fence of palisade construction. Regarding lighting, the proposal will use sensor-activated security for night-time access.

The use of GIS instead of Air-Insulated switchgear is a welcomed design approach as it is understood that GIS requires a smaller footprint than AIS, and the majority of its electrical infrastructure is housed within a building which aids mitigation of visual and noise impacts arising from the proposal.

It is considered that the setting and design of the development would be sensitive to the site and would accord with the principles set out in the Council's Sustainable Siting and Design Principles contained within the LDP supplementary guidance.

E. Natural Environment.

Policy LDP 3 requires the protection, conservation and enhancement of our environment. Supplementary guidance policy LDP ENV1 provides additional detail in relation to development impact on habitats, species and our biodiversity. There are no statutory or non-statutory designated ecological sites covering the site itself. The nearest designated site is the Glen Etive and Glen Fyne Special Protection Area (SPA) which is located 1.4km east of the proposed development. Owing to this separation distance, and the intervening topography and vegetation, no likely significant effects on any of the qualifying features of this designation would arise. The SPA is designated for its Golden Eagle population and the applicant has undertaken a Habitat Regulations Appraisal (HRA) screening exercise. This however, also concluded that the proposal would not give rise to any likely significant effects and there are no significant impacts on the Conservation Objectives of Glen Etive and Glen Fyne SPA. These findings are accepted by the Planning Authority, with no HRA Appropriate Assessment being required.

The applicant has submitted a range of information highlighting the presence of protected species in and around the site. Habitats surveys identified the presence of water vole latrines and feeding signs along the River Aray; and pine marten. No reptiles, amphibians or trees with bat roost potential were recorded within the ecology field survey area. Ornithological surveys have also been carried out which identify that no disturbance impacts are predicted for golden eagles, and black grouse. The Biodiversity Officer notes that other species have been recorded, with some outwith the development area, such as Snipe, although no impacts are predicted on the breed.

It is also recognised that coniferous specialist birds are likely nesting within the footprint of the Proposed Development. This includes, common crossbill.

The habitats present across the site have been subject to survey. The majority of the application site boundary comprises coniferous woodland plantation, felled coniferous woodland, marshy grassland and continuous bracken. No invasive non-native plant or animal species were recorded. The groundwater dependent terrestrial ecosystems habitats recorded within the assessment area are determined to be supported by surface water flows through the site.

Without mitigation, the Environmental Appraisal confirms that the development has the potential to result in habitat loss, disturbance and displacement. Ecological impacts are to be mitigated through timing of works to avoid ecologically sensitive seasons, employing an ECoW, and following species protection plans which feed into the Construction Environmental Management Plan (CEMP). The assessment confirms that following successful implementation of the mitigation, no residual effects on important ecological features, are considered to exist and no cumulative impacts are predicted.

Having due regard to the above it is concluded that the proposal will not have any adverse impacts on the natural heritage including birds and is therefore consistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 7 – Water Quality and the Environment; SG LDP ENV 11 – Protection of Soil and Peat Resources; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; and Policy 3- Biodiversity of NPF4.

F. Historic Environment.

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and NPF4 require applications for renewable energy related developments to be assessed against any impact they may have on the historic environment, including scheduled monuments, listed buildings and their settings.

Six heritage assets have been identified within the Inner Study Area, including a former footpath, a group of shieling huts, the route of a former drove road/ military road, a former quarry, and a 20th century commemorative memorial monument. None of these assets are classified as statutory designated sites (Scheduled Monuments, Listed Buildings, Inventory Gardens and Designed Landscapes, Historic Battlefields, or Conservation Areas). Although the Environmental Appraisal considers that the potential impact on archaeological remains within the area is low to negligible due to the area's use as commercial forestry. However, the West of Scotland Archaeological Service recommend that a planning condition for a programme of archaeological works is included on any subsequent planning decision due to the area being rich in prehistoric and medieval archaeological remains. The proposals include the routes of two old roads, one of a possible drove road marked on OS First Edition Maps and the other the recorded line of Wade's Military Road. The Officer however notes the area has been afforested and the current state of both recorded sites is unknown, thus the requirement of the planning condition in accordance with Scottish Planning Policy.

Having due regard to the above subject to the condition recommended by the West of

Scotland Archaeology Service it is concluded that the proposal will not have any adverse impacts on the historic environment, including scheduled monuments, listed buildings and their settings and is therefore consistent with the provisions of SG LDP ENV 15 – Development Impact on Historic Gardens and Designed Landscapes; SG LDP ENV 16(a) – Development Impact on Listed Buildings; SG LDP ENV 19 – Development Impact on Scheduled Ancient Monuments; SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan; and Policy 7 of NPF4.

G. Water, Flood Risk, Drainage and Soils.

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and Policy 22 of NPF4 require applications for renewable energy related development to be assessed against effects on hydrology, the water environment and flood risk. Policy LDP 10 also requires development to minimise the impact on the water environment and avoid areas subject to flood risk or erosion.

Surveys of soils and peat and all surface water features have been undertaken to assess the potential effects of the proposed development on water quality within burns and rivers, water abstractions (drinking water) and habitats dependent on the groundwater at the site.

The site sits within a water catchment area of the River Aray. The River Aray runs along the north-eastern boundary of the site, 40m to the east of the substation and the new access track crosses the river using an existed culverted watercourse crossing. A tributary to the river Aray is found approximately 20m northwest of the site which runs parallel to the site boundary flowing in a north-easterly direction. Due to the catchment size, the fluvial flood risk is not appropriate for the River Aray and instead the surface water flood risk map is applicable. It is noted that small areas of land across the River Aray is shown to be at risk of flooding, however these do not affect the substation. There are some areas of potential surface water flood risk associated with depressions in the land causing potential ponding and two existing drains run through the middle of the proposed substation area. The Flood Risk Advisor considers the siting of the substation at least 30m away from the watercourse on ground at least 5m above the watercourse is acceptable. Given the pluvial flood risk to the site, the Officer recommends the elevation of the finished floor levels (FFLs) of buildings to 0.3m above surrounding ground level, if practicable. The proposed development includes the creation and improvement of new watercourse crossings for the access track to the site. The Flood Risk Advisor recommends that new watercourse crossings are to be designed such that post-development channel capacity is the same or greater than pre-development channel capacity and a planning condition is recommended to ensure adherence. SEPA also request a planning condition requiring the existing River Aray culvert to be replaced with a new oversized box culvert, or bottomless traditional style bridge of at least 2m in width and designed to accommodate the 1 in 200 year flood event without constriction.

Regarding drainage matters, the proposal will utilise a surface water drainage system of filter drains, leading into SUDs attenuation basins on site. The Flood Risk Advisor considers that the proposed utilisation of SUDs detention basins and drainage ditches with water to be attenuated and restricted to 50l/s before discharge to the River Aray is acceptable. Potable water is to be supplied to the site via the installation of a proposed private water drinking supply. The Environmental Health Officer has

recommended the inclusion of a planning condition to ensure a full assessment of the supply is undertaken to ensure it is potable, wholesome and in good quantity.

Policy LDP 3 and SG LDP ENV 11 confirm that the Council will only support development where appropriate measures are taken to maintain soil resources and functions which is proportionate to the scale of development. Developments that would potentially have a significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion would not be supported unless it is demonstrated that such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal; and a soil or peatland management plan is submitted and demonstrates the mitigation measures to limit impact.

The geology and soils for the application site comprise of rock debris, clayey till and poorly to well stratified sand and gravel. The site is also underlain by peaty gleys and is shown as Class 5 peat soil. Peat depth surveys confirmed that peat and carbon rich soils are present on site with thicknesses ranging between 0.0m and 1.0m thickness in the western area of the substation to 2.5m thickness in the eastern half. The proposal will disturb approximately 35,000m³ of peat. By way of mitigation measures, SEPA welcome that the design and siting of the development has been influenced to minimise the impact on deep peat. A Draft Peat Management Plan has been submitted with the application outlining the measures to mitigate potential impacts on peat and carbon rich soils through the construction phase. The proposal looks to reuse peat to dress the shoulders and slopes of the substation site platform and road, and also for re-wetting/ ditch blocking in forestry areas. The peat that cannot be reused within the site is proposed to be utilised for habitat management and restoration as part of the adjacent Dalmally 275kV Overhead Line connection project. No risks have been identified through the Peak Landslide Hazard Risk Assessment. SEPA are content with the proposed peatland mitigation measures and request that a finalised Peat Management Plan is agreed through planning condition.

In summary, the proposed development maintains at least a 30 m set back distance from all watercourses. In addition the proposed development has been designed to incorporate good practice design for watercourse crossings, and all surface water drainage will be designed to ensure that there are no adverse effects on water quality, or the rate and volume of surface runoff. Based on the proposed design and the standard good practice construction stage mitigation, no significant adverse effects are predicted for the water environment. Impacts on peat can be mitigated through measures included within a finalised PMP, including measures to re-use peat generated through construction of the Proposed Development. SEPA request a condition to ensure that all works are carried out in accordance with the Schedule of Mitigation and Construction Environmental Management Plan to mitigate against pollution during construction and operation.

Having due regard to the above it is concluded that effects on hydrology, the water environment, soils and flood risk have been considered and subject to the inclusion of the planning conditions, the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables; and Policy LDP 10- maximising our Resources and Reducing our Consumption of the Argyll & Bute Local Development Plan; and Policy 22 of NPF4.

H. Impact on Woodland.

Policy 6 of NPF4 and Argyll and Bute's Supplementary Guidance LDP ENV 6 (Development Impact on Trees/ Woodlands) confirms that developments likely to have

an adverse impact on trees will be resisted. Where it is demonstrated that tree removal is required, the guidance requires planting of new woodland/ trees, including compensatory planting and management agreements. The Scottish Government's Control of Woodland Removal Policy (2009) confirms that woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits and a proposal for compensatory planting may form part of this balance.

A Forestry Landscape Appraisal has been submitted which assesses the felling impact of the Proposed Development within the forest property and includes a Long Term Forest Plan. The new development would remove existing conifer woodland of variable age and growth rates with some spruce areas being in growth. This in turn reduces the forestry restructuring/ planting land available within the woodland property with a total area of 13.91ha commercial forestry land permanently lost. The long term impact of the proposed development on future forestry operations is assessed as minimal, as a safe tree clearance from the substation infrastructure would be established and the operation of the development would not restrict key forestry management access routes.

The access track upgrade works are considered to have a beneficial impact in the form of an upgraded section of the main forest road serving the woodland property. The felling areas and compensatory planning areas are considered to fully mitigate the potential impacts of woodland removal by achieving no net loss of woodland area. The compensatory planting to be undertaken would replace the total area quantity of woodland removed for the development. This accords with the Scottish Government's Control of Woodland Removal Policy, to achieve no net loss of woodland. The compensatory planting is to occur through a combination of on-site and off-site planting. SG LDP ENV 6 maintains a strong presumption in favour of protecting woodland resources. The creation of the substation will however give rise to clear public benefits as the proposal is to facilitate the long term security of energy supplies as well as enable more renewable energy connections. Regarding existing trees adjacent to the development area, it is confirmed within the CEMP that tree protection measures will be installed.

Subject to the inclusion of planning conditions to ensure that the compensatory planting scheme is implemented together with the implementation of the Long Term Forest Plan for the management of the remaining woodland, the proposal is considered to accord with SG LDP ENV 6 – Development Impact on Trees /Woodland; The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009); and Policy 22 of NPF4.

I. Impact on Access to the Countryside.

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, and SG 2 Renewable Energy require applications for renewable energy related developments to be assessed against any impact they may have on public access, including impact on long distance walking and cycling routes.

The Council's Access Officer confirms they have no comments to make regarding the impact on public access rights and comment that the area is not well used for recreational activities. Having due regard to the above it is concluded that the proposal will not have any adverse physical impacts on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF and is therefore consistent with the provisions of SG 2 Renewable Energy, SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the

Protection, Conservation and Enhancement of our Environment; and Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan.

J. Landscape and Visual Impact.

Policy SG LDP ENV 14 in respect of Landscape and Policy LDP 3 of the adopted Argyll and Bute Local Development Plan 2015 comprise the principal policies of relevance to landscape and visual evaluation of the Proposed Development. The aim of this policy is to protect, conserve and where possible enhance the built, human, and natural environment. Policy LDP 3 also notes that a development proposal would not be supported where adverse effects, including cumulative effects on the integrity or special qualities of international or nationally designated sites; or, significant adverse effects, on the special qualities or integrity of locally designated natural and built environment sites, would occur.

In addition, Policy LDP 9 concerns the design and setting of development, requiring development to be sited and positioned to pay regard to the context, and be compatible with the surroundings, particularly within sensitive locations including National Scenic Areas, Areas of Panoramic Quality or Gardens and Designed Landscapes.

The Environmental Appraisal considers both landscape and visual impacts of the proposed development with photomontages provided from a range of viewpoints. The Assessment is focused on a study area of 5km, with four illustrated viewpoints, selected to represent typical views from within the study area, illustrating the impacts on viewers from different directions and at different distances and elevations. It is noted that Viewpoint 4 lies without the 5km study area, however given the extent of the Zone of Theoretical Visibility (ZTV) coverage, it has been included as a longer distance view.

The proposed site is located within the Craggy Upland- Argyll Landscape Character Area. The landscape is typified by small settlements, isolated dwellings and farmstead scattered across lower lying topography and associated with road corridors. Key settlements include Cladich, Ardrecknish and Portsonachan. The predominant land uses within the area are forestry and agriculture. The operational 132kV overhead line between Taynuilt to Inveraray routes approximately 200m to the west of the application site.

The proposal does not affect any national landscape designations, although at regional level the application site is within the North Argyll Area of Panoramic Quality (APQ). Members are requested to note that LDP2 changes the name of Areas of Panoramic Quality (APQs) identified in the Argyll and Bute Local Development Plan (2015) to Local Landscape Areas. However, there is no change to the boundary of the North Argyll APQ which covers the LVIA study area defined in the application documents. For the purposes of this report, the designation shall continue to be referred to as APQ. The special landscape qualities of the APQ comprise the dramatic mountainous landforms and the juxtaposition of these mountains with narrow lochs, and the sea and with the settled loch fringes which produce a richly scenic landscape composition. The sensitivity of the landscape designation is considered to be high.

The proposed development is located within a largely rural landscape characterised by an enclosed topographical valley with dense coniferous forestry, bisected by existing grid infrastructure and forestry tracks. The form of the landscape and prevalence of forest cover provides potential for screening/ filtering of views of the proposed development from many of the sensitive neighbouring receptor locations. Table 5.6 of the Environmental Appraisal considers the receptor sensitivity to range

between medium and high for receptors including: tourists, road users, recreational users and walkers; landscape fabric, landscape character and the regional APQ designation.

Although the proposed development is situated within the North Argyll APQ, it is extensively contained within a valley, reducing its influence on the wider APQ. The Assessment predicts there would not be an adverse effect on the designated special qualities or characteristics due to the varied topography which results in theoretical visibility of the proposed development being limited. Actual visibility would be further reduced due to the screening effects of intervening forestry and woodland as well as the implementation of the mitigation measures outline within the Landscape and Mitigation Plan (Figure, 3.3, Volume 3). Where visible, the assessment concludes that the proposal would be seen from an elevated position within an expansive view that contains a wider range of elements including the operational electricity infrastructure. The magnitude of impact on the APQ is considered to be negligible with the integrity of the designation remaining unaffected.

To facilitate construction of the proposed development, a total of 16.75ha of tree felling is required and whilst the removal would directly impact the fabric of the landscape, it is in keeping with the commercial practices undertaken within the landscape currently due to the commercial nature of the coniferous plantation. The impacts of the proposed development is considered to be highly localised and largely contained within the area immediately surrounding the application site and the expansive sense of scale of the landscape character is considered capable of accommodating the development without altering the defining characteristics. The assessment considers the impact on the Craggy Upland-Argyll LCT to be low, resulting in a locally moderate residual effect, which reduces over extending distances from the wider area.

It is evidenced that the proposed development will result in some localised adverse visual impacts, and that due to the overall proportions of the development, the magnitude of change will be perceptible. It has however been evidenced from the Environmental Appraisal that the landscape and visual effects have been carefully considered, and despite the site selection resulting in the loss of existing commercial forestry, the proposed implementation of the Landscape Mitigation Plan and peatland restoration which includes: ground regrading works, landscape planting and dressing of shoulders and areas adjacent to the substation where possible, will result in the successful visual integration of this development. The proposal is considered to comply with Policy SG LDP ENV 14 in respect of Landscape and Policy LDP 3 of the adopted Argyll and Bute Local Development Plan 2015

K. Road Network, Parking and Associated Transport Matters.

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, and SG 2 Renewable Energy require applications for renewable energy related developments to be assessed against any impact they may have on road traffic and adjacent trunk roads.

The main construction access to the proposed development will be from the A819, which is the main route into Cladich, and the existing site access which connects to the forestry tracks within the development area. Within Phase 1, the construction of the access track is proposed, which comprises 108m long and 4.5m in width of track linking the proposed substation site and the existing forestry track. The existing forestry track is to be widened to create 4.5m width of track with wider corners and a 3m service corridor, totalling an increased width to 7.5m. Passing places are proposed to be created along the route. The bellmouth junction at the public road access point and the

upgrading of the culverted watercourse crossing of the River Aray are further enabling works for the construction. A 215m long section of access track is also proposed to be created around the substation site on the south east and north east aspects, outwith the security fencing which will in future be used to facilitate access to Tower 1A as part of the proposed Creag Dhubh to Dalmally 275kV OHL Connection Project. Parking and vehicular turning is to be included within the substation platform.

The Assessment demonstrates that the impact of construction HGVs on the study area would not exceed a 30% increase on all road links, with the exception of the A819 between B840 and the Substation access point. This is estimated to be at most, 54 two-way HGV trips and 150 two-way staff car trips per day during the peak construction phase months of months 4-6. For the remainder of the construction period (particularly months 17-30) GGV movements are predicted to reduce to 6 to 8 two-way trips per day. Furthermore, two abnormal loads (transformers) will be required to be transported to the site.

The Environmental Assessment determines that the likely construction traffic impacts using the IEMA guidelines would be minor or negligible and non-significant for all potential transport related effects. This is also predicted for cumulative impacts with neighbouring developments. A Construction Traffic Management Plan (CTMP) is to be included within the CEMP, which would include but not be limited to: the programme of works, the agreed routes to site, details of a site Liaison Officer who would have responsibilities for managing traffic and transport impacts and effects and would also identify measures to manage/ reduce construction staff travel by private car, particularly single occupancy trips. Operational traffic generation, would be minimal with traffic generation trips for substation monitoring and maintenance work only, which are at significantly less trip generations than that produced at construction stage.

The Council's Area Roads Officer and Transport Scotland have no objections to the proposal on transport and road safety grounds. Both consultees request the inclusion of planning construction for the agreement of a finalised CTMP, which also takes into account the cumulative impact of the further energy works at Loch Awe. Subject to the inclusion of the planning conditions as outlined within the Area Roads Officer and Transport Scotland's consultation responses, the transport related impacts of the proposal are deemed to be acceptable and can be appropriately managed. As such, the proposal has been found to be in accordance with the transportation policies contained within the Development Plan, namely SG2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes of the Argyll & Bute Local Development Plan.

L. Noise and Construction Impacts.

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and Policy 23 of NPF4 require applications for renewable energy related developments to be assessed against impacts on communities and individual dwellings, including noise impacts.

The applicant has recognised the noise nuisance that can arise from operational substations and the need to ensure that this is limited in respect of existing noise sensitive properties. In view of this, Chapter 10 of the Environmental Appraisal provides a Noise Impact Assessment (NIA). There are no Noise Sensitive Receptors (NSRs) in immediate close proximity to the application site, and therefore the assessment has been undertaken for the nearest NSRs which range from 2km – 3.4km from the proposed development. The survey identified a total of 4 NSRs, with all being

classed as high receptors due to being residential sites. The Noise assessment concludes that construction noise at all NSRs across all construction activities fall below all applicable noise criteria within the British Standards Institution Codes of Practice for Noise and Vibration Control and is therefore rated as minor impact magnitude, and construction noise is proposed to be controlled and mitigated through the inclusion of a Construction Noise Management Plan which forms part of the Construction Environment Management Plan.

Regarding operational noise, the assessment concludes that the predicted noise levels at each of the NSRs would be extremely low with modelled specific noise levels ranging from -8.7dB(A) to 3.4 dB(A) at the NSRs. Should any blasting be required during the construction operations, a planning condition is recommended to be included to ensure that any blasting operations conform to the BSI Codes of Practice limits, for such an activity. Based on the results, no specific mitigation is required for operational noise levels of the proposal. The Council's Environmental Health Officer has raised no objection on the grounds of noise impacts arising from the proposal. Subject to the inclusion of the planning conditions, the proposal is considered to comply with the provisions of SG 2 Renewable Energy; LDP STRAT 1- Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; and NPF4.

The development of a project of this scale will have considerable temporary impacts including for example, construction traffic but also construction noise, dust, waste etc. Such impacts are expected intermittently through the 30 months of construction, programmed to commence in June 2023, with the main construction works commencing January 2024 and energisation targeted for May 2026. It is for these reasons that the applicant has a commitment towards a project specific Construction Environmental Management Plan approach, the finalised details of which, following appointment of a project contractor, would require approval of the Planning Authority in consultation with relevant consultees. In addition, the applicant has also committed to the appointment of an Ecological Clerk of Works (ECoW) to oversee the project. This can usually dovetail with a Planning Monitoring Officer role to monitor compliance with the conditions attached to any consent.

The implementation of the Construction Noise Management Plan which adopts best practice to limit the degree and timings of such impacts especially during the proposed construction timings of 7 days a week during day and night periods. Developers must also comply with reasonable operational practices with regard to construction noise so as not to cause a nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels, amongst other factors, which is enforceable via Environmental Health.

Timing of deliveries (HGVs and abnormal loads) shall also be agreed through a Construction Traffic Management Plan (CTMP) with construction traffic using the A819 and existing forestry site access connecting to the site. Other controls include dust management plans, pollution prevention plans, waste management plans which would also be expected within a project specific Construction Environmental Management Plan. Due to the scale of the development, SEPA will control pollution prevention measures relating to surface water run-off via a Controlled Activities Regulations Construction Site Licence.

M. Net Economic Impact, Including Local and Community Socio-Economic Benefits such as Employment, Associated Business and Supply Chain Opportunities.

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewables and SPP require applications for renewable energy developments to be assessed against net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

The development of grid infrastructure has been identified as a national priority together within investment in renewable energy. The development of substation projects as presented within this application are not only beneficial in strengthening the robustness of the country's grid network, but also result in further job and investment opportunities through the development of associated supply chains. The development is required to facilitate the connection of wind farms/ renewable schemes to the national grid, which will allow the export of electricity generated to consumers. The relationship of the development to the economic and social benefits of renewable energy developments is therefore relevant, in a positive way.

Argyll and Bute is experiencing significant construction activity in the transmission network. The approval of the current application will have a short term (four years) positive construction economic impact, although significantly less impact at the operational stage with the design having a permanent design life. The construction of the development is predicted to have a peak of 60 workers. Thereafter, the operation of the facility would not require any staff permanently based onsite.

The design, landscaping and limited visual impact of the development, means the impacts of the development are not anticipated to have adverse impact on the local economy, particularly tourism. Its impact, at a more local level, equally is not anticipated to significantly impact on existing businesses or recreational interests.

NPF4 calls for national developments to be exemplars of a Community Wealth Building (CWB) approach to economic development. CWB is defined as “A people-centred approach to local economic development, which redirects wealth back into the local economy, and places control and benefits into the hands of local people”. Based on this, it is recommended that the development should seek to agree a housing strategy to ensure that the temporary workers associated with the proposals do not have an unacceptable and adverse impact on the functioning of the local housing market area to the detriment of the community and other businesses. A planning condition is therefore recommended to secure the housing delivery programme strategy.

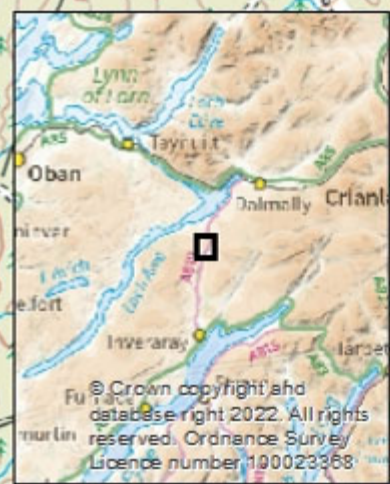
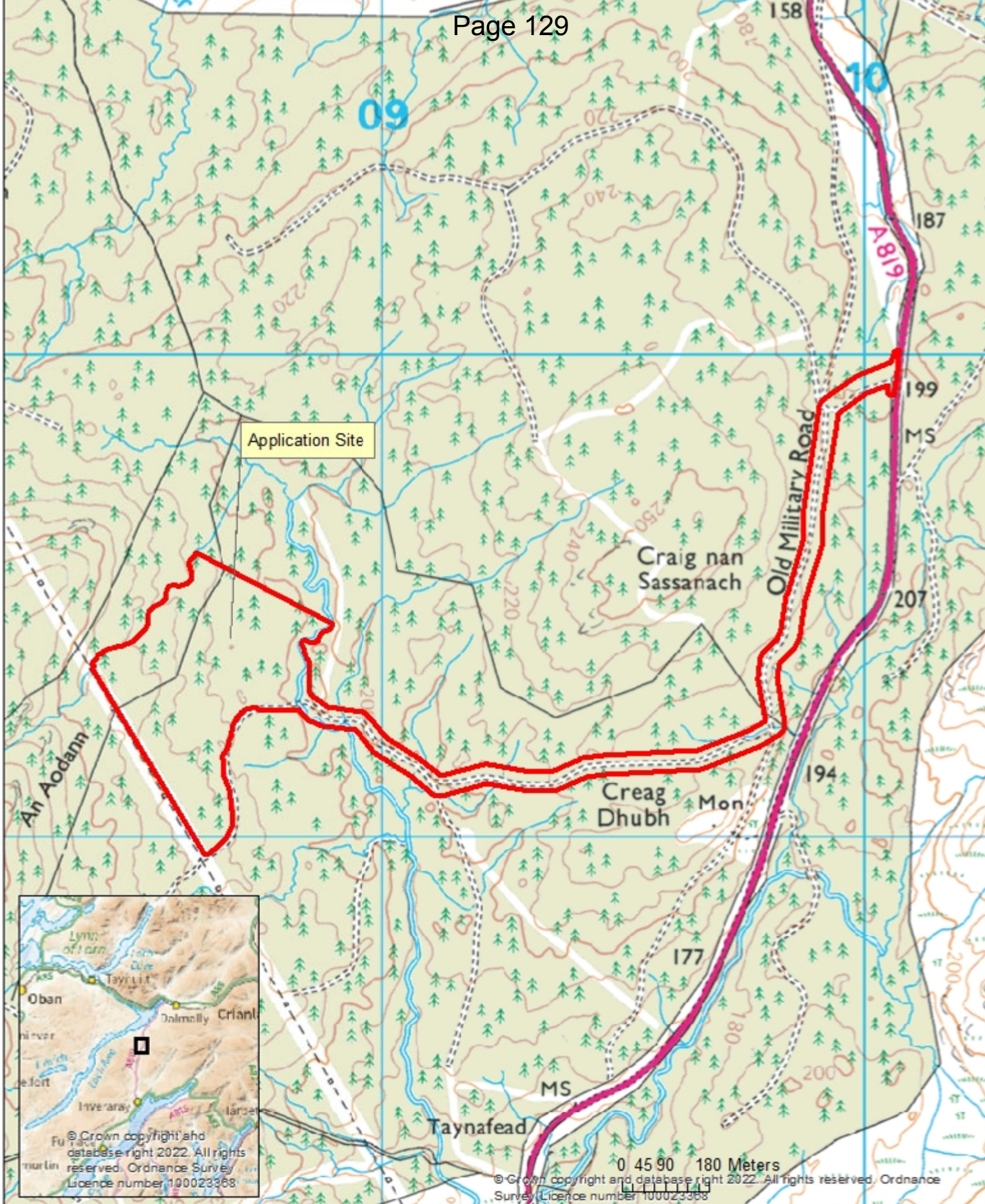
Having due regard to the above the proposals net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities has been assessed and it is concluded that the proposal is consistent with the provisions of Supplementary Guidance 2 (December 2016); LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; and NPF4.

N. The Need For Conditions Relating To The Decommissioning Of Developments, Including Ancillary Infrastructure, And Site Restoration (Including Cumulative Impacts)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, and Supplementary Guidance 2: Renewable Energy require applications for renewable energy related developments to be assessed against the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration.

The Proposed Development will have a design life of 50 years or more, after which the need for re-powering or decommissioning will be considered at that time. The Proposed Development is therefore treated as permanent in the submitted Environmental Appraisal, and repowering and decommissioning are therefore not considered.

On a project with this projected lifespan, where the substantive new build elements are judged by officers not to be causing substantive harm in terms of landscape or localised impacts, this is considered by officers to be a reasonable approach. Having due regard to the above it is concluded that the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration has been considered and the proposal is therefore consistent/inconsistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, and NPF4.



0 45 90 180 Meters
 © Crown copyright and database right 2022. All rights reserved. Ordnance Survey Licence number 100023368



Location Plan Relative to Planning Application:22/00782/PP



1:10,000

This page is intentionally left blank

ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE****LEGAL & REGULATORY SUPPORT****15 FEBRUARY 2023**

SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: CONSTRUCTION OF APPROXIMATELY 13.3 KM OF 275KV OVER HEAD LINE (OHL) FROM BETWEEN A PROPOSED SUBSTATION AT CREAG DHUBH TO THE EXISTING SCOTTISH POWER ENERGY NETWORKS (SPEN) 275 KV OHL THAT RUNS FROM DALMALLY TO INVERARNAN: LAND SOUTH OF DALMALLY AND EAST OF CLADICH (REF: 22/01298/S37)

1.0 EXECUTIVE SUMMARY

1.1 The Committee, at its meeting on 28 September 2022, considered a report of handling in respect of the above proposal being an application for consent to construct and operate a 13.3 kilometre (km), 275 kilovolt (kV), double circuit overhead line (OHL), supported by some 48 lattice steel towers between a proposed substation at Creag Dhubh to the existing Scottish Power Energy Networks (SPEN) 275 kV OHL that runs from Dalmally to Inverarnan, near Succoth Glen, via a Tie-In connection. The report of handling is attached as Appendix 1. Members agreed, on behalf of the Council, as Planning Authority, to object to this proposal. The matter is subject to a Public Local Inquiry (PLI). National Planning Framework 4 (NPF4) was only available as a consultation draft and not complete at the time this matter was considered by members in September 2022. It is now expected that Scottish Ministers will adopt and publish NPF4 on 13 February 2023 meaning that it will be in force and National Planning Framework 3 and Scottish Planning Policy will be superseded from that date and time. Given that there is a material change in circumstances since members made their decision in September 2022, it considered appropriate to bring this matter back to members for their consideration.

1.2 Recommendations

Members are invited to:

1.2.1 Note that NPF4 will be in force on 13 February 2023;

1.2.2 Note that this is a material change in circumstances since members made their decision in September 2022, and it considered appropriate to bring this matter back to members for their consideration;

- 1.2.3** Note that it is considered the application of NPF4 in this matter, once assessed may alter the Council's prospects for success in the Public Local Inquiry; and
- 1.2.4** Request the Council's Development Service to provide a report to the next meeting of the committee in March 2023.

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE

LEGAL & REGULATORY SUPPORT

15 FEBRUARY 2023

SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: CONSTRUCTION OF APPROXIMATELY 13.3 KM OF 275KV OVER HEAD LINE (OHL) FROM BETWEEN A PROPOSED SUBSTATION AT CREAG DHUBH TO THE EXISTING SCOTTISH POWER ENERGY NETWORKS (SPEN) 275 KV OHL THAT RUNS FROM DALMALLY TO INVERARNAN: LAND SOUTH OF DALMALLY AND EAST OF CLADICH (REF: 22/01298/S37)

2.0 INTRODUCTION

2.1 The Committee, at its meeting on 28 September 2022 considered a report of handling in respect of the above proposal being an application for consent to construct and operate a 13.3 kilometre (km), 275 kilovolt (kV), double circuit overhead line (OHL), supported by some 48 lattice steel towers between a proposed substation at Creag Dhubh to the existing Scottish Power Energy Networks (SPEN) 275 kV OHL that runs from Dalmally to Inverarnan, near Succoth Glen, via a Tie-In connection. The report of handling is attached as Appendix 1.

3.0 RECOMMENDATIONS

3.1.1 Note that NPF4 will be in force on 13 February 2023;

3.2.2 Note that this is a material change in circumstances since members made their decision in September 2022, and it considered appropriate to bring this matter back to members for their consideration;

3.2.3 Note that it is considered the application of NPF4 , once assessed, may alter the Council's prospects for success in the Public Local Inquiry; and

3.2.4 Request the Council's Development Service to provide a report to the next meeting of the committee.

4.0 DETAIL

4.1 The Committee, at its meeting on 28 September 2022 as Planning Authority, to object to this proposal for the following reasons and that the Scottish Government be notified accordingly and noted that this would instigate the requirement for a Public Local Inquiry: The proposal will have adverse landscape and visual impacts (including cumulative) within an Area of Panoramic Quality, and in particular from the Duncan Ban Monument, and is therefore inconsistent with the provisions of:

LDP DM1 – Development within the Development Management Zone;

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment;

LDP 6 – Supporting the Sustainable Growth of Renewables;

LDP 9 – Development Setting, Layout and Design;

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality; and

SG LDP ENV 16(a) – Development Impact on Listed Buildings; of the Argyll and Bute Local Development Plan.

4.2 The matter is now subject to a Public Local Inquiry (PLI). National Planning Framework 4 (NPF4) was only available as a consultation draft and not in force at the time this matter was considered by PPSL in September 2022. It is expected that Scottish Ministers will adopt and publish NPF4 on 13 February 2023 meaning that it will be in force and National Planning Framework 3 and Scottish Planning Policy will be superseded from that date and time. The PLI will then consider this matter in light of NPF4. Members were not in a position to consider NPF4 when forming their decision and, due to this material change in circumstances, it considered appropriate to bring this matter back to members for their consideration

4.3 The report of handling at appendix 1 made reference to the various relevant planning policies including the draft NPF4. At the time of the Committee's decision the draft NPF4 Policy had very limited weighting and could not be afforded significant weighting. Subsequently NPF4 has been subject to considerable revision prior to being published and laid before the Scottish Parliament in November, 2022. It has now been approved and will be formally adopted on 13th February, 2023 from which point it must be afforded Development Plan status. NPF4 has the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on the date it comes into effect. From 13 February, NPF4 will be a part of the development plan and while little weight could previously be given to it in its draft form, it should now be considered as a significant material

consideration. Legal advice on the overall position has been obtained from Counsel and it is considered the application of NPF4 in this matter, once assessed, may alter the Council's prospects for success in the Public Local Inquiry.

- 4.4 The principal objection made by members was in relation to adverse landscape and visual effects on the Area of Panoramic Quality (APQ) and in particular from the Duncan Ban Monument. Historic Environment Scotland, as statutory consultee, raised no objection in relation to its national heritage interests. Its consultation response of 2 August 2022 did not refer to the Duncan Ban Monument at all. NatureScot also raised no objection in relation to the APQ. While that is the case, it was open to members to consider this in terms of local considerations while noting that a draft NPF4 was in existence. That draft was not complete and has been subject since then to substantial change. As such it was not possible for members to fully consider matters in the light of the now completed and adopted NPF4 which will be considered by the PLI.

5.0 CONCLUSION

- 5.1 The Committee, at its meeting on 28 September 2022, considered a report of handling in respect of the above proposal. Members agreed, on behalf of the Council, as Planning Authority, to object to this proposal. The matter is subject to a Public Local Inquiry (PLI). NPF4 is a material change in circumstances since members made their decision in September 2022, and it considered appropriate to bring this matter back to members for their consideration.

6.0 IMPLICATIONS

- 6.1 Policy - It is for members to determine this matter in accordance with current planning policy;
- 6.2 Financial - The Council will incur expenses in conducting a PLI and may in the event it is unsuccessful incur an award of expenses against it.
- 6.3 Legal - It is considered the application of NPF4 the application of NPF4, once assessed, may alter the Council's prospects for success in the Public Local Inquiry
- 6.4 HR - None at present
- 6.5 Fairer Scotland Duty:
- 6.5.1 Equalities - protected characteristics – None at present
- 6.5.2 Socio-economic Duty– None at present
- 6.5.3 Islands – None at present
- 6.6 Climate Change– None at present
- 6.7 Risk - In accordance with legal and financial risk above
- 6.8 Customer Service – None at present

Douglas Hendry

Executive Director with responsibility for Legal & Regulatory Support

February 2023

David Logan – Head of Legal and Regulatory Support

For further information contact: Susan Mair/Peter Bain

Email: Peter.Bain@argyll-bute.gov.uk

Susan.Mair@argyll-bute.gov.uk

Tel: 01546 604204

APPENDICES

Appendix 1 Report of Handling

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

Delegated or Committee Planning Application Report and Report of handling relating to application for consent to the Scottish Ministers under section 37 of the Electricity Act 1989 along with a request for a direction that planning permission be deemed to be granted under section 57 (2) of the Town and Country Planning (Scotland) Act 1997.

Reference No: 22/01298/S37 (ECU000002199)

Planning Hierarchy: Major Application (Section 37 Consultation)

Applicant: Scottish Hydro Electric Transmission Plc

Proposal: Construction of approximately 13.3 km of 275 kV Over Head Line (OHL) from between a proposed substation at Creag Dhubh to the existing Scottish Power Energy Networks (SPEN) 275 kV OHL that runs from Dalmally to Inverarnan.

Site Address: Land South Of Dalmally and East of Cladich

DECISION ROUTE

(i) Section 37 of the Electricity Act 1989

(A) THE APPLICATION

Section 37 of the Electricity Act 1989

Application for consent to construct and operate a 13.3 kilometre (km), 275 kilovolt (kV), double circuit overhead line (OHL), supported by some 48 lattice steel towers between a proposed substation at Creag Dhubh to the existing Scottish Power Energy Networks (SPEN) 275 kV OHL that runs from Dalmally to Inverarnan, near Succoth Glen, via a Tie-In connection.

Members are requested to note that in Scotland, any proposal to install and keep installed an overhead electric line, requires the consent of Scottish Ministers under sections 37 of the Electricity Act 1989. Such applications are processed on behalf of the Scottish Ministers by the Energy Consents Unit ("ECU") Scottish Government - Energy Consents.

Section 57(2) of the Town and Country Planning (Scotland) Act 1997 also allows the Scottish Ministers, on granting consent under Section 37, to direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

The proposed development would primarily comprise;

- A 13.3 km double circuit 275 kV OHL, supported by lattice steel towers between a proposed substation at Creag Dhubh to the existing SPEN 275 kV OHL that runs from Dalmally to Inverarnan, near Glen Lochy (Succoth Glen);

(ii) Other associated works

- Formation of new and upgraded vehicular access points to public roads
- Formation of new and upgrading of access tracks
- Construction of temporary and permanent water crossings
- Formation of tower working areas
- Other ancillary and associated operations

An EIA has been submitted in support of the application which will be referenced in the Officer Report. The applicants clarify in their submissions that the overall project will also involve the following separate application submissions:

- A Tie-In connection involving the proposed OHL being connected to the existing Scottish Power Energy Networks (SPEN) 275 kV OHL, known as the YW route, via a new terminal tower (T48/YW17R) located between existing SPEN Towers YW17 and YW18, from the proposed T47. (this is subject to a separate S37 Application to the Scottish Ministers REF: ECU00004493 and consultation to the Planning Authority REF:22/01329/S37).

This application is subject to a separate report presented to PPSL at this meeting (REF: 22/01329/S37), however it is intrinsically linked to the current proposals as it facilitates the connection of the proposed 13.3km high voltage line into the wider high voltage transmission network. For clarity a separate S37 application by Scottish Power Energy Networks (SPEN) been required as SSEN has no remit to apply for any works SPEN infrastructure.

The proposed Creag Dhubh substation, referenced in the submissions, and to which the line is proposed to connect at its southern end, is the subject of a separate application for planning permission. (Ref 22/00782/PP. Valid 19.8.22). This will be determined by the Planning Authority and not the Scottish Ministers.

(B) RECOMMENDATION:

It is recommended that no objection to the proposals be raised.

(C) HISTORY: Yes.

Scoping response submitted to Energy Consents Unit under S37 process. Full details of these procedures and submissions from all consultees are contained on the ECU website with the Council's Scoping response available to view under REF 21/00286/SCOPE.

For clarity, this is a procedure to advise the ECU on matters which the Planning Authority (and other consultees) considers should be included in the EIA submissions and not the expression of any opinion by the Planning Authority on whether future S37 proposals would be considered acceptable or not.

(D) CONSULTATIONS:

Members are requested to note that as this is a Section 37 proposal the consultation responses are required to be sent to the Energy Consents Unit (ECU) who undertake this exercise as the determining authority and not to the Planning Authority as this is not an application for Planning Permission. A link to the ECU website is set out below which will provide a reference for all submissions by third parties and other external consultees:

[Scottish Government - Energy Consents Unit - Application Details](#)

Officers also take this opportunity to clarify some of the external consultees have responded to both this and the associated single link tower S37 application by SPEN as a single response.

A summary of the responses sent to the ECU to the overall project by other external consultees is set out below.

Nature Scot (Dated 22.8.22). No Objection.

- *We note and welcome the various mitigation and compensation proposed which will help reduce impacts on protected species and priority habitats.*
- *We would welcome further discussion on the Construction Environmental Management Plan (CEMP), mitigation, species protection plans or habitat management plans, as appropriate, post determination. We would also be happy to advise further on protected mammal licencing if required.*
- *The proposed development would not result in significant effects on the qualities of the Loch Etive Mountains and Ben Lui Wild Land Areas (WLA 09 and WLA 06) and therefore would not raise issues of National Importance.*
- *Glen Etive and Glen Fyne Special Protection Area (SPA) - Golden eagle (Aquila chrysaetos), breeding*
The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, the Scottish Government, as the competent authority is required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). To help you do this we advise that, in our view, based on the information provided and our current knowledge, the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposals on the following factors: We note that there was no flight activity very close to or crossing the line route. However, T18-T23 approximately follows the edge of the SPA. This leads us to a Natura appraisal conclusion of 'likely significant effect but no adverse effect on site integrity'.
- *We agree with the assessments made in relation to other designations in the area and are satisfied that no significant impacts on designated sites is likely to occur.*

Historic Environment Scotland (HES) (Dated 02.8.22) – No Objection

This is a joint response for ECU references: ECU00002199 and ECU00004493 Sufficient information is provided in the EIA Reports for us to come to a conclusion as to the level of impact on heritage assets covered by our interests. Whilst the proposals will have an adverse impact on the settings of SM4019 Auchtermally or Uachdar Mhaluidh, deserted township and SM5149 Dychlie, deserted crofts in particular, we have concluded that the development proposal does not raise issues of national interest sufficient to warrant an objection for our historic environment interests.

RSPB (Dated 22.07.22) – No Objection

RSPB Scotland does not object to the above application, and consider that most mitigation measures proposed in Environmental Impact assessment Report (EIAR) Volume 2,

*Chapter 7 (to be delivered via Species Protection Plans, and monitored by the Ecological Clark of Works (ECoW)) and the Outline Habitat Management Plan are broadly satisfactory. However, we ask that additional mitigation is considered to further reduce the Proposed Development's impact on protected species and habitats, and to secure net biodiversity gain; notably for Schedule 1/1A and A1 White-tailed eagles *Haliaeetus albicilla*, UK Biodiversity Action Plan Black grouse *Lyrurus tetrix* and Ancient/native woodland with associated lichen assemblages.*

SEPA (Dated 13.7.22) - No Objection.

A condition should be applied requiring a finalised detailed Peat Management Plan (PMP), to be agreed with the planning authority in consultation with SEPA prior to the commencement of development. The finalised plan should be update as a result of any further post-consent survey work and detailed design and should include further information relating to peat disturbance and reuse from permanent tracks and proposals for temporary peat storage. To minimise impacts on the water environment the finalised route of the proposed access track should be amended from that shown in the application at the following locations, which should be reflected in the finalised PMP:

- Between T19 and T20, where the track should not run along the side of the watercourse and a larger buffer should be observed and then a more perpendicular crossing of the watercourse made.*
- Near T25, where the configuration of the track should be amended so that the junction is not on top of a water feature.*
- Between T23 and T24, where the track should not run along the side of the watercourse, a larger buffer should be observed and then a more perpendicular crossing of the watercourse made.*
- At the spur to T20, where the track should be moved further away from the watercourse.*
- Between T28 and T29, where the track should be realigned to avoid crossing the same watercourse twice. 2.*

A condition should be applied requiring the works to be carried out in line with the Schedule of Mitigation, outline Construction Environmental Management Plan and General Environmental Management Plans

A condition should be applied requiring the development and implementation of a finalised Habitat Management Plan. It should be based on the outline version submitted with the application and deliver at least 9.26 ha of peatland habitat restoration in the areas identified in section 4.4 of the Outline Peat Management Plan. 4.

A condition requiring watercourse crossings 7, 11, 17 and 18 to be of single-span bridge design; all other permanent new or replacement crossings shall be oversized bottomless arched culverts unless there is a small undefined channel where an oversized closed culvert is acceptable.

A condition should be applied requiring site reinstatement and removal of temporary works within a given timeframe of the works being completed.

Transport Scotland (Dated 14.7.22) - No Objection.

Notwithstanding the issues noted, following a review of Transport Scotland's data and noting the assessment approach adopted, the traffic data applied is considered to be sufficient for the purposes of this assessment

Scottish Forestry (Dated 29.6.22) - No Objection.

As with previous projects, forest design and wider felling need to be taken into account, with similar landscape work being completed as per Inveraray Crossaig. In addition, the hydrology of development felling in context with the normal forest activity needs to be considered in relation to any sensitive waters, including Loch Awe.

Specific Comments:

1. LT29 alignment options. I am content with the description of GL5 diversion decision, which, despite a slightly increased impact on coniferous woodland, does minimise the effect on the Ancient Woodland.

2. Glen Lochy Switching Station

3. Creag Dhubh Substation

The minor alterations proposed at Glen Lochy and Creag Dhubh, do not appear to have any additional impacts on woodlands than the previous proposals, and so I have no further comments to make.

Scottish Water (Dated 15.7.22) - No Objection

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Internal Consultation Responses:

Biodiversity Officer (Dated 5.8.22) - No Objection.

"I note that the CEMP will be overseen by an ECoW, I ask that Toolbox Talks are included along with the Habitat Management and Restoration Plans. I also note that Pre- Start ecological surveys are to be conducted along with mitigation for species including ornithological interest. I look forward to having sight of the Biodiversity Net Gain assessment report when it becomes available"

Area Roads Engineer (Dated 23.8.22) - No objection

I confirm that Roads have no objection to the proposed, subject to submission and approval, of the documents listed, prior to construction/ extraction works are undertaken.

- *A Timber Transport Management Plan (TTMP)*
- *The Construction Transport Management Plan (CTMP) & control measures therein*

Furthermore, all access roads should be constructed in accordance with the appropriate vehicle speed/ visibility splay. All access road works undertaken should be in accordance with Standard Construction Details 001 & 004, for access roads adjoining adopted roads.

Drainage and Flooding Advisor (Dated 19.8.22) – No Objection.

It is recommended that planning conditions to the effect of the following be attached to any consent granted for this application:

- 1. Watercourse crossings should be designed such that post-development channel capacity is the same or greater than pre-development channel capacity.*
- 2. Surface water drainage should be designed in accordance with CIRIA C753 and ensure that post development surface water runoff does not exceed the pre-development surface*

water runoff. The surface water drainage should be in operation prior to the start of construction.

Conservation Officer (Dated 9.9.22) - No Objection.

On the basis of the information provided the pylons will be visible from the listed McIntyre monument and will have an adverse impact on its setting. However the proposed siting of the pylons are at a sufficient distance from the listed monument and are set within a valley so would not be visible on a skyline. Overall I would not consider the impact to be significant and I would not object to the proposal.

(E) PUBLICITY: N/A Section 37 Consultation

(F) REPRESENTATIONS: Yes

All representations in respect of S37 Consent applications require to be submitted to the ECU and not the Council who are only a consultee and not the determining authority. However members are requested to note the following information from the ECU and Council website. (A link to the ECU website has been previously provided in this report).

At time of preparing this report Objections have been submitted to the ECU by the following parties;

- Sue Rawcliffe, (E-mail address) Dated 18.8.22, 08.09.22 and 9.9.22.

Members are requested to note that this objector refers to a petition of 215 signatures which now been submitted to the ECU. This has also been provided to Officers on 9.9.22 as there are some delays with the ECU website making objections visible.

It was requested by Ms Rawcliffe that this not be put on the Council public access website for data protection reasons and the fact that it was a submission for the ECU. Officers have agreed to this and can confirm a list of 215 individuals has been provided objecting to the proposals on the following criteria.

We, the undersigned wish to make representation in relation to the Section 37 applications ECU00002199 Creag Dhubh to Dalmally 275kV Overhead Line Connection and EC00004493 North Argyll Tie-in on the following grounds:

1. ***The applicant, SSEN, has failed to adequately consider alternatives.***
2. ***The applicant has failed to engage in any meaningful way with the local community.***
3. ***There will be significant environmental impacts.***
4. ***The cumulative impact of this alongside other developments will seriously impact on our community's future sustainability.***

A separate letter of objection has also been provided on 9.9.22 sent to the ECU which is also on the Councils Public Access system. It was agreed this could be placed on public access.

- Mr John Strickland, Cladich More, Cladich, Dalmally Dated 21.8.22
- Richard Field, Colluska House Dalmally

A link to the public representations on the ECU website is provided below to allow Members to view any representations received after the writing of this report. These are found in “Documents- Public Representations”

[Scottish Government - Energy Consents Unit - Application Details](#)

(i) Summary of issues raised by Objectors

1. Failure to underground OHL not acceptable/ alternatives not considered appropriately
2. Impact of huge pylons unacceptable on attractive and important landscape. Will result in industrial scale development in the landscape
3. Proposals will cause significant environmental damage.
4. The area should be a national park and is targeted as it lacks this designation
5. Pylons widely believed to cause cancer
6. The pylons will have an adverse impact on tourism and the local economy

In respect of the visual impact of the pylons and related matters, these are addressed within the Officer report and in consultation responses. In respect of the other matters raised Officers would comment as follows.

Point 1 – The EIA Report at Chapter 2, 3.1 – 3.4.5 provides a comprehensive summary of the design evolution and alternatives considered in reaching the current routing proposal. Officers are content that the proposal represents an acceptable network solution when balanced against wider Planning Policy Priorities as set out in more detail elsewhere within this report and the routing limitations set out on the EIA.

Point 4 - The area is, as a matter of fact, not within a designated National Park and therefore this Statutory Designation and the tests required in respect of development within national parks is not material to this determination.

Point 5 - Health concerns associated with pylons is not considered by Officer to be a matter which has any substantive materiality to the consideration of the application under planning considerations and is a matter for Scottish Ministers and appropriate health experts to consider whether there is any merit in these medical allegations.

Point.6 -There is no provided or referenced evidence to support the contention that the construction of pylons adversely impacts upon tourism within an area.

Glenorchy and Innishail Community Council (Dated 2.8.22) – Object to proposals for the following reasons;

- Environmental Statement is flawed
- The Community council accept and understand the need to upgrade the SSEN infrastructure but SSEN have not looked sufficiently at alternative routes and options to reduce environmental impacts contrary to LDP2 policies, Single Outcome agreement and Community Plan.
- Proposals will industrialise the landscape of Argyll and Bute
- No meaningful Community Consultation has been undertaken
- Aarhouse Conversion has not been followed by SSEN

This was initially submitted to the Planning Authority and not the Scottish Ministers as should have been the case. It has however been passed on by Officers and the ECU has acknowledged receipt and confirmed to the Community Council that its objections will be considered by the Scottish Ministers before reaching a decision.

All of the above objections are matters for the Scottish Ministers to consider in reaching a decision under Section 37 of the Electricity Act 1989 and to give such weight as they consider appropriate to all the issues raised.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** Yes. The following matters are addressed in the EIA:
- Biodiversity;
 - Ornithology;
 - Landscape Character and Visual Impact;
 - Cultural Heritage;
 - Hydrology, Hydrogeology, Geology and Soils;
 - Forestry;
 - Noise and Vibration; and
 - Traffic and Transport;

The EIA has also considered the potential for cumulative environmental impacts arising as a result of the Proposed Development in-combination with other reasonably foreseeable schemes (inter cumulative effects), as well as the combined or synergistic effects caused by the combination of a number of effects from the Proposed Development on a particular receptor (intra cumulative effects). This is primarily in respect of potential Landscape Impacts and also potential cumulative traffic impacts in respect of the Roads Network.

The EIA report evaluates potential impacts and proposed mitigation with reference made to a number of supporting technical appendices which provide further detail on all of the above matters.

- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No (This is a matter for the ECU to address)
- (iii) **A design or design/access statement:** Refer to EIA Report and Planning Statement
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**

Refer to EIA Report, Technical Appendices and Figures.

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: No

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 5 – Supporting the Sustainable Growth of Our Economy

LDP 6 - Supporting the Sustainable Growth of Renewables

LDP 9 – Development Setting, Layout and Design

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)

SG LDP ENV 2 – Development Impact on European Sites

SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves

SG LDP ENV 6 – Development Impact on Trees / Woodland

SG LDP ENV 11 – Protection of Soil and Peat Resources

SG LDP ENV 13 –Development Impact on Areas of Panoramic Quality (APQs)

SG LDP ENV 14 –Landscape

SG LDP ENV 16(a) – Development Impact on Listed Buildings

SG LDP ENV 19 –Development Impact on Scheduled Ancient Monuments

SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance

SG LDP REN 3 – Other (Non-Wind) Forms of Renewable Energy Related Development

SG LDP SERV 6 – Private Water Supplies and Water Conservation

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 5 – Off-Site Highway Improvements

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

- NPP3 (Draft NPP4)

- Argyll and Bute Energy Action Plan
- Argyll and Bute Landscape Wind Energy Capacity Study (Capacity Study 2017);
- SNH (1996) Landscape Assessment of Argyll and the Firth of Clyde (Review No78)
- SNH (2009) Loch Lomond and The Trossachs National Park Landscape Character Assessment.
- Argyll and Bute Woodland and Forestry Strategy
- Scottish Government Policy Document on Control of Woodland Removal

Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within LDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the LDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of LDP2 that may be afforded significant weighting in the determination of this application are listed below:

Policy 19 – Scheduled Monuments
Policy 39 – Construction Standards for Private Access
Policy 41 – Off Site Highway Improvements
Policy 58 – Private Water Supplies and Water Conservation

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No. EIA required and submitted (Schedule 1 Development)

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing (PAN41 or other): No

(P) Assessment and summary of determining issues and material considerations

The EIA submitted with the application examines landscape and other impacts associated with the proposals and concludes that some significant landscape impact will occur, these

are however localised in nature and the overall development proposals will not have a significant landscape impact and is therefore acceptable.

It is accepted in the submission that some localised significant visual impact will occur, and in particular from VP 11 looking south from the Duncan Ban Monument. Officers agree with the applicant's view that the extent and level of impact is not sufficient to raise objection to the overall proposals as the supportive National and Local policy framework, which are supportive of such major grid infrastructure development necessary for renewable energy transmission and the nationally important benefits these will bring to meeting climate change targets and in promoting sustainable development.

Although some significant localised landscape effects will take place as identified in the EIA, these are considered largely unavoidable with an infrastructure project of this scale. The Council is supportive of delivering this renewable energy related infrastructure upgrade within its Renewable Energy Action Plan under TC1 and the proposals represent essential National Infrastructure supported in NPP3 and draft NPP4.

Importantly, NatureScot have not raised objection on landscape, ornithology or ecological grounds and have expressed that they are in general agreement with the EIA evaluation and conclusions. Officers can identify no reasons to depart from the findings and conclusions of NatureScot, and therefore consider that the overall proposals are considered acceptable in respect of landscape, ornithology and ecological impacts. The Council's Biodiversity Officer also raises no objections.

In respect of potential impacts upon cultural and historic assets, and the acknowledged impacts within the EIA documents, HES have raised no objection to the proposals. Again Officers can identify no reason to depart from the views of the expert consultee on such matters. The Council's Conservation Advisor has raised no objections to the impact of the proposed towers on the setting of the Category B Listed Duncan Bann monument.

Transport Scotland raises no objection to the proposals, (including evaluating potential cumulative impacts on the Trunk Roads Network) The Area Roads manager also raises no objections to the proposals.

Officers consider that overall the landscape, ecological, historic environment, Transportation and other potential effects have been appropriately addressed and mitigated in defining the proposed route, where a balanced judgement on competing interests must be reached. Appropriate mitigation can be secured through the imposition of conditions by the Scottish Ministers in line with the proposals set out within the EIA, and within the consultation responses submitted to the ECU by other consultees set out in this Report (and on the ECU website) as is normal practice for S37 applications.

In conclusion, it is therefore considered that the proposals are in accordance with the overall LDP policies and objectives and it is recommended that no objection be raised to the current S37 proposal.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why no objection to the proposal should be raised

The EIA submitted with the application examines landscape and other impacts associated with the proposals and concludes that some significant landscape impact will occur, these are however localised in nature and the overall development proposals will not have a significant landscape impact and is therefore acceptable.

It is agreed by Officers that the overall scheme is acceptable in terms of landscape impact. In respect of the localised significant impacts identified in the EIA, it is the opinion of Officers that these are not sufficiently harmful to justify objecting to the current proposals, and do not outweigh the economic and sustainability benefits associated with the delivery of this nationally important infrastructure project which will transfer renewably generated energy to the grid.

Although some significant localised landscape effects will take place as identified in the EIA, these are considered largely unavoidable with an infrastructure project of this scale. The Council is supportive of delivering this renewable energy related infrastructure upgrade within its Renewable Energy Action Plan under TC1 and the proposals represent important National Infrastructure supported in NPP3 and draft NPP4.

Officers consider that overall the landscape, ecological, historic environment, transportation and other effects have been appropriately mitigated in defining the proposed route, where a balanced judgement on competing interests must be reached. Appropriate mitigation can be secured through the imposition of conditions by the Scottish Ministers in line with the proposals set out within the EIA, or within the consultation responses submitted to the ECU by other consultees set out in this Report and on the ECU website.

In conclusion, it is therefore recommended that no objection be raised to the current S37 proposals

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: S37 Consultation

Author of Report: David Moore

Date: 12.9.22

Reviewing Officer: Sandra Davies

Date: 13.9.22

Fergus Murray Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO S37 CONSULTATION REF. NO.22/01298/S37

Suggested Planning Conditions

1. The development shall be implemented in accordance with the details specified on the submitted Section 37 Application and associated Environmental Impact Assessment unless as otherwise agreed in writing by the Planning Authority.

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

2. No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the company of an independent and suitably qualified environmental consultant to assist the planning authority in monitoring compliance with the terms of the deemed permission and conditions attached to this consent, The terms of appointment shall:
 - Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent
 - Require the environmental consultant to submit a monthly report to the planning authority summarising the works undertaken on site; and
 - Require the environmental consultant to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity

The environmental consultant shall be appointed on the approved terms throughout the period of commencement of development to completion of post construction restoration works.

Reason: To enable the development to be suitably monitored to ensure compliance with the consent issued.

3. There shall be no transmission of electricity through the 275kV line until a woodland planting scheme to compensate for the removal of existing woodland (“the Replanting Scheme”) has been submitted to and approved in writing by the Scottish Ministers in consultation with Forestry Commission Scotland and the Planning Authority.

The Replanting Scheme submitted for approval must include;

- a. details of the location of the area to be planted;
- b. details of land owners and occupiers of the land to be planted;
- c. the nature, design and specification of the proposed woodland to be planted;
- d. details of all Necessary Consents for the Replanting Scheme and timescales within which each shall be obtained;
- e. the phasing and associated timescales for implementing the Replanting Scheme;
- f. proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage; and proposals for reporting to the Scottish Ministers on compliance with timescales for obtaining the Necessary Consents and thereafter implementation of the Replanting Scheme.

The approved Replanting Scheme (or, as the case may be, an amended Replanting Scheme as approved in accordance with paragraph 5) shall thereafter be implemented in full and in accordance with the phasing and timescales set out therein, unless otherwise agreed in writing by Scottish Ministers after consultation with Forestry Commission Scotland and the Planning Authority.

Reason: To ensure appropriate compensatory re-planting is secured in accordance with the requirements of SG LDP ENV 6

4. Unless otherwise agreed in writing by the Scottish Ministers, the development will not be commissioned to supply electricity on a commercial basis until all relevant necessary consents for implementation of the Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained. The Company shall submit details of any amended Replanting Scheme to the Scottish Ministers for approval and in this case-
 - (a) The development will not be commissioned to supply electricity on a commercial basis until a Compensatory Replanting Scheme has been approved in writing by the Scottish Ministers in consultation with Forestry Scotland and the Planning Authority;
 - (b) Unless otherwise agreed in writing by the Scottish Ministers, the development will not be commissioned to supply electricity on a commercial basis until all necessary consents for the compensatory replanting scheme have been obtained.

Reason: To ensure appropriate compensatory re-planting is secured in accordance with the requirements of SG LDP ENV 6

5. No development shall be commenced on site until an updated Species Protection Plan has been submitted to and has been approved in writing by the Council as Planning Authority in consultation with NatureScot. This shall provide for updated pre-construction surveys to identify any presence of European Protected Species on or adjacent to the construction site, shall detail any mitigation required in terms of the timing of construction works and shall detail any other avoidance or mitigation proposed in response to any protected species likely to be affected by construction activities. The development shall be implemented in accordance with the requirements of the duly approved Species Protection Plan.

Reason: in the interests of nature conservation and to ensure updated surveys are provided.

6. No development shall be commenced until a full site specific Construction Environmental Management Plan has been submitted to and has been approved in writing by the Council as Planning Authority in consultation with the Scottish Environment Protection Agency. This shall address requirements arising from the construction and reinstatement phases of the development, shall inform the production of construction method statements, and shall specify the siting of working areas, soil management practices, measures to prevent pollution of watercourses, environmental site monitoring and noise mitigation measures where identified to be required. The development shall be implemented in accordance with the requirements of any approved Construction Procedures Handbook, copies of which shall be maintained available on site for the duration of construction works.

Reason: In the interests of pollution and noise control.

7. For the duration of construction and dismantling works, cultural heritage assets falling within the construction corridor, as identified within the Environmental Appraisal, shall be temporarily fenced off from construction activities. Where such assets are specifically protected by designation as Scheduled Ancient Monuments, the fencing in that event shall enclose a 20 metre buffer around the extent of the

scheduled area. Details of such measures shall be submitted to the Planning Authority for approval in consultation with Historic Environment Scotland.

Reason: In order to prevent damage to the historic environment.

8. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service”.

Reason: In the interests of archaeology.

9. Prior to development commencing, a Traffic Management Plan shall be submitted for the written approval of the Council as Planning Authority in consultation with the Council's roads engineers. This shall detail approved access routes, agreed operational practices (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, reporting of verge damage) and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles.

This Traffic Management plan shall also evaluate and include potential cumulative impacts associated with other consented developments in the area to ensure cumulative traffic impacts are considered and also that the use and/or sharing of borrow pit locations to reduce traffic impacts are properly considered. Any traffic management plan shall include the evaluation of cumulative impact analysis of consented or reasonably foreseeable proposals which could also impact upon the capacity and safety of the road network. This shall be subject to consideration by both the Planning Authority and Transport Scotland The development shall thereafter be implemented in accordance with any approved Traffic Management Plan unless with the written agreement of the appropriate roads authority.

Reason: In the interests of road safety and the integrity and functioning of the roads network.

10. Prior to development commencing details of the layout and construction of the access points proposed to facilitate access for construction on all roads shall be agreed with the Council's roads engineers and Transport Scotland where the access is to a trunk road. All construction will require to be in accordance with the Council's standard junction details; the required standard detail in each case being dictated by the proposed usage of the access point. Minor accesses where the existing roadside fence is closer to the carriageway than 2m will require a bound surface extending to a point 2m back from the carriageway edge. Where the existing roadside fence is 2m or further from the edge of the carriageway, the bound surface shall extend to 5m back from the edge of carriageway. All accesses will be a minimum of 3m wide. Where accesses are proposed to be used more extensively they shall be 4.5m wide, and for the main compounds and depots they shall be 6m wide. Accesses serving main compounds and depots shall be constructed in accordance with roads engineers drawing SD08/001a. All new and extended passing places will be constructed to a minimum standard of roads engineers drawing SD08/003a, and where longer passing places are necessary, SD08/003a will be used for extrapolation.

Reason: In the interests of road safety.

11. Details and/or compliance with the following matters/actions require to be submitted and approved in consultation with the Area Roads Engineer prior to the commencement of development or as otherwise may be agreed in writing with the planning authority through an approved Traffic Management Plan;
- a. All bridges, culverts and walls along the route to be inspected and the condition recorded before and after the project.
 - b. The routes used to be inspected and the condition recorded prior to use. Video recording is required. Survey to be submitted to Roads & Amenity Services prior to any work starting on site.
 - c. Any use of temporary signage to be approved by Roads & Amenity Services.
 - d. All access points from the public road to be constructed in accordance with the Council's standard details. The required standard detail will be relevant to the proposed usage.
 - e. All accesses to be surfaced in a bound material.
 - f. Minor accesses where the roadside fence is closer to the public road than 2.00 metres the bound surface will extend to a point 2.00 metres back from the carriageway edge. Where the existing roadside fence is 2.00 metres or further from the edge of public road the bound surface will extend 5.00 metres from edge of public road.
 - g. All accesses will be 3.00 metres wide. Where accesses are used more extensively they will be 5.50 metres wide and for main compounds and depots they will be 6.00 metres wide. Main compounds and depots will be constructed in accordance with standard detail drawing ref: SD 08/001 Rev a.
 - h. All new and extended passing places shall be constructed to the required standard. The minimum required standard will be SD 08/003 Rev a. Where longer passing places are necessary SD 08/003 Rev a will be used for extrapolation.
 - i. Where it is necessary to culvert the roadside ditches the minimum pipe size will be 450 mm diameter. All roadside culverts to be agreed in writing with Roads & Amenity Services prior to installation. All pipes to be twin wall polypropylene or similar approved. Headwall details to be agreed with Roads & Amenity Services.
 - j. A code of practice for drivers both on the site and for delivery drivers. The code of practice will detail how drivers should proceed at passing places, how they should allow following traffic to pass, avoid running in convoy, keep away from verges, locations where turning is possible, report verge damage they have caused so that it can be repaired, no parking on verges which cause obstructions; these are the minimum contents of the code of practice, further development will be required. All deliveries to the site will have instruction provided to the drivers relating to the Code of Practice, specific routes to follow etc.
 - k. Should any Argyll & Bute Council road suffer unacceptable damage, the Council will consider imposing restrictions to preserve the route.

Reason: In the interests of road safety.

12. The applicant shall demonstrate that the wholesomeness and sufficiency of the private water supplies in the vicinity of the development shall not be compromised by the proposed development prior to the commencement of the development.

If during, or on completion of the works, surrounding private water supplies are effected or deemed not suitable, it shall be the responsibility of the applicant to ensure that any damage to said water supplies is rectified and addressed to ensure that the water supplies to the properties meet at least the standards which were in place prior to works of this S37 consent being implemented.

Reason: In order to provide adequate protection of the private water supplies in the vicinity of the proposed development.

- 13 Watercourse crossings should be designed such that post-development channel capacity is the same or greater than pre-development channel capacity.

Surface water drainage should be designed in accordance with CIRIA C753 and ensure that post development surface water runoff does not exceed the pre-development surface water runoff. The surface water drainage should be in operation prior to the start of construction.

Reason: To ensure flooding and drainage matters are properly addressed in the implementation of the scheme.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 22/01298/S37

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The Proposed Development forms part of this strategy and aims to reinforce the existing transmission network connections in the Argyll region, to enable renewable energy projects to connect to the GB transmission network and to ensure security of supply. Infrastructure for the transportation of low carbon electricity is essential to delivering the Scottish Government target for the equivalent of 50% of Scotland's heat, transport, and electricity consumption to be supplied from renewable sources. This is why enabling the transition to a low carbon economy remains the applicant's main strategic purpose

The original transmission network in Argyll and Bute was constructed over 60 years ago and designed to transmit electricity to consumers in rural areas of low-density population. As the UK strives for Net Zero (achieving a balance between the greenhouse gases emitted into the atmosphere and those taken out), the applicant has seen a significant increase in generator connection applications in Argyll and Kintyre in the last 18 months, predominantly in renewable generation. In terms of this renewable generation, there are infrastructure requirements needed to connect generators to the applicant's transmission network. Officers are content that the principle of large scale infrastructure of this type is in accordance with Plan policy as point of principle in terms of scale and location of development for the reasons set out below.

The applicants clarify in their supporting Planning Statement, at para 1.3.1 that:

- *The Proposed Development is identified within Annex A of National Planning Framework 3 (NPF3) as a National Development under the class of development noted as “new and / or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts and supporting pylons”.*
- *The Proposed Development is for an extension to the OHL infrastructure in the region enabling increased capacity from 132kV to 275kV and connection to the wider SPEN network to enable renewable connections and transmission of energy to the wider GB network.*
- *The Proposed Development will contribute to security of supply and provide increased and more resilient infrastructure capacity to facilitate renewable energy connections in the wider area – all of which forms vital elements to deliver network and grid infrastructure required to deliver the Government's legally binding targets for net zero emissions and renewable energy electricity generation objectives.*
- *The Proposed Development will be delivered in such a way that it is environmentally acceptable and will include a co-ordinated and scheme of landscaping and screening to the site.*

The proposals are accepted by Officers to represent major and nationally important infrastructure proposals as recognised in NPF3. The routing of the proposal through countryside locations is in accordance with normal land-use associated with such essential energy infrastructure and therefore the location of the proposals outside settlements in countryside locations is in accordance with the objectives of LDP STRAT 1, LDP DM1 and Policy LDP 11.

B. Location, Nature and Design of Proposed Development

The proposed towers are designed to safely carry the necessary energy loadings and are of a similar design to those used throughout the UK for such a function. The new OHL will not only provide electricity to town and settlements in Argyll but also export electrical energy associated with the many renewable energy generators in the area. Paragraph 2.3.4 of the Planning Statement confirms that the key components of the application are for 48 self-supporting fabricated galvanised steel lattice towers, L8(C) series that are on average 50 m high and separated by an average distance of 280 m. The spacing (span length) between towers and the tower height would vary depending on environment and engineering constraints with maximum height of 60 m and maximum span length of 350.

In respect of the design of the proposed towers, there are the approved and commonly used towers throughout the UK to undertake high voltage transmission upgrades and reflect those previously approved under 18/01700/S7 for the Inveraray to Crossaig high Voltage upgrade.

The proposals are therefore considered to comply with the general requirements of policies LDP3 and LDP 9 in respect of their design and appearance as these are commonly found structures throughout the UK in countryside locations.

C. Landscape Character and Potential Impact on Settlements

The landscape encompassing the proposed development is typified by a complex series of irregular dramatic topographical mountains with rocky outcrops to low-lying hollows and glens. Loch Awe is a key water feature and in the south east, the northern shores of Loch Fyne extend partially into the study area. Areas of broadleaved woodland are present across lower hill sides and along the shoreline of Loch Awe. Commercial forestry is a dominant feature in the landscape and a main land use.

- Visual receptors. Including residents of Dalmally and Cladich, which will have full or partial views of the OHL, individual properties, tourists, walkers and cyclists.
- Designated landscapes: Including the Loch Lomond and the Trossachs National Park (LLTNP), and Areas of Panoramic Quality (APQs).
- Non-designated landscapes: Including Wild Land Areas (WLAs) and Gardens and Designed Landscapes (GDLs).

The applicant's contend in their submission that:

The main source of impact would be from the proposed towers and construction of new temporary and permanent access tracks. These require the removal of commercial forestry, heather moorland, and other vegetation. Careful routeing of the Proposed Development during the design stage mitigated these effects by endeavouring to avoid the most sensitive landscape and visual receptors to minimise potential significant landscape and visual effects. There would be direct, significant residual effects on the fabric and host landscape character within the immediate area of the OHL steel lattice towers during construction and operation. These significant effects would be highly localised, and the level of effect would reduce substantially over a short distance from the proposed development.

Officers agree that this is fair summary of the operations proposed and the main elements of potential landscape and visual impacts which will be associated with the towers and any permanent access tracks retained for maintenance.

The EIA concludes that although significant localised effects occur, the overall OHL will not have significant environmental or landscape effects, subject to suggested mitigation

as set out within the EIA. However, the applicants clarify in submissions that: *Significant adverse residual visual effects were identified at one VP location which relates directly to Historic Environment/Cultural Heritage matters.* (This is VP11 and relates to views from and potential impact upon the Duncan Ban Monument)

The applicants also identify and list the following locations where visual impacts will occur as set out in Figure 11.7 of the submissions

- *visual impact will also be significant for cars driving alongside the northern boundary, on the B840. The wayleave will be visible to car travellers for a moderate period of time.*
- *The visual impact will be most important where the powerline crosses the A819 as the wayleave will be directly perpendicular to the road. The sight of the wayleave will however only be visible for a short period of time, reducing the significance of the visual impact.*
- *The A819 crosses the property from north to south and will cross the wayleave.*
- *The wayleave will be visible for a moderate period of time to cars driving south, increasing the significance of the visual impact. The power line will be visually prominent in this rolling landscape*
- *Management felling for the sub-station will be visible for cars driving north on the A819 and for cars driving alongside the B840.*

Officers are in agreement with this overall conclusion in considering the OHL proposal in its entirety and the most likely viewpoints where it will be most prominent in the landscape. Clearly the power line will also be visible from surrounding high points to a greater or lesser degree and the ZTV information provided in the EIA at Figure 8.1b. However in many of these longer views Officers are of the opinion that the receiving landscape is of a scale and nature to successfully absorb the impacts of the towers without significant adverse impact occurring. The proposals are therefore considered to accord with SG LDP ENV 14

Officers consider in respect of impact on settlements that the towers, although they will clearly be visible from some residential properties and areas around settlements, any likely impacts will be acceptable. In respect of Dalmlally the new towers will integrate with the existing power lines where the proposed new line and existing line will connect. Members should note that previous proposals to construct a switching station at this location no longer form part of the S37 application proposals. Towers of this type and scale are not unusual on the periphery of rural settlements where high voltage grid is required and therefore the proposals are considered to be acceptable.

Potential Cumulative Impacts

Throughout the discussions associated with this, and other projects that Officers are aware of, there has been a clear requirement for potential cumulative impacts of the proposals to be considered as part of any evaluation. The applicants have taken this on board and provided cumulative impact evaluation as part of the EIA submission. This evaluates not only the potential impact of this development in isolation, but also other proposals either existing or proposed which could cumulatively lead to the current proposals having an unacceptable and significant impact on the landscape.

At 8.4.75 the applicants confirm that:

For the purposes of the LVIA, and in order to keep the assessment proportionate, only those cumulative developments associated with electricity transmission, and which are considered likely to contribute to significant cumulative effects when the Proposed Development is introduced have been taken forward in the cumulative assessment.

This is accepted by Officer as a reasonable basis to evaluate potential cumulative impacts. Table 8.7 Lists those other developments which have been considered as part of the evaluation exercise. Cumulative impacts associated with commercial forestry felling have also been incorporated in this exercise.

Paragraph 8.6.39 clarifies that *“The location and geographical extent of LCTs within the Study Area are presented on Figure 8.3a (EIA Volume 3a). A detailed description of each of these LCTs is presented in TA 8.2 and a detailed residual effects assessment is presented in TA 8.4 (EIA Volume 4)”*

Detailed commentary and evaluation on such matters is contained within the EIA in Volume 2- Chapter 8. In respect of the evaluation of these matters NatureScot, who advise on such Landscape Impact matters, has not raised objections to the proposals in respect of cumulative impacts.

Officers consider that the evaluation contained within the EIA document at Vol 2 Ch 8 represents a fair evaluation of the nature of potential impacts, their potential significance having regard to the permanent nature of the proposal, the sensitivity and characteristics of the receiving landscape.

Of perhaps most significance in terms of potential Landscape Impacts for A&B is the fact that the proposals is set within an identified APQ. The full alignment of the Proposed Development, and the majority of the central and northern portions of the study area are located within the North Argyll APQ.

The applicants accept that;

The landscape within the APQ is sparsely settled. Where settlement occurs, it is mainly concentrated along the edges of Loch Awe and within glens, as the uplands and high tops are relatively inaccessible, rugged and in some places relatively wild. These contrasts between landscape types and scales are some of the characteristics that add to the scenic quality of the area... The sensitivity of the landscape designation is considered high as it has a high value and a high susceptibility to the type of development proposed.

The EIA evaluates construction effects and also potential phasing crossover. However in Officers opinion the most important matter is the operational cumulative visual impacts of the proposals and not the construction phase of the development where these would be temporary.

Chapter 2, Paragraphs 8.6.40 to 8.6.87 clarifies the LVIA evaluation which has been undertaken by the applicants which seeks to identify those areas and interests who would be to some degree impacted by the visual appearance of the proposals, and in combination with other potential developments in the area.

The applicants fairly conclude at para 8.7.3 that:

There would be direct, significant effects on the fabric and host landscape character area within the immediate area of the OHL steel lattice towers during construction and operation. The removal of vegetation cover, modest changes to the landform (OHL tower foundations) and the direct loss of coniferous forestry to facilitate the construction and operation of the Proposed Development would alter the landscape within close proximity

to the proposed alignment and increase the presence of transmission infrastructure within the landscape. Significant effects associated with these aspects of the Proposed Development would be highly localised, and would reduce substantially over a short distance from the alignment route. The localised removal of vegetation cover, whilst directly impacting on the fabric of the landscape within the alignment corridor, would not detract from, or significantly alter, the distinct pattern of landscape structure that characterises the wider landscape. Operational effects would be mitigated through the implementation of the mitigation specified in Section 8.5.11: Mitigation and the measures recorded in Chapter 15: Schedule of Mitigation (EIAR Volume 2).

Continuing at para 8.7.5;

The Argyll and Bute Area of Panoramic Quality would be directly affected by the Proposed Development; however, these impacts would be highly localised, quickly reducing with distance, due to intervening forestry and woodland. The Proposed Development would be visible from Ardanaiseig House GDL. However, given the extent of backclothing and intervening elements such as forestry it would result in a discernible change within the view, and is not anticipated to exert such an influence upon the qualifying features of the GDL to the extent they would be impacted, or their enjoyment diminished. The Proposed Development would be visible from isolated parts of the Loch Etive Mountains and Ben Lui WLAs; however the development would not be out of character with the existing view from these locations. Therefore, the magnitude of impact would be Negligible and the residual effect would be Moderate/Minor and not significant.

They continue at para 8.7.7:

The views towards the Proposed Development from several scattered residential properties would be seen at varying distances, and within the context of an expansive diverse landscape. As the Proposed Development routes through dense commercial forestry, a large proportion of the Proposed Developments towers would be screened in views, particularly those provided from the A819 and at Cladich. From more distant locations along the western extent of Loch Awe, properties would have long distance views of the Proposed Development, those properties situated at lower elevations would be subjected to filtered/restricted views. However, those properties at a higher elevation would view the Proposed Development as a new notable element within the hillside, albeit at a distance and backclothed by the surrounding topography and land cover.

In respect of views the surrounding roads network para 8.7.8 states:

The main routes (A85, A819 and B8077) and other minor transport routes were included within the detailed assessment process. No significant residual effects were identified. Of the many recreational routes within the LVIA Study Area, only one Duncan Ban MacIntyre core path (C450) would be subjected to locally significant effects as a result of the Proposed Development. Significant effects are not predicted on the amenity of any other core path due to a combination over distance and intervening landscape features, such as coniferous forestry and woodland vegetation and the generally backclothed appearance of the Proposed Development.

At para 8.7.12 the applicants fairly accept that

Any development of the scale and type proposed has potential to cause some significant landscape and visual effects. The Proposed Development is no different in this regard. However, it is apparent from the limited number of significant effects identified in respect of the Proposed Development in Section 8.5.20: Residual Construction Effects and Section 8.5.34: Residual Operational Effect, and the preceding summary, that the siting and design of the Proposed Development has proven to be effective in minimising such significant effects.

Officers and NatureScot are in agreement with these overall conclusions in respect of potential landscape impacts associated with the proposals and therefore although some localised significant impacts will occur, these are not considered to outweigh the policy support for such necessary and nationally important infrastructure development.

D. Natural Environment (Biodiversity and Ornithology)

The submitted EIA has considered potential impacts and their associated effects on ecological features (including designated nature conservation sites, habitats, and protected species) as well as on birds and bird related features (including sites designated for breeding birds and other protected bird species) in line with Chartered Institute of Ecology and Environmental Management (CIEEM) guidance. Baseline conditions have been collected through desk-based review of existing information, consultation with relevant statutory and non-statutory bodies and habitat and protected species surveys been collected through desk-based review of existing information, consultation with relevant statutory and non-statutory bodies and habitat and protected species surveys.

The EIA confirms that:

The dominant habitats are coniferous woodland plantation, wet modified bog and semi-improved acid grassland. Potential Groundwater Dependent Terrestrial Ecosystems (GWDTEs) were recorded throughout the field survey area. Protected species surveys identified the presence of Bat Roost Potential (BRP) trees, badger meles, water vole amphibius, otter Lutra lutra, pine marten Martes martes, red squirrel Sciurus vulgaris, common lizard Zootoca vivipara, common frog Rana temporaria, and common toad Bufo bufo.

The EIA acknowledges that significant impacts will occur, but concludes that the proposed mitigation measures proposed satisfactorily address these. The applicants state that:

Without the application of mitigation, significant effects would likely include, felling approximately 12.62 ha of Ancient Woodland, degradation of peatland habitats (wet heath and flushes), removal of trees with BRP, degradation of water vole and otter habitat. Following the application of mitigation, such as native woodland retention measures, on-site and offsite compensatory planting, peatland restoration, habitat reinstatement, a Construction Environmental Management Plan (CEMP), pollution prevention measures, and inspection of BRP trees to be felled, no significant residual effects are predicted. Following completion of the Proposed Development (including reinstatement work), residual adverse effects are anticipated for the long term (approximately 10 to 20 years) until woodland has re-established. Woodland planting for Ancient Woodland is not a like-for-like replacement as Ancient Woodland is an irreplaceable resource. Compensatory planting areas are likely to establish as functional young woodland over at least 50 years. However, it would take far longer to provide a comparable offset for the loss of Ancient Woodland. As a result, a long-term significant adverse residual effect would remain for the loss of Ancient Woodland until such time as the replacement woodland areas are fully established and functional (from 80-100 years). Significant cumulative adverse effects are also predicted on Ancient Woodland between the surrounding cumulative developments and the Proposed Development.

In respect of Ornithology the submission confirms that the Glen Etive and Glen Fyne Special Protection Area (SPA), which is designated for Golden Eagle (*Aquila chrysaetos*), borders the proposed development, for approximately 1 km, between towers 18 and 23 near Achlian Farm. The closest point to the SPA is 40 m, between Towers 20 and 21.

The EIA confirms that the proposed development runs between two golden eagle territories, one with an active nest location to the north and another with an active nest to

the south east. These territories have potential connectivity with the Proposed Development. Surveys recorded low levels of golden eagle flight activity and no significant impacts on the species, or the SPA are predicted. Field surveys recorded black grouse leks at five locations within the Ornithological Field Survey Area and territories were identified of white tailed eagle and hen harrier as well as likely territories of goshawk and honey buzzard. (Members are requested to note that detailed information in respect of these matters has been submitted to the Council on a confidential basis to protect the nest locations of the eagles. This is in accordance with established practice on such sensitive information).

In respect of Ornithology the applicants conclude in their non-technical summary that Impacts on these features would be mitigated by adhering to Species Protection Plans and monitoring to be undertaken by the Ecological Clerk of Works. A section of line marking is required to avoid collision risk on white-tailed eagle. No significant residual impacts or cumulative impacts on ornithological features are predicted.

The Council's Biodiversity Officer raises no objections to the proposals and comments as follows:

I note that no Invasive Non-Native Species have been recorded, I am aware that Rhododendron ponticum is present in the wider area, along the main road and in some areas of the surrounding land, I ask that applicant includes INNS in their pre-start checks and if found create exclusion zones whilst implementing an eradication plan.

She continues;

"I note that the CEMP will be overseen by an ECoW, I ask that Toolbox Talks are included along with the Habitat Management and Restoration Plans. I also note that Pre- Start ecological surveys are to be conducted along with mitigation for species including ornithological interest. I look forward to having sight of the Biodiversity Net Gain assessment report when it becomes available"

NatureScot have also raised no objection to the proposals with their full consultation response available on the ECU website.

It is considered that all ecological and biodiversity and ornithology related considerations have been appropriately addressed within the submitted EIA and can adequately addressed by the imposition of appropriate conditions by the Scottish Ministers on any grant of consent

E. Impact on Woodland

The EIA forestry assessment has considered potential impacts and their associated effects on the forestry resource, forest management and forest access during construction and operation.

The applicants have confirmed that a desk study has been undertaken comprised consultation with Scottish Forestry and landowners and review of existing forest data provided by the landowners on woodland type (species/age class) and the existing woodland management regime. Field surveys were undertaken to confirm the extent of woodland areas affected by the Proposed Development and assess the current woodland characteristics. In total, approximately 7.92 km of the 13.3 km Proposed Development is within woodland and associated open ground, where tree clearance is required to form an Operational Corridor.

The EIA submission confirms that three woodland habitat types were identified during surveys (areas provided in brackets show the identified woodland areas e.g. areas to be felled):

- Broadleaved semi natural woodland (12.62 ha)
- Broadleaved plantation woodland (0.36 ha)
- Coniferous plantation woodland (51.19 ha)

The native broadleaved woodland areas are identified on the Scottish Government's Ancient Woodland Inventory. The routing and alignment process sought to avoid woodland where possible, while taking account of other environmental, technical and cost constraints. The Proposed Development would pass through 7.92 km of woodland, and potentially impact on up to 64.17 ha of woodland.

The applicants submit that;

The loss of predominately low sensitivity coniferous woodland (51.19 ha) equates to approximately 0.03% of the regional resource (Argyll & Bute Council area). The Proposed Development would result in an impact on up to 12.98 ha of more sensitive ancient semi-natural woodland, of which 12.62 ha is categorised as semi-natural woodland. In the context of the regional resource, 12.62 ha would equate 0.04% loss. The effects of woodland removal, in forestry terms, were assessed as not significant, due to the low magnitude of change in the context of the regional resource, and the low to medium sensitivity of the types of woodland present in the study area. The effect on the ancient semi-natural woodland of mixed native broadleaves classification were assessed as significant based on the impact of a noticeable change over a limited area. No mitigation is deemed necessary to address the direct woodland loss in forestry terms.

The felling of this amount of woodland with no compensatory planting would be considered contrary to Supplementary policy LDP ENV 6 which clarifies that:

Argyll and Bute Council will also resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.

To address these matters the applicants have confirmed that:

...SSEN Transmission is committed to seeking to reduce the ecological effects that would arise through the loss of ancient semi-natural woodland through the sensitive management of the Operational Corridor. No significant effects on forest access were identified. The development of compensatory planting scheme agreements will be progressed with landowners within the regional land boundary of Argyll & Bute Council. This is to mitigate the woodland removal of the Proposed Development to meet the Scottish Government's CoWRP objective of no net loss of woodland. On this basis the Applicant will replant the area quantity (64.17 ha) of woodland that will be removed for the Proposed Development.

Scottish Forestry, in their consultation response to the ECU dated 31.8.22 have confirmed that subject to the imposition of appropriate conditions to ensure compensatory planting, and the provision of Overhead Line Woodland Reports to minimise impacts on woodlands through best practice in respect of tree removal is provided they raise no objections to the proposals. The Council's Biodiversity Officer has also confirmed that she has no objection to the proposals.

F. Historic Environment and Archaeological Matters

As this is a S37 application the ECU has also consulted Historic Environment Scotland (HES) in respect of the proposals in a similar manner to consulting the Planning Authority. As HES are the statutory advisor in respect of such matters their views on the application are substantive material consideration in respect of evaluating the current proposals.

In their consultation response dated 2.8.22 found on the ECU website ([Application - HES Consultation Response - 02 August 2022 - Creag Dhubh to Dalmally.pdf](#)) they comment that:

Whilst the proposals will have an adverse impact on the settings of SM4019 Auchtermally or Uachdar Mhaluidh, deserted township and SM5149 Dychlie, deserted crofts in particular, we have concluded that the development proposal does not raise issues of national interest sufficient to warrant an objection for our historic environment interests

.... Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. Our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance

Officers see no reason to depart from the conclusions of HES as set out in their consultation response.

It is clarified that from VP11 Duncan Ban McIntyre monument, the proposed development would be visible in views to the south/ southeast. The full Title of this Category B listed Building is Duncan Ban McIntyre Monument Beacon Hill and the Listed building reference is LB12167.

Officers agree with the evaluation of the applicants advisors that the scale and proximity of the line to views from this Category B Listed Building bring potential adverse impacts both in views from the monument outwards to the SW in terms of landscape impacts as this is a dominant view westward towards Loch Awe, but also, for the purposes of Cultural Heritage evaluation, as being potentially viewed as being within the setting of the Listed Building. HES have not referenced the potential impact on the Duncan Ban Monument in their response and have clarified that the potential impact on the setting of a category B Listed Building is not within their remit on such applications and is a matter for the Planning Authority

Although officers consider there will be some adverse impact upon the setting of the Duncan Ban monument, this is considered not to be of such significance as to merit recommending an objection be raised to the proposals. The Council's Conservation Advisor has commented that:

On the basis of the information provided the pylons will be visible from the listed McIntyre monument and will have an adverse impact on its setting. However the proposed siting of the pylons are at a sufficient distance from the listed monument and are set within a valley so would not be visible on a skyline. Overall I would not consider the impact to be significant and I would not object to the proposal.

In respect of archaeological matters further more detailed consideration of the actual works required within specific locations will be necessary to ensure any requests for Archaeological access is proportionate and reasonable to the circumstances of the location. This will be informed by the CEMP, where details of the exact location, and construction details of the proposals will be clarified. A standard condition can therefore address these matters ensuring that WOSAS approve necessary investigatory works in advance of any development commencing.

G. Water Environment

No consultees have raised objection to the proposals and SEPA, Scottish Water and the Council's Flooding advisor are all content that subject to appropriate conditions and mitigation measures that the proposals are acceptable. It is not considered that the proposal raises any significant issues in respect of the water environment.

H Potential Noise impacts on Noise Sensitive Receptors (NSR)

It is considered that the use of appropriate noise control and mitigation measures can be used to ensure that no unacceptable impact would occur to sensitive receptors. These should be incorporated into the CEMP in respect of the details of construction proposals and identified mitigation requirements as is normal practice in respect of such development over such a long length with multiple construction sites.

The primary concern in respect of the proposals is related to the construction phase which represents a temporary period and therefore further discussions and agreement on these matters will be undertaken through the CEMP and site specific construction procedures to be approved.

Some tower locations will be sufficiently distant from a NSR to not require specific limitation, where others, and depending on whether rock breaking is required, may require the imposition of more stringent limitations and specific mitigation measures. All noise controls and mitigation measures will be included in the CEMP, including agreed hours of construction. These controls will be determined in consultation with Environmental Protection Officers.

However given the scale of the proposals, the length of the new OHL, and the extensive works to form access tracks, the Energy Consents Unit is requested to seek further input from WOSAS before making any favourable determination of this application to ensure Archaeological matters are properly addressed, and if considered necessary an appropriate condition is imposed.

I. Road Network and Associated Transport Matters.

The Area Roads Engineer has raised no objection to the proposals subject to the imposition of conditions requiring the submission and approval of Traffic Assessment in respect of both woodland removal and also the construction phase of the project to include details of junction designs to ensure road safety.

Transport Scotland have also not raised any objection to the proposals provided a detailed evaluation of the potential impacts of the proposals on the Trunk Road Network as set out below:

OBSERVATION 9: The estimated construction trips do not exceed the applied IEMA thresholds of a 10% increase in general traffic or a 30% increase in HGV traffic on either the A83(T) or A85(T). It is noted that both of these thresholds are forecast to be exceeded on the A819, however, this is regarded as a matter for consideration by the Local Authority.
OBSERVATION 10: Should the volume of construction material required to be transported to site exceed that assessed, where this would alter assessment conclusions, the assessment is required to be updated and outcomes issued for consideration by Transport Scotland

The EIAR notes that "the source of construction materials is unconfirmed at this stage". However, it is assumed that construction traffic (HGVs and staff) will approach the sites from the north and south via the A85(T) and A83(T) respectively, to route onto the A819.

Cumulative Impacts The EIAR includes analysis of the cumulative effects of the following consented and proposed developments which would use the same public roads as the Proposed Development during construction:

- *Blarghour Wind Farm (Consented) – The EIAR advises that construction of the wind farm is anticipated to begin well ahead of construction for the Proposed Development. Therefore, the peak traffic generating months will not coincide with those for the Proposed Development. Consequently, any cumulative traffic impact will remain below the worst-case scenario assessed within the EIAR. It is highlighted that a CTMP will be implemented for the wind farm to minimise and manage effects within the study area and communication will take place between the construction sites to minimise effects and ensure that larger traffic generating activities...are phased to avoid overlap where practicable.*

- *Meteorological Mast, Ladyfield Cottage (Consented) – The EIAR advises that the traffic impact associated with the construction of the meteorological mast is anticipated to be negligible and the construction programme is not anticipated to overlap with the Proposed Development. Therefore, cumulative traffic impacts are not anticipated.*

- *Creag Dhubh to Inveraray 275 kV OHL (Proposed) – The EIAR advises that no details on the predicted traffic generation for the Creag Dhubh to Inveraray OHL are available as this is only at pre-application stage. However, it is the same Applicant as for the Proposed Development and it is advised that the potential cumulative effects would be managed collectively in accordance with each project's Construction Environmental Management Plan (CEMP) and CTMP to ensure no significant traffic and transport related effects arise.*

- *Creag Dhubh 132 / 275 kV Substation (Proposed) – The EIAR advises that construction of the Creag Dhubh Substation would be undertaken in parallel with the construction of the Proposed Development and that there will be potential in-combination effects as a result of increased traffic movements in the study area. The substation construction phase will take 30 months and peak traffic generation month will occur in months 4 to 6, with 54 two-way daily HGV trips. The cumulative peak month will occur in months 1 to 3 of the Proposed Development construction phase (months 7 to 9 of the substation construction phase) with 111 daily two-way HGVs within the study area. Cumulative staff trips will equate to a maximum of 300 two-way car trips per day within the study area (assuming no car sharing). The cumulative impact of the two simultaneous developments is anticipated to result in an increase in total traffic levels along the A85(T) and A83(T) of more than 10% at the sensitive receptors of Dalmally and Inveraray respectively, and an increase of over 30% in HGV levels on the A83(T). Increases in total traffic and HGV traffic would also exceed the IEMA 10% and 30% thresholds respectively on the A819 and B840. As such, the EIAR presents a full assessment of environmental effects for the cumulative impact on the A83(T) and A85(T), as well as the local road links.*

Severance impacts are not considered to be significant, given the layout and topography of Dalmally and Inveraray. The study area is approximately 40km in length. Assuming a two-way 40km trip for each of the construction vehicles during the two construction phases, an increased accident risk of 0.67 Personal Injury Accidents per year has been estimated. This is considered to be both minor and significant. Other effects are considered to be negligible or minor and not significant.

OBSERVATION 11: The estimated cumulative construction trips exceed the IEMA thresholds of a 10% increase in general traffic on both the A83(T) and A85(T) and a 30% increase in HGV traffic on the A83(T). From the perspective of Transport Scotland, the results of the full assessment of effects are considered to be acceptable.

Noting the observations set out in this response, based on the information provided, Transport Scotland would offer no objections to Application ECU00002199, subject to the application of the following conditions to any consent that may be awarded: 1. No development shall commence until a Construction Traffic Management Plan (CTMP) and

Phased Delivery Plan have been prepared and approved in writing by the Local Authority, in consultation with Transport Scotland as the trunk roads authority. - Reason: To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure the safety of pedestrians and cycle users using the trunk road and adjacent facilities, and to be consistent with current guidance and best practice. 2. All vehicles transporting construction material to and from the proposed development shall be sheeted. - Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety. 3. The development shall not become operational until vehicle wheel cleansing facilities have been installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the Local Authority, in consultation with Transport Scotland as the trunk roads authority. - Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety. 4. Prior to any decommissioning of the development, a Decommissioning Plan shall be prepared and approved in writing by the Local Authority, in consultation with Transport Scotland as the trunk roads authority. - Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

As there are a number of other developments which could potentially be granted permission in addition to those listed in the cumulative assessment (i.e. Cruachan 2 - S36) Officers are aware that potential cumulative impact upon the road network is an important issue. Officers therefore consider that in granting any permissions for further major infrastructure development in the Dalmally/Inveraray/Crossaig areas there is a need to understand potential roads impacts and the potential construction stage overlap which could place demand on the roads network. A condition requiring the submission of an updated cumulative impact assessment as part of any Transportation Assessment submission is required and a condition to this effect has been proposed.

Members are requested to note for their general information that Roads and Planning Officers are currently commencing discussions on this matter with SSEN, and also with Transport Scotland and the Energy Consents Unit to ensure that co-ordinated Transportation Assessments are produced, and at an appropriate stage in the application process, which accurately reflect any potential cumulative impacts on the trunk and local road network.

j. Other Key Policy Matters

It is considered material to note that the current proposal is not a planning application but an application under S37 of the 1989 Electricity Act. This is an important matter due to the fact that Schedule 9 of the Electricity Act makes clear that the following determining factors are paramount to the S37 determination and in determining whether objection should be raised by the Planning Authority.

The requirements when formulating Schedule 9 'relevant proposals' are that it:

“(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geographical or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what [it] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or any such flora, fauna, features, sites, buildings or objects.” (Electricity Act, 1989, Schedule 9 (1(1))).

Under Schedule 9 'relevant proposals', in the case of electricity distribution, mean any proposals:

“... b) for the installation (whether above or below ground) of an electric line; or (c) for the execution of any other works for or in connection with the transmission or supply of electricity.” (Schedule 9, 1(3))

The proposed development in facilitating the provision of a high voltage line to transmit energy created by renewable development is nationally important as recognised in NPPG 3 which clarifies that:

4. An Enhanced High Voltage Energy Transmission Network is needed to facilitate renewable electricity development and its export. The specific projects required for this network are set out in the Electricity Networks Strategy Group, and will continue to evolve as new opportunities emerge.Improvements to the distribution network are also important to many remote rural areas. We support the provision of new infrastructure, whilst acknowledging that full consideration of routes and development components will be required at the consenting stage.As part of this national development, we want to see planning enabling development of onshore links to support offshore renewable energy development. A strategy for the marine grid, connecting with the onshore network, will help to provide greater clarity on the offshore projects required.

In addition the Argyll and Bute Renewable Energy Action Plan clarifies that:

This Renewable Energy Action Plan has been developed to assist Argyll and Bute realise its vision for the development of renewable energy:....Argyll and the Islands will be at the heart of renewable energy development in Scotland by taking full advantage of its unique and significant mix of indigenous renewable resources and maximising the opportunities for sustainable economic growth for the benefits of its communities and Scotland.

More specifically the Action Plan under Ref TC1 specifically supports the current proposals and seeks to:

*Ensure the grid is fit for purpose to meet renewable energy opportunities – **Inveraray-Crossaig overhead line replacement**, Northern Argyll substation, overhead line to Taynuilt and submarine cable replacement programme*

Although none of the above would make an unacceptable development acceptable, it is recognised by officers that essential major infrastructure projects such as is proposed cannot be delivered without some impacts, including some significant localised impacts, for particular areas. However, in reaching a determination on such matters it is essential that the wider policy support for such proposals are taken into consideration and “weighed in the balance” in determining whether an objection to the current proposals is appropriate.

National Policy Framework

As this is an application under S37 of the Electricity Act related to NPP3 delivery and Nationally Important objectives in respect of the energy transmission network there are a number of policy documents material to the consideration of the proposal. Officers are content that the Planning Statement submitted with the application gives a fair and comprehensive summary of the overall policy context and therefore it is not proposed to repeat this in detail. However Officers would wish to highlight the following main points set out in the submissions and agreed by officers:

- *The Proposed Development is identified within Annex A of National Planning Framework 3 (NPF3) as a National Development under the class of development noted as “new and / or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts and supporting pylons”.*
- *The Proposed Development is for an extension to the OHL infrastructure in the region enabling increased capacity from 132kV to 275kV and connection to the*

- wider SPEN network to enable renewable connections and transmission of energy to the wider GB network.*
- *The Proposed Development will contribute to security of supply and provide increased and more resilient infrastructure capacity to facilitate renewable energy connections in the wider area – all of which forms vital elements to deliver network and grid infrastructure required to deliver the Government's legally binding targets for net zero emissions and renewable energy electricity generation objectives.*
 - *The Proposed Development will be delivered in such a way that it is environmentally acceptable and will include a co-ordinated and scheme of landscaping and screening to the site.*

It is considered that this “high level” national policy support for renewable infrastructure and the Council’s policy support for such necessary, renewable energy related infrastructure is a significant material consideration in reaching a determination in this instance.

K. Conclusion

Although some significant localised landscape effects will take place as identified in the EIA, these are considered largely unavoidable with an infrastructure project of this scale. The Council is supportive of delivering this renewable energy related infrastructure upgrade within its Renewable Energy Action Plan under TC1 and the proposals represent important National Infrastructure supported in NPP3.

The EIA submitted with the application examines landscape and other impacts associated with the proposals and concludes that some significant landscape impact will occur, these are however localised in nature and the overall development proposals will not have a significant landscape impact and is therefore acceptable.

It is accepted in the submission that some localised significant visual impact will occur, and in particular from VP 11 looking south from the Duncan Ban Monument. Officers agree with the applicants view that the extent and level of impact is not sufficient to raise objection to the overall proposals as the supportive National and Local policy framework, which are supportive of such major grid infrastructure development necessary for renewable energy transmission and the nationally important benefits these will bring to meeting climate change targets and in promoting sustainable development.

Although some significant localised landscape effects will take place as identified in the EIA, these are considered largely unavoidable with an infrastructure project of this scale. The Council is supportive of delivering this renewable energy related infrastructure upgrade within its Renewable Energy Action Plan under TC1 and the proposals represent essential National Infrastructure supported in NPP3 and draft NPP4.

Importantly, NatureScot have not raised objection on landscape, ornithology or ecological grounds and have expressed that they are in general agreement with the EIA evaluation and conclusions. Officers can identify no reasons to depart from the findings and conclusions of NatureScot, and therefore consider that the overall proposals are considered acceptable in respect of landscape, ornithology and ecological impacts. The Councils Biodiversity Officer also raises no objections.

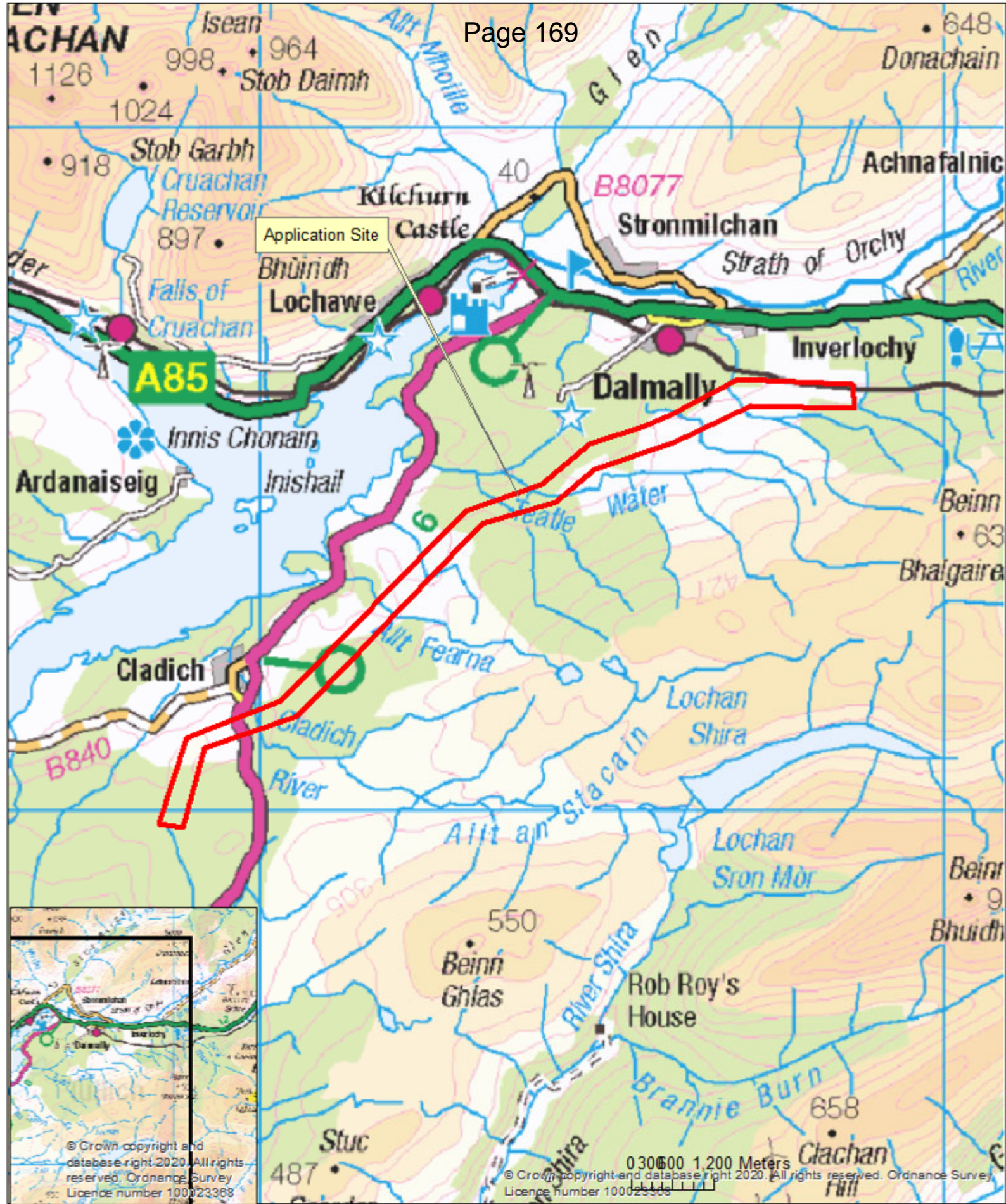
In respect of potential impacts upon cultural and historic assets, and the acknowledged impacts within the EIA documents, HES have raised no objection to the proposals. Again Officers can identify no reason to depart from the views of the expert consultee on such matters. The Councils Conservation Advisor has raised no objections to the impact of the proposed towers on the setting of the Category B Listed Duncan Bann monument.

Transport Scotland raises no objection to the proposals, (including evaluating potential cumulative impacts on the Trunk Roads Network) The Area Roads manager also raises no objections to the proposals.

Substantial tree felling is proposed and Officers agree with the Scottish Forestry that appropriate conditions require to be imposed to secure appropriate compensatory planting for the woodland to be felled to facilitate the current proposals, and that this replanting should be within the Argyll and Bute Area. It is noted that the applicants have committed to ensuring that compensatory planting is provided. Should land not be found to accommodate the planting in agreement with landowners, funds should be made available through to ACT to ensure the delivery of Community Woodland initiatives within the Argyll Area has been the implemented solution in respect of 18/01700/S37.

Officers consider that overall the landscape, ecological, historic environment, Transportation and other potential effects have been appropriately addressed and mitigated in defining the proposed route, where a balanced judgement on competing interests must be reached. Appropriate mitigation can be secured through the imposition of conditions by the Scottish Ministers in line with the proposals set out within the EIA, or within the consultation responses submitted to the ECU by other consultees set out in this Report (and on the ECU website) as is normal practice for S37 applications.

In conclusion, it is therefore recommended that no objection be raised to the current S37 proposal.



© Crown copyright and database right 2020. All rights reserved. Ordnance Survey Licence number 100023368

© Crown copyright and database right 2020. All rights reserved. Ordnance Survey Licence number 100025305



Location Plan Relative to planning application: 22/01298/S37



1:70,000

This page is intentionally left blank

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

This report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) Section 36 consultation regarding the proposed expansion of Cruachan Hydro Pump Storage Power Station

Reference No: 22/01221/S36 (ECU REF:00004492)

Applicant: The Scottish Government on behalf of Drax Cruachan Expansion Limited

Proposal: Electricity Act Section 36 consultation relevant to construction and operation of new underground power station and associated infrastructure adjacent to Cruachan 1 to provide up to 600 megawatts (MW) of additional new generating capacity

Site Address: Cruachan Power Station, Lochawe, Dalmally

Members are requested to note that as the Planning Authority are only a Consultee in respect of S36 Electricity Act proposals. The website containing all application documents, external consultee responses and third party representations can be found on the Energy Consents Unit website, operated on behalf of the Scottish Ministers at the link below:

[Scottish Government - Energy Consents Unit - Application Details](#)

Clicking the documents tab will open a page where the application documents, consultation responses and third party representations/objections can be viewed.

(A) Section 36 application made up of the following elements:

The Proposed Development will comprise the following main elements:

- Upper Control Works – A new intake structure would be located within and adjacent to the Cruachan Reservoir to direct water into a new tunnel and underground waterway system;
- Underground Waterway System – A series of underground shafts and tunnels carrying water between the upper reservoir and lower reservoir, directed through the underground powerhouse cavern;
- Powerhouse Cavern - A series of underground caverns containing turbines and generators which will use water to produce electricity;
- Substation – The existing substation compound requires to be extended in order to provide a suitable connection to the existing overhead circuits that connects to Dalmally sub-station, located some 7km to the east.
- Ventilation Shaft – A ventilation shaft will be required to circulate fresh air through the underground access tunnel and cavern power station complex.
- Tailrace Tunnel – A concrete-lined low-pressure tunnel will conduct water between the turbines and Loch Awe, the lower reservoir.
- Lower Control Works – Comprising screened inlet / outlet structure, positioned in Loch Awe at the end of the tailrace tunnel below the water level. These structures would channel water in and out of Loch Awe;

- Quayside – Constructed on the northern shore of Loch Awe to facilitate the construction of the underground access tunnels, waterway system and powerhouse cavern, and the temporary storage of spoil prior to its off-site removal; The quayside would also house a canopy structure, covering the stockpiles of spoil. The canopy structure would be enclosed on 3 sides by brick / concrete walls and have a corrugated roof. The primary purpose of this structure would be to prevent silt from stockpiles mobilised by wind /rainfall from entering Loch Awe and the surrounding landscape.
- Administration building - above ground administration and workshop buildings required for day to day operational and maintenance tasks – located on the quayside;
- Storage Buildings - above ground buildings required for storage and plant and equipment required for regular plant maintenance – located on the quayside
- Access Tunnels – A main access tunnel of some 1450m in length would be constructed to provide access to the underground power plant, close to the shore of Loch Awe. This will cross connect to the existing Cruachan 1 to allow personnel to easily move between the plants and provide a further means of access/egress.

(ii) Other specified operations

The following temporary works will also be required for the Proposed Development:

- An upper site compound to be used for construction laydown and concrete batching plant would be established in the vicinity of the existing dam. Once construction work for the Upper Control Works and sub-station is complete, this compound would be removed and the land restored;
- A lower site compound including workers welfare will be established to the North East of Lochawe village, with access from the junction of the A85 and B8077 (Stronmilchan Road) (as shown on Figure 1.1 in Appendix A). Once construction work is complete, this compound would be removed and the land restored. The total area required for this compound would be approximately 9ha;

(B) RECOMMENDATION:

Officers recommend that Members agree that the Council does not object, subject to the conditions as recommended by the Planning Authority and other consultees.

Officers also seek Member’s authority to undertake further discussions with the applicants and The Scottish Ministers to determine whether a planning condition or a Section 69 agreement between parties would most effectively address the Council’s requirement for the necessary Housing Strategy to be delivered.

(C) CONSULTATIONS:

ENERGY CONSENT UNIT RESPONSES:

NatureScot (Dated 5.7.22 & 16.1.23) No Objection subject to appropriate mitigation measures recommended being undertaken. Previous holding Objection withdrawn.

Response Dated 5.7.22

The Proposal is within the Loch Etive Woods Special Area of Conservation (SAC) and the Coille Leitire Site of Special Scientific Interest (SSSI). The Proposal could

affect internationally important natural heritage interests and **we therefore object to this Proposal until further information is provided**. This objection is due to a lack of information in the Environmental Impact Assessment Report (EIAR) and the supporting shadow Habitats Regulation Appraisal (HRA) of the Proposal in relation to the Loch Etive Woods SAC.

Response dated 16.1.23

NatureScot had a holding objection in relation to the Loch Etive Woods Special Area of Conservation (SAC) regarding potential impacts on the western acidic oak woodland. Given the location of the Proposal we considered the potential impacts on the woodland included: disturbance of the typical species, damage/ disturbance to the typical species through the process of widening the road and generally increased levels of noise and disturbance, and loss of qualifying habitat through the widening of the existing road..... The Proposal is located within the Loch Etive Woods Special Area of Conservation and the Coille Leitire Site of Special Scientific Interest (SSSI).

The Proposal could be progressed with appropriate mitigation. However, the Proposal could adversely affect natural heritage interests of national importance, and we therefore object to it unless it is made subject to the measures we have identified.

Mitigation: - The production of a Construction Method Statement, detailing road stabilisation techniques and the retaining structures, prior to the commencement of the Proposal. This should be agreed with NatureScot and Energy Consents Unit.

The appraisal we carried out primarily considered the impact of the Proposal on the following conservation objectives for the western acidic oak woodland of the Loch Etive Woods SAC: -

- 2a. Maintain the extent and distribution of the habitat within the site; -
- 2b. Restore the structure, function and supporting processes of the habitat; and –
- 2c. Maintain the distribution and viability of typical species of the habitat.

Our advice in relation to the SAC above also applies to the upland oak woodland interest of the Coille Leitire Site of Special Scientific Interest (SSSI)....

Glen Etive and Glen Fyne Special Protection Area (SPA)

Our advice is that it is unlikely that the proposal will have a significant effect on the qualifying interest either directly or indirectly. An appropriate assessment is therefore not required. The Proposal is in a location where disturbance is unlikely and is further mitigated by no above ground works during the breeding season. In addition, the amount and location of habitat loss is not significant.

Transport Scotland (TS) (Dated 25.11.22 & 9.1.23): No Objection subject to conditions.

In July 2022, Transport Scotland wrote to the applicant seeking clarification on a number of areas. A meeting was held between the applicant team and Transport Scotland to discuss the submitted information. This led to the submission of further information by the applicant to Transport Scotland on a number of items and a further technical meeting was held in October 2022.

Temporary Traffic Management on A85(T) The EIAR states that construction of the main access tunnel portal will require temporary traffic management on the A85(T). It was initially proposed to redirect the A85(T) using a temporary build out on the loch

foreshore, however, further information has been submitted to justify discounting this approach due to the additional material and construction timescale required to form this option. We note that it is now proposed to utilise the existing informal layby on the A85(T) which is currently used as parking for the Falls of Cruachan railway station as well as for hill walkers, to form a temporary realignment to the north of the existing A85(T), generally as illustrated on Stantec Drawing 331201086/001/C/0862. We also note that at a width of 4.7m, the use of this layby will result in the need for one-way signalised shuttle workings, lasting for approximately 3-4 months. Transport Scotland has indicated a desire for two-way operation to be retained at this location during the construction period and discussions continue on what might be possible at this location and the applicant is currently considering alternative options. The applicant has also indicated that whilst traffic management is in place on the A85(T), replacement public parking and access will be provided within the existing Visitor Centre car park. The details of this and the provision of appropriate pedestrian linkages along and across the A85(T) will require to be agreed. With regard to the current application, Transport Scotland is content that this aspect is covered by a Planning Condition and that the details of the temporary diversions and construction methodology affecting the A85(T) will be dealt with post-consent(should planning consent be awarded).

....We note, however, that the installation of the signals and the shuttle working has not been subject to any RSA at this stage. Transport Scotland will require a Road Safety Audit to be undertaken for these works and submitted to the Area Manager. This will require to be undertaken as part of the detailed design process for the traffic management arrangements

Abnormal Loads Assessment An Abnormal Indivisible Loads Assessment (AILA) has been provided within the TA. This states that it is a preliminary assessment and that detailed AIL access route assessments will be undertaken for each required AIL at the time of the programmed movement dates, once the specification / dimensions of those loads are known. We note that the Port of Entry for components has yet to be finalised, and as such, the AIL route has yet to be finalised. Potential ports and associated routes have been identified, however, as the A85(T) and A82(T) connect directly to the site from the east and the west, constraints on these two sections have been identified within the AILA based upon a preliminary desktop study. This assessment has identified numerous height, width and weight restrictions on the A85(T) and A82(T) between Oban and Crianlarich, all of which could require further investigation and potential mitigation. We note that the AILA states that a transformer of a similar dimension and weight to the one assumed in the assessment was successfully transported to Cruachan Power Station from Longannet Power Station in Fife. This AIL was transported during the night via the M876, M9, A84(T), A85(T), A82(T) and A85(T). This required police escort, road closures on the A82(T) between Crianlarich and Tyndrum and the temporary reinforcement of a bridge at Inverherive. We understand that similar measures may be required during the delivery of AILs for the current application and these would be assessed as part of future detailed AIL assessments. Having discussed this issue with the applicant, Transport Scotland is content that the issue of transporting AILs can be covered by appropriate Planning Conditions.

(Members are requested to note that the conditions requested by TS have been set out in the Appendix A at the appropriate section relating to Transportation matters).

Marine Scotland Science (MSS) (Dated 25.10.22) No Objection

We advise that baseline fish population surveys should be carried out on the River Awe and other watercourses potentially impacted from the proposed development. Surveys should take place annually for at least 12 months prior to construction, during

construction and for the first three years in the operational phase to monitor any changes in the fish populations and habitat throughout the construction and operation period.

MSS welcome the proposed Fish Monitoring and Management Plan (FMMP) and note that a smolt tracking study will be undertaken prior to the operational phase of the proposed development. MSS advise that this study should commence prior to construction taking place to gain baseline data on the outward migration of smolts from the River Orchy via Loch Awe, past the proposed development and to continue for at least two years of the operational phase of the development.

MSS welcome the proposed gill netting to exploit a larger survey area and to ascertain fish populations on both Loch Awe and Cruachan Reservoir. MSS advise that other techniques, that are less stressful on fish populations, should also be considered e.g. eDNA analysis.

MSS welcome the proposed mitigation measures including the appointment of an Ecological Clerk of Works, the use of an appropriately designed guidance system to minimise fish swimming towards the inlet/outlet, avoiding the smolt migration period when carrying out piling works, appropriately designed screens, controlling water velocities at inlet/outlet screens to not exceed 0.3 m.s⁻¹, regular cleaning of screens (SEPA state in their comments that fish screening will be considered at the CAR stage of the application), limiting artificial lighting to a distance of 10 m from waterbodies, a pollution prevention plan and a biosecurity management plan.

MSS welcome the proposed erosion prevention and sediment control plan and Construction Phase Surface Water management Plan the aim of which is to reduce the impacts on water quality and prevent hydro-morphological changes to surface water features during construction. MSS advise that these plans should also consider the potential impact associated with the release of concrete, sediment, fuel /hydrocarbons and acidic leachates (as highlighted by SEPA in their response) on the water quality and fish populations.

The resilience of fish populations to the potential impacts should be considered in the EIA report, particularly due to the large scale of this proposal. There is good information available on the resilience and state of the salmon population throughout Scotland

(Additional information provided on these matters in FEI on 14.12.22)

National Grid (Dated 8.6.22) No Objection

No assets in the area.

Scottish Water (Dated 10.6.22) No Objection

There is currently sufficient capacity in the DALMALLY Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Royal Society for the Protection of Birds Scotland (RSPB) (Dated 24.6.22) No Objection

RSPB Scotland is in broad support of the findings and proposed mitigation measures outlined in the Applicant's Environmental Impact Assessment Report (EIAR) and raises no objection to the Proposed Development.

RSPB Scotland is satisfied that appropriate avoidance and mitigation measures have been put forward to minimise impact, and that the Habitat Restoration and Landscape Mitigation Plan (to be produced prior to commencement of works) will include the restoration of disturbed peat, leading to insignificant residual negative effects.

Further, in respect of addressing Adverse significant effects at the Site level on oak and birch woodland (also known as Atlantic Oakwood, or Scotland's Rainforest) RSPB Scotland is pleased to note that both like-for-like replacement, additional tree planting and the facilitation of natural regeneration through browser exclusion will be outlined in the Habitat Restoration and Landscape Mitigation plan.

Argyll District Salmon Fishery Board (Dated 28.6.22) No Objection but request additional matters should be considered by EIA

We welcome the inclusion of the chapters on Hydrology and Ecology which should include Fishery management interests. However, the survey work carried out on Loch Awe and the Cruachan Reservoir, summarised on page 119 in the report do not fully cover our concerns of entrapment of fish, specifically salmon smolts as they migrate past the scheme intake in spring.

On the basis that the scheme has historically entrapped fish, we ask that this should be considered by the EIA. This is especially important when considering that some 90 % of Atlantic salmon smolts in the catchment migrate from the River Orchy and other tributaries around Loch Awe and will pass the intake for the scheme. Consequently, we will need to be assured that all measures are put in place to ensure that smolts and other fish are not drawn into the hydro scheme.

(Additional information provided on these matters in FEI on 14.12.22)

Scottish Environment Protection Agency (SEPA) (Dated 30.8.22 & 20.1.23) Holding Objection based on lack of information.

30.8.22 Response

We have reviewed the information supplied with the EIAR and have found it to be insufficient to allow us to determine the potential impacts. We therefore submit a holding objection and request determination be deferred until further information is provided in relation to hydrogeological / groundwater issues, site ecology and flood risk as detailed in Sections 1, 4 and 5 below. We will review our position if these issues are adequately addressed.

Although EIAR Section 14.9.20 reports it is not anticipated there will be any barriers to finding parties and businesses able to accept the materials we understand further market assessment is required to identify and investigate a local market option. As such there is no clarity on the locally viable option for the material within 5 miles.

We support the intention produce a Site Waste Management Plan (SWMP) and that this is to remain a live document throughout the duration of the construction period. We request a planning condition requiring the preparation of a full SWMP once design and contracting elements of the project are confirmed. We agree this should build on the information provided in the EIAR and specifically, given the potential implications for its storage and the reuse potential of the material, this will also need to be informed by the outcome of further assessments required in relation to the potential for the geology at the site to generate acidic leachates and acid rock drainage as discussed in Section 1 above and Appendix 2 enclosed.

4.1 We have concerns regarding the impact to groundwater dependent flush habitats, in the Lower Site Compound area and throughout Upper Works (particularly down the slopes leading into Cruachan Reservoir and down to the existing Access Track). The mapping provided in Figures 3.3 and 3.4 of EIAR Appendix 8.1 Non-Avian Ecology does not show the location of the flushes and the text has not made it clear how close the flushes are to excavation areas, nor their relative position. The M10 and M11 base-rich flushes can be assumed to be groundwater dependent, however the groundwater dependency of other potential GWDTE habitats noted on site has not been assessed.

We therefore request further information be provided to: a) Assess the likelihood of groundwater dependency of the potential GWDTE habitats which will be directly or indirectly impacted by the development. M10 and M11 flushes are assumed to be groundwater dependent so do not need to be included in the assessment; and b) Illustrate the relative position of the infrastructure and excavation areas in relation to the flushes, other groundwater dependent wetlands and wetlands valuable for nature conservation (i.e. all levels of importance above site level). The groundwater dependent wetlands should only be included for those assessed as being likely to be groundwater dependent. 4.2 Given the reliance on the Habitat Restoration and Landscape Mitigation Plan to address impacts to wetland habitats and peat we request an outline plan is provided prior to determination for review. A planning condition should also be applied to require the full plan to be submitted before commencement. Damage to groundwater dependent flushes is often permanent; it is difficult or impossible to reinstate or restore flushes after direct impact or redirection of groundwater emergence; the HRLMP, CEMP and infrastructure layout must consider this and address the likely outcome for these habitats, which are important for nature conservation. 4.3 Further information must be provided on the layout of the Lower Site Compound and the requirement to excavate at this location. The applicant should clarify if alternative locations for the Lower Site Compound were considered, if excavation can be avoided where peat depth is greater than 0.5 metre and if there are flushes in the Lower Site Compound area and how will these be managed

Therefore, a flood wall to a 1 in 100 SoP will not ensure the development will necessarily remain operational during a 200-year event. FRA Appendix E indicates the precise SoP is 107-year event and anything greater will overtop the proposed wall. We therefore request the design of the flood wall is modified to ensure it is designed and constructed to remain operational during the 1 in 200 year flood even During the construction phase of the project it is anticipated 2.3 million tonnes of excavated rock arisings will be produced over the 5.5 year construction period (2024-mid 2029). EIAR Section 3.8.2 indicates that the excavation arisings will be in the form of rock 'chippings' ranging from boulders to fines produced by drill and blast techniques. It is reported that drill and blast methodology is assumed to be used for all underground works....0.45 million tonnes of excavated material is to be reused on site. It is proposed that 140,800 tonnes of material will be used towards the construction of a 510m long quayside structure on Loch Awe and used in concrete

production. The excavation arisings, 15,000 tonnes of spoil at any one time, will be stored on the quayside structure, prior to transportation off-site by road. The arisings will be stored under a canopy structure, enclosed on three sides to prevent runoff and windblown silt from entering Loch Aweon for lining the tunnels. There is currently no agreed use for the remaining excavated material.

We also request, if you are minded to grant consent, the planning conditions detailed in Sections 2.6 (Site Waste Management Plan), 4.2 (Habitat Restoration and Landscape Mitigation Plan) and 4.8 (Peat Management Plan) be attached to the consent.

(Additional information provided on these matters in FEI on 14.12.22)

20.1.23 Response

Potentially Acid Generating (PAG) Rock *Construction of the Cruachan Expansion Project will require the removal and management of an estimated 2.3 million tonnes of rock. The EIA states it is likely some of the arisings will be Potentially Acid Generating (PAG) rock. We previously requested more information to understand the potential for the site geology to generate acidic leachates and acid rock drainage and to evaluate the appropriateness of material reuse as fill materials and concrete aggregates. The findings from the initial investigation in the submission are that some of the material is likely or highly likely to be potentially acid generating which means the rock arisings could potentially leach acidic leachate and mobile metals. This will heavily influence material storage, transport, disposal and potential reuse options. While we agree with the applicant that an Acid Rock Drainage (ARD) Management Plan will be required (and secured as a planning condition), there remains significant uncertainty regarding the amount of material which will be potentially acid generating. No information has been provided to estimate the scale of the issue. We therefore cannot currently advise on the potential environmental effects associated with this element of the project.*

It is likely this material will have to be segregated and disposed of at an appropriate site (i.e. landfilled) with mitigation to prevent environmental impacts and regulation by SEPA under the Pollution Prevention and Control (Scotland) Regime (PPC). At this stage it is not clear what size of site would be needed and whether a suitable one would be available to accept the material. This represents a significant environmental risk which we expect to be addressed before determination.

*On that basis we maintain our **holding objection** on grounds of lack of information in relation to the potential impacts associated with the potentially acid generating rock. To allow us to revisit this position we require further information to outline how much material is potentially acid generating, what will be the disposal method for it, the environmental risks involved and the contingencies should more material than anticipated be affected.*

Members are requested to note that Officers discussed this further holding objection with SEPA on 22.1.23. It has been clarified that this is not an objection in principle to the development but a technical matter they require to be satisfactorily addressed before withdrawing their holding objection. This will be a matter for the ECU to resolve prior to reaching their conclusion on the proposal, and is not a matter which changes the recommendation of this report.

Scottish Forestry (Dated 17.1.23) No Objection

From the additional information it would appear that tree felling is limited to the removal of individual trees associated with the Lower Works area (Loch Awe). The information states that any trees removed will be replaced like for like and this will be detailed in a Habitat Restoration and Landscape Mitigation Plan which will be produced prior to the commencement of works. As the forestry works are limited, SF advise there would be no need for a dedicated compensatory planting condition on this occasion, assuming that the Habitat Restoration and Landscape Mitigation Plan includes the replacement tree proposals and that the plan and its implementation are secured by a condition.

Historic Environment Scotland (HES) (No response on ECU website)

It is understood by Officers that additional information was sought by HES in respect of the proposals which was included in the additional FEI submissions dated 14.12.22. HES have been granted an extension of time to respond by the ECU to 31.1.23. Any response provided prior to PPSL will be reported to Members.

Defence Infrastructure Organisation/ Ministry of Defence (MOD) (Dated 18.1.23)

This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

Please note: the above are summaries and the full external consultee responses can be viewed on the Energy Consent Unit website.

ARGYLL & BUTE COUNCIL INTERNAL CONSULTATION RESPONSES

ABC Area Roads (20.1.23) No Objection subject to conditions.

The proposal is situated off the A85 Oban-Tyndrum Trunk Road within a rural 60mph speed restriction. Trunk Roads to comment on A85 issues.

It is noted that the Trunk Road network will probably be impacted more than the local area network. If the local area roads network is to be affected by disposal of excavated materials for any reason then commensurate improvements may be required to facilitate significant additional vehicle movements at the developer's expense.

- *Information to be provided on locations for disposal of material from works, specifically the impact on local area roads and infrastructure. Construction Traffic Management Plan to be provided if necessary.*
- *Traffic Impact Analysis required to cover any potential impact on Argyll and Bute Council local area roads. This report should include a cumulative report in concert with other S36 and S37 schemes in the North Argyll/ Loch Awe area paying particular attention to the possibility of utilizing materials locally to prevent unnecessary vehicle movements thus reducing the potential for related deterioration of the fragile local area roads network.*

ABC Environmental Health (10.11.22) No Objection subject to conditions

Noise and Vibration

The noise and vibration survey identified 15 Noise and Vibration Sensitive Receptors. The sensitivity of 11 of the 15 identified receptors has been classed as high, 10 of which are residential sites.

The Environmental Impact Assessment Report Volume 1 – Main Report May 2022 states that ‘surface work is expected to take place Monday – Saturday 7am -7pm and Sundays 7am – 12pm with underground works expected to take place 24 hours a day’ With the number of noise and vibration sensitive receptors in the vicinity of the site, I would suggest the following condition:

‘Surface work and underground work should be restricted to:

- Monday to Friday: 0700 hours until 1900 hours.*
- Saturday: 0700 hours until 1700 hours.*
- Sunday / Public holidays: – no works, except for servicing and maintenance of plant and equipment and emergency work.*

Reason: In order to protect the amenities of the area from noise and vibration nuisance and to minimise local community annoyance”

It is understood that a project of this magnitude may require some construction activities to be take place outside of these hours. Environmental Health will consider all applications for construction activities outside of these hours and will remain flexible (without detriment to the local residents) throughout the project.

Private Water Supplies

In order to protect the identified private water supplies and the residents reliant upon these supplies; Environmental Health request that detailed information be provided on how these 17 private water supplies will be protected during the construction and operation phases of the proposed development.

Reason– in the interest of public health and to ensure adequate measures are in place to protect the identified private water supplies

Lighting

Artificial lighting will be used during the construction phase of the proposed development. Mitigation measures have been identified in the Draft Construction Environment Management plan. Environmental Health would be satisfied as long as the mitigation measures identified are implemented. Similar, mitigation measures should be identified and implemented for the operational phase of the proposed development.

Dust

The Draft Construction Environment Management plan has identified activities associated with the potential to generate dust. Specific control measures have been identified to ensure the employment of best practical means to minimise the risk of adverse effects from construction dust.

Environmental Health would be satisfied as long as the specified control measures identified are implemented.

Conclusions

Environmental Health have no objections to the proposed development.

ABC Conservation and Heritage Officer (Dated 29.11.22 & 23.1.23) No Objection subject to conditions

29.11.22 Response

From Figure 11.8d (visualisation in 10 years' time) the Upper Intake/Outlet has a significant visual impact on the setting of the dam. Figure 11.5 (of Appendix 11.1) touches on mitigation measures in terms of planting yet these do not appear to have been shown on this visualisation. However even with the measures proposed in 11.5 I think that the proposed form and location of the excavation would have an unacceptable significant adverse effect on the setting of the dam.

From the section shown in Figure 3.2 it is not clear why such a large flat hardstanding is required and if possible, this should be reduced to reduce the impact on the landscape which forms part of the dam's setting.

Otherwise, alternative siting of the Upper Intake/Outlet should be considered (to an area where less excavation is required) which would have less of an adverse impact on the setting.

23.1.23 Response

Further to my previous comments below, we discussed yesterday that the proposed structure would not be highly visible from either the ascent up towards the B-listed Dam (where it would be screened by hill in front of it), or from higher up Ben Cruachan (where the key views are wider views towards River Awe).

The proposal will therefore have a limited effect on how the Dam's setting of Ben Cruachan is seen and experienced. Whilst it will be highly visible from the immediate vicinity of the Dam (as per Visualisation 11.8d) it could be considered that this location is not from where the Dam is principally viewed (which could be considered to be from below from where, as stated above, it would be screened). Setting also includes the experience or understanding of a place, and this structure provides a link to the workings within the Turbine Hall below.

However I would recommend that a Planning Condition be included in terms of the finish of the "box" and the contouring of the rock to mitigate any adverse effects as viewed from the immediate vicinity of the Dam.

ABC Local Biodiversity Officer (28.11.22 & 25.1.23) No Objection

28.11.22 Response

Having reviewed the supporting documents, I concur with the issues that NatureScot have raised in relation to this proposal as it is within the Loch Etive Woods Special Area of Conservation (SAC) and the Coille Leitire Site of Special Scientific Interest

(SSSI). The proposal could affect internationally important natural heritage interests and as such NatureScot object to this proposal until further information is provided. I note that the objection is due to a lack of information in the Environmental Impact Assessment Report (EIAR) and the supporting shadow Habitats Regulation Appraisal (HRA) of the Proposal in relation to the Loch Etive Woods SAC.

Once these issues have been resolved, I am content to provide comments as appropriate; in the meantime, I wish that my comments are treated as a holding response.

25.1.23 Response

I note the contents of the latest submissions that clarify the works within the Loch Etive Woods Special Area of Conservation (SAC) and the Coille Leitire Site of Special Scientific Interest (SSSI).

I concur with NatureScot's (statutory consultee) recommendations in terms of including conditions that reflect the proposed mitigation as well as a Construction Method Statement which will need to be agreed in advance with the statutory consultee and the applicant consultants and added to the Construction Environment Management Plan.

ABC Access Manager Response (Dated 20.1.23) No Objection

It is important to note that the road leading up to the reservoir is heavily used by the public walking and cycling. If construction traffic is going to use this route it will be necessary to consider how this is managed to ensure the safety of the public and construction workers. It may be necessary for construction traffic to be reduced at weekends and during holiday periods when the greatest numbers of walkers and cyclists are likely to be using this road. Another major route is from Loch Awe Station and the Cruachan Visitor Centre beside the Allt Cruachan and Falls of Cruachan to the dam.

Where a developer needs to exclude the public from an area of land or water to allow construction any diversions must be for the minimum area and shortest period of time possible. For a project of this scale any closures will need to be planned such that people can continue to make a circuit of Ben Cruachan and Stob Daimh throughout the construction period. I have assumed that some work may be required in the vicinity of the Dam Wall which again may require walkers to use the track below the dam and it may be necessary to provide a short section of new path to facilitate this.

The location of the Upper Intake in particular will impact on hill walkers' access to and from Stob Daimh and Stob Garbh and will need to be carefully managed. It may be necessary to provide a temporary diversion route around the construction site and a permanent diversion once work is complete.

Although it is possible that I have missed it the developer must submit an Access Plan which details how the development will impact the public's legal rights of access during and after the construction of the Cruachan Expansion Project. In view of the scale and expected duration of the construction work which will be across a number of areas within the overall site it is likely that the plan will need to be phased. In conclusion I am asking that the developer is required to provide an Access Plan which must be approved by the Council before construction can commence.

Guidance on producing an Access Plan can be found here [Microsoft Word - A409251.doc \(nature.scot\)](#) & [Guidance - Good practice during Wind Farm construction | NatureScot](#). In summary the Access Plan should provide the following information.

ABC Planning Policy Officer (dated 2/2/23): The principle of this development is supported by Planning Policy at both Scottish Government and Local Development Plan policy. This is because the potential for additional pumped storage was identified in National Planning Framework 3 published in 2014, and it has also been identified as a National Development in the Final Draft National Planning Framework 4 which was approved by the Scottish Parliament 11 January 2023 and is to be adopted by Scottish Ministers and will become part of the Development Plan on 13 February 2023. Specifically the Cruachan Pumped Storage Project is part of the Pumped Storage Hydro identified as a Scotland wide National Development 9 under the “Productive Places” theme with significant potential for enhanced capacity and creation of significant job opportunities in a rural location. The proposal would also be supported under NPF4 Policy 11 – Energy which sets out that “development proposals for all forms of renewable, low carbon and zero emissions technologies will be supported”, including energy storage, such as pumped storage hydro. This support is subject to an expectation that they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

As a national development NPF4 expects the Cruachan Expansion Project to promote a just transition to a low carbon economy and to be an exemplar of community wealth building whereby “A people-centred approach to local economic development, which redirects wealth back into the local economy, and places control and benefits into the hands of local people” is promoted.

In terms of the Argyll and Bute Local Development Plan 2015 (LDP2015), renewable energy generation is identified as one of Argyll and Bute’s competitive advantages in relation to economic development, and significant hydro energy developments are shown in the Spatial Strategy diagram for Oban and Lorn (page 12). As part of the settlement strategy renewable energy developments are identified as one of the specific categories of development which may be supported in Very Sensitive Countryside in Policy LDP DM1. The importance of creating a sustainable and growing economy is identified in Chapter 4 of LDP2015, where renewables are identified as one of our key growth sectors, Policy LDP 5 seeks to support the development of new industry and business which helps deliver sustainable economic growth throughout our area by taking full account of the economic benefits of any proposed development. The justification for this policy includes recognition that a successful and vibrant economy is fundamental to retain population and attract new people to the area. Policy LDP 6 supports the sustainable growth of renewables where it can be adequately demonstrated that there would be no unacceptable significant adverse effects, whether individual or cumulative on local communities, natural or historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses.

The proposed expansion of pumped storage at Cruachan is a significant development both as a recognised national development and particularly in the context of its location in north Argyll and in the Tobermory –Oban – Dalmally growth corridor as identified in Proposed Local Development Plan 2. The applicants have stated that the project will involve “significant investment with capital expenditure in excess of £450million which will be accompanied by associated expenditure in the local economy with local shops, restaurants, transport providers and businesses associated with the construction and development expected to benefit.” They also state: “The construction of the Proposed Development is estimated to support 357 full time equivalent jobs in Argyll and Bute over the six-year construction programme. Job creation during construction of the proposed development brings a huge economic benefit to the area. At the peak of

construction, it is estimated there will be approximately 300 staff working on site, with an average of 150 – 200 workers over the six-year programme.” This level of capital expenditure and the level of jobs to be created, is considerable and is likely to have a significant impact on the local economy and communities of north Argyll.

In particular the level of jobs that will be created during the construction period of the project which is expected to last up to 6 years is considerable. It will be important to ensure that the local economy is able to benefit from these, and is not actually disadvantaged by the increased competition for workers and most importantly the increased demand for housing. The Oban and Lorn housing market area, is already one of the more pressured in Argyll and Bute, with higher levels of demand for housing, and a higher proportion of existing housing stock being in use as short term lets to support the important tourism sector of the local economy. The use of temporary accommodation, or loss of tourist accommodation to provide homes for construction workers on the Cruachan expansion project, would have an adverse impact on local communities and the local economy. The applicants should therefore be asked to provide additional information to demonstrate how they intend to address this, in order to demonstrate compliance with development plan policy.

The other issue which has the potential to have significant impacts on local communities, the local road network and the local economy is in relation to the waste material from the construction project. The applicants have stated that: “The construction of the Proposed Development is anticipated to generate up to 2.30 million tonnes of excavated rock arisings over the 5.5 -year construction period (2024-mid of 2029). An average of 1,600 tonnes per day with peak generation of c. 3,000 tonnes per day. Approximately one fifth of this material (0.45Mt) will be re-used on Site, therefore, there will be a residual volume of 1.85 Mt of spoil which will be re-used off-site. During construction, approximately 15,000 tonnes spoil will be stored on the quayside structure at any one time, prior to removal by road.” Further information will be required as to how this material will be handled in terms of transportation, local reprocessing, and end use.

Without more detail from the applicants in relation to their recruitment and accommodation strategy for workers involved in the construction and how they propose to deal with the hard rock waste from the construction project, compliance with planning policy in NPF4 and the Local Development Plan is not assured and appropriate mitigation as in the Environmental Impact Assessment Report is not demonstrated.

(D) REPRESENTATIONS:

As this is a S36 proposal representations must be sent to the ECU and not the Planning Authority. In respect of Public Representations the Energy Consents unit at time of writing three representations/objections have been lodged to the proposals by the following parties:

- Nigel MacBeath 1 Railway Cottage Falls of Cruachan Argyll PA33 1AW
Concerns over impact of construction on residential amenity (Objection)
- Andreas Wolff 25 St Conans Rd Lochawe PA33 1A

Concerns over impact of development and movement of spoil on St Conans Road (clarifies that does not object to proposals)

- Lorraine McFee, Brae House, Kilchrenan Argyll PA35 1HD,

Proposals are not compliant with UK energy policy which does not reference pump storage. Financial case has not been properly justified by applicant and proposal will cause unacceptable harm and disruption to the local community.

The above matters will be for the Scottish Ministers to consider in determining the application. However having read the submissions, Officers are content that there are no substantive planning matters raised within them which would alter the recommendation of this report to Members, as either they are not material planning considerations or can be addressed through the imposition of appropriate conditions on any deemed planning consent issued by the Scottish Ministers in accordance with recommendation.

Note: please note that the letters of representation above have been summarised and that the full letters of representations are available on the Energy Consents Units website at the link previously provided in this report.

(E) SUPPORTING INFORMATION

- Has the application been the subject of:**
- i) **Environmental Impact Assessment Report (EIAR):** Yes

EIAR (May 2022) comprising:

- Volume I: Main Report
- Volume II: Figures and Appendices
- Volume III: Technical Appendices;
- Volume IV: Non-Technical Summary (NTS)

Key matters covered in the EIAR include:

- Flood Risk Assessment;
- Loch Awe Water Levels Report;
- Species Reports: Bat, Otter, Ornithology, Fisheries, Badger, Red Squirrel, Pine Martin;
- Ecological Constraints Plan;
- Habitats Regulation Assessment;
- Transport Assessment;
- Draft Construction Traffic Management Plan;
- Noise Monitoring;
- Draft Peat Management Plan;
- Cultural Heritage Assessment;
- Listed Buildings Consent;
- Draft Construction Environmental Management Plan;
- Schedule of Mitigation;
- Planning Statement;
- Design Statement; and

- Statement of Consultation and Engagement.

Further Environmental Information (FEI) (December 22) comprising:

Further Information was provided on 14.12.22 in response to matters raised in consultation responses to the initial EIAR related to the following headings.

- Ground Conditions
 - Cultural Heritage
 - Transport and Access
 - Scottish Forestry
 - BT
 - Argyll and District Salmon Fisheries Board
 - Public Representations
- ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** If required – this will be undertaken by the ECU as the Determining Authority in this case.
- iii) **A design or design/access statement:** Yes Design Statement within EIAR
- iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc.:** All relevant reports are encompassed within the EIAR and additional FEI submissions.

Members are requested to note that a more recent policy update dated 20.1.23 has been submitted by the applicant to address NPF 4 which comes into force on 13.2.23 as a statutory development plan. This has been placed on the Council website.

(F) Local Development Plan (LDP) and any other material considerations over and above those listed above which have been taken into account in the assessment of the application:

Members are asked to note in the context of the Local Development Plan (LDP) and planning process that this application has been submitted to the Scottish Government under Section 36 (S36) of the Electricity Act 1989. As part of the S36 application process, the applicant is also seeking that the Scottish Ministers issue a Direction under Section 57 (2) of the Town and Country Planning (Scotland) Act 1997 that deemed planning permission be granted for the proposal. In such instances, the LDP is not the starting point for consideration of S36 applications, as Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 which establish the primacy of LDP policy in decision-making, are not engaged in the deemed consent process associated with Electricity Act applications. Nonetheless, the adopted Argyll & Bute LDP 2015 still remains an important material consideration informing the Council's response to the proposal.

Schedule 9 of the Electricity Act does require both the applicant and the decision-maker to have regard to the preservation of amenity. It requires that in the formulation of proposals the prospective developer shall have regard to:

(a) the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

Similarly, it obliges the Scottish Ministers in their capacity as decision maker to have regard to the desirability of the matters at a) and the extent to which the applicant has complied with the duty at b). Consideration of the proposal against both the effect of SPP (2014), NPF 3, the adopted Argyll & Bute LDP 2015 and as from 13.2.23, revised Draft NPF 4, will ensure that proper consideration is given by the Council to the extent which the proposal satisfies these Schedule 9 duties.

As of 13 February 2023 The Scottish Ministers will be required to consider National Planning Framework 4 (NPF4) and the policies and objectives contained therein which are referenced elsewhere in this report in terms of their materiality to the determination of the current proposals.

It is fair to summarise that this is a period of transition in respect of NPF 4, and therefore the interpretation and application of not only the policies of NPF 4 but also the wider objectives contained therein, are still subject to consideration by Officers as to how these ambitions can be delivered in a competent manner. The interaction of the current S36 application, determined under the Electricity Act, not the Planning Acts, (but with a deemed planning consent issued to the Planning Authority for compliance) raises new and potentially complex procedural and policy matters which are still in a period of transition.

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll & Bute Local Development Plan (2015)

LDP STRAT 1 – Sustainable Development
LDP DM1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 5 – Supporting the Sustainable Growth of Our Economy
LDP 6 - Supporting the Sustainable Growth of Renewables
LDP 8 – Supporting the Strength of Our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance to the Argyll & Bute Local Development Plan 2015 & 2016

SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 7 – Water Quality and the Environment

SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 14 –Landscape
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP PG 1 – Planning Gain
SG LDP BAD 1 – Bad Neighbour Development
SG LDP Sustainable - Sustainable Siting and Design Principles
SG LDP SERV 5 – Waste Related Development and Waste Management
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 –Vehicle Parking Provision
Supplementary Guidance 2 (December 2016)

Note: The above supplementary guidance has been approved by the Scottish Government. It therefore constitutes adopted policy and the Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(ii) List of other material planning considerations taken into account in the assessment of the application, having due regard to Annex A

- National Planning Policy Framework, Scottish Government (NPF3 (June 2014) and Revised Draft NPF4 (to come into force on 13.2.23)
- Scottish Planning Policy (SPP), Scottish Government (June 2014)
- Planning Advice Notes & Web-based Renewables Guidance
- Renewable energy and climate change framework
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
- The Future of Energy in Scotland: Scottish Energy Strategy, Scottish Government (December 2017) and position Update dated 16.3.21
- Scotland's Draft Energy Strategy and Just Transition Plan and Ministerial statement (Dated 10.1.23)
- The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
- Views of statutory and other consultees;
- Planning history of the site
- Legitimate public concern or support expressed on relevant planning matters

- Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:
 - Policy 14 – Bad Neighbour Development
 - Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
 - Policy 36 – New Private Accesses
 - Policy 37 – Development Utilising an Existing Private Access or Existing Private Road

- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Access
- Policy 40 – Vehicle Parking Provision
- Policy 43 – Safeguarding of Aerodromes
- Policy 58 – Private Water Supplies and Water Conservation
- Policy 63 – Waste Related Development and Waste Management

National Energy Policy Framework as a material planning consideration

Energy Policy Framework

Statutory and policy requirements at UK and Scottish level to mitigate climate change and increase renewable energy generation are informed by higher level international agreements, primarily the Paris Agreement (2015) which commits United Nations signatory countries to take action to cut carbon emissions and emphasises the aim of restricting temperature rises to below 2°C above preindustrial levels. At the UK level, action to tackle climate change is underpinned by the Climate Change Act 2008 as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019. A range of policy documents set out the UK Governments binding commitments to cut carbon emissions through the deployment of renewable energy, including the UK Government's Ten Point Plan for a Green Industrial Revolution (2020), Energy White Paper (2020), Carbon Plan (2011), the UK Renewable Energy Roadmap (2011) (updated 2012 and 2013) and the British Energy Security Strategy.

More recently the publication of Scotland's Draft Energy Strategy and Just Transition Plan and the accompanying Ministerial statement (Dated 10.1.23) further reinforces the importance of achieving net zero and addressing the Climate Emergency.

Planning

At a national level, planning policy relevant to the determination of the application for consent comprises National Planning Framework 3, the Scottish Planning Policy 2014 and the revised draft National Planning Framework 4. (which will come into force on 13.2.23). NPF 4 will then supersede NPF 3 and SPP 2014.

The Policies of NPF4 of most direct relevance to the current proposals are set out below:

1. Tackling the climate and nature crises
2. Climate mitigation and adaptation
3. Biodiversity
4. Natural places
5. Soils
6. Forestry, woodland and trees
7. Historic assets and places
11. Energy
12. Zero waste
- 25 Community Wealth Building

The national policy position in both documents contains a presumption in favour of development that contributes to sustainable development; coupled with support for the delivery of renewable energy generation capacity, including energy storage

projects at a range of scales. Support for such schemes feeds into policy consideration and guidance at all levels, in recognition of the wide range of benefits they offer.

NPF3 and NPF 4 identify pump storage hydro schemes (PSH) as key assets to achieve these objectives and recognises that increasing the capacity of PSH can complement ambitions for more renewable energy capacity. The expansion of Cruachan is specifically cited as being amongst the most advanced plans for new PSH schemes.

The emerging policy position as drafted for consultation in NPF4, takes this support further towards delivery, working from a baseline focussed on tackling climate change and setting a target of net zero emissions by 2045, with significant progress required by 2030. In the revised draft NPF4, under “Productive Places” the Cruachan Expansion project is specifically listed as a Scotland Wide National Development: 9. Pumped Storage Hydro. Ben Cruachan at Loch Awe is named as the initial focus of the PSH capability, with an all-Scotland intention thereafter. This will be further reinforced when NPF4 forms part of the development plan framework on 13.2.23.

Officers accept and ask members to note that there is robust high level Energy/Climate Change policy and National planning policy support for the current proposals. This is considered to be a substantive material consideration, however this does not undermine the need for the proposals to address the other policy objectives of NPF4 which, although supporting the proposals, requires other issues such as biodiversity improvements, Socio Economic benefits, and “Just Transition” to be considered in a balance of judgement on compliance with the overall objectives of NPF 4..

Does the Council have an interest in the site: No

(G) Is the proposal consistent with the Local Development Plan: Yes

Author of Report: David Moore **Date:** 27.1.23

Reviewing Officer: Sandra Davies **Date:** 31.1.23

Fergus Murray

Head of Development and Economic Growth

APPENDIX A – PLANNING LAND USE AND POLICY ASSESSMENT

A. THE SECTION 36 CONSENTING REGIME

In Scotland, any proposal to construct, extend, or operate an onshore electricity generating station, in this case, a pump storage hydro, with a capacity of over 50 megawatts (MW), requires the consent of Scottish Ministers under section 36 of the Electricity Act. Such applications are processed on behalf of the Scottish Ministers by the Energy Consents Unit (“ECU”) Scottish Government - Energy Consents. Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (“TCP(S)A”) also allows the Scottish Ministers, on granting consent under section 36, to direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

The consultation bodies to be consulted by the Scottish Ministers on Section 36 applications are the relevant planning authority, NatureScot, SEPA, Transport Scotland and HES and any other relevant public bodies with specific environmental responsibilities or local and regional competencies who the Scottish Ministers consider are likely to have an interest. The Council’s role in this process is therefore one of a consultee along with various other consultation bodies. It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by Scottish Ministers.

In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry (PLI) if they are minded to approve the proposal. They can also choose to hold a PLI in other circumstances at their own discretion. Such an Inquiry would be conducted by a Reporter(s) appointed by the Directorate for Planning and Environmental Appeals. In the event that consent is given, either where there has been no objection from the Council, or where objections have been overruled following PLI, the Council as Planning Authority would become responsible for the agreement of matters pursuant to conditions, and for the ongoing monitoring and enforcement of such conditions contained in any issued “deemed planning consent”. Any decision notice would have a Part 1” List of conditions for the ECU to discharge and a “Part 2” deemed planning permission where the Planning Authority (often in consultation with other statutory consultees) will be required to consider and discharge the conditions.

This report reviews the policy considerations which are applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other internal consultations undertaken by the Council, and 3rd party opinion expressed to the Scottish Government following publicity of the application by them. It recommends views to be conveyed to the Scottish Government on behalf of the Council before a final decision is taken on the matter.

B. SETTLEMENT STRATEGY

Policy LDP 6 of the Adopted Local Development Plan sets out the Council’s Policy for renewable energy developments, in accordance with SPP 2014. In addition, there is also the Supplementary Planning Guidance. SPP 2 contains a Spatial Framework which has been prepared in accordance with SPP 2014.

In terms of the Local Development Plan Settlement Strategy, the main site is located within a combination of, Lorn and the Inner Area very sensitive countryside, North Argyll APQ and Glen Etive and Glen Fyne Special Protected Area, subject to the provisions of LDP policy LDP DM 1. In principle, policy LDP DM 1 supports renewable energy and ancillary developments of this type in these areas, providing they are consistent with all other Local Development Plan

Policies. It is the conclusion of Officers that this proposal satisfies the relevant local and national planning policy in respect to pumped storage hydro as detailed in the various sections of this report, subject to the ECU considering the pre-determination matters and conditions detailed in this report.

Having due regard to the above it is considered that the proposal is consistent with the provisions of LDP DM1 – Development within the Development Management Zones; SPP (2014); NPF 3 and Revised Draft NPF4

.

C. SUPPORTING THE SUSTAINABLE GROWTH OF RENEWABLES

Argyll & Bute Council is keen to ensure that Argyll & Bute continues to make a positive contribution to meeting the Scottish Government's targets for renewable energy generation. These targets are important given the compelling need to reduce our carbon footprint and reduce our reliance on fossil fuels, reinforced by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The Council will support 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 significant adverse effects.

Statutory and policy requirements at UK and Scottish level to mitigate climate change and increase renewable energy generation are informed by higher level international agreements, primarily the Paris Agreement (2015) which commits United Nations signatory countries to take action to cut carbon emissions and emphasises the aim of restricting temperature rises to below 2°C above preindustrial levels.

At the UK level, action to tackle climate change is underpinned by the Climate Change Act 2008 as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019. A range of policy documents set out the UK Governments binding commitments to cut carbon emissions through the deployment of renewable energy, including the UK Government's Ten Point Plan for a Green Industrial Revolution (2020), Energy White Paper (2020), Carbon Plan (2011), the UK Renewable Energy Roadmap (2011) (updated 2012 and 2013) and the British Energy Security Strategy.

At a national level, planning policy relevant to the determination of the application for consent comprises National Planning Policy Framework 3, the Scottish Planning Policy 2014 and the draft National Planning Policy Framework 4.

The national policy position contains a clear presumption in favour of development that contributes to sustainable development; coupled with support for the delivery of renewable energy generation capacity, including energy storage projects at a range of scales. Support for such schemes feeds into policy consideration and guidance at all levels, in recognition of the wide range of benefits they offer.

NPF3 identifies hydroelectric power as a key asset and recognises that increasing the capacity of PSH can complement ambitions for more renewable energy capacity. The expansion of Cruachan is specifically cited as being amongst the most advanced plans for new PSH schemes and the relationship with Cruachan 1 is noted. In the draft NPF4, under "Productive Places" the Cruachan Expansion project is specifically listed as a Scotland Wide National Development: 9. Pumped Storage Hydro. Ben Cruachan at Loch Awe is named as the initial focus of the PSH capability, with an all-Scotland intention thereafter. This will be further reinforced when NPF4 forms part of the development plan in due course.

The inclusion of the currently proposed Cruachan expansion in both NPF3 and NPF 4 as an important National Planning and climate priority is acknowledged and in Officers opinion must be regarded as a strongly supportive framework for the principle of the approving the current proposals.

D. LOCATION, NATURE AND DESIGN OF PROPOSED DEVELOPMENT

Background –

The Proposed Development will be located on land around and to the east of the existing Cruachan pumped storage hydro power station ('Cruachan 1') on the northern banks of Loch Awe. Cruachan 1 is a pumped storage hydro-electric facility and one of four large-scale pumped storage facilities in the UK. It currently operates with a nominal maximum output of 440 MW in full generation mode with an average annual generation output of circa 300 GWh/year. The current facility comprises the following main components:

- Cruachan Reservoir (upper head pond); Gross storage 11.1 million m³; live storage 8.47 million m³;
- Energy storage in upper head pond of 6.7 GWh per cycle;
- Twin 4.6 m diameter headrace tunnels that bifurcate to four steel-lined unit penstocks;
- Underground cavern power station housing 2 x 100 MW and 2 x 120 MW reversible Francis pump-turbines and motor-generators; and
- Single 6.8 m horseshoe shaped tailrace tunnel and inlet/outlet structure on the bank of Loch Awe.

The reservoir receives natural inflows from its 5.7 km² direct catchment and is supplemented by a series of indirect catchments that discharge at three principal locations around the shoreline of the upper reservoir.

Cruachan 1 opened in 1965. Its design by James Williamson responded to the challenge of developing a nationally significant power station in an area renowned for scenic beauty with two monumental and pioneering pieces of civil engineering. The turbine hall is concealed deep underground, minimising the visual impact of the scheme, whilst the buttressed dam, sitting back from the entrance to Coire Cruachan, appears almost a part of the landscape, the angle of the buttresses being close to that of the adjacent slopes. All the operational equipment is contained within the dam to negate the need for towers

The Site -

The Site encompasses the existing Cruachan 1 facilities, including Cruachan Reservoir, the underground power station, and the visitor centre. Existing private and public roads which connect the A85 to Cruachan Reservoir (including St Conan's Road), a small section of the A85, Falls of Cruachan railway station, part of the Oban to Glasgow railway line, and parts of Loch Awe also lie within the boundaries of the Site.

Cruachan Reservoir, which provides the upper reservoir of Cruachan 1, is located within a natural coire on the southwest facing slope of Ben Cruachan. The reservoir is impounded by a concrete mixed gravity and buttress dam across the natural outlet to the Allt Cruachan Burn. A path around the reservoir is part of the route used by the public to access the summit of Ben Cruachan.

A more detailed description of the site and surroundings is contained within the EIAR at Chapter 2

The Proposal

The Proposed Development seeks to optimise use of the existing Cruachan Reservoir and Dam through development of a new underground power station and associated infrastructure adjacent to Cruachan 1 to provide up to 600MW of additional new generating capacity. The Proposed Development will be operated independently of the existing 440 MW Cruachan 1. Both power stations will use Loch Awe as the lower reservoir and Cruachan Reservoir as the upper reservoir. The construction process will take place over an estimated 65-month programme to achieve commercial operation of the first generating unit.

A full description of the main elements of the Proposed Development is provided in the EIA Volume 1 at Chapter 3 and at Section A of this report. The submitted EIA contains information and technical appendices in respect of the following matters:

- Flood Risk Assessment;
- Loch Awe Water Levels Report;
- Species Reports: Bat, Otter, Ornithology, Fisheries, Badger, Red Squirrel, Pine Martin;
- Ecological Constraints Plan;
- Habitats Regulation Assessment;
- Transport Assessment;
- Draft Construction Traffic Management Plan;
- Noise Monitoring;
- Draft Peat Management Plan;
- Cultural Heritage Assessment;
- Listed Buildings Consent;
- Draft Construction Environmental Management Plan;
- Schedule of Mitigation;
- Planning Statement;
- Design Statement; and
- Statement of Consultation and Engagement.

A major component of the Proposed Development is the generation of spoil from excavation of new tunnels and the powerhouse cavern during construction. The construction of the proposed development is anticipated to generate up to 2.30 million tonnes of excavated rock over the 5.5 -year construction period (2024-mid of 2029). An average of 1,600 tonnes per day with peak generation of c. 3,000 tonnes per day. The excavated materials will be in the form of rock 'chippings' ranging from boulders to fines produced by drill and blast techniques. Approximately one fifth of this material (0.45Mt) will be re-used on Site. Therefore, there will be a residual volume of 1.85 Mt of spoil which will require to be removed off-site for use elsewhere.

The primary re-use for spoil on site will be the quayside structure in Loch Awe. It has a depth of about 12 m and a length of 510m. It will require approximately 162,500 tonnes spoil, 21,700 tonnes which will be imported to form the initial tunnel access and 140,800 tonnes will be from excavated materials produced in forming the access tunnel.

The EIA further confirms that up to 15,000 tonnes spoil will be stored on the quayside structure at any one time, prior to removal by road. The material would be stored under a temporary canopy structure, enclosed on three sides which would prevent runoff and wind-blown silt from entering Loch Awe.

The applicants have confirmed that for assessment purposes this EIA has assumed a worst case that 100% of residual spoil is transported by road both to the east and west on the A85

and that the potential likely significant effects of spoil movement have been covered in more detail throughout the EIA Report, and specifically in Chapters 7 – Hydrology, 9 – Traffic, Transport and Access, Chapter 10, Noise and Vibration, and Chapter 14 – Waste Management.

Approximately 9ha of compound area will be required close to the Site. This will most likely be within an area of land to the east of the project, to the north of the B8077, close to Castles Farm.

Having due regard to the above the proposals scale of contribution to renewable energy generation targets has been assessed and it is concluded that the proposal is consistent with the provisions of National Energy Policy SG 2; Supplementary LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 6 - Supporting the Sustainable Growth of Renewables; SPP (2014); NPF 3 and Revised Draft NPF4 Policies 1,2 and 11

E. IMPACTS ON COMMUNITIES AND INDIVIDUAL DWELLINGS, INCLUDING RESIDENTIAL AMENITY, and NOISE (INCLUDING CUMULATIVE IMPACTS).

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against impacts on communities and individual dwellings, including visual impact, and noise.

The EIAR has identified potentially sensitive visual receptors within the study area comprise residents or others present in and around buildings and settlement areas, those using routes (including transport and recreational routes) through the study area, and those obtaining views from outdoor locations where enjoyment of the view is one of principle reasons for being at the location.

Residential Receptor Locations (RRLs) are identified and described in detail in Technical Appendix 11.2 of the EIAR and their locations are shown on Figure 11.4. The EIAR identifies these receptor locations as contained in four general areas:

- To the east of Loch Awe;
- Along the northern shoreline of Loch Awe;
- To the west of Loch Awe; and
- Along the southern shoreline of Loch Awe.

23 building-based receptor locations were included in the visual assessment (as set out at Figure 11.4), comprising individual buildings or groups of buildings, and associated outdoor spaces where a view of the Proposed Development would potentially be obtained.

The assessment (see Technical Appendix 11.2) has identified that the majority of effects to receptors would be not significant. During construction, temporary significant effects were identified for three of these receptor locations with visual receptors in all other locations identified as likely to experience effects which would be not significant. In respect of the main and permanent works to create the underground turbine hall and associated above ground permanent structures near the dam.

Officers are in general agreement with these evaluations and do not consider that any unacceptable amenity impacts upon settlements or individual properties will occur after the construction stage of the proposals have finished. Clearly temporary impacts associated with construction works will be of a greater magnitude and the construction compounds and new quayside loading area will require to be designed and landscaped in a manner which

minimises transient impacts upon the area which is both attractive and well used by tourists.

The EIAR contends that during operation, views from all building-based receptor locations would be not significant, because the levels of activity and footprint of the Proposed Development would be reduced, and proposed reinstatement and mitigation measures would lead to permanent features appearing less noticeable and detracting in views. The detailed assessment of all building-based visual receptor locations during the operational phase is included in Technical Appendix 11.2. Officers are in agreement with these conclusions.

Officers accept that although some significant visual impacts will occur from some vantage points, and as accepted in the EIAR, these will not be significant in respect of the operation of the facility once the construction phase has finished. It is accepted by officers that a proposals of this scale and complexity cannot be built without some temporary adverse impacts as is often the case with construction activities. However it is important to ensure that construction activity impacts are controlled in an appropriate manner to minimise any impacts on surrounding sensitive receptors

A construction Environmental Management Plan will be finalised and submitted to ensure best practice during construction and in addition The Council's Environmental Protection Officer has recommended the following conditions be placed on any consent.

Noise and Vibration

The noise and vibration survey identified 15 Noise and Vibration Sensitive Receptors. The sensitivity of 11 of the 15 identified receptors has been classed as high, 10 of which are residential sites.

The Environmental Impact Assessment Report Volume 1 – Main Report May 2022 states that 'surface work is expected to take place Monday – Saturday 7am -7pm and Sundays 7am – 12pm with underground works expected to take place 24 hours a day' With the number of noise and vibration sensitive receptors in the vicinity of the site, I would suggest the following condition:

“Surface work and underground work should be restricted to:

- Monday to Friday: 0700 hours until 1900 hours.***
- Saturday: 0700 hours until 1700 hours.***
- Sunday / Public holidays: – no works, except for servicing and maintenance of plant and equipment and emergency work.***

Reason: In order to protect the amenities of the area from noise and vibration nuisance and to minimise local community annoyance”

It is understood that a project of this magnitude may require some construction activities to be take place outside of these hours. Environmental Health will consider all applications for construction activities outside of these hours and will remain flexible (without detriment to the local residents) throughout the project.

Private Water Supplies

The Environmental Impact Assessment Report Volume 1 – Main Report May 2022 identified '17 private water supplies located within a 5km buffer of the Proposed Development. Multiple properties are served by the supplies which are considered to be of very high sensitivity'

In order to protect the identified private water supplies and the residents reliant upon these supplies; Environmental Health request that detailed information be provided on

how these 17 private water supplies will be protected during the construction and operation phases of the proposed development.

Reason – in the interest of public health and to ensure adequate measures are in place to protect the identified private water supplies

Lighting

Artificial lighting will be used during the construction phase of the proposed development. Mitigation measures have been identified in the Draft Construction Environment Management plan. Environmental Health would be satisfied as long as the mitigation measures identified are implemented.

Similar, mitigation measures should be identified and implemented for the operational phase of the proposed development.

Dust

The Draft Construction Environment Management plan has identified activities associated with the potential to generate dust. Specific control measures have been identified to ensure the employment of best practical means to minimise the risk of adverse effects from construction dust.

Environmental Health would be satisfied as long as the specified control measures identified are implemented.

In terms of the design appearance of the new quayside shown in photomontages contained at (Figure 11.8 (a-d)) from the opposite side of Loch Awe near Tervine and from open water in the vicinity of the site, Officers consider that further details on the construction and appearance of the quayside require to be provided to investigate whether a softer and more natural appearance can be achieved than the somewhat stark and industrial finish indicated. As this is intended to be a permanent structure (notwithstanding that it is accepted that at this point the visitor centre and other engineered and man-made features can be found) it is important that best design and construction practice are used to minimise visual impact and maximise the opportunity to provide a more natural appearance from open water in particular as this is a popular location for water based recreational activities.

It is therefore proposed that a condition requiring further details of the design /appearance of the quayside feature and buildings be imposed to ensure that visual impacts are minimised, and biodiversity opportunities through soft engineering solutions are maximised in design and construction detail of this feature is required.

Officers also consider that although the main construction compound will be temporary this will still be large and potentially prominent in the landscape and in a localised context and it is essential that the compound minimises impact and integrates, in so far as is possible, into the landscape and also that restoration after use of the land also seeks to take on board the requirements of NPF 4 in respect of seeking biodiversity improvements. A condition to secure these objectives is also proposed

In respect of potential noise impacts Environmental protection officers have evaluated the potential amenity impacts from the proposals and are content that subject to the imposition of appropriate conditions these matters can be mitigated for the duration of the construction period. The long term operation of the facility is not considered to raise any amenity issues for residents.

Having due regard to the above subject to the recommended conditions being applied in the event that consent is granted by the ECU it is concluded that the proposal will

not have any adverse impacts on communities and individual dwellings, including, residential amenity, noise and subject to the recommended conditions is consistent with the provisions of SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design and SPP (2014);

F. LANDSCAPE AND VISUAL IMPACTS, INCLUDING EFFECTS ON WILD LAND (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any landscape and visual impacts including wild land.

In respect of these matters Volume 1 Chapter 11 of the main EIA report sets out in detail the evaluation of the proposals by the applicant. This chapter and its conclusions are supported by the following figures and appendices:

- Technical **Appendix 11.1**: Figures including:
- **Figure 11.1**: Zone of Theoretical Visibility;
- **Figure 11.2**: Designated and Protected Landscapes;
- **Figure 11.3**: Landscape Character;
- **Figure 11.4**: Visual Receptors;
- **Figure 11.5**: Indicative Landscape Mitigation Proposals;
- **Figure 11.6**: Developments included in the Cumulative Assessment;
- **Figure 11.7** (a-d): Visualisation of Proposed Upper Intake Structure from Cruachan Reservoir Track;
- **Figure 11.8** (a-d): Visualisation of Proposed Quayside Structure from above Tervine; and
- **Technical Appendix 11.2**: Visual Receptor Assessment.

Policy SG LDP ENV 14 in respect of Landscape and Policy LDP3 of the adopted Argyll and Bute Local Development Plan 2015 comprise the principal policies of relevance to landscape and visual evaluation of the Proposed Development. The aim of this policy is to protect, conserve and where possible enhance the built, human, and natural environment. Policy LDP3 also notes that a development proposal would not be supported where adverse effects, including cumulative effects on the integrity or special qualities of international or nationally designated sites; or, significant adverse effects, on the special qualities or integrity of locally designated natural and built environment sites, would occur.

In addition, Policy LDP9 concerns the design and setting of development, requiring development to be sited and positioned to pay regard to the context, and be compatible with the surroundings, particularly within sensitive locations including National Scenic Areas, Areas of Panoramic Quality or Gardens and Designed Landscapes.

- Woodland, green networks and wild land;
- The established character and local distinctiveness of the landscape; and
- The established character of the built environment in terms of its location, scale, form, and design.

Policy LDP3 is supported by various Supplementary Guidance with more specific regard to other landscape and visual considerations including:

- SG LDP ENV 6 Development Impact on Trees / Woodland;
- SG LDP ENV 9 Development Impact on Areas of Wild Land;
- SG LDP ENV 12 Development Impact on National Scenic Areas (NSAs);
- SG LDP ENV 13 Development Impact on Areas of Panoramic Quality (APQs);
- SG LDP ENV 14 Landscape; and
- SG LDP ENV 15 Development Impact on Historic Gardens and Designed Landscapes.

The following designated landscape areas and other areas protected through planning policy fall within the study area, as shown on Figure 11.2 of Appendix 11.1 of the EIA.

National Designations

- Wild Land Area (WLA) 09. Loch Etive Mountains; and
- Ardanaiseig House Inventory Garden and Designed Landscape (GDL).

Regional Designations

- North Argyll Area of Panoramic Quality (APQ).

Members are requested to note that LDP2 changes the name of Areas of Panoramic Quality (APQs) identified in the Argyll and Bute Local Development Plan (2015) to Local Landscape Areas. However, there is no change to the boundary of the North Argyll APQ which covers the LVIA study area defined in the application documents.

The applicants have provided separate Zone of Theoretical Visibility information (ZTVs) for the proposed Development indicating theoretical visibility of the upper intake structure and quayside and are shown on **Figures 11.1**. The ZTVs have been produced using the following assumed heights of features:

- Upper intake – Gate hoist structure at 13m above proposed ground level; and
- Quayside – Three operational buildings at 4.5m above proposed ground level.

The Proposed Development would be located on the northern shoreline and upper hills to the north of Loch Awe. Loch Awe is a long, linear Loch with a south-west / north-east orientation, but with an additional arm reaching westwards at its northern end towards the Pass of Brander where the existing Cruachan 1 is located.

The high craggy summits of Ben Cruachan and surrounding mountains rise steeply above this part of the loch shore and dominate the surrounding area whilst elsewhere, smaller scale landscapes of woodland, farmland and settlement characterise the loch-shore and surrounding straths, backed by a rugged landscape with a broad-scale pattern of moorland and commercial forestry.

The existing Cruachan concrete buttress Dam forms a striking feature within the mountain setting to the north of the Pass of Brander, and can be seen from many areas within the wider landscape context. Features of Cruachan 1 are also present on the shore of Loch Awe at the Pass of Brander, but are relatively discrete, being set within trees.

In respect of landscape visibility and potential impacts visibility the applicants submit that:

11.6.16 Theoretical visibility of the proposed quayside is shown to be relatively localised within and around the arm of Loch Awe leading to the Pass of Brander. At the mouth of this arm of the loch, potential visibility is also shown to be funnelled across Loch Awe towards the south-eastern shore around Inistrynach, Bovuy and Achlian, and across the upland moorland and forestry area to the south-east up to around 7.5 km from the proposed quayside.

11.6.17 Theoretical visibility of the proposed upper intake structure is shown to be largely contained within Coire Cruachan by the ridges and summits of the mountains that surround it. More distant potential visibility is shown across areas to the south of this with patchy areas of ZTV coverage around areas such as Ardanaiseig and Hayfield to the north of the main body of Loch Awe, and more consistent coverage across the loch and the southern shore across areas around Ardbrecknish and Keppochan as well as the hills beyond.

11.6.18 Site survey to verify the ZTV suggests that in most cases, woodland and local landform would limit actual visibility of these structures within the areas indicated, particularly around Loch Awe, and the existing Cruachan Dam would reduce visibility of the proposed upper intake structure from the south. The most consistent areas of intervisibility with the Proposed Development would therefore be likely to be within areas where woodland is limited, including views across the open waters of the loch, typically featuring the proposed quayside, and within the upland and mountainous areas, particularly around Coire Cruachan above the existing dam, where the proposed upper intake structure would be located.

The EIAR confirms that evaluation of potential impacts have been undertaken from public transport routes and recreational routes. Residential Receptor Locations (RRLs) are described in detail in Technical Appendix 11.2 and their locations are shown on Figure 11.4.

The EIAR states that Landscape and visual issues have been a consideration throughout the design process for the proposed development and that the following embedded design principles have been adhered to in order to reduce potential landscape and visual effects where possible.

- The location of the majority of the proposed development underground;
- Considered positioning of permanent, above-ground features to minimise landscape and visual effect and optimise the opportunity for additional mitigation measures; and
- Minimising the permanent design footprint as far as is possible including the scale of required rock cuttings and requirements for woodland removal, particularly woodland included on the Inventory of Ancient and Long-established Woodland.

The applicants also confirm that embedded mitigation measures would also include habitat and landform reinstatement which would be integral to the restoration of areas disturbed during construction. The reinstatement of areas disturbed during construction would be fundamental to ensuring that the proposed development would be successfully accommodated into the existing landscape. This would be achieved through a combination of natural regeneration in sensitive upland habitat areas (refer to Appendix 3.1: Construction Environmental Management Plan), seeding where required and planting of appropriate woodland species to promote biodiversity as well and landscape integration.

Around the main permanent structures at the upper and lower control works, native woodland

planting is proposed to help soften the appearance of new features and compensate for trees and woodland lost through construction activities. The applicants contend that:

- *At the upper intake: Softening of the appearance of the rock cut areas through mounding of stored top soils / peat at the base of the cut and planting of upland woodland species (e.g. birch, rowan and willows), supplemented by the encouragement of natural vegetation growth at the base of the cutting and on benches; and*
- *At the quayside: Softening of the appearance of the new quayside walls with strategic replacement of stored soils on the quayside and planting with native woodland and scrub species reflective of those within the nearby Coille Leitre SSSI. The locations of such areas would be dependent on the operational requirements of the quayside*
- *During operation, no changes would be likely to be perceived relating to the upper works within the mountainous context. Therefore, potential change would be limited to the permanent quayside and other associated features such as buildings and tunnel portal. This would continue to form a perceptible change within this localised part of the landscape as it would result in a new section or artificial shoreline and built development in this area. However, this would occur within an area where the existing Cruachan 1 power station, Tervine fish farm and the A85 already lead to some similar features and the surrounding wooded character would reduce these changes to the localised context. Woodland planting on the quayside area would help to reduce the perceived level of change over time.*

Having examined the submissions in respect of such matters Officers are of the opinion that the longer term operational landscape and amenity impacts of the proposals are acceptable and accordance with Policy requirements subject to appropriate Landscaping, Biodiversity, Habitat and Peat management plans being produced to progress the detail of such measures Conditions on these matters are proposed.

It is accepted by officers that the scale and magnitude of impacts will be far greater on a temporary basis during construction than associated with the longer term operation of the facility. However officers consider that the greater transitional landscape and visual impacts during construction would not be a justification for raising objection to these proposals.

Having due regard to the above subject to the recommended conditions it is considered that the landscape and visual impacts (including cumulative) are acceptable and the proposal is consistent with the provisions of: SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality; SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); NPF 3 and Revised Draft NPF4 Policy 14

G. EFFECTS ON NATURAL HERITAGE INCLUDING BIRDS

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on natural heritage including birds.

The applicants have confirmed in Volume 1 Section 8 of the EIAR that in order to evaluate the potential ecological sensitivities associated with the Site, a desk study was conducted in advance of the field surveys. This included a review of:

- Ecological and ornithological surveys undertaken within the Site boundary or its environs since 2016;
- Existing data on statutory designated sites available through NatureScot Sitelink website for statutory designated sites up to 10 km from the Site;
- Records of Ancient Woodlands available from NatureScot (up to 2 km from the Site);
- The SBL;
- Argyll and Bute Council has designated non-statutory nature conservation sites, and such sites within 2 km from the Site were extracted from the Argyll and Bute Council Local Development Plan; and
- Other pre-existing biological data relevant to the Site were also searched for in online databases to which the authors had access and for which there were no copyright issues associated with their use in a commercial setting.

The EIAR conclusions have also been informed by a series of technical field studies, as described in Technical Appendix 8.1. In summary, the surveys included:

- Habitats, including GWDTEs and those listed as Annex 1 Priority Habitats, and notable flora, including Invasive Non-Native Species (INNS);
- Otter;
- Water vole;
- Badger;
- Red squirrel;
- Pine marten;
- Bats;
- Vantage point surveys for target raptor species;
- Breeding birds;
- Black grouse;
- Electrofishing surveys for fish;
- Spawning habitat surveys (for salmonid fish);
- Kick and sweep surveys for macroinvertebrates, and
- Aquatic macrophytes.

The potential impact on protected Woodland habitats associated with the Loch Etive Woods SAC and SSSI was the reason for NatureScot and the Councils Biodiversity Officer to both respond with a holding objection to the original EIAR submissions. Concerns over the potential impact of widening the access track as part of the construction process have been successfully addressed and by e-mail dated 25.10.22 the applicants clarified that:

Further to our site visit last month and your request for further clarifications I am pleased to attach the following for your information.

1) Marked up technical drawings (as used on site visit) to show more clearly the existing deer fence and SAC boundary, as these relate to the proposed widening works. We agreed on site that, in practice, the SAC boundary would be aligned tightly to the southern edge of the existing metalled road.

2) Provision of cross sections at key points, to show how widening and earthworks would sit in the topography. On site we agreed that at this bend, where topography drops away quite quickly, it would be useful for you to see how this encroachment into the SAC may

look in profile. The previous commentary provided (see Q2 response in email trail below) regarding the stabilisation technique still applies.

3) Updated SAC impact report, including updated habitat loss calculations, based on the SAC boundary being aligned to the edge of the metalled road. As discussed on site, there will be a small encroachment into two areas where there is existing tree (birch) cover. The area of this encroachment has been calculated, in total along the whole length of the works, at 210m². The precise number of trees that could be lost as a result of the widening works is not yet known. Once a contractor is on-board and we know their precise construction methods and requirements we can be precise about what, if any, impact there will be on existing trees.

We trust that these clarifications will assist in your consideration and allow you to remove your holding objection.

The submission of the FEI at parts 5-7 and information enclosed therein on 14 December 22 has addressed these concerns and both holding objections have now been removed subject to conditions ensuring more detailed submissions are made for approval to assist finalising the design of the access track upgrades. RSPB are also satisfied with the proposals as set out in their consultation response.

In response to a request for additional clarification on felling and potential impact on woodland by Scottish Forestry the applicants confirmed within FEI Part 8 that:

For the avoidance of doubt, there is no proposed loss of woodland and therefore a standalone woodland and forestry chapter has not been prepared as part of the EIA. Effects and impact on trees have however been assessed in Chapter 8 Ecology, and Chapter 11 Landscape and Visual Amenity.

Impact on woodland has been considered in Chapter 8 Ecology. To inform that chapter, a desk study was undertaken to anticipate potential ecological sensitivities associated with the site. This included reviewing records of ancient woodland (up to 2km from the site) and a review of statutory designated sites available through NatureScot Sitelink. That review identified woodland habitats present along the access track corridor only and not at either the lower works or the upper works. Table 8.9 summarises the likely construction phase impacts and effects on the Loch Etive Woods SAC, Coille Leitire SSSI and Ancient Woodland. Effects are from works to widen the dam access track, and for all works no significant effects are predicted.

A key premise of the proposed development is, where possible, the retention of existing trees to help limit the visual appearance of construction works and proposed features, particularly woodland included on the Inventory of Ancient and Long Established Woodland. This is covered in Chapter 3 at paragraph 3.3.6. As detailed designs of the proposals are developed more information about individual tree loss and planting as part of any landscaping proposals will become available and we will be happy to share and discuss these with you

Scottish Forestry are content with the proposals and raise no objections as set out in their consultation response.

In respect of the responses from Marine Scotland and the Council's Marine Officer, they are both content with the proposals and raise no objections.

No objections have been raised by any of the external or internal consultees on ecological, habitat or marine ecology matters subject to the imposition of appropriate conditions by the Scottish Ministers.

Having due regard to the above it is concluded that subject to the conditions recommended by NatureScot, Marine Scotland, SEPA, Scottish Forestry and the Council's Local Biodiversity Officer and Marine Officer the proposal is acceptable in terms of natural heritage, the marine environment and birds and is consistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 7 – Water Quality and the Environment; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; Government (January 2017); The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009); NPF 3 and Revised Draft NPF4 Policies 3, 4 and 6

H. IMPACTS ON CARBON RICH SOILS, USING THE CARBON CALCULATOR (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2 and SPP require applications for renewable energy developments to be assessed against any impact they may have on carbon rich soils, using the carbon calculator.

The EIAR, volume 1 at chapter 6 addresses these matters under a general heading of "ground conditions". SEPA have raised issues in respect of potential Peat impacts, mostly related to the large construction compound area which is proposed to be located in an area with identified peat (including deep peat). They have requested the ECU to place a condition on any grant of consent requiring further information on the design and layout of the compound and access tracks, with a specific requirement for a peat management plan to be submitted and approved prior to works commencing. SEPA also wish not only restoration solutions to be provided, but also opportunities through proposed management to improve the peatland in the area. This after use of the construction compound is agreed to be an important matter which requires to be both sensitively and effectively addressed in further submissions related to both the operational phase of the compound and the restoration phase.

Officers are in agreement with SEPA on the need for both a peat management plan to be provided, but also for opportunities to improve the peatland/habitat in the general area of the construction compound and other construction areas to be investigated. Conditions to this effect have been requested by SEPA.

Having due regard to the above, subject to the recommended conditions it is concluded that the proposal will not have an adverse impact on carbon rich soils, using the carbon calculator and is therefore consistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 11 – Protection of Soil and Peat Resources; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP (2014); NPF 3 and Revised Draft NPF4 Policy 5

I. PUBLIC ACCESS, INCLUDING IMPACT ON LONG DISTANCE WALKING AND CYCLING ROUTES AND THOSE SCENIC ROUTES IDENTIFIED IN THE NPF (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF.

The Council's access manager has provided a lengthy consultation response which raises no objections to the proposals. However it is noted that an access plan has been requested and it is agreed that this is necessary in order to ensure that access to local footpaths and visitor facilities are not unnecessarily impacted. The EIAR submission confirms that access to the Dam Structure and the road to it, which is widely used by visitors will remain open however an access plan/strategy will give the advantage at looking at the potential impacts on wider access issues to ensure that there remain widespread opportunities for informal recreational access to the hills and other popular locations.

It is therefore considered that a wider access strategy is required to accompany the access plan, and this should also explore potential improvements to footpaths in the area as a community and tourism benefit associated with the proposals. Indeed some materials extracted may potentially be capable of re-use in the local area for footpath improvement. Officers will explore these opportunities with the applicants should consent be granted as part of an Access Plan and Strategy and a condition to this effect will be requested to be imposed.

Having due regard to the above it is concluded that the proposal will not have any adverse physical impacts on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF and is therefore consistent with the provisions of SG 2 Renewable Energy, SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP (2014); NPF 3 and Revised Draft NPF4 Policy 21

J. IMPACTS ON THE CULTURAL HERITAGE, INCLUDING SCHEDULED MONUMENTS, LISTED BUILDINGS AND THEIR SETTINGS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on the historic environment, including scheduled monuments, listed buildings and their settings.

In respect of the current proposals there are three main listed features which require to be considered:

- The Turbine Hall and associated infrastructure (Category A)

The Turbine Hall is of high historic cultural significance for the role it played in the technological development of hydroelectric power and the post-war energy programme of Scotland. In 1965, when construction was completed, the asset was the first example of a reversible turbine pumped storage plant in Britain. This development was significant for British power generation as it improved energy efficiency; with the power station being able to store otherwise wasted energy produced in off-peak hours to instead be used when it was most needed. The construction of a power station of this scale, underground, and utilising pumped storage was 'pioneering' and paved the way for similar schemes elsewhere in the world. The hall was designed by James Williamson and Partners and is noted in the listing as being 'typical of their approach'

which was defined as being innovative and forward thinking. Williamson and Partners became synonymous with the North of Scotland Hydro Electric Board (NoSHEB)

The receptor holds high architectural significance for its distinctive 1960s interior design, featuring a timber mural by the artist Elizabeth Falconer. The turbine hall is 36m high by 90m long and features several design features dating from the 1960s, including the timber mural, lighting and use of timber and concrete throughout. The designation notes the following features specifically: • Viewing gallery to NE corner, • Concrete lined vaulted roof, • Supported track and gantry cranes, • Tiled Floor • Timber mural by Elizabeth Falconer, • Timber panels and acoustic baffling panels of concrete, geometric shapes, • Projecting window to control room, • Large overhead lighting panels

- The Falls of Cruachan Railway Viaduct (Category A)

As a Category A listed building, the viaduct, is a receptor of high sensitivity. The significance of the receptor is derived from its architectural and historic interest, as a result of its innovative form and its role in improving rail connections with Argyll. The viaduct is the first on a British railway to have arches made from mass concrete, an innovation which would greatly improve the ability of 19th century engineers to create long stretches of viaducts. The viaduct forms part of the Callander and Oban Railway which, constructed between 1866 and 1880, greatly improved connections into Argyll and brought significant benefits to the previously isolated western region.

The viaduct is also a fine example of 19th century rail infrastructure, described in the designation as comprising of three concrete arches sitting upon bull-face stone piers. The top of the viaduct has a crenelated parapet and a 21st century safety rail. There is a string course along the base of the parapet and the central crenulation is raised with a crest of arms. It forms a group with the nearby Cruachan Dam and Turbine Hall as part of a series of large-scale interventions into the surrounding landscape setting.

The viaduct is located to the north of the A85 and spans across a stream running down the southern slopes of Ben Cruachan. The railway line sits within a small area of wooded landscape at the foot of the mountain. The surrounding area makes a positive contribution to the setting, with the surrounding natural scenery creating an attractive backdrop. To the south of the asset is the A85, the potentially negative impact of the road is largely mitigated by intervening vegetation, blocking views and noise even in winter, and its position lower down the mountain.

The proposals do not include any direct works that would affect the sensitivity or significance of the Viaduct, as such any impact would arise through the introduction of new built form within its setting. During the construction phase there would be construction activity in and around the viaduct, including the temporary diversion of the A85 to facilitate construction works. This Likely Significant Effects 2 diversion would remain in place for 2-4 months during the construction of the initial section of the new main access tunnel. Given that this would utilise an existing 'lay-by' feature within the highway, it is not considered that this element of the proposals would result in any permanent or longer term impact on the significance of this receptor.

- The Cruachan Dam Structure (Category B)

The immediate setting of the dam makes a positive contribution to its heritage significance, creating a highly attractive natural setting, comprising of the reservoir which feeds the power station below. The landscape surrounding the dam includes the

mountains of Meall Cuanail to the west and Beinn a Bhuidh to the east. The dam appears as a manmade intervention within an otherwise scenic backdrop. The wider setting of the asset is largely similar to its immediate setting; there is a lack of development, and the area is largely natural.

The dam sits within the Ben Cruachan mountain range. The peaks of the mountain range create a horseshoe around the dam with the valley sloping southwards to Loch Awe. The valley south of the asset contains some surface features associated with the power station, such as a road and electrical substation. However, the smaller scale of these features in the larger setting mean that it does not detract from the experience of the asset. The weathered concrete exterior of the asset is complimented by the exposed rock of the mountain, improving the ability for one to appreciate its architectural form.

The proposals include the creation of a new upper intake, to the south-east edge of the reservoir, approximately 110m north of the dam. During construction, it is proposed to construct the intake within a temporary dry well and the rock cutting will be undertaken using a combination of blasting and rock support. This will then become a permanent feature which must be considered in respect of its potential impact upon the setting of the dam.

The applicants in their FEI submissions of 14.12.22 clarify that:

For detailed plans relating to the Section 36 application, please refer to the original submission documents. Details of embedded mitigation are set out in detail within the EIAR Cultural Heritage Chapter 12. In summary, these include: o Landscape design to the proposed upper intake, o The preparation of a Construction Environmental Management Plan (CEMP), a draft of which was included in the original EIAR.

Following receipt of comments from HES and a site visit on 6 September 2022, further detail has been provided in the following documents, enclosed at Appendix 5. • Cruachan 2 – Upper Intake and Dam Memorandum, Nov 2022 • Cruachan 2 – Access Tunnels connecting Powerhouse and MAT Memorandum, Nov 2022 Likely Significant Effects 34289A5/P1/LK/ Page 13 December 2022

A separate Listed Building Consent application is to be submitted for creation of the two new access tunnels and the associated works that directly impact the listed Turbine Hall

The proposed quayside would be a permanent change within the setting of the Category A listed Turbine Hall, through the introduction of new structures within proximity of the main access tunnel entrance. Once operational, the quayside would feature an administrative and storage buildings which are required to facilitate ongoing operation and maintenance of the expanded power station. Officers consider that conditions can be used to control the final appearance of these buildings.

The proposed quayside will be located below the existing embankment to Loch Awe, to the east of the existing access tunnel. As a result of the topography and position of the quayside and associated structures, these elements of the proposal will not result in any meaningful change to the way in which the main entrance tunnel will be experienced within the landscape. The applicants contend that; *“This element of the proposal would give rise to a negligible impact to the significance of the listed building.”* Officers are in agreement with this view.

Historic Environment Scotland (HES) (No response)

No response has been placed on the ECU Website at time of writing this report,

The Council's Conservation and Heritage officer is content that the proposals are acceptable subject to the use of appropriate conditions to provide more detail on the detailed design and appearance of the proposed works associated with the new inlet structure in the vicinity of the dam and set within a rock cutting. A condition requiring the submission of further details on the appearance and materials to be used is proposed.

Associated need for Listed Building Consent for works to Category A Listed Plant room connections

Members are requested to note that in addition to the applicant requiring S36 consent for the creation of the new Turbine Hall, plant and associated tunnels and, a separate detailed Listed Building Consent (which will be determined by the Planning Authority) is required to undertake any works which could potentially adversely impact on the Category A listed Plant Room.

Extensive discussions have been undertaken between Council Officers, HES and the applicants to form agreement on the extent of the existing plant and machinery which forms part of the listing potentially impacted by the proposals, and how the proposals can be undertaken in a manner which respects the sensitivities of the existing listed plant room and associated structures.

These discussions have been running in tandem with the S36 process and Officers and HES are content that the Listed Building Consent process can adequately safeguard the integrity and character of the category A Listed Turbine Hall through this separate consenting regime.

In respect of the S36 proposal and the need to safeguard the setting of the Category B Listed Dam itself and the Category A Listed Falls of Cruachan Railway Duct, the Council's Heritage advisor is content that the use of conditions requiring the submission of further details to be can properly address these matters.

Having due regard to the above it is concluded that subject to the imposition of appropriate conditions this proposal is consistent with the provisions of SG LDP ENV 16(a) – Development Impact on Listed Buildings; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan, NPF 3, Revised Draft NPF4 Policy 7 and Historic Environment Policy for Scotland (April 2019) in this respect.

K. IMPACTS ON ROAD TRAFFIC AND ADJACENT TRUNK ROADS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on road traffic and adjacent trunk roads.

Transport Scotland have the main responsibility for the adequate maintenance and proper functioning of the Trunk Road network in Argyll and Bute. The A85 is critical for not only residents and businesses going about their daily lives but also for tourism and associated socio economic well-being of the whole community served by the A85 as a main arterial route. As this is clearly an important matter, Officers have provided the Transport Scotland Response in some considerable detail within the report for ease of reference.

Members are requested to note that the Area Roads Manager has reviewed the response from TS and the proposed conditions, and has raised no objection to the proposals or the proposed conditions.

Transport Scotland (TS) – have considered both the original EIAR and the FEI and advise that they have no objection to the proposal subject to conditions to the conditions, set out below and imposed on any grant of consent. Given the potential importance of roads as a planning consideration comprehensive extracts of their consultation response have been set out below for Members ease of reference:

Temporary Traffic Management on A85(T)

The EIAR states that construction of the main access tunnel portal will require temporary traffic management on the A85(T). It was initially proposed to redirect the A85(T) using a temporary build out on the loch foreshore, however, further information has been submitted to justify discounting this approach due to the additional material and construction timescale required to form this option. We note that it is now proposed to utilise the existing informal layby on the A85(T) which is currently used as parking for the Falls of Cruachan railway station as well as for hill walkers, to form a temporary realignment to the north of the existing A85(T), generally as illustrated on Stantec Drawing 331201086/001/C/0862. We also note that at a width of 4.7m, the use of this layby will result in the need for one-way signalised shuttle workings, lasting for approximately 3-4 months. Transport Scotland has indicated a desire for two-way operation to be retained at this location during the construction period and discussions continue on what might be possible at this location and the applicant is currently considering alternative options. The applicant has also indicated that whilst traffic management is in place on the A85(T), replacement public parking and access will be provided within the existing Visitor Centre car park. The details of this and the provision of appropriate pedestrian linkages along and across the A85(T) will require to be agreed. With regard to the current application, Transport Scotland is content that this aspect is covered by a Planning Condition and that the details of the temporary diversions and construction methodology affecting the A85(T) will be dealt with post-consent(should planning consent be awarded).

Development Access

It is proposed to construct a new junction on the A85(T) at the eastern extents of the site to provide access to the development area, in addition to the existing junction. This is illustrated on Stantec Drawing 331201086/001/C/0859/P02. Transport Scotland has reviewed preliminary design drawings for this junction and is content that the design of the junction can be covered by a Planning Condition at this stage.

Assessment of Environmental Impacts

Chapter 9 of the EIAR presents the assessment of the likely significant transport effects arising from the construction and operation of the proposed development. We also note that a separate Transport Assessment (TA) has been prepared and is included at Appendix 9.1. The EIAR states that the assessment has been undertaken in accordance with the Institute of Environmental Management and Assessment (IEMA) Guidelines for the Assessment of Road Traffic, Transport Assessment Guidance (2012), as well as the Design Manual for Roads and Bridges (DMRB). Transport Scotland is satisfied with this approach.

Study Area

Chapter 9 states that in accordance with Transport Scotland's scoping response, the A82(T) and A85(T) have both been included within the study area. Baseline traffic flows have been

determined using automatic traffic count (ATC) data for 2019 from Transport Scotland's National Traffic Data System (NTDS) platform and ATC surveys undertaken in 2017. The 2017 data has been uplifted to 2019 data based on a factor derived by comparing the 2017 Transport Scotland NTDS traffic counts to 2019 Transport Scotland NTDS traffic counts. We also note that in order to establish the AM and PM hour flows, the busiest hour between 06:00 -12:00 was taken as the AM peak hour and the busiest hour between 12:00 -18:00 was taken as the PM peak hour for each traffic count location separately. As such, the AM and PM peak hours used in the assessment are not uniform across all the traffic count locations and instead relate to the highest hourly AM and PM traffic flows for each location separately. Transport Scotland considers this approach to be acceptable....

... While we would acknowledge that the high percentage increase associated with HGV traffic is a factor of relatively low base flows, Transport Scotland would consider that some form of mitigation is appropriate. We note that the conclusion of the assessment is that the construction phase of would result in a "Negligible" magnitude of impact and hence a "Negligible" significance of effect, with no further mitigation proposed other than the embedded mitigation as detailed within Section 9.7 of the EIAR. Transport Scotland does not see how this conclusion can be reached without considering the specific HGV effects. Section 9.7 indicates the proposed embedded mitigation as being a review of the works programme to seek to reduce effects on sensitive receptors where reasonably practicable and the preparation and implementation of a Construction Traffic Management Plan (CTMP). It is noted that Transport Scotland would have looked for a CTMP to mitigate any environmental effects associated with increased HGV levels, so we are satisfied that appropriate mitigation can be put in place. A CTMP will therefore be required which should be submitted to, and agreed by, the Area Manager prior to the commencement of any works. A key aspect of the construction management will be the inclusion of a programme of before / during / after road condition surveys and the scope of these will require to be agreed with Transport Scotland. The applicant will be required to enter a Legal Agreement under Section 96 of the Roads Scotland Act 1984 (Extraordinary Damage to Road), whereby the applicant agrees to pay the costs of such damage attributed to their works. The adoption of this strategy is intended to ensure impacts on the structural integrity of the trunk road network are managed.

Road Safety Audit

We note that an independent Stage 1 Road Safety Audit (RSA) was undertaken for the Widening of St Conan's Road, the main access road to the Lower Control Works site and the secondary access road to the Lower Control Works site. We note, however, that the installation of the signals and the shuttle working has not been subject to any RSA at this stage. Transport Scotland will require a Road Safety Audit to be undertaken for these works and submitted to the Area Manager. This will require to be undertaken as part of the detailed design process for the traffic management arrangements

Abnormal Loads Assessment

An Abnormal Indivisible Loads Assessment (AILA) has been provided within the TA. This states that it is a preliminary assessment and that detailed AIL access route assessments will be undertaken for each required AIL at the time of the programmed movement dates, once the specification / dimensions of those loads are known. We note that the Port of Entry for components has yet to be finalised, and as such, the AIL route has yet to be finalised. Potential ports and associated routes have been identified, however, as the A85(T) and A82(T) connect directly to the site from the east and the west, constraints on these two sections have been identified within the AILA based upon a preliminary desktop study. This assessment has identified numerous height, width and weight restrictions on the A85(T) and A82(T) between Oban and Crianlarich, all of which could require further investigation and potential mitigation. We note that the AILA states that a transformer of a similar dimension and weight to the one

assumed in the assessment was successfully transported to Cruachan Power Station from Longannet Power Station in Fife. This AIL was transported during the night via the M876, M9, A84(T), A85(T), A82(T) and A85(T). This required police escort, road closures on the A82(T) between Crianlarich and Tyndrum and the temporary reinforcement of a bridge at Inverherive. We understand that similar measures may be required during the delivery of AILs for the current application and these would be assessed as part of future detailed AIL assessments. Having discussed this issue with the applicant, Transport Scotland is content that the issue of transporting AILs can be covered by appropriate Planning Conditions.

Conclusions

Based on the review undertaken and further to the various discussions with the applicant, we can confirm that Transport Scotland is satisfied with the submitted EIAR and does not propose to object to this planning application, on the understanding that the Conditions identified below are attached to any consent granted.

Condition 1: Prior to the commencement of any works, written approval from the planning authority in consultation with Transport Scotland, must be obtained for the details of the proposed means of access from the A85(T), generally in accordance with Stantec Drawing Number 331201086/001/C/0859. Thereafter, the proposed access shall be constructed in accordance with the approved details.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

Condition 2: Prior to the commencement of any works, a plan for the design, implementation and duration of all temporary traffic management arrangements on the A85(T) must be submitted to and agreed by the planning authority in consultation with Transport Scotland. Thereafter, all temporary traffic management arrangements will be implemented in accordance with the agreed plans.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

Condition 3: Prior to the commencement of any works, a detailed design and specification for the proposed access portal structure beneath the A85(T) shall be submitted to and approved in writing by the planning authority in consultation with Transport Scotland. Thereafter, the proposed structure shall be constructed in accordance with the agreed plans. For the avoidance of doubt preconstruction compliance will include, but not be restricted to:

- (i) Approval in Principle
- (ii) (ii) Category 3 structural design check to CG300
- (iii) (iii) Geotechnical Check - Category B to SH4

Reason: To ensure that the proposed design of the works complies with the current standards and that the safety and free flow of traffic on the trunk road is not diminished.

Condition 4: Prior to the commencement of any works, a detailed design and specification for any proposed sheet piling works adjacent to the A85(T) shall be submitted to and approved in writing by the planning authority in consultation with Transport Scotland. Thereafter, the proposed structure shall be constructed in accordance with the agreed plans. For the avoidance of doubt pre - construction compliance will include, but not be restricted to: (i) Approval in Principle (ii) Category 3 structural design check to CG300 (iii) Geotechnical Check - Category B to SH4

Reason: To ensure that the proposed design of the works complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

Condition 5: *Prior to the commencement of any works, a Construction Traffic Management Plan must be submitted to and approved by Transport Scotland. The complete report shall include, but not be restricted to, details of the following:*

- o Identification of designated construction vehicle routes to site*
- o Access arrangements o Methods to ensure that construction routes are followed*
- o Identification of construction vehicle volumes set against key construction tasks and programme*
- o Measures to minimise and control construction vehicle volumes*
- o Measures such as wheel washing and dust suppression requirements*
- o Construction staff travel arrangements*
- o Confirmation of site working hours*
- o Measures for mitigating HGV movements through settlements lying within the A85 and A82 trunk road corridors*
- o Measures for accommodating displaced car parking from the A85(T) during construction.*
- o Measures for maintaining pedestrian access along and across the A85(T) during construction.*
- o Arrangements for monitoring accelerated wear and tear on the road network*
- o A blasting plan is to be included as part of CTMP*
- o Arrangements for abnormal loads o Signage details and details of any temporary traffic management arrangements o Site liaison details*
- o Arrangements for monitoring and updating the CTMP*

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development

Condition 6: *Prior to commencement of works on site, a methodology and programme shall be submitted to and agreed with the planning authority in consultation with Transport Scotland, relating to the monitoring of the condition of the A85 trunk road. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority in consultation with Transport Scotland.*

Reason: To ensure the fabric of the trunk road is not adversely affected by the construction operations

Condition 7: *Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required, including the removal of street furniture, junction widening and any traffic management, must similarly be approved.*

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

Condition 8: *During the delivery period of construction materials / plant etc., any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland before delivery commences.*

Reason: To ensure that the transportation will not have any detrimental effect on the road and structures along the route.

Transport Scotland has not included any Conditions relating to works associated with, or in close proximity to, the railway line or the various approvals and consents which will need to be obtained from Network Rail regarding these. Transport Scotland is willing to liaise and consult with Network Rail as required but would fully expect and anticipate Drax to do the same.

In addition to the above Conditions the applicant should also be informed of the following advisory notes setting out requirements relating to works within the trunk road boundary.

- i. The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate.*
- ii. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.*
- iii. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.*
- iv. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.*
- v. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.*
- vi. To obtain permission to work within the trunk road boundary the developer should contact the Area Manager through the general contact number 0141 272 7100.*
- vii. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.*

The Council's Roads & Amenity Services

The Area Roads Manager has reviewed the above response by TS and both the original EIAR and the FEI. He advises that the site access connects directly to the A85 and that the advice of Transport Scotland should be sought by the ECU on the formation of this junction. The area Roads Manager has commented that:

Trunk Roads to comment on A85 issues.

It is noted that the Trunk Road network will probably be impacted more than the local area network. If the local area roads network is to be affected by disposal of excavated materials for any reason then commensurate improvements may be required to facilitate significant additional vehicle movements at the developer's expense.

The following conditional matters have been requested to be imposed by the Area Roads Manager.

- Information to be provided on locations for disposal of material from works, specifically the impact on local area roads and infrastructure. Construction Traffic Management Plan to be provided if necessary.*
- Traffic Impact Analysis required to cover any potential impact on Argyll and Bute Council local area roads. This report should include a cumulative report in concert with other S36 and S37 schemes in the North Argyll/ Loch Awe area paying particular attention to the possibility of utilizing materials locally to prevent unnecessary vehicle*

movements thus reducing the potential for related deterioration of the fragile local area roads network.

Discussions have been undertaken with the applicant about seeking to minimise the transportation of extracted rock material on the road network as part of minimising both HGV traffic on the wider road network, but also reducing emissions associated with this.

It has been agreed in discussions between the applicant and the Area Roads Manager that the requested Cumulative TIA which both Transport Scotland and The Area Roads Manager will require to approve should be conditioned, but also that as part of the CEMP a “waste” management plan and strategy should be provided to clarify how the applicants have sought to maximise local use of the extracted materials rather than transport it to more distant locations using the roads network. At the moment Officers have been informed that the use/destination of all materials has not been finalised and Officers consider that this is a matter which would benefit from further discussions between the applicants. A&B Council and Transport Scotland and the suggested condition will seek to achieve this approach.

Having due regard to the above, subject to the relevant conditions being attached to any consent granted by the ECU, it is concluded that the proposal will not have any adverse impacts on road traffic and adjacent trunk roads and the proposal is consistent with the provisions of SG2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes of the Argyll & Bute Local Development Plan , NPF 3 and Revised Draft NPF4 Policy 12

L. EFFECTS ON HYDROLOGY, THE WATER ENVIRONMENT AND FLOOD RISK (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for renewable energy developments to be assessed against effects on hydrology, the water environment and flood risk.

In their initial consultation response SEPA raised a number of concerns/questions in respect of drainage/flooding and other technical matters which they required further clarification on, as set out below:

We have reviewed the information supplied with the EIAR and have found it to be insufficient to allow us to determine the potential impacts. We therefore submit a holding objection and request determination be deferred until further information is provided in relation to hydrogeological / groundwater issues, site ecology and flood risk as detailed in Sections 1, 4 and 5 below. We will review our position if these issues are adequately addressed.

We support the intention produce a Site Waste Management Plan (SWMP) and that this is to remain a live document throughout the duration of the construction period. We request a planning condition requiring the preparation of a full SWMP once design and contracting elements of the project are confirmed. We agree this should build on the information provided in the EIAR and specifically, given the potential implications for its storage and the reuse potential of the material, this will also need to be informed by the outcome of further assessments required in relation to the potential for the geology at the site to generate acidic leachates and acid rock drainage as discussed in Section 1 above and Appendix 2 enclosed.

4.1 We have concerns regarding the impact to groundwater dependent flush habitats, in the Lower Site Compound area and throughout Upper Works (particularly down the slopes leading into Cruachan Reservoir and down to the existing Access Track). The mapping provided in Figures 3.3 and 3.4 of EIAR Appendix 8.1 Non-Avian Ecology does not show the location of

the flushes and the text has not made it clear how close the flushes are to excavation areas, nor their relative position. The M10 and M11 base-rich flushes can be assumed to be groundwater dependent, however the groundwater dependency of other potential GWDTE habitats noted on site has not been assessed.

We therefore request further information be provided to: a) Assess the likelihood of groundwater dependency of the potential GWDTE habitats which will be directly or indirectly impacted by the development. M10 and M11 flushes are assumed to be groundwater dependent so do not need to be included in the assessment; and b) Illustrate the relative position of the infrastructure and excavation areas in relation to the flushes, other groundwater dependent wetlands and wetlands valuable for nature conservation (i.e. all levels of importance above site level). The groundwater dependent wetlands should only be included for those assessed as being likely to be groundwater dependent. 4.2 Given the reliance on the Habitat Restoration and Landscape Mitigation Plan to address impacts to wetland habitats and peat we request an outline plan is provided prior to determination for review. A planning condition should also be applied to require the full plan to be submitted before commencement. Damage to groundwater dependent flushes is often permanent; it is difficult or impossible to reinstate or restore flushes after direct impact or redirection of groundwater emergence; the HRLMP, CEMP and infrastructure layout must consider this and address the likely outcome for these habitats, which are important for nature conservation. 4.3 Further information must be provided on the layout of the Lower Site Compound and the requirement to excavate at this location. The applicant should clarify if alternative locations for the Lower Site Compound were considered, if excavation can be avoided where peat depth is greater than 0.5 metre and if there are flushes in the Lower Site Compound area and how will these be managed

Therefore, a flood wall to a 1 in 100 SoP will not ensure the development will necessarily remain operational during a 200-year event. FRA Appendix E indicates the precise SoP is 107-year event and anything greater will overtop the proposed wall. We therefore request the design of the flood wall is modified to ensure it is designed and constructed to remain operational during the 1 in 200 year flood even

During the construction phase of the project it is anticipated 2.3 million tonnes of excavated rock arisings will be produced over the 5.5 year construction period (2024- mid 2029). EIAR Section 3.8.2 indicates that the excavation arisings will be in the form of rock 'chippings' ranging from boulders to fines produced by drill and blast techniques. It is reported that drill and blast methodology is assumed to be used for all underground works....0.45 million tonnes of excavated material is to be reused on site. It is proposed that 140,800 tonnes of material will be used towards the construction of a 510m long quayside structure on Loch Awe and used in concrete production. The excavation arisings, 15,000 tonnes of spoil at any one time, will be stored on the quayside structure, prior to transportation off-site by road. The arisings will be stored under a canopy structure, enclosed on three sides to prevent runoff and windblown silt from entering Loch Aweon for lining the tunnels. There is currently no agreed use for the remaining excavated material.

We also request, if you are minded to grant consent, the planning conditions detailed in Sections 2.6 (Site Waste Management Plan), 4.2 (Habitat Restoration and Landscape Mitigation Plan) and 4.8 (Peat Management Plan) be attached to the consent.

(Additional information provided on these matters in FEI on 14.12.22)

Although many of these matters have now been addressed by the EIAR/ FEI submissions and further clarifications provided to SEPA by the applicants, there remains one outstanding matter on which SEPA have maintained a holding objection to the proposals as set out below:

Potentially Acid Generating (PAG) Rock Construction of the Cruachan Expansion Project will require the removal and management of an estimated 2.3 million tonnes of rock. The EIAR states it is likely some of the arisings will be Potentially Acid Generating (PAG) rock. We previously requested more information to understand the potential for the site geology to generate acidic leachates and acid rock drainage and to evaluate the appropriateness of material reuse as fill materials and concrete aggregates. The findings from the initial investigation in the submission are that some of the material is likely or highly likely to be potentially acid generating which means the rock arisings could potentially leach acidic leachate and mobile metals. This will heavily influence material storage, transport, disposal and potential reuse options.

While we agree with the applicant that an Acid Rock Drainage (ARD) Management Plan will be required (and secured as a planning condition), there remains significant uncertainty regarding the amount of material which will be potentially acid generating. No information has been provided to estimate the scale of the issue. We therefore cannot currently advise on the potential environmental effects associated with this element of the project.

It is likely this material will have to be segregated and disposed of at an appropriate site (i.e. landfilled) with mitigation to prevent environmental impacts and regulation by SEPA under the Pollution Prevention and Control (Scotland) Regime (PPC). At this stage it is not clear what size of site would be needed and whether a suitable one would be available to accept the material. This represents a significant environmental risk which we expect to be addressed before determination.

On that basis we maintain our **holding objection** on grounds of lack of information in relation to the potential impacts associated with the potentially acid generating rock. To allow us to revisit this position we require further information to outline how much material is potentially acid generating, what will be the disposal method for it, the environmental risks involved and the contingencies should more material than anticipated be affected.

The treatment of this material will be tied into the required waste management plan which officers consider is required to sit outside the general CEMP as there are very specific and detailed matters which require to be addressed. In the opinion of Officers this will be best achieved through a separate document and not folded these matters into the larger CEMP submissions. SEPA have already advised the ECU that a condition on these matters is required.

Officers verbally discussed this Objection with SEPA on 22.1.23 and they have clarified that this is not an objection in principle to the development but a technical matter they require to be satisfactorily addressed before withdrawing their objection. This will be a matter for the ECU to resolve prior to reaching their conclusion on the proposal and is not considered a matter which the Planning Authority should raise objection to.

Having due regard to the above, subject to the relevant conditions being attached to any consent granted by the ECU, it is concluded that the water environment and flood risk have been considered and the proposal is consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development of the Argyll & Bute Local Development Plan, SPP (2014), NPF 3 and Revised Draft NPF4 Policy 1

M. IMPACTS ON TOURISM AND RECREATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on tourism and recreation.

There is no record on the ECU website of any consultation advice from Visit Scotland on the ECU website. It is considered that it would be beneficial for the ECU to obtain their views prior to reaching a decision on this proposal.

The Council regards landscape as being a particularly valued asset both in terms of its intrinsic qualities and in terms of its value to the tourism economy. For all types of development the maintenance of landscape character is an important facet of decision-making in the countryside in Argyll & Bute, regardless of the scale of development proposed. The Council's LDP Policy LDP 6 identifies impacts on tourism and recreation as a material consideration in the assessment of renewable energy developments on the basis that inappropriate developments with significant adverse effects which contribute to the degradation of landscape character are unlikely to be in the interests of the Argyll tourism economy.

Potential impacts on tourism are addressed within the EIAR at Volume 1 chapter 13. The EIAR at 13.7.13 recognises that:

Argyll and Bute is a popular tourist destination owing to its high quality natural environment, heritage attractions and onward travel connections to the Western Isles and Inner Hebrides. Tourism is a key sector and a growing industry in Argyll and Bute. In 2019, Argyll and the Isles witnessed notable growth in overnight tourism. Both domestic and international visitors increased in numbers which resulted in even bigger rises in nights and expenditure. Between 2017 and 2019, overnight trips to Argyll and the Isles were just under a million per year on average, a 15% increase from 2016-2018-22. ..Argyll and Bute has the highest share of tourism businesses when compared to any other area in Scotland. Tourism businesses make up 13% of businesses in Argyll and Bute compared to a national average of 8%23.

The EIAR also clarifies that;

Within the Study Area, Drax's Hollow Mountain visitor centre at the Cruachan pumped storage hydro power station is a popular indoor tourist destination. The visitor centre attracts approximately 50,000 visitors a year and in 2019 was ranked among the top 2% of Visit Scotland's quality assurance scheme with high scores for friendliness and hospitality. St Conan's Kirk in the village of Loch Awe is another indoor tourist destination in the Tourism and Recreation Study Area. It is a Category A listed building and a landmark which attracts visitors to the village of Loch Awe. It is accessed from the A85 and benefits from impressive views towards Loch Awe.

In respect of potential visual impacts it is not considered that the proposals will have a long term significant adverse impact as the majority of the permanent works will be underground or be subject to appropriate landscape mitigation measures. The new quayside and office buildings will be retained, however as they are in the general local of the existing visitors centre and subject to appropriate scale/design and landscaping it is not considered that these will have an unacceptable permanent impact on the landscape or on tourism.

The Cruachan dam and ridge are important tourist attractions in themselves and Drax have confirmed in their submissions in Volume 1 chapter 13 (Table 13.1) of the EIAR that access to the Cruachan Dam and also the Cruachan Ridge will not be restricted. This is welcomed. It should however be noted that;

...it is considered that the indoor tourist destination of Cruachan Visitor Centre and tour of the 'Hollow Mountain', could experience effects during the construction phase and therefore

the potential impacts on indoor tourist destinations during construction have been assessed'

The Council's Access Manager has requested that an access plan be produced for the proposals to ensure clarity on access matters and a condition to this effect is therefore recommended. The require CEMP will also require to demonstrate how parking will be provided to access these features. The confirmation by the applicant that a more localised Construction Traffic Management Plan will be provided either separately as part of the overall CEMP, which will require to be approved by TS and the Area Roads Engineer, is welcomed.

The evaluation of potential construction phase impacts upon indoor and outdoor tourism are provided at Table 13.10 of the EIAR and conclude that all of the potential impacts are minor and not of significance, with the exception of impacts upon visitor accommodation where it is accepted that:

*In the absence of firm proposals for the accommodation of the construction workforce, significant adverse effects could arise on the visitor accommodation sector. This would result from accommodation being block booked for extended periods of time (high magnitude of change) and therefore being unavailable to the tourism sector during the construction period. This would be a major **(significant) adverse effect**.*

The impact on visitor accommodation is set in the context of it being a constituent part of the tourism sector. If visitor accommodation is block booked, for up to 6 years in this instance, it becomes unavailable to the tourism sector and the magnitude of change in visitor attractiveness and tourism potential is therefore high as the benefits don't accrue to the other local businesses that serve the tourists staying in the hotels and guest houses. These accommodation providers would no longer be serving the tourism sector, instead they will play a role in serving the construction sector.

Conversely, the use of visitor accommodation on an ad-hoc basis for visiting executives, engineers and specialist advisors, would have a moderate beneficial effect, but this would only accrue if the accommodation options are not exhausted by use for construction workers. In the absence of firm proposals for construction worker accommodation this effect will not be realised and therefore the potential effect remains major and adverse

The EIAR confirms that there is a projected significant impact on visitor accommodation. Officers also consider there will be potential impacts upon the operation of the general rented housing market as well as workers seek to find accommodation displacing local families and individuals and have requested that these matters be considered further by the Scottish Ministers prior to any determination of the S36 application being made and a deemed planning permission issued to ensure NPF 4 policies and objectives are fully considered.

Having due regard to the above, in terms of the impacts on tourism and recreation the proposal is considered to be consistent with the provisions of: SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 14 –Landscape; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan, NPF 3 and Revised Draft NPF4 Policy 25

N. NET ECONOMIC IMPACT, INCLUDING LOCAL AND COMMUNITY SOCIO-ECONOMIC BENEFITS SUCH AS EMPLOYMENT, ASSOCIATED BUSINESS AND SUPPLY CHAIN OPPORTUNITIES

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewables and SPP require applications for renewable energy developments to be assessed against net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

Community Benefit is not considered to be a ‘material planning consideration’ in the determination of planning applications for Energy Related Developments. In the event that the Scottish Ministers permission were to be granted, the negotiation of any community benefit, either directly with the local community or under the auspices of the Council, would take place outside the application process between the Scottish Ministers, The Council and the applicant. This is the established procedure for such discussions.

The EIAR confirms that Based the capital cost estimate provided by the application in June 2021 the construction of the proposed development is expected to require a UK capital expenditure of £450 million. This will give rise to employment and associated expenditure in the economy (direct, indirect, and induced). Construction of the proposed development is expected to extend across a 6-year programme of works to achieve operation of the first unit

The construction of the Proposed Development is therefore estimated within the EIAR to support a total 3567 gross Person Years of Employment (PYE) 31 over the 6-year construction period across the study area. This equates to 357 Full Time Equivalent (FTE)’s over the 6-year construction programme across the study area.

The EIAR further states that

Based on the additionality assumptions, the 3,567 gross temporary construction jobs created by the Proposed Development are expected to support approximately 664 net temporary construction jobs across the 6-year construction period within the Labour Market Study Area. This represents 34.9% of existing construction jobs (664 jobs) within the study area.

The key sector likely to experience socio-economic effects from the Proposed Development during the construction phase is the construction sector. The effects on the construction sector have been reviewed and analysed in Section 13.11.3 to 13.11.9 above resulting in a conclusion of Short-Term Major Beneficial effect.

The operation of the Proposed Development would result in a Negligible Beneficial magnitude of change on the Key Business Sector of Construction (High sensitivity receptor) resulting in a Minor Permanent Beneficial effect.

The EIAR confirms that there will be significant short term employments benefits, particularly in the construction industry, however the long term benefits in respect of employment are minor. This of course has to be viewed in the context that the benefits from workers moving into the area , displaces the tourists who would otherwise take up some of this accommodation which is not a benefit which is also recognised in the EIAR. The EIAR confirms;

Drax have confirmed to Officers that they will be seeking to use local staff and materials where they can and also that they are already engaging with other organisations to provide wider benefits to Argyll and Bute.

- *Drax will organise Meet the Supplier days to match local companies with opportunities during the construction phase.*
- *Drax is the first UK energy company to announce an initiative to improve employability for a million people by 2025. Through its ‘Mobilising a Million’ initiative,*

Drax will connect with one million people by 2025 to improve skills, education, employability, and opportunity. The Proposed Development will provide opportunity for Drax to provide more opportunities in Argyll and Bute.

- *Drax has a long running apprenticeship scheme which is part of its commitment to developing new talent as well as upskilling the workforce across the communities where it operates, including Argyll and Bute. The craft apprenticeship scheme, which operates at Cruachan, gives new recruits to Drax the opportunity to gain skills and expertise by working alongside highly qualified engineers. An expanded Cruachan power station will allow Drax to continue and expand this scheme giving apprentices a chance to development core skills and prepare for future careers. These unique opportunities provided by Drax can boost economic development across Argyll and Bute.*

The applicants submit that during the construction phase there will be opportunity for the provision of work experience and apprenticeships and the applicant has already engaged with local schools and colleges and Highland and Islands Enterprise with regard to training and apprenticeship programmes to maximise local employment opportunities. This is welcomed and in their additional NPF 4 related submissions on 20.1.23 they further clarify that:

- *NPF4 calls for national developments to be exemplars of a Community Wealth Building (CWB) approach to economic development. CWB is defined as “A people-centred approach to local economic development, which redirects wealth back into the local economy, and places control and benefits into the hands of local people”.*
- *Along with the direct employment opportunities Drax provides at Cruachan, they also offer opportunities for STEM learning through educational tours of Cruachan and Drax personnel visit local schools to talk to students about routes into STEM careers and deliver hands on STEM learning workshops. Drax also offer work experience opportunities for Oban High School students to gain experience in engineering in the workplace environment. During Scottish Apprenticeship week Drax offer workshops to schools and colleges focussing on application skills and opportunities available for Drax apprenticeships across their operational assets. The proposed expansion of Cruachan Power Station will allow Drax to continue and expand these initiatives giving local young people a chance to develop core skills and prepare for future careers.*

They further state that;

The Cruachan Expansion project can boost economic development across Argyll and Bute and will contribute to meeting key priorities not only of NPF4 but also the Argyll and Bute Economic Strategy 2019-2023 by attracting inward investment, bringing additional jobs and learning opportunities and improving linkages between skills providers and employers in both the public and private sector

These measures are welcomed and the Planning Authority considers that delivering on these wider socio economic benefits are an important aspect of the successful delivery of the project. However, as previously clarified, such matters have historically been addressed outside the S36 Application process by the Council and Officers can identify no reason that this should not continue to be the case for this application.

Given the large scale of this project along with the extended duration of the construction works, it is considered that there is the potential for the development to

have adverse impacts on the local community caused by a greater demand and competition for housing. The Oban and Lorn housing market area is one of the more pressured in Argyll and Bute with higher levels of demand for housing combined with a higher proportion of the existing housing stock being in use as a short term lets for tourism. Mitigation is therefore required to address this impact which otherwise would result in the proposal being unacceptable. It is therefore recommended that, should the application be approved, a suspensive condition should be attached to the deemed planning consent, requiring the submission of a strategy for housing incoming construction workers. It is considered that this condition would give the applicant flexibility and allow for the consideration of a number of possible options including, but not limited to the provision of additional permanent housing in the area, the use of buildings which are currently vacant, the provision of temporary accommodation for workers or bussing in workers from further afield.

Having due regard to the above the proposals net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities has been assessed and it is concluded that the proposal is consistent with the provisions of Supplementary Guidance 2 (December 2016); LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; NPF 3 and Revised Draft NPF4 Policies 11(c) and 25

O. THE SCALE OF CONTRIBUTION TO RENEWABLE ENERGY GENERATION TARGETS

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against the scale of contribution to renewable energy generation targets.

The Scottish Government is committed to increasing the supply of renewable energy within Scotland. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets stringent targets for Scotland. The Act sets a legally-binding “net-zero” target of all greenhouse gases by 2045. The “net-zero” target for Scotland is five years ahead of the date set for the whole of the UK.

The proposal would provide approximately 600MW of additional power Generation and represents a significant and nationally important uplift in pump storage renewable energy production. As referenced elsewhere in this report. The expansion of Cruachan is a specific national priority contained within NPF3 and also revised draft NPF 4 which comes into force as a statutory planning document on 13.2.23.

Having due regard to the above the proposals scale of contribution to renewable energy generation targets has been assessed and it is concluded that the proposal is consistent with the provisions of SG 2; Supplementary LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; SPP (2014); NPF 3 and Revised Draft NPF4 Policies 1 and 11

P. EFFECT ON GREENHOUSE GAS EMISSIONS

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against their effect on greenhouse gas emissions.

The proposal would generate renewable electricity and would therefore displace carbon dioxide (CO₂) emissions associated with electricity generation, which would otherwise be supplied via other forms of power generation requiring the combustion of fossil fuels.

Having due regard to the above the proposals effect on greenhouse gas emissions has been assessed and it is concluded that the proposal is consistent with the provisions of SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; SPP (2014); NPF3 and Revised Draft NPF 4 Policies 1 and 11.

Q. THE NEED FOR CONDITIONS RELATING TO THE DECOMMISSIONING OF DEVELOPMENTS, INCLUDING ANCILLARY INFRASTRUCTURE, AND SITE RESTORATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for renewable energy developments to be assessed against the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration.

The Proposed Development will have a design life of circa 100 years, after which the need for re-powering or decommissioning will be considered at that time. The Proposed Development is therefore treated as permanent in the submitted EIAR, and repowering and decommissioning are therefore not considered.

On a project with this projected lifespan, where the substantive new build elements are underground, and judged by officers not to be causing substantive harm in terms of landscape or localised impacts, this is considered by officers to be a reasonable approach.

Having due regard to the above it is concluded that the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration has been considered and the proposal is therefore consistent/inconsistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014); NPF3 and Revised Draft NPF 4 Policy 12.

R. OPPORTUNITIES FOR ENERGY STORAGE (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for renewable energy developments to be assessed against any opportunities for energy storage which exist.

The proposal is for pump hydro storage to store energy from the development or excess electricity from the national grid by pumping up water and releasing it at time of high demand, providing stability to the electricity supply network, meeting energy demands and providing improved energy security.

Having due regard to the above it is recommended that the Council should not object to the proposal on the grounds of opportunities for energy storage (including cumulative impacts) in accordance with the provisions of SG 2 Renewable Energy,

Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014); NPF3 and Revised Draft NPF4 Policies 1 and 11.

S. THE NEED FOR A ROBUST PLANNING OBLIGATION TO ENSURE THAT OPERATORS ACHIEVE SITE RESTORATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for renewable energy developments to be assessed against the need for a robust planning obligation to ensure that operators achieve site restoration.

The Proposed Development will have a design life of circa 100 years, after which the need for re-powering or decommissioning will be considered at that time. The Proposed Development is therefore treated as permanent in the submitted EIAR, and repowering and decommissioning are therefore not proposed. On a project with this projected lifespan, where the substantive new build elements are underground and judged not to be causing substantive harm, this is considered by officers to be a reasonable approach.

Having due regard to the above it is concluded that opportunities for a robust planning obligation to ensure that operators achieve site restoration have been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014); NPF3 and Revised Draft NPF 4 Policy 12.

T. CLIMATE CHANGE (EMISSIONS REDUCTION TARGETS) (SCOTLAND) ACT 2019, and THE SCOTTISH ENERGY STRATEGY

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 - The Scottish Government is committed to increasing the supply of renewable energy within Scotland. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets out stringent targets for Scotland. The primary objective of the Act is to raise the ambition of the greenhouse gas emissions reduction targets set out in the Climate Change (Scotland) Act 2009. The Act sets a legally-binding “net-zero” target of all greenhouse gases by 2045. The “net-zero” target for Scotland is five years ahead of the date set for the whole of the UK.

The Scottish Energy Strategy (SES) (2017) and SES Position Statement (2021) – The SES was published in December 2017 and sets out the Scottish Government’s strategy through to 2050, marking a ‘*major transition*’ over the next 3 decades in terms of energy management, demand reduction and generation. The SES sets 2 new targets for the Scottish energy system by 2030: The equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources; and, an increase by 30% in the productivity of energy use across the Scottish economy. The SES recognises that reaching the 50% target by 2030 ‘*will be challenging*’ but the target demonstrates ‘*the SG’s commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland*’.

SPP, NPF3 and NPF4

Despite now being seven years old, NPF3 and SPP are extant statements of Scottish Government planning policy and will remain in place until such time as NPF4 is adopted on 13.2.23. The status of NPF3 and SPP has not changed and they are significant material considerations in the determination of the present application.

The SPP introduced a presumption in favour of development that contributes to sustainable development. Paragraph 28 states: *“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”*

Renewable energy generation targets are supported by NPF3 but that support is qualified as mirrored in SPP. It is stated at paragraph 4.7: *“The pressing challenge of climate change means that our action on the environment must continue to evolve, strengthening our longer-term resilience. A planned approach to development helps to strike the right balance between safeguarding assets which are irreplaceable, and facilitating change in a sustainable way.”* Paragraph 4.4 of NPF 3 recognises that Scotland’s landscapes are spectacular, contributing to our quality of life, national identity and visitor economy. Landscape quality is found across Scotland and all landscapes support place-making.

Revised Draft NPF 4 continues to provide a supportive policy framework for development of this type, and as has been referenced previously, specifically supports the expansion of hydro power generation at Cruachan as a National Priority.

Having due regard to the above subject to the recommended advice and conditions it is considered that the proposal is consistent with the provisions of: SPP, NPF3, the Scottish Energy Strategy 2017; NPF3 and Revised Draft NPF4 Policies 1 and 11 , in this regard, which represent the Scottish Governments most up to date position on this type of development.

U. CONCLUSION & RECOMMENDATION

Both SPP and the Argyll & Bute Local Development Plan support renewable energy developments provided it has been adequately demonstrated that there would be no unacceptable significant adverse effects. Support is also offered by revised Draft NPF4, its overall climate change objectives, and policy 11 in particular which supports developments such as this, as well as identifying Cruachan Expansion as a specific Nationally Important project in its own right.

There is clear support throughout national and international policy that renewable energy projects, such as the proposed development, are supported and do have the capability of making an active contribution to the net zero targets Scotland is required to reach. The proposal will make a direct contribution to meeting the range of both international and national energy targets, whilst producing clean energy that meets the legally binding low carbon and net zero targets. The proposal will directly contribute to tackling climate change by reducing our reliance on fossil fuels for producing energy.

The specific inclusion of the Cruachan expansion proposal in Revised Draft NPF4 (Carried over from NPF3) as a nationally important and individually identified project which promotes sustainable development and assist in addressing the climate emergency is a substantive policy consideration in support of the proposal.

It is accepted that the proposal would make an important contribution to the Scottish Government’s renewable energy targets and reduce greenhouse gas emissions and these matters are important benefits which have been carefully considered and carry substantive weight in determining whether the proposals should be supported.

Officers therefore conclude, that subject to the recommended advice and conditions from external and internal consultees, that the proposal is consistent with the relevant provisions of SPP and the Argyll and Bute Local Development Plan in all other respects.

V. RECOMMENDATION:

Officers recommend that Members agree that the Council does not object, subject to the conditions as detailed below

Matters which the Council recommend that the ECU consider prior to determination

- That the conditions recommended by other consultation bodies are included in the suite of final conditions, the Council would expect to be consulted on any final list of conditions prior to permission being granted, should Scottish Ministers be minded to do so.
- The Council would also expect to be consulted on any further mitigation, changes to the layout should the proposal be required to be amended in line with any further advice provided by other consultation bodies.

Conditions to be considered by ECU for inclusion in overall suite of conditions

Conditions Recommended by other ECU Consultation Bodies

- NatureScot (conditions recommended by them in their final response to include Habitat restoration and biodiversity management plans)
- SEPA (Monitoring; Construction Environment Management Plan, Waste Management Plan, Peat Management Plan, Acid Rock monitoring and extracted rock material storage and use strategy)
- Scottish Forestry (Compensatory Planting details);
- Transport Scotland; (Conditions as set out in their consultation response).
- RSPB (Habitat Management and Landscape integration Plan (HMP));

Conditions Recommended by the Council to be considered by the ECU

Biodiversity Officer

- Prior to the commencement of development a Habitat and biodiversity management and enhancement strategy shall be provided to the planning authority for their approval in consultation with NatureScot and RSPB.

Reason: To ensure that habitat management/restoration and biodiversity enhancement are carried out in accordance with LDP and NPF 4 Objectives.

- Prior to the Commencement of works a Construction Environment Management Plan (CEMP) shall be submitted to the planning authority and shall provide details of the mitigation, management and enhancement for ornithological interest, habitat, species, water courses and peat management (CEMP) along with a series of Tool Box talks to reflect the above and overseen by an Ecological

Clerk of Works for the approval of the planning Authority in consultation with SEPA and NatureScot.

Reason: To ensure these matters are properly addressed prior to the commencement of works and that biodiversity and habitat improvements are maximised.

Area Roads Engineer

- Prior to the commencement of development an Extracted Materials Management Plan shall be provided which clarifies the locations of disposal/storage/use sites and the tonnage and vehicle movements associated with this. **The applicant shall seek to find uses for the waste material within the local area before considering locations further afield. Evidence of how this has been considered shall be included within the Extracted Materials Management Plan.**

Reason: To ensure the road network is suitable and able to accommodate the necessary HGV vehicular movement associated with the operations and in the interests of sustainability to ensure that distances travelled are minimised where possible.

- Prior to the commencement of development a Traffic Impact Analysis shall be undertaken to ensure that cumulative demands on the road network associated with these proposals and any other permitted or projected major infrastructure proposals in the area shall be provided to the Planning Authority for the approval in consultation with Transport Scotland. . This report should include a cumulative report in concert with other S36 and S37 schemes in the North Argyll/ Loch Awe area paying particular attention to the possibility of utilizing materials locally to prevent unnecessary vehicle movements thus reducing the potential for any related deterioration of the fragile local area roads network.

Reason: To ensure accurate vehicle movement data is available having regard to many other proposed major infrastructure in area are proposed, particularly those associated with Grid Infrastructure Upgrade proposals by SSEN.

Conservation Policy Advisor

- Works shall only to be undertaken to any Category A Listed structure in accordance with any separately approved Listed Building Consent for such works.

Reason To ensure works to the existing Category A Turbine Hall connected to the two new access tunnels are examined in sufficient detail to ensure no unacceptable impact on the integrity and character of the existing listed building and to the satisfaction of HES who are a statutory consultee on works to a Category A Listed Building.

- Prior to the commencement of development further detail of the design and appearance of ;
 - I. the new water inlet structure and associated rock cutting/contouring and
 - II. the referenced extension to the existing substation

shall be provided to the planning authority for their approval prior to the commencement of works.

Reason: To ensure the appearance of the works are acceptable in the context of the setting of the Category B listed Dam and also to ensure any potential wider landscape impacts are minimised.

Environmental Protection Officer

- Surface work and underground work should be restricted to:
 - Monday to Friday: 0700 hours until 1900 hours.
 - Saturday: 0700 hours until 1700 hours.
 - Sunday / Public holidays: – no works, except for servicing and maintenance of plant and equipment and emergency work.

Reason: In order to protect the amenities of the area from noise and vibration nuisance and to minimise local community annoyance”

- Prior to the development commencing detailed information shall be provided on how the 17 identified private water supplies will be protected during the construction and operation phases of the proposed development.

Reason– in the interest of public health and to ensure adequate measures are in place to protect the identified private water supplies

Access Manager

- Prior to the commencement of development an Access Plan and Strategy shall be submitted for the approval of the Planning Authority. This shall clarify how access to the formal and informal recreational facilities in the area will be maintained in so far as is possible during construction operations, and also seek to identify opportunities to utilise any extracted materials to provide footpath improvements to the surrounding network.

Reason: To ensure impacts on the footpath network are minimised and local use of extracted materials is maximised.

Worker Housing Strategy

- Prior to the commencement of development, 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.

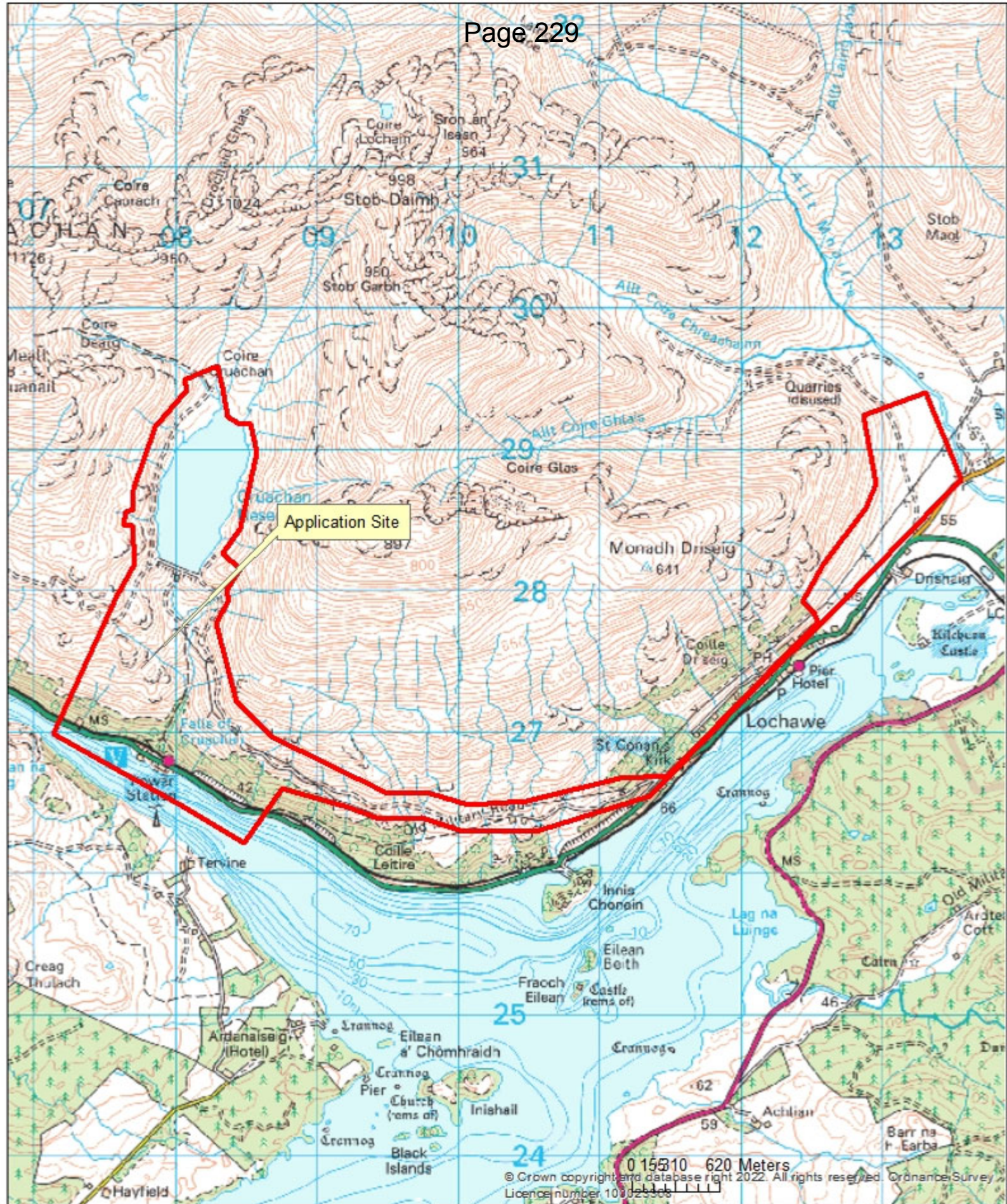
Reason: In order to mitigate the adverse effects on tourist accommodation and in the Oban and Lorn housing market area *in accordance with the requirements of NPF4, and in particular Policy 11C and Policy 25 Objectives.*

Other recommended conditions

- No works shall commence to form the new quayside and associated permanent buildings until further details of the design, appearance and materials proposed associated with these works are submitted to the planning authority for their approval.

Such details shall include measures to minimise environmental impact and maximise biodiversity enhancement through design, layout and landscaping to form habitat opportunities on the permanent quayside site and maximise landscape integration from open water views in particular.

Reason: to ensure that permanent visual impacts, particularly from open water recreational users are minimised and biodiversity opportunities maximised in design and construction detail.



Location Plan Relative to Planning Application: 22/01221/S36



1:33,948

This page is intentionally left blank

ARGYLL AND BUTE COUNCIL**PPSL Committee****Development and Economic Growth****15th February 2023**

Planning Performance Framework 2021/2022

1.0 EXECUTIVE SUMMARY

- 1.1 This report contains recent feedback from the Scottish Government in relation to our Planning Performance Framework (PPF). **Appendix A.**
- 1.2 Our PPF is the principal performance measure for Planning Services (*Development Management and Development Policy – within Planning and Regulatory Services*) and is submitted to the Scottish Government annually for scrutiny and scoring. The Council's 2021/22 PPF was submitted in September 2022 and was independently reviewed by the Scottish Government. A copy of the submitted document was submitted to the PPSL for noting at their meeting of 28th September 2022.
- 1.3 Overall the feedback report is considered overall to be positive registering seven 'green', four 'amber' outcomes, and two 'red' outcomes across the thirteen performance indicators assessed. Whilst it is disappointing to have any 'red' markers it is noted that these relate to performance measures which have been directly impacted by the pandemic and its impact upon workflow, and staff availability (absence and vacancies). It is further noted that even where performance markers have fallen below the National average the deviation is marginal, and/or there is valid justification for that position.
- 1.4 The positive feedback response supports our 'open for business' ethos and is warmly welcomed in the current economic climate. Whilst the Scottish Government have not identified any improvement actions for ABC this year, the service must not be complacent with the focus being year on year continuous improvement. The PPF for 2022/2023 is due to be submitted in July 2023.
- 1.5 It is recommended that the Committee:-
- (a) Note the content of report; and
 - (b) Publicise (*press, Twitter, Facebook and website release*) the positive feedback from the Scottish Government.

ARGYLL AND BUTE COUNCIL

PPSL Committee

Development and Economic Growth

15th February 2023

Planning Performance Framework 2021/2022

2.0 INTRODUCTION

2.1 This report contains recent feedback from the Scottish Government in relation to our Planning Performance Framework (PPF). **Appendix A.** The Executive Summary (above) provides further background information.

3.0 RECOMMENDATIONS

3.1 It is recommended that the Committee:-

- (a) Note the content of report; and
- (b) Publicise (*press, Twitter, Facebook and website release*) the positive feedback from the Scottish Government.

4.0 DETAIL

What is the Planning Performance Framework?

4.1 This was Planning Services 11th Annual Planning Performance Framework (PPF) and is our 'balance scorecard' of performance which all Local Authorities must submit to the Scottish Government for review and scrutiny.

4.2 The PPF aims to be a holistic and easy read document that encapsulates statistical performance indicators as well as more qualitative information and case studies of good practice for the previous financial year. The basic structure of the document is stipulated by the Scottish Government but the character, tone, style and content is all shaped by the individual Authority. The Scottish Government has suggested that Authorities use the PPF as more than a means of simply reporting performance but utilise the document as an opportunity to promote their service and local area, to incorporate customer feedback and to provide updated narrative on case study items from previous years. The PPF seeks to focus on the Council being 'open for business' and the positive economic contribution that Planning Services have made within Argyll and Bute. The PPF presents case studies and examples of good practice which demonstrates the ability of the Service to facilitate the delivery of high quality development on the ground, to provide certainty to developers and investors, to consult and engage with customers effectively and to ensure that appropriate management and service delivery structures are in place to work efficiently.

Review and Feedback

- 4.3 The review of the PPF was carried out by the Scottish Government and considered by the Minister for Public Finance, Planning and Community Wealth, Tom Arthur MSP.
- 4.4 Within our PPF We managed to showcase a variety of good quality projects and initiatives that demonstrate our 'open for business' and service improvement ethos.
- 4.5 The covering letter and feedback from Tom Arthur MSP is contained in full at **Appendix A**, however some pertinent points are highlighted below:-
- **PM 1 Decision Making (Red):** This marker was also identified as Red in 2020/21. Performance in the determination of planning applications remained significantly affected by the impacts of Coronavirus pandemic during a reporting period where the effects of service disruption/recovery have significantly impacted the time taken to determine applications, these include the longer term impacts of managing a significant backlog of casework that has accrued and reduced staffing resource as a result of absence and difficulties in recruiting to vacancies. During the 2021/22 reporting period the time taken to determine all categories of application increased from the previous period. This position was not unexpected and is reflective of a position where Scottish averages have also increased across the board. On a more positive note it is highlighted that Major applications were determined faster than the Scottish average (-3.8 weeks); and Local (non-householder) applications remained only marginally (+0.1 weeks) slower than the Scottish average. The determination of householder applications remained significantly slower (+1.6 weeks) than the Scottish average however this is indicative of the prioritisation of available resources toward determination of applications that were required to respond to recovery from the pandemic, would deliver significant inward investment/employment, or were time critical in relation to grant funding or public health issues. It is further noted that whilst the effects of the pandemic have been less severe during 2022/23 the continuing effects of the pandemic that will also be evident in performance for the next reporting period.
 - **PM 4 Legal Agreements (Amber):** This marker was previously identified a Green in 2020/21. The performance marker seeks to monitor the efficiency with which a planning authority concludes legal agreements after resolving to grant planning permission. During 2021/22 the average time taken to conclude legal agreements increased from 15.5 weeks to 33.6 weeks. It is noted that this performance marker relies on a small body of applications and is readily skewed, in this instance the resolution of one matter relating to a major application took 76.3 weeks to conclude a legal agreement has significantly impacted upon the average timeframe. It is also recognised however that continuing pressures upon the DM Management staff resulting from long-term vacancies in the Service has reduced the scope to provide regular review and monitoring of outstanding cases awaiting conclusion of legal agreements.

- **PM 5 Enforcement Charter (Green):** This marker has been green for the previous three reporting periods and recognises that the Council's Planning Enforcement Charter has been subject to its statutory bi-annual review. It is noted that the Charter is due to be reviewed again by March 2024.
- **PM 6 Continuous Improvement (Amber):** This marker was previously identified as Amber in the previous five reporting periods. The Planning Service received positive feedback for continuing to progress service improvements during 2021/22 despite the impact of the pandemic, these are detailed in Part 3 of the PPF. The feedback acknowledges that a number of service improvements have been put on hold as a result of Covid-19 and its continuing impacts from the pandemic on service delivery.
- **PM 7 Local Development Plan (Red):** This marker was previously identified as Red in 2020/21 as the Argyll and Bute Local Development Plan 2015 has not been replaced within the required 5 year period. Despite the current adopted LDP being more than 5 years old, this policy framework is still considered up to date and relevant, and a more than adequate housing land supply still exists as demonstrated in our annual Housing Land Audit (which has recently been cited by Scottish Government as an example of good practice).
- **PM 8 Development Plan Scheme (Amber):** This marker was previously identified as Amber in the previous three reporting periods. Whilst confirmation that the LDP will not be replaced within the 5 year cycle flags as Red, this is balanced against the fact that the Council had recognised that the project was behind time within an updated Development Plan Scheme and amended the project plan for delivery accordingly. Members will be aware that the PLDP2 process has taken longer than planned, partly due to Covid pressures, staff resourcing demands, the complexity of dealing with over 1000 representations, and extended periods taken for public and stakeholder consultation at various points during the Plan production. PLDP2 adoption awaits the return of the Reporter's Examination Report which will be provided by the DPEA. This has slipped beyond the original set timetable, mainly because the production of the laying before Scottish Parliament of NPF4 which consequently became a material consideration the Reporters needed to consider. The Council are still awaiting the Examination report without a precise timetable set. The timing is a matter for the DPEA and consequently outwith the Council's control.
- **PM 14 Stalled Sites / Legacy Cases (Amber):** This marker was previously identified as Red in the previous reporting period. The feedback commentary identifies that whilst 27 legacy cases were cleared during the reporting period 40 new cases reached legacy status during the same time period with a total of 65 undetermined applications as of 31st March 2021. The degradation in this measure is directly attributable to the matters identified in PM 1 above in relation to determination timescales, but also a reduction in availability of management resource available to actively progress determination of legacy cases whilst addressing the other significant challenges facing the DM Service during this period. The measure improved from Red to Amber as due to an increase in the volume of legacy cases that were determined during the reporting period.

Focus on Performance / Resources / Impact of Covid-19

- 4.6 The cover letter from the Minister for Public Finance, Planning and Community wealth, Tom Arthur MSP recognises that 2021/22 has continued to be a challenging period “for people working in planning, in the development sector and across Scotland’s communities”. It is further commented that during 2020-21 whilst “there has been some minor changes overall in the markings awarded that performance has remained relatively stable. This is a testament to the hard work and flexibility of authorities during challenging times and I believe overall, good progress continues to be made by Scotland’s planning authorities”.
- 4.7 The Minister has identified that “ensuring the system is appropriately resourced is key to improving the performance of planning” and highlighted that in April 2022 planning fees for most types of development were increased by between 25% and 50%. The Minister further sets out his expectation that additional fee income will be “invested in delivering improvements in Planning Services” but also restates a continuing commitment to working with Heads of Planning and COSLA to identify how “to move planning fees closer to covering the full cost of their determination”. The Minister also notes that Fees for applications made under the Electricity Act were increased from December 2022 which is also expected to increase fee income for planning authorities.
- 4.8 The Minister has also acknowledged that difficulties in recruiting qualified planning professionals is a national issue and recognises that “resourcing is about more than just money and having a pipeline of knowledgeable and skilled planners is essential to delivering on our ambitions set out in NPF4. This is why I supported the RTP1 and Heads of Planning Scotland’s Future Planners Project which looked at proposals to help increase the numbers of people entering the planning profession. We recognise the importance of delivering on this vision and resourcing and skills challenges for planning authorities, which we are taking steps to address”.
- 4.9 Providing an update on the Scottish Government’s own work programme, the Minister has confirmed that work is continuing to progress on the introduction of mandatory training for elected members in the planning system; the implementation of statutory annual reports by planning authorities; and the appointment of a Planning Improvement Coordinator for Scotland.

5.0 CONCLUSION

- 5.1 The 2021/22 PPF demonstrates comparable performance to National statistics and agreed PPF Performance Markers and showcases a number of our high quality projects and outcomes, and the manner in which we have responded to the challenges of operating within a pandemic.
- 5.2 Feedback from the Scottish Government is overall considered to be positive and has confirmed that the Planning Service has an ‘open for business’ approach to delivering sustainable economic growth throughout Argyll and Bute.

6.0 IMPLICATIONS

6.1 **Policy:** None

6.2 **Financial:** None

6.3 **Legal:** None

6.4 **HR :** None

6.5 **Fairer Scotland Duty:**

6.5.1 **Equalities Protected Characteristics:** None

6.5.2 **Socio-Economic Duty:** None

6.5.3 **Islands:** None

6.6 **Risk:** Reputational of being identified as a poor performing authority if next year's PPF performance is substandard.

6.7 **Customer Service:** The PPF report provides Customers with an overview of the statistical and qualitative performance of the Council as the planning authority in a format that can be benchmarked with other authorities.

6.8 **Climate Change:** None

**Executive Director with responsibility for Development and Economic Growth:
Kirsty Flanagan**

Policy Lead: Councillor Kieron Green

2nd February 2023

For further information contact: Peter Bain – 01546 604204

APPENDICES

Appendix A – Planning Performance Framework 2021/22 Feedback

Ministear airson Ionmhas Poblach, Dealbhachadh
agus Beartas Còimhearsnachd
Minister for Public Finance, Planning and Community
Wealth
Tom Arthur MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Pippa Milne
Chief Executive
Argyll and Bute Council

22 December 2022

Dear Pippa Milne

I am pleased to enclose feedback on your authority's eleventh Planning Performance Framework (PPF) Report, for the period April 2021 to March 2022.

The reporting period which these reports cover has continued to present challenges for people working within planning, in the development sector and across Scotland's communities.

Ensuring the system is appropriately resourced is key to improving the performance of planning, which is why in April I implemented the biggest change to planning fees in 8 years, with fees for most types of development increasing by between 25% and 50%. At the time I said I would expect to see this additional money invested in delivering improvements in Planning Services. It is too early to know whether that has occurred, however, I have heard positive feedback from some authorities who have managed to recruit or retain staff as a result of the additional income. I also committed to working with Heads of Planning and COSLA to identify how we could move planning fees closer to covering the full cost of their determination. That work is ongoing and I expect to receive some conclusions/recommendations early in the new year.

I am also encouraged to see the fees for applications made under the Electricity Act also increasing on 13th December and the voluntary contribution of 50% of the fee, for certain types of application, being passed to planning authorities being maintained.

However, I recognise that resourcing is about more than just money and having a pipeline of knowledgeable and skilled planners is essential to delivering on our ambitions set out in NPF4. This is why I supported the RTP1 and Heads of Planning Scotland's Future Planners Project which looked at proposals to help increase the numbers of people entering the planning profession. We recognise the importance of delivering on this vision and the resourcing and skills challenges for planning authorities, which we are taking steps to address.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



Work is also progressing on

- the introduction of mandatory training for elected members in the planning system;
- the implementation of statutory annual reports by planning authorities; and
- the appointment of a Planning Improvement Coordinator for Scotland.

Turning to the 2021-22 PPF reporting year, although, as expected, there have been some minor changes overall in the markings awarded, the figures indicate that performance has remained relatively stable. This is a testament to the hard work and flexibility of authorities during challenging times and I believe that overall, good progress continues to be made by Scotland's planning authorities.

If you would like to discuss any of the markings awarded below, please email chief.planner@gov.scot and a member of the team will be happy to discuss these with you.



TOM ARTHUR

CC: Fergus Murray, Head of Economic Development and Strategic Transportation

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE[™]
We invest in people Silver



PERFORMANCE MARKERS REPORT 2021-22

Name of planning authority: **Argyll & Bute Council**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

No.	Performance Marker	RAG rating	Comments
1	Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4]	Red	<p>Major Applications Your timescales of 40.8 weeks are slower than the previous year but faster than the Scottish average of 44.6 weeks. RAG = Amber</p> <p>Local (Non-Householder) Applications Your timescales of 13.6 weeks are slower than the previous year and slower than the Scottish average of 13.5 weeks. RAG = Red</p> <p>Householder Applications Your timescales of 10.3 weeks are slower than the previous year and the Scottish average of 8.7 weeks. RAG = Red</p> <p>Overall RAG = Red</p>
2	<p>Processing agreements:</p> <ul style="list-style-type: none"> offer to all prospective applicants for major development planning applications; and availability publicised on website 	Green	<p>You encourage processing agreements to applicants for all major and locally significant developments through pre-application discussions, user forums and online. RAG = Green</p> <p>Processing agreement information is available through your website. RAG = Green</p> <p>Overall RAG = Green</p>
3	<p>Early collaboration with applicants and consultees</p> <ul style="list-style-type: none"> availability and promotion of pre-application discussions for all prospective applications; and clear and proportionate requests for supporting information 	Green	<p>You provide a pre-application advice service which is promoted through the website, user forums and by staff engaging with prospective applicants. RAG = Green</p> <p>You have a proportionate and clear process for requesting supporting information including engaging with consultees and other council services to identify issues/constraints prior to the application being submitted. During the 2021/22 reporting period you updated and published guidance on the submission and processing of applications under S64 of the planning act. RAG = Green</p> <p>Overall RAG = Green</p>

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



4	Legal agreements: conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	Amber	Your average timescales of 33.6 weeks for applications with legal agreements is slower than last year and slightly slower than the Scottish average of 33.2 weeks. You state that applications which are subject to a legal agreement are regularly reviewed to ensure progress and completion within 6 months.
5	Enforcement charter updated / re-published within last 2 years	Green	Your enforcement charter was reviewed and updated in March 2022.
6	Continuous improvement: <ul style="list-style-type: none"> progress ambitious and relevant service improvement commitments identified through PPF report 	Amber	Out of 12 service improvement commitments, 1 was delivered, 6 are progressing, 4 are on hold and 1 has been discontinued. You have identified a good range of further commitments for the coming year.
7	Local development plan less than 5 years since adoption	Red	Your development plan was more than 5 years old at the time of reporting (adopted in 2015).
8	Development plan scheme – next LDP: <ul style="list-style-type: none"> project planned and expected to be delivered to planned timescale 	Amber	The LDP2 was expected to be completed in 2022 according to the 20/21 reporting period. The LDP2 is currently at Examination Stage and scheduled for adoption in 2023.
9 & 10	LDP Engagement: <ul style="list-style-type: none"> stakeholders including Elected Members, industry, agencies, the public and Scottish Government are engaged appropriately through all key stages of development plan preparation. 	N/A	
11	Policy Advice <ul style="list-style-type: none"> Production of relevant and up to date policy advice 	Green	Relevant supplementary guidance is reviewed and updated regularly including publishing guidance on S64 submissions and Local Place Plans during 2021/2022 reporting period.
12	Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	Green	A number of your case studies demonstrate your approach to corporate working such as the Shopfront Improvement Scheme, Dunbeg Masterplan and CCDC Masterplan for Scalasaig.
13	Sharing good practice, skills and knowledge between authorities	Green	Your PPF report, including the case studies, set out a number of examples of benchmarking and knowledge sharing. Planning officers attend a number of forums, such as HopS, the LA Aquaculture Forum, and Clyde Marine Planning Partnership. Officers have engaged with other rural authorities to review and update procedures for handling prior notification/approval submissions.
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Amber	You have cleared 27 cases during the reporting year which is an increase from last year however, 65 cases remain which is an increase from 57. This is an increase on the number which remained at the end of last year.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



15	<p>Developer contributions: clear and proportionate expectations</p> <ul style="list-style-type: none"> • set out in development plan (and/or emerging plan); and • in pre-application discussions 	Green	<p>Your LDP, supported by supplementary guidance, sets out expectations for developer contributions and sets out how contributions are proportionate to the scale, nature and impact of the proposed development. RAG = Green</p> <p>Expectations for developer contributions are established in pre-application discussions or where no pre-application engagement is sought then established during the assessment process. RAG = Green</p> <p>Overall RAG = Green</p>
----	---	-------	---

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



ARGYLL AND BUTE COUNCIL
Performance against Key Markers

Marker		13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22
1	Decision making timescales									
2	Processing agreements									
3	Early collaboration									
4	Legal agreements									
5	Enforcement charter									
6	Continuous improvement									
7	Local development plan									
8	Development plan scheme									
9 & 10	LDP Early Engagement	N/A	N/A	N/A			N/A	N/A	N/A	N/A
11	Regular and proportionate advice to support applications									
12	Corporate working across services									
13	Sharing good practice, skills and knowledge									
14	Stalled sites/legacy cases									
15	Developer contributions									

Overall Markings (total numbers for red, amber and green)

2013-14	0	5	8
2014-15	0	2	11
2015-16	0	3	10
2016-17	1	3	11
2017-18	1	3	11
2018-19	0	3	10
2019-20	0	3	10
2020-21	3	2	8
2021-22	1	4	7

Decision Making Timescales (weeks)

	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	2021-22 Scottish Average
Major Development	59.1	14.1	23.3	22.1	37.9	28.3	33.9	40.4	40.8	44.6
Local (Non-Householder) Development	13.1	10.8	10.3	12.4	12.6	10.8	10.2	12.5	13.6	13.5
Householder Development	7.2	6.9	7.0	7.5	7.9	7.1	7.2	9.1	10.3	8.7

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

