

# Public Document Pack

## Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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17 May 2023

## NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 24 MAY 2023** at **10:30 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 19 April 2023 at 10.30 am (Pages 3 - 8)

(b) Planning, Protective Services and Licensing Committee held on 19 April 2023 at 2.00 pm (Pages 9 - 12)

### 4. **MOWI SCOTLAND LTD: FORMATION OF FISH FARM (ATLANTIC SALMON) INCORPORATING TWELVE 120M CIRCUMFERENCE CIRCULAR CAGES AND SITING OF FEED BARGE: NORTH KILBRANNAN FISH FARM, NORTH OF COUR BAY, KILBRANNAN SOUND, EAST KINTYRE (REF: 20/01345/MFF)** (Pages 13 - 80)

Report by Head of Development and Economic Growth

### 5. **SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: ERECTION OF HIGH VOLTAGE ELECTRICITY SUBSTATION AND FORMATION OF ASSOCIATED ACCESS, LANDSCAPING, DRAINAGE AND MEANS OF ENCLOSURE: APPROXIMATELY 4KM SOUTH WEST OF INVERARAY, 300M WEST OF DOUGLAS WATER AND UPSLOPE OF THE EXISTING AN SUIDHE SUBSTATION, INVERARAY (REF: 22/02479/PP)** (Pages 81 - 112)

Report by Head of Development and Economic Growth

6. **CALA MANAGEMENT LIMITED: VARIATION OF CONDITION 2 RELATIVE TO PLANNING PERMISSION IN PRINCIPLE REFERENCE 18/01444/PP (PP-130-2071) - AMENDMENT TO WORDING OF CONDITION 2 IN RELATION TO FINISHED FLOOR LEVELS: LAND NORTH OF CARDROSS PRIMARY SCHOOL, BARRS ROAD, CARDROSS (REF: 23/00145/PP)** (Pages 113 - 136)

Report by Head of Development and Economic Growth

7. **BRIEFING PAPER: SCOTTISH GOVERNMENT PROPOSALS REGARDING NEW NATIONAL PARKS** (Pages 137 - 144)

Report by Executive Director with responsibility for Development and Economic Growth

## **Planning, Protective Services and Licensing Committee**

Councillor John Armour

Councillor Jan Brown

Councillor Kieron Green (Chair)

Councillor Daniel Hampsey

Councillor Fiona Howard

Councillor Andrew Kain

Councillor Liz McCabe

Councillor Peter Wallace

Councillor Gordon Blair

Councillor Audrey Forrest

Councillor Amanda Hampsey (Vice-Chair)

Councillor Graham Hardie

Councillor Mark Irvine

Councillor Paul Donald Kennedy

Councillor Luna Martin

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS on WEDNESDAY, 19 APRIL 2023**

**Present:** Councillor Kieron Green (Chair)

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

**Attending:** Shona Barton, Governance Manager  
Peter Bain, Development Manager  
Alan Morrison, Regulatory Services and Building Standards Manager  
Fiona Macdonald, Solicitor  
Sandra Davies, Major Applications Team Leader  
Arlene Knox, Senior Planning Officer

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Mark Irvine.

**2. DECLARATIONS OF INTEREST**

Councillor Paul Kennedy declared a financial interest in Agenda item 4 (Civic Government (Scotland) Act 1982: Taxi Fare Scale Review) as he held a Taxi Operator Licence and a Taxi Driver Licence within Argyll and Bute. He left the room and took no part in the consideration of this report which is dealt with at item 4 of the Minute.

**3. MINUTES**

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 22 March 2023 at 11.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 22 March 2023 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 22 March 2023 at 2.30 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 22 March 2023 at 3.00 pm was approved as a correct record.

Having previously declared an interest in the following item, Councillor Paul Kennedy left the meeting at this point.

**4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW**

In terms of Section 17 of the Civic Government (Scotland) Act 1982, the local authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area. The fares were last reviewed by Members on 23 March 2022 and took effect on 22 April 2022. The next fares scale will need to come into force in October 2023.

Consideration was given to a report seeking approval of the commencement of the next review of taxi fares and other charges.

**Decision**

The Committee agreed:-

- 1) to commence the review of fares in order that this could be completed within the 18 months required in terms of the Act; and
- 2) that the consultation required in terms of the Act would be writing.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 19 April 2023, submitted)

Councillor Kennedy returned to the meeting.

**5. THE SCOTTISH GOVERNMENT ON BEHALF OF SCOTTISH POWER RENEWABLES (UK) LIMITED: ELECTRICITY ACT SECTION 36 CONSULTATION FOR EARRAGHAIL RENEWABLE ENERGY DEVELOPMENT, COMPRISING THIRTEEN ONSHORE WIND TURBINES AROUND 78MW, SOLAR PHOTOVOLTAIC ARRAY AROUND 5MW AND BATTERY STORAGE TECHNOLOGIES (BESS) AROUND 25 MW: LAND SOUTH OF TARBERT AND NORTH OF SKIPNESS (REF: 22/00445/S36/ECU00003421)**

The Major Applications Team Leader spoke to the terms of the report and also advised of recent correspondence submitted to the Energy Consents Unit, including objections from Arran Community Council, the Kintyre Way and ScotWays, and the final sign off from Ironside Farrar, the Energy Consents Unit adviser on Peat matters. These will be considered by the Energy Consents Unit in their consideration of the application and do not alter Officers' recommendation on this proposal as detailed in the report of handling.

In Scotland, any application to construct or operate an onshore power generating station 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 given 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. In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry if they are minded to approve the proposal.

The proposed development site lies within the Upland Forest Moor Mosaic Landscape Character Type identified in the Argyll & Bute Landscape Wind Energy Capacity Study, and is located within the forestry areas of Skipness and Corranbuie between Tarbert, to the north east, and Skipness, to the south, situated within the northern part of the Kintyre Peninsula. In terms of the Local Development Plan proposals map, the proposal is predominantly located within 'Very Sensitive Countryside'.

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 was recommended that the Council raise an objection to this Section 36 consultation on Landscape & Visual and Aviation Grounds for the reasons detailed in the report of handling.

### **Decision**

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

#### **1. Landscape & Visual Impact (including cumulative)**

The proposed development site lies within the Upland Forest Moor Mosaic Landscape Character Type (LCT) identified in the Argyll & Bute Landscape Wind Energy Capacity Study. 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. These uplands already accommodate a number of operational and consented wind farms. One of the more sensitive features of this LCT is the rugged and minimally modified coastline between Skipness and Tarbert.

There would be relatively limited visual intrusion associated with the proposal from the West Loch Tarbert area, Gigha and the eastern and western coastal edges of Kintyre. The proposal would however be widely visible across the broad sea basin formed by outer Loch Fyne, the Sound of Bute and the north Kilbrannan Sound and from the western part of the Ardlamont Peninsula and the north Arran coast and hills.

This proposal would have significant adverse effects on part of the Upland Forest Moor Mosaic LCT affecting the development site and an area approximately 3km beyond outer turbines. The proposal would also have significant adverse indirect effects on the character of part of the Rocky Mosaic LCT over the western part of the Ardlamont Peninsula. An area of seascape (comprising the broad sea basin of outer Loch Fyne, the northern part of the Kilbrannan Sound and the western Sound of Bute and associated coastal fringes) would also be significantly and adversely affected by the proposal.

The proposal is not located in a designated or otherwise formally valued landscape but it would indirectly and significantly affect some of the qualities of the Area of Panoramic Quality (APQ) covering the western part of the Ardlamont Peninsula.

In terms of visual impact, this proposal would principally significantly affect views from the western coast and open hills of the Ardlamont Peninsula including from parts of the

Portavadie Marina resort. It would have significant adverse effects from the sea including from the Tarbert/Claonaig to Lochranza and Portavadie to Tarbert ferries, which are routes popular with tourists, and from a section of the Kintyre Way.

This proposal could be one of the first wind farms to introduce lighting to the dark skies of Argyll & Bute with all 13 turbines having visible aviation lighting on nacelles and towers. The Applicant has committed to installing an Aircraft Detection Lighting System (ADLS). Such a system would substantially reduce the duration of night-time lighting as lights would only come on when an aircraft approaches. The effects of constant night-time lighting (without the installation of an ADLS) would be significant and adverse from parts of Argyll & Bute and north Arran but would not be significant if an ADLS was installed.

All wind farm proposals are likely to incur significant landscape and visual effects and it is therefore important to gauge the range, extent and severity of effects in making judgements on acceptability in landscape and visual terms. Having evaluated the likely landscape and visual effects of this proposal, and additionally compared these with operational, consented and application-stage wind farms, Argyll & Bute Council object on landscape and visual grounds. This is principally because this proposal would introduce new visibility of prominent wind farm development into the Ardlamont Peninsula, affecting its character (including part of the APQ covering this area) and views from coastal walks, Kilbride Beach, the B8000 and from the Portavadie Marina resort. This area is promoted as Argyll's 'Secret Coast' and is valued for its scenic qualities as evidenced by the APQ designation. The significant adverse effects that would affect the character of a broad seascape area (encompassing outer Loch Fyne/the western Sound of Bute and northern part of the Kilbrannan Sound) and also effects on views from the ferries across Loch Fyne and to Arran, which are popular with visitors, are of equal concern.

**Having due regard to the above it is concluded that the proposal will have significant adverse landscape and visual impacts and is therefore inconsistent with the provisions of: Policy 11 – Energy and Policy 4 – Natural Places of National Planning Framework 4, Policies LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; and SG LDP ENV 14 – Landscape; SG 2 Renewable Energy of the Argyll & Bute Local Development Plan; and guidance contained in the Argyll & Bute Landscape Wind Energy Capacity Study 2017.**

## 2. Aviation

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.

National Development Plan Policy 11 – Energy requires aviation matters to be addressed, and 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: Policy 11 – Energy of National Planning Framework 4, Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Policy SG TRAN 7 – Safeguarding of Airports, and Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan.

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 in the event that 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.

#### **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 would comprise large shipping containers 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 any impacts of this needs to be considered/clarified

**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 (derelict properties).

**Historic Environment** - Whilst it is acknowledged that Historic Environment Scotland have not objected to this proposal, it has not been possible for Argyll & Bute Council to reach a conclusion on the proposals acceptability in this regard in the absence of advice from the West of Scotland Archaeology Service.

(Reference: Report by Head of Development and Economic Growth dated 6 April 2023, submitted)

## **6. JOINT PUBLIC HEALTH PROTECTION PLAN 2023-2025**

Local authorities have a significant role to play in public health and health protection. The Public Health etc. (Scotland) Act 2008 places a requirement on NHS Boards to prepare, in conjunction with local authorities, a Joint Public Health Protection Plan every 2 years. The plan requires to be formerly adopted by each agency, and must outline the health protection priorities for the forthcoming period of the plan.

A report inviting Members to endorse the Joint Public Health Protection Plan which outlined the health protection priorities for the period 1 April 2023 to 31 March 2025 was considered.

## **Decision**

The Committee agreed:

1. to approve the Joint Public Health Protection Plan for 2023-25, recognising the key role of local authorities and environmental health;
2. to formally reaffirm the appointment of the Regulatory Services and Building Standards Manager, as the Council's Designated Competent Person under the Public Health etc. (Scotland) Act 2008, and the appointments of Depute Designated Competent Persons as detailed in section 4.8 of the report and 4.2. of the Joint Public Health Protection Plan; and
3. that the Regulatory Services and Building Standards Manager signs the Joint Public Health Protection Plan on behalf the Council, and takes the necessary steps to deliver the plan including the appointment of appropriate competent authorised officers, and provides a progress report to Committee in May 2024.

(Reference: Report by Executive Director with responsibility for Regulatory Services dated 19 April 2023 and NHS Highland Joint Public Health Protection Plan 2023-2025, submitted)

## **7. PRIVATE HIRE CARS AND TAXIS LICENSED IN ARGYLL & BUTE**

A report providing an update on the number of private hire cars and taxis across the licensing authority's area was before the Committee for information.

## **Decision**

The Committee noted the contents of the report.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 27 March 2023, submitted)



**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS on WEDNESDAY, 19 APRIL 2023**

**Present:** Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Willie Hume
Councillor Jan Brown	Councillor Andrew Kain
Councillor Graham Hardie	Councillor Liz McCabe
Councillor Fiona Howard	Councillor Peter Wallace

**Attending:** Shona Barton, Governance Manager  
Susan Mair, Legal Services Manager  
Nigel Judson, Applicant  
Mrs Judson, Applicant's wife  
Sergeant Ben Rudsen, Police Scotland

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Audrey Forrest, Amanda Hampsey, Daniel Hampsey, Mark Irvine, Paul Kennedy and Luna Martin.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A STREET TRADER LICENCE (N JUDSON, SALEN, AROS, ISLE OF MULL)**

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 requested that he be permitted to attend the meeting from the Council Chamber. This was agreed to and he was joined by Officers to facilitate his attendance to address the Committee by video call.

Police Scotland opted to proceed by way of audio call and Sergeant Ben Rusden joined the meeting by telephone.

At the Civic Hearing held on 22 March 2023 it was agreed to continue consideration of this Application to the next meeting in April 2023 and to request the Applicant submit a report from his health care provider to the Legal Team for consideration at this meeting.

It was noted that only those Members who participated in the hearing on 22 March 2023 could participate in the continuation of the hearing today. On that basis, Councillor Willie Hume left the meeting at this point.

The Chair invited the Applicant to speak to the report provided by his health care provider.

The Chair then invited Police Scotland to comment.

As it was established that there were no questions from Members', the Chair invited the Applicant and Police Scotland to sum up and they both confirmed that they had received a fair hearing.

The Chair then invited Members to continue to debate the application and consider the report received from the Applicant's health care provider.

### **Motion**

To agree not to grant a Street Trader's Licence to Mr Judson on the grounds that he was not a fit and proper person to be the holder of the Licence.

Moved by Councillor Peter Wallace, seconded by Councillor Liz McCabe.

### **Amendment**

To agree to grant a Street Trader's Licence to Mr Judson subject to the following conditions:

1. The licence will be granted for an initial period of 6 months and if there are no issues during that time the licence will continue for the remaining time up to 3 years;
2. That a progress report be brought back to PPSL Committee in October 2023 to advise on how the licence has run;
3. That Mr Judson submit an update report from his health care provider for consideration by the PPSL Committee at the meeting in October 2023; and
4. With the agreement of Mr Judson, that the Council's Legal Services Manager write to Mr Judson's health care provider to advise of the outcome of this hearing and the Committee's wish that Mr Judson continue to receive support from the Mental Health Team.

Moved by Councillor Graham Hardie, seconded by Councillor Fiona Howard.

A vote was taken by calling the roll.

<u>Motion</u>	<u>Amendment</u>	<u>No Vote</u>
Councillor L McCabe Councillor P Wallace	Councillor J Armour Councillor J Brown Councillor K Green Councillor G Hardie Councillor F Howard	Councillor A Kain

The Amendment was carried by 5 votes, with 2 votes for the Motion and 1 no vote, and the Committee resolved accordingly.

**DECISION**

The Committee agreed to grant a Street Trader's Licence to Mr Judson subject to the following conditions:

1. The licence will be granted for an initial period of 6 months and if there are no issues during that time the licence will continue for the remaining time up to 3 years;
2. That a progress report be brought back to PPSL Committee in October 2023 to advise on how the licence has run;
3. That Mr Judson submit an update report from his Health Care Provider for consideration by the PPSL Committee at this meeting in October 2023; and
4. With the agreement of Mr Judson, that the Council's Legal Services Manager write to Mr Judson's Health Care Provider to advise of the outcome of this hearing and the Committee's wish that Mr Judson continue to receive support from the Mental Health Team.

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

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

**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**

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**Reference No:** 20/01345/MFF  
**Planning Hierarchy:** Local Application  
**Applicant:** Mowi Scotland Ltd  
**Proposal:** Formation of fish farm (Atlantic Salmon) incorporating twelve 120m circumference circular cages and siting of feed barge  
**Site Address:** North Kilbrannan Fish Farm North of Cour Bay Kilbrannan Sound East Kintyre

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**DECISION ROUTE**

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
- 

**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Formation of fish farm (Atlantic Salmon) incorporating twelve 120m circumference circular cages

Siting of feed barge

**(ii) Other specified operations**

- Maximum biomass 2475.54t
- 

**(B) RECOMMENDATION:**

It is recommended that planning permission be approved subject to a pre-determination hearing and conditions.

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**(C) CONSULTATIONS:**

**SEPA (dated 1/1/20, 15/4/21):** No objections.

We have received and processed an application for this proposal under The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended) (CAR). The licence (CARL/1161821) has been issued.

**SEPA consultation (dated 10/12/21)** in response to the submission third party modelling and concerns over azamethiphos use and EQS exceedances.

Whilst the most recent report still implies that the Azamethiphos on the licence will not comply, SEPA believe that this is still unlikely, for the following reasons:

- There is evidence in the scientific literature that the “tracer” method used by MTSCFD can be less accurate than the more often used “particle tracking” approach. The tracer method can lead to larger areas shown to be above EQS. This is an issue with the method, not the turbulence model used. SEPA has compared both approaches in our model and found the tracer to give larger area predictions but similar peaks to the “particle tracking” method.
- The turbulence model used by MTS-CFD is likely to result in low levels of dispersion, by default. Normally, this would be checked against a dye/drogue release. Kilbrannan sound is dynamic and dispersion in this area is likely to be greater than a default turbulence model suggests.
- SEPA believe there may be other issues with the approach which would be revealed if their model was compared against suitable drogue/dye data or if we had access to the modelling files.
- All modelling used to derive a consent is conservative. Real world dispersion is often found to be greater due to the influence of meteorological and oceanographic processes which cannot be easily included in models. MTS-CFD modelling has been undertaken during a two-week period of zero wind or a two-week period of easterly winds. These conditions are not likely to occur often.

**Marine Scotland Science (18/9/20, 15/2/21, 17/3/21,14/5/21 and 11/4/23):** It is noted that a CAR licence already granted by SEPA covers the proposed cage size and arrangement and the proposed biomass.

The proposed site sits outwith any Location Guidelines categorised water body. The applicant’s submitted assessment shows that there will be no significant nutrient impacts either at the site level or cumulatively in the area as a result of this site.

It should be noted that there are several other marine fish farm sites proposed in the vicinity which may impact the disease management areas. The site proposed by the Scottish Salmon Company on the north coast of Arran which currently pending approval of planning permission would not directly influence the proposed site if it was the only other additional active site. However several other proposed sites which are at the screening and scoping stage of the planning process could further impact disease management areas in the vicinity if they were developed with the potential for significant changes to the disease management areas in the south west.

The location of the site lies outwith current farm management areas (FMAs) but is expected to be included within the nearest FMA M-47 which includes the applicant’s existing Eilean Grianain site (Carradale North and South). The applicant has stated

that these sites will be operated synchronously, being stocked at the same time with the same year class of fish and observing a synchronous fallow period.

## Wild Fisheries

There is one other aquaculture site within 15km, as such, cumulative factors may come in to play. Kintyre and the Isle of Arran are known to have fisheries for salmon and trout. The development has the potential to cause risks to wild salmonids.

## Environmental Management Plan

The supplied EMP meets the criteria required by Marine Scotland. It should be noted that no in feed treatments are licenced for use on the site.

## **MSS Comments (15/2/21)**

The applicant has provided further details of the treatment of cleaner fish and the escapes contingency plan has been updated.

The applicant has submitted details of environmental site surveys undertaken at the site by Aquastructures in accordance with A Technical Standard for Scottish Finfish Aquaculture. Environmental parameters wind, wave and current have been assessed on 10 and 50 year storm periods. A detailed mooring line analysis has been conducted for the sub-surface grid and pen floating collars and the feed barge to specify the standard of equipment required for the predicted forces. Given that the equipment used for pen moorings match or exceeds the specification and is installed and maintained appropriately, the information provided is deemed satisfactory.

The applicant has detailed a series of remedial and improvement actions being implemented following the detailed root cause analysis on the containment breach at Carradale.

## **MSS Response (17/3/21)**

Consultation response confirming acceptance of further information on revised procedures following escape.

## **MSS Response (14/5/21)**

Comments in relation to third party sea lice hydrodynamic model submitted.

## **MSS Updated comment (11/4/23):**

Aquaculture Animal Health

## **Disease Management Area**

There are no further new developments proposed in nearby production areas. The new sites previously proposed in the surrounding areas have not been developed (see appended map). There have been no subsequent planning applications received for the sites proposed by Dawnfresh Fish Farming following the 2019 screening and scoping applications; and The Scottish Salmon Company site on the North coast of Arran was refused planning permission. Therefore, the extension of the existing E Kintyre 19c disease management area (DMA) northwards to encompass this proposed site will not currently be impacted by any other site developments.

## **Sea Lice History**

In the most recent production cycle, numbers of the adult female sea louse *Lepeophtherius salmonis* at the applicant's nearby Eilean Grianain site have

remained below MS reporting levels to date since stocking in October 2021. Towards the end of the production cycle sea lice levels have risen above the CoGP suggested criteria intermittently.

Other comments previously provided on sea lice management measures proposed by the applicant for this application are still deemed relevant and satisfactory and there are no change to these.

**Environmental Health (24/9/20):** Water supply condition relating to feed barge recommended.

**Royal Yachting Association (dated 17/2/20):** No objections.

**NatureScot (14/10/20 and 25/2/21):** The proposal raises natural heritage issues of national interest we therefore object to this proposal until further information is obtained in relation to the Endrick Water SAC.

The proposal could affect the internationally important Ailsa Craig SPA and NS object to the proposal unless it is made subject to conditions so that works are done strictly in accordance with specified mitigation.

The proposal will not raise landscape or visual issues of national importance.

We are content that the proposal will not result in significant impacts upon any priority marine habitats or species.

Response dated 25/2/21 following the submission of additional information:

The proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests, we object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in our appraisal.

**NatureScot (10/5/23):** We acknowledge that the available information, both in terms of advancements in lice modelling capabilities and knowledge of post-smolt migration routes, has advanced significantly since this planning application was submitted in July 2020. On the basis of the new information available, some additional concerns arise regarding the potential risk that this development could pose to the Endrick Water SAC.

The Environmental Management Plan (EMP) approach was developed to address the complex issue of lice management through the planning process. The EMP is an iterative process that uses monitoring results gathered over the course of a production cycle to assess the level of risk posed to migrating post-smolts, and where relevant implement appropriate management to address any such risk. By ensuring that the EMP incorporates an end of production review and by requiring a condition that the site shall not be restocked until that review process is complete, the Local Planning Authority (LPA) is provided with an enforceable mechanism to address any elevated risk that is identified.

Concerns arise with regards to the consenting of additional biomass in areas identified as higher risk through screening modelling carried out by SEPA as part of the development of their sea lice risk framework. We acknowledge these concerns and agree that the best available information should be considered as part of the planning process.

Following further discussions with SEPA we are satisfied that provided the EMP incorporates a review process and a commitment not to restock until the review is complete, the LPA will have a mechanism to integrate the detailed modelling carried out by SEPA as part of their sea lice risk framework within the EMP review. This will



allow the LPA to take appropriate action for this site, should any elevated risk be identified through either the EMP monitoring or the modelling and assessment required as part of the forthcoming SEPA framework. Depending on the level of risk, this could include requiring enhanced sea lice management measures, reduced stocking or ultimately preventing the site from being restocked. As a result, we are satisfied that the LPA will have a mechanism to consider the best available information and take appropriate action, should it be required to address any risk in the future, therefore ensuring that this proposed site will not result in an adverse effect on the integrity of the Endrick Water SAC.

We would also highlight that should this site be granted planning permission, we expect that SEPA's sea lice risk framework will be fully implemented by the end of the first production cycle. We therefore anticipate that the detailed modelling and risk assessment process required under SEPA's framework will feed in to and influence the first end of cycle review process required as part of the EMP. On this basis, we are satisfied the LPA can conclude that appropriate measures are in place to ensure that the farm will not compromise the conservation objectives of the Endrick Water SAC and will not therefore result in an adverse effect on site integrity.

**NatureScot (dated 10/5/23):** We are not aware of freshwater pearl mussels (FWPM) in any watercourses within 1 km of the proposed North Kilbrannan Fish Farm, however please note that this does not mean that the species may not be present. NatureScot did commission a Kintyre wide FWPM survey of potentially suitable watercourses in 2015, however unfortunately access was not granted at the time to survey the Crossaig Burn.

**West Highland Anchorages and Moorings Association (dated 31/8/20):** This application is in the Clyde Area where WHAM is not competent to comment.

**Argyll and District Salmon Fishery Board (dated 31/7/20):** Object to the proposal.

The current planning and regulatory system does not sufficiently protect wild fish and a new regulatory system, as recommended by the Salmon Interactions Working Group, should be put in place prior to any growth in consented biomass.

Recent history of escapes in high energy locations which offers no assurance of containment in the pens for the new proposal.

The conservation status of local salmon populations which may suffer permanent adverse damage from aquaculture related additional pressures.

This farm sits on a likely migratory path for wild salmon from numerous rivers in Loch Fyne, west Arran and East Kintyre and possibly the Kyles of Bute and the Clyde Estuary, increasing the potential for negative interactions. We previously issued a holding objection and requested that the EMP be revised to include details of how the plan will be protective of the freshwater salmon population of the Endrick Water SAC.

**Marine and Coastal Development Policy Officer (dated 20/10/20):** Comments made in relation to benthic impacts, water column impacts, interaction with predators

**Biodiversity Officer (dated 9/1/21):** The applicant has answered queries raised in relation to wild salmon interests by developing the EMP where partnership working and cooperation between the applicant and the stakeholders is embedded in the plan along with the overall aim and the elements to address issues relating to sea lice, I recommend that this working document is signed off by all parties prior to

determination by the Planning Authority. In relation to ADDs and other predator control, the applicant has agreed not to use these and is reliant on the design of the nets to manage this issue.

**Northern Lighthouse Board (22/1/21):** No objections subject to navigation conditions.

**Clyde Fishermen's' Association (dated 18/3/21):** Object to the application on the grounds of lack of cooperation with aquaculture companies, loss of fishing grounds, chemical pollution and sewage, loss of shelter / safe grounds and economic loss and mortality and lice.

**Fisheries Management Scotland (9/10/20):** Object to the proposal for the following reasons:

The current planning and regulatory system does not sufficiently protect wild fish and a new regulatory system, as recommended by the Salmon Interactions Working Group, should be put in place prior an any growth in consented biomass.

Recent history of escapes in high energy locations which offers no assurance of containment in the pens for the new proposal.

The conservation status of local salmon populations which may suffer permanent adverse damage from aquaculture related additional pressures.

This farms sits on a likely migratory path for wild salmon from numerous rivers in Loch Fyne, west Arran and East Kintyre and possibly the Kyles of Bute and the Clyde Estuary, increasing the potential for negative interactions.

**West Coast Regional Inshore Fishery Group:** No response to date.

**Argyll Fisheries Trust:** No response to date.

**Historic Environment Scotland (dated 28/9/20):** We do not object to the proposals. Although the North Kilbrannan, Carradale Fish Farm would be located outside of Cour Bay and would be of limited visibility in views to and from the Category A-listed Cour House (LB18360) itself, we consider that significant impacts on the setting of House are unlikely. Therefore, we wish to reiterate our previous advice (19/02422/SCRSCO, 22 January 2020) that we have no further comment to make regarding the above proposals.

**East Kintyre Community Council:** Support the application. Although the application falls within the Tarbert and Skipness Community Council area it also impacts directly upon Carradale and East Kintyre. Carradale has a very good working relationship with the local MOWI team and we are delighted that the company offers such good employment and career opportunities otherwise unavailable to local residents. Carradale Harbour is utilised by MOWI as the shore base for their operations and we are keen to encourage this to continue. East Kintyre Community Council and Carradale Community Trust are working in partnership with MOWI to improve harbour facilities. Dredging and pontoons are developments in the pipeline, both will greatly enhance the harbour area for locals and tourists alike,

**Tarbert and Skipness Community Council (dated 2/10/20 and 18/2/21):** Object to the proposal. This is a very exposed site and there is concern about escapes give the recent escapes from North Carradale Fish Farm. Concern about contamination of the sea bed. The Tarbert fishing fleet will lose yet another area of sea bed which will make profitable fishing even more difficult. Any issues which

affect the fishing fleet will undoubtedly have a direct effect on employment in the area. The fish farm will detract from wild seascapes and will have a negative impact on tourism. Waste (non-fish) management plans shown in the EIA do not leave one with a lot of confidence. Mostly stating that “Disposal must comply with regulations” without showing the operational method which will be utilised to achieve that end.

Concerned about the issues raised by the use of azamethipos in this setting.

**NHS Highland (dated 18/7/22):** NHS Highland is not able to give a definitive opinion on the safety of wild swimming in the vicinity of the fish farm simply based on this report. However, based on the available evidence. NHS Highland does not wish to object to the application.

**NHS Highland Response to additional reports submitted by objector (dated 29/3/23):** The documents that have been submitted and that you forwarded to me raise further issues about the potential risks from chemicals that would be used should the planning application be granted and should the development proceed. There are also further comments about the validity of the work that was commissioned from WCA as part of the application. As I noted in my previous response, we do not employ ecotoxicological or chemistry experts, so it was not possible to give fully informed comment on the report. Likewise, where specific issues have subsequently been raised about toxicology or modelling it is not possible for NHS Highland to give a fully informed view. The nature of the evidence in this area means that there remain many assumptions and a limitation in the amount of direct evidence. It would be helpful to have both a systematic independent review of the health effects and the health impact of fish farms and their chemicals in general and an independent review of the local position. In the absence of these the position of NHS Highland remains unchanged.

**North Ayrshire Council (dated 21/3/22):** No comments.

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**(D) HISTORY:**

04/01749/MFF – consultation from Crown Estates on screening opinion

06/00873/MFF – Proposed fish farm sites at Rubha Riabhach and Port Fada. Application withdrawn.

19/02422/SCRSCO – Screening and scoping for proposed marine fish farm.

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**(E) PUBLICITY:**

ADVERT TYPE:  
Regulation 20 Advert Local Application  
EXPIRY DATE: 19.02.2021

ADVERT TYPE:  
ENVASA Addendum EA Advert  
EXPIRY DATE: 14.02.2021

ADVERT TYPE:  
Environmental Assessment Regs Adv (28)  
EXPIRY DATE: 11.10.2020

ADVERT TYPE:  
Regulation 20 Advert Local Application  
EXPIRY DATE: 02.10.2020

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

A list representations can be found in Appendix D

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

**(ii) Summary of issues raised:**

**Objections**

**Human Health / Immersion in Water and Wild Swimming**

Concerned about the impact of fish farm medication accumulation in proximity to where people swim at Cour Bay and Grogport;

SEPA has advised that they do not assess the impact of organophosphates and other pollution on swimmers and other recreational users before they issue a car licence. I believe that SEPA has failed to comply with the Water Environment (Controlled Activities (Scotland) Regulations 2011 which requires them to assess the impact on other marine users before issuing a CAR licence.

Expert opinions have been submitted critiquing the conclusions of the SSPO (now Salmon Scotland) commissioned report on the impacts of fish farm medications on human health. These are from Professor Malcom Hooper, Emeritus Professor of Medicinal Chemistry and Mr Boetimann Isaack, Principal Advisor, Fish River Occupational Hygiene.

It has been requested that comments be sought from NHS Highland on the independent expert opinion papers.

The use of organophosphates in or around these waters is totally unacceptable and SEPA's licencing of azamethiphos here is a fault, as no assessment of its threat to human health has been made in spite of studies that implicate it.

*Comment: NHS Highland has been consulted on the application supporting document on this issue and also the expert opinions submitted by a third party. NHS Highland has confirmed that they do not wish to object to the proposal. For further information see assessment.*

**Pollution**

Kilbrannan Sound is an estuary which is not dispersive and therefore prone to stagnate.

SEPA has relied on their assessment that the Kilbrannan Sound is dispersive which contradicts multiple other official reports which state that it is stagnant. As SEPA has admitted to faults in their granting of the CAR licence, there is reason to doubt their credibility, so the Council needs to justify their decision if they decide to ignore other official documents which support our local observations.

Argyll and Bute Council cannot be sure that the accumulative pollution from multiple fish farms will not endanger public safety, so the precautionary principle must apply.

*Comment: SEPA are the Council's expert advisor on these issues. They do not object to the proposal and have issued a car licence.*

## **Impacts on Wild Salmonids**

Concern that sea lice emanating from fish farms will decimated the stocks of wild salmon and sea trout.

Mass escapes and deaths at Carradale recently demonstrate that they are not well managed and that the operators cannot guarantee that there will not be more escapes.

Escaped MOWI farmed fish are being found in the river Garnock which threaten the wild salmon stocks. The escaped fish are attracting people to come and fish for them who have not bought permits.

The proposed site is a key migration route for salmonids spawning in Loch Fyne and the Clyde. It would be irresponsible to site the fish farm in the Kilbrannan Sound which has been recognised by both Marine Scotland Science and the River and Fisheries Trust of Scotland as one of the most sensitive areas for Atlantic salmon in Scotland.

This environmentally catastrophic industry will eventually be regarded with the same horror that we view rainforest deforestation for palm oil – it is simply a matter of time and I urge you not to be responsible for adding Cour Bay to the casualty list. The industry is completely self-regulated which entirely at odds with any other form of farming. As a result, it destroys the seabed, releases tonnes of chemicals into the marine environment and it is a complete disaster for wild salmon and sea trout due to the spread of disease, sea lice and the genetic threat posed by interbreeding with escapees.

EMPs are insufficient to enable the Council to meet the test in Article 6(3), and is inadequate mitigation for the impacts likely to occur on wild salmonids, including those protected under the designation of Endrick Water SAC.

While we wait for the revised regulatory system, the Council still has duties under the Nature Conservation (Scotland) Act 2004 in relation to the furthering of nature conservation and biodiversity, in this case in relation to wild salmon and sea trout. In this context the Council should seek to continue, as it has recognised in relation to other recent fish farm applications to seek to ensure that the goals of the inter-government North Atlantic Salmon Conservation Organisation (NASCO) are met. For sea lice, NASCO best practice is for “100% of farms to have effective sea lice management such that there is no increase in sea lice loads or lice-induced mortality of wild salmonids attributable to the farm. For escapes, NASCO best practice is to ensure that “100% of farmed fish are retained in both freshwater and marine production facilities. The Council should not only judge this application from MOWI as against NASCO objectives and, throughout its deliberations, place the strongest possible

emphasis on meeting the NASCO objectives, it also has strict legal duties specifically to protect the Atlantic salmon population of the Endrick Water SAC.

Given the history of escapes from fish farms, it will not be possible for the Council rationally to conclude that there will not be escapes from the site proposed at North Kibrannan that can have an impact on the site integrity of the Endrick Water SAC.

No mitigation is possible for an escape once it occurs. As such, it would be irrational of the Council to grant planning permission for this high energy site, which is a more exposed location than the Carradale North site.

Wild salmon smolts leaving the Endrick Water SAC must swim through the Firth of Clyde and / or Kilbrannan Sound to reach the open sea. As Appropriate Authority, Argyll and Bute Council must be certain beyond reasonable scientific doubt that these salmon will not be affected by lice or other effects from the new fish farm and such certainty is clearly impossible. Hydrodynamic modelling show that water often flows anti clockwise around Arran, so the wild smolts may well swim this way. The modelling shows that sea lice released by multiple fish farms are carried into Kilbrannan Sound, where they would overlap with lice from the North Kilbrannan farm and from Mowi's existing 5000 tonne farm at Carradale. The Council must declare on what basis it is certain that this cumulative impact will not harm the integrity of Endrick Water SAC, otherwise it invites a judicial review.

The applicant has failed to consider the existence of an autumn smolt run within the Endrick SAC for which there is growing evidence.

The development would also adversely affect sea trout.

There is no clear and robust enforcement mechanism in the EMP. There is insufficient regulatory capacity within the planning department to enable it to take a consistent and regular inspection and enforcement role here.

It is well established by scientific research that salmon are most vulnerable to lice infestation at the post smolt stage so they will definitely be impacted upon by this development.

The North West Angling Trust Fisheries Consultative Council (NWATFCC) represents the affiliated and collective interests of the five major NW game fisheries – Border Esk, Eden, Derwent, Lune and Ribble. The NW river fisheries comprise 30% of England's reported rod caught salmon and are in the immediate vicinity of Argyll salmon farm developments. The Kintyre peninsular and Northern Ireland coast forms the pinch point and pathway for our migrating salmon smolts. On 25<sup>th</sup> September NWATFCC received the first reported captures of farmed salmon in the Solway Firth rivers Border Esk, Eden, Derwent and Annan, followed by further reports from the West Cumbrian Ehen and the River Lune on the Morecambe Lancashire coast. MOWI are responsible for the following recent incidents of escapes:

16,000 salmon at Carradale in June 2015;

24,752 salmon from a holed net in Hellisay in November 2018;

23,970 due to net failure and equipment damage – Hellisay in October 2019;

73,600 pen failure on Colonsay in Jan 2020;

48,834 mooring failure and storm damage to Carradale North cages in August 2020.

The Council should take full account of MOWI's present record in failing to meet industry standards, its wider responsibility under the European Habitats Directive to protect the environment and noted species and further the international NASCO measures and targets designed to protect and restore North Atlantic salmon populations.

Crossaig Burn which is located less than 1km from the site has not been listed as a local salmonid river by the ADSFB. I suggest the reason that Crossaig Burn is not listed is because it has not been fished by angler in recent years and netting is not currently taking place but if the burn and its estuary were monitored effectively and independently, it would, I suspect, reveal the continued presence of a concentration of wild salmonids, that because of the proximity to this proposed fish farm will be affected adversely.

THE MOWI proposed Cour Bay site is located between 3 salmon rivers on east Kintyre (Carradale Water, Claonaig Water and Skipness River) and 2 rivers on west Arran (Machrie River and Iorsa River). This proposal to site an open net salmon farm equidistant from 5 wild salmon rivers demonstrates a complete indifference by MOWI to any form of sustainable protection of wild salmon stocks.

The current planning and regulatory system does not sufficiently protect wild fish and a new regulatory system, as recommended by the Salmon Interactions Working Group should be put in place prior to any growth in consented biomass.

The proposed site is on the likely migratory path that wild salmon take from numerous rivers in Loch Fyne, west Arran and east Kintyre and possibly the Kyles of Bute and the Clyde Estuary.

The proposed salmon farm also has the potential to impact salmon and sea trout populations across Ayrshire's 6 important salmon and sea trout rivers and their tributaries. There are numerous coastal burns that may also be potentially impacted both where there are no angling interests nor bodies to represent the ecological value of these watercourses.

The proposed development will have an adverse impact on juvenile sea trout. They tend to remain in local coastal waters and have a tendency to be strongly impacted by sea lice.

The Loch Lomond system (including the Endrick SAC) has perhaps one of the last notable runs of sea trout on the Scottish west coast mainland, with recent catches numbering up to 2,000 per annum. Unless the sea trout stocks remain close to the Leven mouth they will in all likelihood be impacted by this development.

The proposed salmon farm has the potential to impact salmon and sea trout populations in the River Doon Board Fishery district.

The proposed salmon farm has the potential to impact salmon and sea trout populations in the Stinchar district.

The MOWI sea lice dispersion modelling shown in the applicant's EMP shows dispersal and overlap with the proposed salmon farm at Millstone Point, North Arran. This clearly shows that attempting to assess and mitigate the risk from farms in isolation and without a cross LPA spatial planning framework is unacceptable and open to legal challenge. This approach needs to be cumulative and proven to be effective to mitigate risk and meet the legal requirements of SAC protection otherwise approval will be challenged and open to judicial review.

The Council cannot lawfully grant planning consent as it will have an adverse impact on wild salmonids through sea lice, disease and escapes.

There is a need to consider the cumulative impact of sea lice from all farms on the Greater Clyde on wild salmon and sea trout, rather than considering the impact of lice from new or expanded farms individually.

The Greater Clyde currently has 16 licenced farm sites (counting Carradale as one). Five new farms are proposed at North Kilbrannan, South Bute, Cumbrae, Little Cumbrae and Ardentinnny with a substantial expansion proposed at Ardyne. This would add more than 40% to the total farmed fish biomass and increase the number of fish hosts for sea lice by the same amount.

Friends of the Sound of Jura have been working with the hydrodynamic modelling company MTS-CFD to model the dispersion of infectious sea lice larvae from these farms which shows there is already a significant risk of harm.

The Friends of the Sound of Jura commissioned model conflicts with the applicant's hydrodynamic model. MOWI have made incorrect assumptions regarding the release of sea lice and should be asked to resubmit their modelling.

Argyll and Bute Council must be certain beyond reasonable scientific doubt that the cumulative effect of consenting new or expanded fish farms in the Greater Clyde will not add to the risk that the population of salmon in the SAC already faces.

In light of the modelling commissioned by FOTSJ which shows there is already a significant risk of harm, it is impossible to be certain beyond reasonable scientific doubt that the SAC's wild salmon population will not be harmed.

There should be no expansion of fish farming on the greater Clyde at least until SEPA's new system for assessing and regulating this risk is place.

*Comment: Wild fish interactions are considered in full in the report. Until the new framework is introduced by SEPA, the planning authority will continue to require Environmental Management Plans to address this issue. No moratorium on marine fin fish applications has been announced.*

## **Impacts on Tourism**

It will not help the tourist industry and make people less likely to visit areas which have been ruined by salmon farms.

This proposal will ruin the existing tourist based business at Cour which provides more local employment than the fish farm would. The loss of holidaymakers and visitors would harm other local businesses.

*Comment: There is no evidence to suggest that the proposal would have a detrimental impact on tourism.*

## **Landscape and Visual Impacts**

The area is relatively devoid of development and allows for exceptional panoramic views from the road toward Arran and the greater part of the slopes of Meall nan Damh and Bheinn Bharrain which are considered to be semi wilderness landscapes. The proposed fish farm would completely overshadow the panorama of Cour Bay. It is considered that the introduction of such a large scale, man-made feature (comprising straight geometric lines) into a very open landscape area would have an adverse impact on the landscape quality of this area which would be contrary to planning policy.



The proposal lies within the highly scenic narrows of the Sound separating Arran from Kintyre, introducing industrial elements in a landscape highly values for tourism.

The north east coast of Kintyre provides panoramic views of the North Arran National Scenic Area and views to and from it are spectacular. A large fish farm which can be seen from miles away, up the coast and across the water, compromises this.

*Comment: A Seascape, Landscape and Visual Impact Assessment (SLVIA) has been submitted as part of the EIAR. Officers concur with the conclusions of this report and would find no reason to refuse the application on these grounds. Further analysis of landscape and visual issues are contained within the assessment.*

## **Historic Environment**

The proposal would have a detrimental impact on the setting of Cour House which straddles the development of architecture in Scotland between the Arts and Crafts Movement and Modernism, It responds to the untamed landscape with a palette of harmonious materials, the whole house is spread upon a natural ledge in the landscape, hunkering down over huge spreading roofs of stone slabs. However, this house also has structural defects which the owners hope to address. Cour will cost a great deal to restore and repurpose as a sustainable proposition. The current proposal potentially conflicts with the visual amenity demanded by high end tourism, and may also potentially impact on any future usage of Cour Bay.

The location of the proposed fish farm within clear, albeit partial, view of Cour House and its estate mars the very unique characteristics of this very special historic environment. We expect further visibility assessment to be carried out and reconsideration of the location of the pens.

*Comment: The EIAR contains a chapter on Cultural Heritage which includes the consideration of Listed Buildings including the Category A listed Cour House. This concluded that there would only be a small proportion of the proposed site visible, at an oblique view, with only limited change to the overall view, leading to 'small' adverse effects and 'moderate' levels of significance. In addition, Historic Environment Scotland who give the planning authority advice on A listed buildings have not objected. See also assessment.*

## **Waste**

Storms have resulted in large amounts of plastic from fish farms washing up on the shore.

*Comment: A condition is proposed in relation to this issue. See also assessment.*

## **Economy and Employment**

MOWI claim that they will create jobs in the local area but that seems to be minimal with people travelling a distance from outside the local area.

Our marine environment is being sacrificed for the short term profits of foreign multinationals who do not have the interests of Scotland at heart. The number of jobs created is minimal.

The proposal may impact on fishermen's livelihoods.

As salmon farming becomes increasingly intensive and automated it creates negligible local employment opportunities.

The Loch Lomond Angling Improvement Association employ two full time water bailiffs, when our fish stocks decline which they will do if this application was to go ahead, our membership and visiting anglers will drop and those employees' jobs will be in danger of being lost.

Concern that Norwegian owner fish farms are being allowed to operate in an area which will have minimal long term benefit to the Scottish Economy and to the detriment of the very local Cour economy.

*Comment: See assessment.*

### **Policy**

The proposal would be contrary to Scotland's National Marine Plan which requires that concentrations of contaminants are at levels not giving rise to pollution.

The proposed fish farm does not comply with the Council's Bad Neighbour Policy.

If this planning application is granted it needs to go to a judicial review.

*Comment: See Assessment.*

### **Impacts on Wildlife**

Concern that seals may be culled if they are attracted to the farm.

There is a large colony of seals at Eilean Cour, just south of Rubha Riabhach which has been omitted by the EIA.

The use of ADDs can cause hearing damage and stress in dolphins, porpoises and whales. The use of ADDs at the proposed site in the narrowest part of the Sound, would effectively block the Sound as a passageway of feeding ground.

Otters are known to be present in the area. The proposed development is extremely close to the shoreline and MOWI offer no actual figures regarding the numbers of otters which will perish in fish farm netting.

The application provides no meaningful data or assessment on harbour porpoise, a European Protected Species (EPS) and Priority Marine Feature (PMF) at the proposed North Kilbrannan site. There has been no attempt by the developer to address harbour porpoise or EPS occurrence other than to comment that they are present at another MOWI site at North Carradale. The purpose of an EIA is to assess sensitivity level or risk of impact to receptors like harbour porpoise. MOWI's planning submission is not fit for purpose and the development proposal should be rejected.

Clyde Porpoise CIC has acoustically surveyed all fish farms in the Clyde Sea Area and are appalled by the noise levels and indiscriminate use of ADDs. We are disappointed that the Marine Scotland consultation response does not attend to the fact that there is a legal requirement under protected species legislation for activities that have the potential to harm / disturb or harass EPS and require such applications to be processed through the EPS licensing system. We call on Argyll and Bute Council to reject this application on the grounds that the use of ADDs without EPS licence is illegal.

There are reputed to be freshwater mussels in a river discharging into the sea with 1000m of the proposed site. This species has not been mentioned by the Council's biodiversity

officer nor by NatureScot in their response, but granting planning consent without assessing the impact would not be lawful.

Fish farm medications would have an adverse impact on a primary breeding ground for lobsters on this stretch of coast.

The constant noise, light and regular activity on the fish farm would drive cetaceans and otters away.

The site is unsuitable due to the proximity of a large seal colony.

MOWI's environmental survey is inadequate and we have proved that it has only considered one quarter of the flora and fauna at the site. If the Council accept such obviously flawed evidence, they need to justify how their decision complies with the Nature Conservation (Scotland) Act 2004 and other relevant legislation. This may prove further grounds for a judicial review.

*Comment: Since this application was submitted the applicant has confirmed that they will not be using Acoustic Deterrent Devices at the site and therefore a condition is proposed to ensure that they cannot be used as part of this planning permission. Officers in consultation with statutory consultees are content with the scope of the EIAR. With regard to fresh water pearl mussel, NatureScot have advised that they are not aware of fresh water pearl mussels in any watercourses within 1km of the proposal, however, this does not mean that they are not present. No evidence has been submitted to confirm this assertion.*

### **Impacts on Commercial Fisheries**

This site would sit on top of the primary lobster site, as Cour Bay is important as a lobster nursery and on this stretch of coast both local people and commercial fishermen put their creels.

The development would remove an area used by fishermen. A fishing area has already been removed from south of Cour and there is a vast area south of Carradale which is an MPA where no fishing can occur. Life is hard enough and taking away where we fish is not helping at all.

*Comment: See assessment.*

### **Amenity**

Cour Farmhouse looks over Cour Bay and as a result all activity at the fish farm would be seen and heard day and night.

The proposal will result in unacceptable noise levels. Experience of living 2.5km from the Carradale farm that the noise comes from several different sources such as loudhailers used by employees, radio music apparently being transmitted through external speakers, engine noise and generator noise. The EIA completely neglects to assess the noise created by fish farm operations in the context of baseline background noise and this is an entirely unacceptable omission.

The residents in Pirnmill in Arran already suffer both light and noise pollution from the existing Carradale North fish farm.

The proposal will result in noise and light pollution at nearby residential properties (Sperasaig House, Cour)

The proposed development will result in increased traffic on the B842.

*Comment: See assessment.*

### **Salmon Fishing Rights**

Salmon netting rights exist in the Sound and the legal rights accompanying these would almost certainly be compromised by the proposed development.

The heritable salmon and sea trout fishing rights on this stretch of coast will be rendered unusable by the intrusion of the development providing grounds for a legal challenge. It is not legally competent for the Crown Estate to grant a competing right.

*Comment: This is a civil matter and not a material planning consideration.*

### **Concern over proximity of electric cable**

The proposed site is close to SSE's Hunterston/Crossaig sub-sea cables. Damage to the cables which could compromise the west coast of Scotland's electricity supply, is an unacceptable risk.

Scottish and Southern Electricity Networks are concerned that insufficient information has been provided to ensure the safe operation and maintenance of their Kintyre Hunterston High Voltage Electricity Cables that are located approximately 400 m north of the proposed fish farm.

*Comment: This objection has subsequently been withdrawn (letter dated 24/11/20) following dialogue between the applicant and the electricity company. MOWI have made a series of commitments to the SSEN and subject to these being adhered to SSEN do not object.*

### **Concern Over the Principle of Marine Fin Fish Farming**

Salmon should be farmed on the land in closed containment.

Our inshore waters in Scotland need a radical re-think in terms of sustainable fisheries, a reduction in salmon aquaculture farms, control of dredging for scallops and bottom trawling, a strategic look at overall sustainable communities, environmentally, economically and socially for the long term.

Having largely removed battery farming for poultry we do not understand how a much worse agricultural regime is allowed for salmon. The pursuit of cheap food by mistreating birds, animals and fish must stop.

I find it astonishing that Norwegian companies are being permitted to apply for fish farms in Scottish waters, when Norway and other companies are in the process of banning open cage salmon farms due to the adverse impact on the fish and the environment.

Responsible governments in countries such as Norway, Denmark and Canada are in the process of banning all new open cage salmon fish farms in their seas.

Concerns over animal welfare due to overcrowding and the spread of disease.

*Comment: There is no ban on marine fish farming in Scotland and the planning authority is required to consider these applications on their merits taking into account the advice of statutory consultee and other material considerations including third party representations.*

### **Other**

Arran does not get to hear about the planning applications in Carradale as these are in Argyll and Bute. I think salmon farm applications should be circulated by order to any potential affected local areas.

The Council's internal and external specialist advice looks like a dereliction of duty and so unreasonable as to merit a judicial review.

There has been no consultation with the nearest neighbour and owner of the shoreline.

There have been numerous previous applications to site a fish farm on this site. None were accepted, the continuing applications are vexatious and since the last application the evidence to refuse planning consent has increased.

There is almost unanimous local opposition from the Community Council, residents, businesses and commercial fishermen.

MOWI's official record of causing environmental damage is one of the worst in Scotland and is attracting international concern. They make promises to improve which they do not and cannot keep. With so much evidence against MOWI, the Council would be failing in their duty to protect the environment if they grant consent. The Council would not licence a bar or a taxi driver with a poor history like this.

The application conflicts with many of the recommendations of the Scottish Government's REC Committee report on Salmon Farming and the NASCO Treaty Guidance on Beat Management Practices.

The sea is too rough at the site and getting worse due to climate change which will inevitably cause escapes and other damage.

*Comment: There have been not previous planning application at this site for a fin fish farm at this location. A Crown Estate licence was consulted in 2006 but this was withdrawn. See assessment. Neighbour notification has been carried out in accordance with the legislation and the application has been advertised in the local paper.*

### **Representation**

A critique of the Fisheries Management Scotland objection has been submitted. Within this it is stated that "What Fisheries Management Scotland does not say, is that under their management (as well as that of their former guise – Association of Salmon Fishery Boards) a total of 445,452 wild salmon and sea trout have been caught and killed from these local populations since Government records began. The impact of this mortality on local populations is significantly greater than any impacts from salmon farming.

Comment: Noted.

## **Support**

As a supplier of feed to the company, BioMar, voice their support for the application. When completed it is estimated that the farm will contribute £1.1M annually to the local economy and a further £1.2M annual contribution to the Scottish economy from the operation of the farm.

The proposal is aligned with Argyll and Bute Council's economic growth plan by providing quality jobs in remote communities with a declining population.

Fish farming plays a massive part in rural areas of Scotland. Without the fish farming industry there would be little if any employment in some of these areas. I live and work in a rural area and employ 30 staff who would not be living in these area were it not for the fish farming industry.

The aquaculture industry provides quality hobs in remote rural areas and helps to sustain the population and keep schools open.

The proposed salmon farm follows the recommendation of the Scottish Government's 2018 Rural Economy Committee which suggests the salmon sector look towards offshore and exposed locations where there are higher energy water flows.

We are a globally operating market leading innovation-led fish farm technology business with a growing footprint in mid Argyll and Kintyre. Argyll has around 25% of Scottish production of farmed fish worth around &250million based on quarter share of contribution of fish farming to £1 billion GDP generated from fish farming in Scotland.

As a senior manager in Akvagroup, I live and work in mid-Argyll. In Scotland we employ 70 people and internationally 1500 people. We currently employ 5 staff based in Argyll. We anticipate of approved, the North Kilbrannan farm development will increase our local turnover significantly and allow us to secure and make further expansion of staff and premises in Argyll.

The farm and additional activity it brings will support local infrastructure improvements and community projects in the Argyll and Bute area.

MOWI have been the saviour of Carradale. They have provided many local jobs and will provide many more if the proposed construction is allowed to go ahead. MOWI has given a large sum of money to create the temporary village shop and other local ventures. The one thing MOWI could do is cover their equipment at the car park. Carradale needs MOWI and MOWI needs Carradale.

MOWI (previously Marine Harvest) have been the principal sponsor of shinty for nearly 35 years. The investment of a new fish farm in the area will bring a long term benefit to Shinty. Throughout the Highlands a high proportion of employees at the fish farm sites are local and also shinty players, thus ensuring the continuation of many of our shinty clubs which would otherwise have folded if these employees had to leave the area to find employment.

Comment: Noted

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## **(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

(i) **Environmental Impact Assessment Report:**  Yes  No (if Yes insert EIAR topics below)

**THE EIAR covers the following topics:**

- Benthic Environment;
- Water Column;
- Interaction with Predators
- Interaction with Wild Salmonids
- Species and Habitats of Conservation Importance
- Navigation, Anchorage, commercial Shipping and Other Uses
- Landscape and Visual Impact Assessment
- Noise
- Cultural Heritage
- Waste Management
- Socio Economic and Recreation
- An addendum to the EIAR was later submitted containing the following:
- Site Survey – North Kilbrannan, Aquastructures
- Mooring Analysis – TR -31256-6526-1 Rev 1
- Mooring Analysis of Barge TR -31256-6526-1 Rev 1
- Environmental Management Plan, Kilbrannan Sound Fish Farms
- North Kilbrannan Inspection and Maintenance Schedule
- On-site Emergency Response Plan, North Kilbrannan
- North Kilbrannan Containment and Escapes Contingency Plan.

Note: Given the length of time which has elapsed since this application was submitted in 2020, the applicant has reviewed the EIAR in a document dated 27<sup>th</sup> January 2023. This has confirmed that there have been no material changes affecting the assessment since the submission of the planning application.

- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:**  Yes  No (if Yes attach as an appendix)

Appropriate Assessments are attached in the Appendix in respect of Ailsa Craig SPA and Endrick Water SAC.

- (iii) **A Design or Design/Access statement:**  Yes  No (if Yes insert summary of key issues below)

- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**  Yes  No (if Yes list supporting documents below)

Clarification in Response to the Friends of Sound of Jura Reply (document-22447522.pdf), dated 30 April 2021;

Response to the Objections to Application 20/01345/MFF by the Friends of the Sound of Jura and Cour Ltd, specifically the modelling studies by MTS-CFD Ltd, dated 12 April 2021;

LVIA VP4 Computer Model - (showing pen layout from viewpoint minus trees);

Appendix B – Drawings and Illustrations, North Kilbrannan Fish Farm SLVIA (resubmission with above amendment to VP4);  
Applicant response to comments from statutory consultees and public comments in the second round of advertising/consultation;

Applicant response to Marine Scotland Science information request (further detail on mooring design for pens and feed barge and detail on inspection / maintenance frequencies);



Aquastructures technical note (TN-31256-6531-1) – further analysis of mooring lines belonging to the barge, and the mooring lines belonging to the pens (as requested by Marine Scotland Science);  
Aquastructures technical report (TR-31256-6531-1)  
Mooring analysis of feed barge as per requirements of the Technical Standard for Scottish Finfish Aquaculture;

Aquastructures technical report (TR-31256-6526-1)  
Mooring analysis of fish pen equipment as per requirements of the Technical Standard for Scottish Finfish Aquaculture;

Aquastructures technical report (SS-30079-6503-1)  
Environmental Site Survey as per requirements of the Technical Standard for Scottish Finfish Aquaculture;

Applicant response to public representations from first round of application advertising;

Applicant response to further information requested by Statutory consultees from first round of consultation;  
Containment and Escapes Contingency Plan (for proposed North Kilbrannan fish farm);

On Site Emergency Response Plan (for proposed North Kilbrannan fish farm);

Inspection and Maintenance Schedule (for pen equipment and moorings infrastructure -proposed North Kilbrannan fish farm) ;

Kilbrannan Sound Environmental Management Plan (amendment to include commitments relating to wild fish monitoring in the Endrick SAC and use of data for adaptive site management).

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**(H) PLANNING OBLIGATIONS**

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

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**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:**    Yes  No (if Yes insert details of direction below)

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**(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.**

**National Planning Framework 4 (Adopted 13<sup>th</sup> February 2023)**

**Part 2 – National Planning Policy**

**Sustainable Places**

NPF4 Policy 1 – Tackling the Climate and Nature Crises  
NPF4 Policy 2 – Climate Mitigation and Adaption  
NPF4 Policy 3 – Biodiversity  
NPF4 Policy 4 – Natural Places  
NPF4 Policy 7 – Historic Assets and Places  
NPF4 Policy 12 – Zero Waste

**Liveable Places**

NPF4 Policy 23 – Health and Safety

**Productive Places**

NPF4 Policy 25 – Community Wealth Building  
NPF4 Policy 29 – Rural Development  
NPF4 Policy 32 – Aquaculture

**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 9 – Development Setting, Layout and Design  
LDP 10 – Maximising our Resources and Reducing Our Consumption

**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 7 – Water Quality and the Environment  
SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)  
SG LDP 14 – Landscape  
SG LDP ENV 16(a) – Development Impact on Listed Buildings  
SG LDP 19 – Development Impact on Scheduled Ancient Monuments  
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance  
SG LDP BAD 1 – Bad Neighbour Development  
SG LDP SERV 5(b) Provision of Waste Storage and Collection Facilities within new development.  
SG LDP CST 1 - Coastal Development  
SG LDP AQUA 1 – Aquaculture Development

- Annex A – Planning Process for Aquaculture Development
- Annex B – Council Adopted Marine and Coastal Plans
- Annex C – Responsibilities of Statutory Authorities in Relation to Aquaculture Development
- Annex D – Marine Planning Area for Aquaculture Development

- (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.**

*Scotland's National Marine Plan (2015)*  
*Scottish Planning Policy (2014)*  
Scottish Parliament Rural Economy and Connectivity Committee:  
*Salmon Farming in Scotland (November 2018)*  
Circular 1/2007 '*Planning Controls for Marine Fish Farming*'  
*'A Fresh Start – the Renewed Strategic Framework for Scottish Aquaculture'* (Scottish Government 2009)  
Scottish Executive – '*Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters*' (updated March 2018)  
*'Argyll and Bute Economic Strategy 2019 – 2023*  
*Rural Growth Deal*  
Impacts of lice from fish farms on wild Scottish sea trout and salmon: summary of science, Marine Scotland last updated 12 March 2021

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The reporters have written to Argyll and Bute Council regarding the Proposed Local Development Plan 2, which is currently at Examination. Due to the status of the revised draft National Planning Framework 4 the reporters are currently determining what, if any, further processes are required as a consequence. Although PLDP2 remains a material consideration it is now subject to this further assessment [against NPF4 policies](#). Therefore, it is considered appropriate **not** to attach significant weight to PLDP2 [policies](#) during this time, i.e. until the consequences of NPF4 [policies](#) for the PLDP2 have been assessed by the reporters and the Examination report is issued. [Specific sites in PLDP2 that have not received objections and are not being dealt with at the Examination may continue as strong material considerations, e.g. allocations and potential development areas.](#)

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

The proposal falls within Schedule 2 and is EIA Development.

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- (L) **Has the application been the subject of statutory pre-application consultation (PAC):**  Yes  No (if Yes provide summary detail of PAC below)

No the proposal falls within Schedule 2 and is EIA Development.

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**(M) Has a Sustainability Checklist been submitted:**  Yes  No

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

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**(O) Requirement for a pre-determination hearing:**  Yes  No

In deciding whether to exercise the Council's discretion to allow respondents to appear at a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

The current Local Development Plan was approved in 2015. NPF4 which was approved this year contains a similar criteria based approach in relation to aquaculture applications. It is considered that the development plan is up to date.

At the time of writing this application has attracted 232 objections, 2 representations and 45 expressions of support. Objection has been raised by the Argyll District Salmon Fishery Board and Tarbert and Skipness Community Council in their capacity as a statutory consultees. Fisheries Management Scotland and the Clyde Fishermen's Association were also consulted and have objected. Given the level of interest in the application and the complexity of the issues raised, it is considered that there would be merit in holding a pre-determination Hearing to allow Members consider the site, question participants and consider the arguments on both sides in more detail. It is the view of officers that this would add value to the decision-making process.

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**(P)(i) Key Constraints/Designations Affected by the Development:**

- Ailsa Craig SPA
- Endrick Water SAC

**(P)(ii) Soils**

Agricultural Land Classification: N/A

Peatland/Carbon Rich Soils Classification: N/A

Peat Depth Classification: N/A

Does the development relate to croft land? N/A

Would the development restrict access to croft or better quality agricultural land? N/A

Would the development result in fragmentation of croft / better quality agricultural land? N/A

**(P)(iii) Woodland**

Will the proposal result in loss of trees/woodland? N/A

(If yes, detail in summary assessment)

Does the proposal include any replacement or compensatory planting? N/A

**(P)(iv) Land Status / LDP Settlement Strategy**

Status of Land within the Application N/A

*(tick all relevant boxes)*

ABC LDP 2015 Settlement Strategy N/A

LDP DM 1 *(tick all relevant boxes)*

ABC LDP 2015 Allocations/PDAs/AFAs etc: N/A

**(P)(v) Summary assessment and summary of determining issues and material considerations**

This planning application is for the siting and operation of a new salmon fish farm. The site is located within the Kilbrannan Sound 800m north of Cour Bay and 1km south of Crossaig. The fish farm would comprise of twelve, 120 metre circumference pens in a 2 x 6 grid. A feed barge is also proposed which would be located in the middle of the grid. The site would be service by sea from the existing shore base a Carradale Harbour.

This proposal is EIA Development and the determination of this application is also subject to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. There is a requirement to examine the environmental information submitted and reach a reasoned conclusion on the significant environmental effects of the proposal. In this respect the following have been taken into account when reaching a recommendation:

The EIAR (2020) report and appendices submitted on 29/7/20;  
 The EIAR Addendum: Human Health, dated December 2021;  
 The Environmental Management Plan dated December 2020;  
 The consultation responses from Marine Scotland Science, NatureScot, SEPA, Argyll District Salmon Fishery Board, Historic Environment Scotland, Northern Lighthouse Board, West Highland Anchorages and Moorings Association, Clyde Fishermen's Association, Fisheries Management Scotland, Royal Yachting Association, North Ayrshire Council, NHS Highland, East Kintyre Community Council, Tarbert and Skipness Community Council, Argyll and Bute

Environmental Health, Argyll and Bute Local Biodiversity Officer and Argyll and Bute Marine and Coastal Development Policy Officer;  
Representations received.

The recommendation on this application has been guided by the conclusions of the EIAR and the proposal has been assessed against the polies of the adopted Development Plan with particular regard to the policies of NPF4 and to the criteria based approach of the aquaculture supplementary guidance policy AQUA 1 as well as other material considerations and policies within the plan.

The main determining issues in the assessment of this application are seascape, landscape and visual issues, effects on the setting of Cour House, effects on priority habitats and species including internationally designated sites, wild fish interactions including sea lice and containment, implications for commercial and recreational marine activity, general amenity issues and economic impact.

The issues relating to this application have taken a long time to resolve, primarily due to delays incurred in relation to concerns raised associated with the impacts of fish farm bath medications and the effects on human health on those entering the water especially in relation to wild swimming.

The Scottish Salmon Producer's Organisation (now Salmond Scotland), a body that represents companies farming salmon in Scotland, commissioned a report to investigate this issue. A large part of the delay was incurred in relation to the time taken to produce this report and for the planning authority to receive a consultation response from NHS Highland.

A large number of representations have been received (at the time of writing 232 objections, 45 support and 2 representations) and there have also been objections from consultees.

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**(Q) Is the proposal consistent with the Development Plan:**  Yes  No

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

The proposal is considered to be consistent with the relevant provisions of the Development Plan and there are no other material considerations of sufficient significant to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.

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

N/A

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**  
 Yes  No (If yes provide detail below)

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**Author of Report:** Sandra Davies **Date:** 09/05/2023

**Reviewing Officer:** Peter Bain **Date:** 12/05/2023

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 20/01345/MFF****Standard Time Limit Condition** (as defined by Regulation)**Additional Conditions**

- The development shall be implemented in accordance with the details specified on the application form dated 29/7/20, the Environmental Impact Assessment Report dated 2020 (and subsequent addendum); 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 (as amended).

The developer and subsequent operator(s) shall at all times construct and operate the development hereby permitted in accordance with the provisions of the Environmental Statement accompanying the application with mitigation measures adhered to in full, and shall omit no part of the operations provided for by the permission except with the prior written approval of the Planning Authority.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	1 of 12	-	25/8/20
Supplementary Location Plan	2 of 12	-	25/8/20
Site Coordinates	3 of 12	-	12/8/20
Plans and Elevations Typical Pen Design Top Net Support	4 of 12	-	12/8/20
Feed Barge	5 of 12	-	25/8/20
Underwater Lighting Technical Sheet	6 of 12	-	25/8/20
Plans and Elevations Typical Net Design	7 of 12	-	12/8/20
Plans and Elevations Typical Mooring Design	8 of 12	-	12/8/20
Plans and Elevations - Proposed Site Configuration	9 of 12	-	12/8/20
Plans and Elevations	10 of 12		12/8/20



Typical Pen Design			
Admiralty Chart Extract	11 of 12		25/8/20
Site Plan	12 of 12		25/8/20

*Reason: For the purpose of clarity, to ensure that the development is constructed and operated in the manner advanced in the Environmental Impact Assessment Report, upon which the environmental effects of the development have been assessed and determined to be acceptable.*

- The development hereby approved shall not be operated other than with a biomass of 2475.54 tonnes or less.

*Reason: The environmental effects of this proposal have been assessed against this maximum biomass.*

- Notwithstanding the details given in the Predator Mitigation Plan, no Acoustic Deterrent Devices (ADDs) shall be deployed at the site hereby approved.

*Reason: In the interests of nature conservation. This planning application has been determined on the basis that ADDs will not be used. The use of ADDs would be regarded as a material change to the proposal.*

- The site shall not be stocked until the wild fish monitoring plan has been agreed which shall include a requirement to monitor the juvenile salmon population in coastal waters within a zone of 30km from the Management Area.

*Reason: In the interests of nature conservation.*

- As part of the end of cycle review, to be undertaken no later than 6 weeks prior to the end of the growth cycle, the site shall not be restocked until the review has been agreed by Argyll and Bute Council in consultation with NatureScot.

*Reason: In the interests of nature conservation.*

- There shall be no use of drift nets, vertical static nets or gill nets to recapture escaped fish.

*Reason: In order to avoid putting marine birds, including guillemots, shags, divers and others at risk.*

- The pole mounted top net system hereby approved shall be as noted below unless otherwise agreed in writing with the planning authority in consultation with NatureScot:

	<b>Height (m)</b>
Perimeter Pole Support	Maximum height of 5m above the water surface
	<b>Mesh Size (mm)</b>
Sidewall netting from the bottom to 2m height	25

Ceiling net panel and remaining sidewall netting	100
Colour	Dark grey to black

This shall be subject to review, underpinned by systematic monitoring. The Planning Authority shall be immediately notified in the event of emergence of patterns of entanglement or entrapment of marine birds.

*Reason: To minimise the risk to all bird species and to ensure that there are no significant effects on the qualifying interests of the Ailsa Craig Special Protection Area.*

8. The proposal shall be undertaken strictly in accordance with the following criteria:
- (a) Operators shall maintain daily records of wildlife entanglement / entrapment using a standardised proforma which shall be submitted to the planning authority and copied to NatureScot at 6 monthly intervals or other specified period to be agreed in writing with the planning authority in consultation with NatureScot. The first proforma shall be submitted 6 months after the development is brought into use unless otherwise agreed in writing with the planning authority in consultation with NatureScot.
- (b) In the event of any significant entrapment or entanglement of gannets, and any other SPA interests identified as relevant to a particular fish farm (e.g involving three or more birds of any named species in any one day and / or a total of ten or more birds in the space of any seven day period and / or repeat incidents involving one or more birds on four or more consecutive days), the operators shall immediately notify both the planning authority and NatureScot;
- (c) Adaptive management approaches should be agreed in writing with the planning authority in consultation with NatureScot in advance of these being implemented.

*Reason: In order to ensure that there are no significant effects on the qualifying interests of the Ailsa Craig Special Protection Area. Gannet have an extensive range and would have the potential to become entangled in nets.*

9. The site shall be operated, monitored and managed in accordance with the Kilbrannan Sound Environmental Management Plan (EMP) attached to the planning portal on 22 December 2022 and subsequent approved variation thereof. The EMP should be reviewed and updated if required following the adoption by Scottish Government of any new policy framework relevant to wild salmonid interactions. Any proposed amendments to the EMP shall be submitted to and approved in writing by the planning authority prior to the changes being implemented.

*Reason: In the interests of nature conservation.*

10. The site shall be operated in accordance with the North Kilbrannan Sea Lice Management and Efficacy Report dated 2020 or any subsequent updates of this document which shall be submitted to and approved in writing by the planning authority.

*Reason: In the interests of nature conservation.*

11. The site shall be operated in accordance with the North Kilbrannan Containment and Escapes Contingency Plan dated 2020 and the North Kilbrannan Inspection and Maintenance Schedule with the exception of any proposed actions contained within these documents limited by other conditions on this planning permission. Any subsequent updates of these documents shall be submitted to and approved in writing by the planning authority.

*Reason: In order to minimise the risk of escapes in the interests of nature conservation.*

12. In the event that the development or any associated equipment approved by this permission ceases to be in operational use for a period exceeding three years, the equipment shall be wholly removed from the site thereafter, unless otherwise agreed in writing by the Planning Authority.

*Reason: In the interest of visual amenity and to ensure that redundant development does not sterilise capacity for future development within the same water body.*

13. The finished surfaces of all equipment above the water surface, excluding the feed barge, but inclusive of the surface floats and buoys associated with the development hereby permitted (excluding those required to comply with navigational requirements) shall be non-reflective and finished in a dark recessive colour in accordance with the details provided in the EIAR unless otherwise agreed in advance in writing by the planning authority.

*Reason: In the interest of visual amenity.*

14. All lighting above the water surface and not required for safe navigation purposes should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site.

*Reason: In the interest of visual amenity.*

15. Prior to the commencement of development a further Waste Management Plan shall be submitted to and approved in writing by the planning authority. This shall include details of the arrangements for the storage, separation, and collection of waste from the site including proposals for uplift from areas where fish farm equipment has become detached from the site.

*Reason: To ensure that waste is managed in an acceptable manner.*

16. Prior to the commencement of development, a communications and monitoring plan in relation to the use of bath medications shall be submitted to and approved in writing by the Planning Authority. This shall detail the method by which other marine users shall be informed of general safety information that should be considered by water user when in the vicinity of the farm, including when bath medications are being actively use at the site. Thereafter the development shall be carried out wholly in accordance with the Communications and Monitoring Plan unless otherwise agreed, or varied, in writing with the Planning Authority.

The Communications and Monitoring Plan shall include:

- a. A Communications Plan detailing the method by which other marine users

shall be informed of general safety information that should be considered by water users when in the vicinity of the fish farm, including when bath medications are being actively used at the site. The Communications Plan shall be informed by the conclusions of the supporting information “Assessment of Potential Risk to Human Health Following Use of Azamethiphos, Deltamethrin and Hydrogen Peroxide; WCA; Dec 2021”,

b. A Monitoring Plan to investigate the dispersal and dilution of Hydrogen Peroxide following its use in bath treatments on the site and the use of these findings to review and update the conclusions in the aforementioned supporting information, and the Communications Plan. The Monitoring Plan shall include provision for reporting the findings to the Planning Authority and securing its written approval for any resultant amendment that may be proposed to the Communications Plan.

*Reason: In order to inform marine users of potential risks to human health in the vicinity of the fish farm.*

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

*Reason: In the interests of public health and in order to ensure that an adequate 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.*

18. The Noise Rating Level attributable to the operation of the approved fish farm operation shall not exceed background noise levels by more than 3dB(A) at any residential property measured and assessed in accordance with BS4142:2014.

*Reason: In order to protect the amenities of the area from noise nuisance*

## **NOTE TO APPLICANT**

- The use of sub-sea anti-predator nets requires consent from NatureScot.
- The applicant shall make the following commitments to SSEN as detailed in MOWI's letter of 12/11/20 Scottish Hydro Electric Transmission plc in relation to their sub sea cable.
- The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APBs) in relation to animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB Tel: 0131 244 3498; Email: [ms.fishhealth@gov.scot](mailto:ms.fishhealth@gov.scot)
- All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence,

or to amend details of an existing marine licence (formally Coast Protection Act 1949 – Section 34 consent), please visit the Scottish Government’s website at <http://www.gov.scot/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing [MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot); or calling 0300 244 5046.

- The Northern Lighthouse Board has recommended the following:  
The site should be marked with 2 lit yellow poles fitted with yellow “x” topmarks;  
The lights should display a character of flash one yellow every five seconds (Fl Y 5s) with a nominal range of 2 nautical miles and be installed above the “x” topmark.  
The poles should be positioned at the Northwestern and Northeastern seaward corners of the cage group.  
Each light should be 1 metre above the site equipment handrails and installed to be clearly seen by vessels approaching from all navigable directions.  
Poles should be greater than or equal to 75mm diameter, the “x” topmark should be greater than or equal to 75cm length by 15 cm width.  
The feed barge should exhibit an all-round fixed white light with a nominal range of 2 nautical miles from a point at least 1 metre above any other obstruction.  
A weekly check of the site’s marking equipment shall be performed, and records kept of its physical and working status for audit purposes.  
outlying anchor points should not be marked with buoys, unless specifically requested by local users, and alternative means to locate anchors should be utilised.  
Loose floating lines around site equipment are strongly discouraged as this can cause serious safety implications for other mariners.  
Upon completion of the works, ‘as-built’ plans should be provided to the UK Hydrographic Office to enable the update of navigational publications.
- In the event of an escape, the company should liaise with Argyll and Bute Council’s Environmental Health service.

<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>20/01345/MFF</b>
<b>PLANNING LAND USE AND POLICY ASSESSMENT</b>	

## 1. Introduction

The proposed fish farm is located in the Kilbrannan Sound at a distance of c.175m from the shoreline, 11km to the north of Carradale, 800m north of Cour Bay and approximately 1km south of Crossaig. The proposal would comprise 12 no. 120m circumference pens arranged in a 2 x 6 grid supported by a 75m mooring matrix and a feed barge (450 tonnes). The feed barge would be located at the middle of the grid between the pens and the land. The submerged nets will be 12 metres deep and the pole supported top nets will be 5-5 metres high. The site would be serviced from the existing shore base at Carradale.

## 2. Planning Policy

The Development Plan for the determination of this planning application comprises National Planning Framework 4 (NPF4), adopted February 2023, and the Argyll and Bute Local Development Plan, adopted 2015. NPF4 is based around six overarching spatial principles which the proposed development should align with. These are:

- Just transition;
- Conserving and recycling assets;
- Local living;
- Compact urban growth;
- Rebalanced development;
- Rural revitalisation.

Not all of these principles will be relevant to every development and in relation to the current proposal it is considered that just transition, rural revitalisation, local living and rebalanced development would apply. In terms of rural revitalisation, NPF4 supports development that helps retain and increase the population of rural areas in Scotland.

The following NPF 4 policies are considered relevant to the proposal:

Policy 1 – Tackling the Climate and Nature Crises – This policy requires significant weight to be given to the global climate and nature crises.

Policy 2 – Climate Mitigation and Adaptation – This policy aims to promote and facilitate development that minimises emissions and adapts to climate change.

Policy 3 – Biodiversity – This policy seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks through nature based solutions. NPF 4 explicitly advises that part (b) and (c) of this policy do not apply to aquaculture developments.

Policy 4 – Natural Places – This policy aims to protect, restore and enhance natural assets making best use of nature based solutions.

Policy 7 – Historic Assets and Places – This policy seeks to protect historic environment assets and places/

Policy 12 – Zero Waste – This policy encourages, promotes and facilitates development that is consistent with the waste hierarchy.

Policy 23 – Health and Safety – This policy seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

Policy 25 – Community Wealth Building – This policy seek to encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels.

Policy 29 – Rural Development – This policy encourages rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

NPF4 also contains 33 policies a number of which will apply to marine fish farms, however, prime policy for aquaculture is Policy 32. This policy seeks to “encourage, promote and facilitate aquaculture development and minimise any adverse effects on the environment including adverse impacts”. This policy seeks to achieve new aquaculture development in locations that reflect industry needs and considers environmental impacts, producers who contribute to communities and local economies, prosperous finfish, shellfish and seaweed sectors while safeguarding migratory fish species.

In order to safeguard migratory fish species, this policy does not support further salmon and trout open pen fish farms on the north and east coasts of mainland Scotland. The policy also requires proposal to accord with the LDP, National Marine Plan and where relevant the Regional Marine Plan. The policy then goes on to define the operational impacts which require consideration along with potential impacts which need to be assessed and mitigated.

Policy 32 also clarifies that where open water farmed finfish are being considered the requirements of policy 3b and 3c are not required and instead the relevant provisions from the National and Regional Marine Plans should apply. Policy 32 requires the consideration of a set of criteria which are similar to those covered the LDP aquaculture policy. These criteria are considered in full below under the Council’s LDP aquaculture policy.

Policy 1 (Sustainable Places) of NPF4 requires that when considering development proposals significant weight is given to the global climate and nature crises. The EIA supporting this application considered the environmental consequences of this proposal and concludes that the proposed development at the scale proposed could operate with a minimal negative impact on the environment subject to the adoption of identified mitigation.

The proposal benefits from general support from the Scottish Government’s National Marine Plan and from NPF4 which together recognise the contribution of the aquaculture sector to the rural economy and which seek to support sustainable economic development. The National Marine Plan and NPF4 both support marine fish farming where it can take place in environmentally sustainable locations, where it does not exceed the carrying capacity of the water body within which it is to be located, and where it does not give rise to significant adverse effects upon nature conservation, wild fish, historic environment or other commercial or recreational water users.

LDP Supplementary guidance SG LDP AQUA 1 – Aquaculture Development provides a general framework against which fish farm applications should be considered, along with other relevant LDP policy and SG.

The following Local Development Plan provisions are applicable to this development:

Policy LDP STRAT 1 – Sustainable Development supports the presumption in favour of sustainable economic development established by Scottish Planning policy and lends weight to aquaculture developments unless there are environmental considerations which outweigh this presumption.

Policy LDP DM 1 – Development within the Development Management Zones – Land adjacent to the site is designated as ‘countryside’ zone.

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment – seeks to control development in a manner which protects, conserves or where possible enhances the built, human and natural environment.

Policy LDP 5 – Supporting the Sustainable Growth of Our Economy – requires regard to be had to economic benefit and the spatial needs and locational requirements of business sectors.

Policy LDP 9 – Development Setting, Layout and Design – requires that regard should be had to the setting of developments, the sensitivity of the receiving environment and the need to secure appropriate forms of scale, design and appearance.

Supplementary Guidance SG LDP AQUA 1 – Aquaculture Development stems from

Policy LDP 5 which identifies aquaculture as a key economic sector in Argyll & Bute. It sets out criteria against which the locational and operational characteristics of a development require to be assessed. Proposals are to be supported if direct, indirect or cumulative significant effects are avoided, or adverse effects can be minimised or mitigated by operational measures.

Whilst not part of the Development Plan, the Council as a public body is required to take authorisation decisions in accordance with the National Marine Plan (NMP) as the proposal extends into the marine environment, unless relevant considerations indicate otherwise. The proposal should be consistent with general policies of the NMP including:

GEN 1 – General planning principle;

GEN2 – Economic benefit;

GEN 3 – Social benefit;

GEN 4 – Co-existence – requires consideration that may occur and the likely effect of interaction between inshore commercial fisheries (loss of fishing ground) and marine and coastal recreational activities.

GEN 5 Climate change;

GEN7 – Landscape/seascape;

GEN 9 – Natural Heritage

GEN 10 – Invasive non-native species;

GEN 11 – Marine Litter;

GEN 12 – Water Quality and Resource;

GEN 13 – Noise.



NPF4 Policy 32 refers the National and Regional Marine Plan and notes that proposals will be supported where they comply with the relevant plans. The criteria noted within the NMP policies above are also covered within the Development Plan policies.

Beyond development plan considerations, in determining the application regard has to be had to the Council's Economic Development Action Plan which identifies aquaculture as an important contributor to the local economy, and to national government economic and sectoral policy, the stated intention of which is to seek to expand the finfish sector substantially to meet internal and export demands and to help sustain direct and indirect employment in rural areas. In addition, one of the proposals contained within the Rural Growth Deal for Argyll and Bute relates to a vision for Argyll and Bute to be the leading region for innovation in marine aquaculture in Scotland, UK and globally, by underpinning sustainable, inclusive business growth through investment in world class marine science and technology. This includes a commitment to a Marine Industry Needs Assessment. This study will provide the evidence base for industry needs to inform future investment outcomes and the potential options available to deliver these outcomes. This will assist in identifying the key priorities for Rural Growth Deal investment and where this should be targeted to support sustainable growth of this sector and set out in the business case for consideration and approval by SG.

### **3. Assessment Against Policy Criteria**

Assessment of the proposal in this case will primarily be against the criteria set out in sector specific policies of NPF 4 Policy 32 and SG LDP AQUA1 and other relevant Development Plan policies. There is a requirement to consider the locational and operational characteristics of the development against each of the specified criteria with the presumption that proposals will be supported where:

- Direct, indirect or cumulative significant adverse effects on the criteria are avoided in relation to the locational characteristics of the development (this would be relevant in this case in terms of the impact of the development upon nature conservation designations, for example);
- The applicant can demonstrate that the level of risk of potential impacts on criteria relating to the operation of the site can be effectively minimised or mitigated by appropriate operational measures (this would be relevant in this case to the impact of the operation of the development upon wild fish interests);
- Proposals are consistent with other local and national policies and guidance

The eight development criteria set out in SG LDP AQUA 1 which align with the requirements of NPF4 Policy 32 are reviewed in the sections below along with the consideration of other relevant policies contained within the development plan.

#### **1) Landscape / Seascape and Visual Amenity**

An LVIA has been included within the EIAR. The proposal would introduce a new fish farm in a new location and the implementation of this development may have landscape and visual effects. The LVIA notes that the key issues which could arise from the development include:

- Potential effects on the landscape and seascape character of the Cour, Crossaig and Claonaig areas, as well as the landscape and seascape character of the Arran coastline opposite, from Pirmill to Lochranza;
- Potential effects on the North Arran NSA;
- Potential effects upon the Arran Northern Mountains SSSI;
- Potential effects on nearby settlements and views from habitation;
- Potential effects on views from passing craft within Kilbrannan Sound;
- Potential effects on existing recreation trails and routes passing alongside and in proximity to the coastline both on Kintyre and along the Arran coast;
- Potential compliance, in terms of Landscape and Visual impact, with national, regional and local planning policy as interpreted by the ABC Local Plan and Scotland's National Marine Plan;
- Potential for cumulative impacts with other development and land management in the area.

The development would be located off the east side of the Kintyre peninsula which in landscape terms is characterised within "Landscape Assessment of Argyll and Firth of Clyde" (SNH 1996) as being large scale mosaic of moorland and forestry plantation", with the character of the coastal fringe becoming more intricate and smaller scale with a variety of distinct character areas defined by undulating topography and crenulated coastline. To the east the narrowing of the Kilbrannan Sound and views towards Ailsa Craig are defining landscape features.

The proposed fish farm would be located off a small promontory named Rubha Riabhach which is located beyond a rocky shoreline. The site is theoretically visible to a wide extent from both the north and the south with the views to west curtailed by the promontory. There are clear views from the Kilbrannan Sound and distant views from the Isle of Arran. The EIAR notes that the location of Rubha Riabhach is remote from residential properties and outwith sightlines of adjacent Crossaig and Cour. It is further notes that the coastline of Arran is sufficiently far away to diminish views.

The B842 runs north from Campbeltown to Cloonaig. This is a single track road which moves in and out from the coastline due to topography. In places there are elevated views across the Kilbrannan Sound toward Arran and Ailsa Craig. The road is also designated as long distance cycle path (NCN 78) and core path. The closest dwellings to the proposed fish farm can be found at Cour and Crossaig at distances between 1km and 1.5km.

The site is not located close to or within any landscape designations on the Kintyre side, however, the site lies opposite the North Arran National Scenic Area designated for the scenic quality of the dramatic peaks and its contribution to the landscape setting of the Firth of Clyde and scenic enjoyment of Kintyre. In terms of the adopted Local Plan, the land which would run parallel to the fish farm is designated as countryside.

The EIAR notes that the land and shore in the vicinity of the fish farm does not lend itself to recreational access. There is not promoted access and the shoreline is rocky. The long distance cycle route and core path is set further back at this point with potential views from the north and south approaches.

In terms of landscape impact, five key Landscape, Coastal and Seascape Character Areas with intervisibility to the proposed site, and as identified within the Seascape / Landscape Character Assessment for the Firth of Clyde, the SNH Landscape Character Assessment and key SNH aquaculture guidance, have been used as landscape receptors.

The SLVIA notes that the key seascape and landscape characteristics of the area are the remote and indented coastline, the narrowing of the Kilbrannan Sound and proximity to Arran, where the low hills of Kintyre contrast with the drama of the rugged Arran skyline. The gentle landscape of the area and clustered settlement pattern, with strong links to the sound and rich historical influence, create a landscape with unique character and attraction. The section of coast within the locality contains relatively fewer landscape features than surrounding coastline, with existing industrial infrastructure which impacts upon the positive character of the area.

To aid the evaluation of visual effects, fourteen viewpoints were selected as part of the SLVIA. These are noted below along with their sensitivity and the level of significance:

Viewpoint	Sensitivity	Level of Significance
1. Grogport Old Manse Dun – Scheduled Ancient Monument (SAM)	High	Negligible
2. B842: south;	High	Moderate to Major
3. Cour House (category A listed);	Moderate to High	Moderate
4. B842: adjacent	Moderate to High	With woodland screening No Effect, Moderate to Major with woodland removed.
5. B842: north;	High	Moderate
6. Claonaig slipway;	High	Negligible
7. Claonaig to Lochranza ferry crossing;	High	Negligible
8. Kilbrannan Sound north;	Moderate to High	Moderate to Major
9. Kilbrannan Sound south;	Moderate to High	Moderate to Major
10. Pirnmill Former Free Church beachfront;	High	Negligible
11. Thundergay beach;	High	Moderate
12. Core Path AR81 Coirein Lochan;	High	Moderate
13. Catacol;	High	Negligible

14. Newton Point Viewpoint.	High	Negligible on clear and still days with potentially No Effect at other times.
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The visual effect of the proposal range between No Effect and Moderate to Major. The SLVIA concludes that the most significant visual effects were views from the B842 /NCN Cycle Route 78 / Core Path Campbeltown to Claonaig. Here there were Moderate to Major levels of significance due to the high sensitivity of the viewpoints and the scale of the proposal within the view albeit a passing view on a recreational route.

Viewpoint 4 was assessed as having No Effect prior to intervening forestry being felled. As this forestry has now been felled there will be clear views of the site from this viewpoint. As a result of the felling the applicant's landscape consultant has provided further clarification on this viewpoint. It is noted that this is not a promoted view and it would be experienced both as a passing view and somewhere where people will stop on an informal basis by car or as a rest point for cyclists and walkers. The view which would contain the fish farm cages would be part of a much larger panorama, the majority of which would remain unaffected. The applicant's landscape consultant considers that the removal of the conifer plantation would not change the character assessment or the overall determination of the SLVIA.

The SLVIA has also considered potential cumulative effects with the proposed High Constellation wind farm. This site boundary of the windfarm is located 0.8km to the east of the proposed wind farm and 3.2km to the nearest turbine. Limited intervisibility and presence of existing similar infrastructure between the two developments resulted in a determination of no cumulative seascape and landscape effects, but with potential for cumulative effects during construction phases.

Overall the SLVIA report concludes that

*“the area of proposed development is within an attractive landscape and seascape area, but with detracting factors which lower sensitivity and enable the development of proposals to be undertaken without major adverse effects being encountered. There are key areas of recreational resource, and hotspots of high sensitivity along the Kintyre coast, and within these areas there are higher levels of impact determined, but this is well contained to minimise overall levels of significance. The siting of the proposed fish farm is appropriate to context, maintaining integrity of the key characteristics of the area to sufficient levels. The highly sensitive coastline of north Arran is protected from unduly high levels of adverse effects, with sufficient distance across the Sound and sufficient interest and engagement within the wider landscape and seascape.*

*This SLVIA concludes that, with adherence to mitigation, the proposals conform to the Argyll and Bute Local Development Plan and to wider marine planning guidance, with a good proportion of acceptable levels of impacts within the Cour area.”*

Officers would concur with this view and consider that the seascape, landscape and visual impacts of the proposal would be acceptable in terms of NPF4 policies 4 and 32 and LDP policies AQUA 1, LDP 3, SG LDP ENV 12 and SG ENV 14.

## **2) Isolated Coast and Wild Land**

There are no areas of wild land which would be impacted on the proposal. The proposed fish farm would be located adjacent to land designated as countryside and therefore not adjacent to isolated coast. The proposal does not conflict with the development plan on this issue including NPF policies 4 and 32.

### **3) Historic or Archaeological Sites and their settings**

At the scoping stage of this development Historic Environment Scotland (HES) advised that there were no heritage assets within their remit located within the site area or its vicinity. It was therefore suggested that these issues could be scoped out of the EIAR. However, the Council identified that there may be impacts on the category A listed Cour House and that this should be considered within the EIAR. The assessment concluded that there were no features of cultural heritage importance within 2km of the site. The A listed Cour House is located approximately 1.6km from the proposed site and the EIAR has concluded that there will only be a small proportion of the site visible at an oblique view with only a limited change to the overall view. It was concluded that this would lead to small adverse effects and moderate levels of significance. Due to the location of the farm north of Cour Bay and the screening provided by the headland of Rubha Riabhach officers would concur with this view and are of the opinion that the proposal would not have an unacceptable effect on the listed building or its setting. This view is supported by the HES consultation response to this application which advises that due to the limited visibility in views from Cour House, significant impacts on the setting are unlikely.

In terms of Policy 7 of NPF4, the proposal would not affect any Historic Marine Protected Areas.

Taking account of the above, it is not considered that the expansion of the fish farm in this location would have an adverse impact on the setting cultural heritage assets and therefore the proposal would not conflict with NPF4 policies 7 and 32 and LDP policies LDP 3, LDP 5, SG LDP AQUA 1 and SG LDP ENV 16(a).

### **4) Priority Habitats and Species (including wild migratory salmonids) and designated sites for nature conservation**

NatureScot has advised that the proposal is likely to have significant effect on the qualifying interests of the Ailsa Craig SPA and Endrick Mouth SAC. In these circumstances Argyll and Bute Council, as competent authority, is required to carry out an appropriate assessments in view of the sites' conservation objectives for their qualifying interests. The appropriate assessments are contained within the appendix of this report. The conclusions of this are that, subject to the specified mitigation which are included as proposed conditions, the proposal will not adversely affect the integrity of the sites.

With regard to NPF4 – policies 3 and 4 in relation to impacts upon species or habitats of conservation importance, including sensitive sites, the EIAR concluded that there were no relevant designations near North Kilbrannan, however, two distant protected areas were considered relevant, namely Endrick Water SAC and Ailsa Craig SPA. Both of these sites have been considered in Appropriate Assessments which are appended to this report. Both of these conclude that the proposal can proceed subject to identified mitigation.

The proposal would also be operated in accordance with an Environmental Management Plan (EMP). The aim of the EMP is to ensure that salmonid farming activity, within the Management Area does not result in negative impacts to local salmon and sea trout populations and fisheries. Part of this process commits to improving the understanding of the relationship between farmed salmon production and the health of wild salmonids. This will include the monitoring of lice burdens on wild fish and will include an adaptive management process which takes account of scientific evidence on negative impacts on wild salmonids arising from farming activity. In relation to impacts on the SAC, NatureScot have advised that they are satisfied the planning authority can conclude that appropriate measures are in place to ensure that the farm will not compromise the conservation objectives of the Endrick Water SAC and will not therefore result in an adverse effect on site integrity.

In addition, NatureScot advise that the proposal will not result in any significant impacts on Priority Marine Features.

Subject the requirement for mitigation these policies would not conflict with NP4 policies 3, 4 and 32 and LDP policies LDP 3, LDP 5 and SG LDP AQUA 1.

## 5) Wild Fish Interactions

The EIAR advises that there are four main local rivers that hold salmonid populations within about 15km of the site. These are Skipness River, Claonaig Water and Carradale Water on the Kintyre peninsula and Iorsa Water and Machrie Water on the Isle of Arran. Data shows there has been a general reduction in salmon and grise and sea trout catches with time in the Carradale Statistical District. In the Iorsa Statistical District any trends with time are less clear. It should be noted that the data is affected by a number of factors including the stocking of salmon in Iorsa Water. In 2020 Carradale Water, Iorsa Water and Machrie Water, for which conservation assessments were available, had a salmon conservation grading of 3 meaning that “exploitation is unsustainable therefore management actions required to reduce exploitation” requiring mandatory catch and release. The EIAR further cites the Argyll Fisheries Trust report, Isle of Arran Rivers Project, Phase 2 of 2: Survey of Fish Populations and Habitats 2008/2009 which noted that in western Arran catchment rivers (including Iorsa) salmon fry abundances were generally low. The conclusion of the report stated that “The patch distribution of juvenile salmon is likely to be primarily due to population shrinkage as consequence of low numbers of adult sea returns”. The EIAR therefore concludes that the vulnerability of the salmon and sea trout populations in the catchment area classify this receptor as high sensitivity.

### a) Containment and risk of escapes

#### **Containment following Carradale Escape**

Following the mass fish farm escape in August 2020 during Storm Ellen, MOWI has advised that a detailed root cause analysis was carried out which identified and informed a series of remedial and improvement actions aimed at avoiding future similar events. The escape was caused by mooring line failure at the southern end of the pen group. This was due to abrasion when the feed barge mooring lines came into contact with pen grid mooring lines. The actions identified by MOWI are as follows:

- A review of moorings analysis procedure and the introduction of an independent third party verification process;
- Implementation of a programme to strengthen mooring lines at eight of MOWI's most exposed fish farms prior to winter 2020;
- Increase in the frequency and intensity of sub surface mooring inspections with the most exposed farms receiving one ROV survey every 12 months;
- In combination with sub-surface mooring inspections MOWI have, at their most exposed farming locations, increased the frequency and intensity of physical moorings inspection pre- and post-winter, carried out by specialist moorings support vessels and staff;
- Net and weighting system design at high energy farms has been improved and phased implementation has begun; and
- Development of a dedicated equipment management system allowing a full overview of technical equipment, site maintenance scheduling and servicing is progressing and will be rolled out in due course.

North Kilbrannan would be the first new MOWI fish farm to be subject to these procedures and supporting documents have been submitted covering these issues. A condition is proposed which requires the fish farm to adhere to these requirements.

### **Assessment of the Effects of the Escape on Wild Salmon Populations**

Following the escape of salmon from Mowi Scotland's Carradale North fish farm, Fisheries Management Scotland, alongside Marine Scotland and funded by Mowi, established an investigation and monitoring study to assess the effects of the escape on wild salmon populations. The first phase confirmed that 277 Atlantic salmon of farmed origin (verified through scale reading) were caught in 17 rivers across Scotland and North-West England during the autumn of 2020. The second phase, outlined in a report published by Marine Scotland in December 2022, involved a genetic study of juvenile salmon obtained from rivers in areas of Scotland and England local to where escaped farm raised salmon were caught. The results indicated that hybridisation of farmed and wild salmon following the escape incident in August 2020 was limited to a single juvenile salmon from a total 5,281 wild fish sampled and analysed. Although the single salmon was found to contain aquaculture-derived ancestry, it could not be definitively traced to the escaped fish from the Carradale fish farm.

#### **b) Sea Lice Management**

Sea lice are ectoparasites belonging to the crustacean family. They have a complex life history involving a free swimming stage searching for a host. During subsequent growth phases, they can move around the host and swim unanchored from it. Two species can infect salmon; a salmon specific species (*Lepeophtheirus salmonis*) and to a lesser extent a more generalist species (*Caligus elongates*). The intensity of infection at which sea lice become damaging depends upon the size of fish, the species of sea louse and the residence time of lice to the host.

MSS advise that scientific evidence from Norway and Ireland indicates a detrimental effect of sea lice on wild salmonid populations. As fish farms result in elevated numbers of sea lice in open water and therefore in some circumstances they are likely to have an adverse effect on some populations of wild salmonids, however the magnitude of any such impact in relation to overall mortality is not known. Information from the west coast of Scotland suggests lice from fish farming can cause a risk to local salmon and sea trout. This information can be used to give an idea of the relative risk to salmon and sea trout which is governed, and can be mitigated by a number of factors, in particular the siting of the farm and its ability to effectively control sea lice.

This development has the potential to increase the risks to wild salmonids.

The applicant is aware of these risks and has provided information on the sea lice management strategy used by the company. The location lies outwith the current Farm Management Area (FMA) FMA M-47, but it is expected that this will be extended northwards. The applicant has advised that the three sites will be operated synchronously being stocked at the same time with the same year class of fish and observing a synchronous fallow period. The EIAR contains a chapter in Interactions with Wild Salmonids and Annex 11 contains a Sea Lice Management and Efficacy Statement. The company operates an intervention level of 0.5 adult female lice all year round where cleaner fish are stocked which is more stringent than the Code of Good Practice (CoGP) for fin fish aquaculture. A switch has also been made from average counts across the farm and treatment of the whole farm to a focus on cage by cage interventions at an earlier stage.

Non medicinal methods of controlling sea lice are now favoured with cleaner fish having been used at the Carradale sites since 2018. Physical removal methods using hydrolicers and

thermolicer are also available with several of each system being owned by the company. The company is also able to use freshwater treatments.

The company would also have access to medications for use as bath treatments.

In a consultation response in April 2023, Marine Scotland Science advised that in the most recent production cycle within the Farm Management Area, numbers of adult female sea lice at the applicant's nearby Carradale site had remained below Marine Scotland's reporting levels since stocking in October 2021. Towards the end of the production cycle sea lice levels have risen above the CoGP suggested criteria intermittently.

Wild salmon and trout are priority marine features, and having regard to the division of regulatory responsibilities acknowledged in the National Marine Plan, and as part of its biodiversity duty, the Council in its capacity as Planning Authority must assume responsibility for the consideration of the implications of aquaculture development for the conservation of these species. In considering aquaculture applications, the Council therefore has to satisfy itself that there is both an effective and a consentable sea lice strategy identified, and that there are controls in place to ensure that necessary steps are taken in the event that sea lice levels prove not to be capable of being controlled in a satisfactory manner using the measures identified at the application stage. SEPA are currently in the process of devising a framework which will regulate wild fish interactions but until such time as this is implemented, the planning authority will continue to have responsibility for this issue.

Marine Scotland's Fish Health Inspectorate have the responsibility for regulating the health of fish being produced on the farm, but this responsibility does not extend to the consideration of the effects of fish farming upon wild fish; although Marine Scotland does provide wild fish interaction advice to the Council to inform decision-making. SEPA are the regulatory body responsible for licensing biomass permitted to be held on farms and for the permitted use of chemicals, but the propagation of sea lice into the wider environment from within farms is not currently considered as part of their licensing process.

Marine Scotland's Impacts of lice from fish farms on wild Scottish sea trout and salmon: summary of science, last updated 12 March 2021 states that "In view of uncertainties in available information, it is not a straightforward task to ascribe impact from a single farm to a specific wild salmonid population. When mitigating the risk posed to wild salmon and sea trout from sea lice emanating from salmon farms, an approach is needed that relates control of lice numbers on farms within a specified area to measured lice levels in the environment and estimation of associated risk. Such adaptive management is a useful approach where sustainable development of aquaculture is required."

In addition to the operation of a Sea Lice Management and Efficacy Statement, the applicant will be required to operate the development in accordance with an Environmental Management Plan (EMP). Prior to SEPA taking over the responsibility for regulating this area, this is currently the method by which sea lice are monitored and controlled in the interests of wild salmonids. The aim of the EMP is to ensure that salmonid farming activity within the Management Area does not result in negative impacts to local salmon and sea trout populations and fisheries. The Kilbrannan Sound EMP which covers all of the MOWI fish farms in the FMA states that this will be achieved by:

- monitoring,
- co-operation; and
- adaptive management.



The EMP states that a key goal for the monitoring is to understand the relationship between lice on farms in the Management Area and lice infections (and related mortality) on wild salmonids and this will be achieved through the development of a science strategy that will in four key components. These are monitoring lice infection of wild salmonids, monitoring total lice emissions from farming activity, the production of a lice connectivity model and acoustic tracking studies to map smolt migration pathways.

Since this application was submitted, the applicant has advised that wild fish monitoring has commenced in relation to the Endrick Water SAC in advance of the determination of this planning application in order to establish a base line position pre-development. This will enhance the existing fish monitoring in the water catchment by adding 53 new monitoring locations (on the River Leven, Endrick Water and Blane Water). This is focused on locations where there is no information on wild fish population status. The baseline monitoring programme will extend over a 3-year period with 2023 being year 3. A report on data obtained for year 1 (2021) has already been submitted to NatureScot with the reporting for year 2 (2022) data presently under way. The full 3 years monitoring needs to be completed before conclusions can be drawn, but the monitoring will fill in any gaps in knowledge and provide a comprehensive, catchment wide assessment of the health of wild salmonid populations in the Endrick SAC catchment providing a baseline position to monitor future change against (from all pressures).

In terms of cooperation, the EMP states that the operator will facilitate access for stakeholders to observe farm lice counts. The EMP also commits to information sharing including a summary of lice counts at all stages. There is also a commitment to notify stakeholders should the sites in the Management Area breach CoGP level or the maximum sea lice load for the area exceeds that set out in the Statement of Operation Practice. The EMP also commits the applicant to meetings with stakeholders at least twice per complete production cycle this will also include provisions for discussion on the Endrick Water SAC.

The adaptive management element of the EMP requires the operator to be responsive to evidence of impacts on wild salmon populations from farming activity. Where data generated under this EMP suggests that farming activity in the Management Area is impacting on wild salmonids or leading to elevated risk on SAC salmon populations, the operator shall take all necessary management measures, including, if required, material changes to the operation of farms in order to mitigate those impacts to so far as reasonably possible.

The EMP also contains a requirement for an end of production cycle review meeting. Where monitoring evidence suggests a population regulating effect arising from sea lice, or impacts arising from an escape are identified, appropriate management measures will be agreed. The operator will identify and deploy outcome-focused alternative management actions designed to prevent any such impacts from occurring during the next production cycle. Farms in the area will not be re-stocked until the alternative management actions have been agreed by the parties. If impacts on wild fish are identified over consecutive production cycles, despite management action having been deployed to mitigate those impacts, then further management action will be required. Such management action may include early harvest, reduction in biomass at any appropriate sites or relocation of some production to a different location.

The EMP has been agreed between the applicant and the Argyll District Salmon Fishery Board. Marine Scotland Science has advised the planning authority that the EMP contains all the required components.

Taking account of the above, it is considered that the proposal would accord with NPF4 policies 3, 4 and 32 and LDP policies LDP 3, LDP 5, SG LDP ENV1, SG LDP ENV 2 and SG LDP AQUA 1.

## **6) Ecological Status of Water Bodies and Biological Carrying Capacity**

The site is located within ‘uncategorised’ waters under Marine Scotland’s Locational Guidelines, which indicates better prospects of fish farm developments being acceptable in environmental terms given the open situation, and the depth of water with unconstrained water exchange. SEPA are responsible for controlling water column impacts via its CAR licensing process and have confirmed that compliance with the CAR permit should ensure that the production of fish at this farm will not breach SEPA’s environmental standards for protection of the surrounding seabed and water column.

With regard to NPF4 policy 3, policies 3b and 3c do not apply to open water fish farms. The requirements of policies 3a and 3d have been addressed within the EIAR. In particular, chapter 10 of the EIAR considers the impact on the benthic environment. This concludes that efficient operational practices will keep the organic load to the benthic environment to a minimum. No Priority Marine Features (PMFs) or habitats were identified by video analysis and there are no designations within the predicted area of benthic impact. The modelling undertaken indicated that the proposed development would be sustainable and within the requirements set by SEPA.

SEPA have advised that a CAR licence has been issued for this site, therefore, it is not considered that the proposal would conflict with policy SG LDP ENV 7 which resists development which would have a detrimental impact on the water environment. The proposal would also accord with policy SG LDP AQUA 1 and NPF 4 policies 3 and 32.

## **7) Commercial and Recreational Activity**

The EIAR contains a chapter on navigation, anchorage, commercial fisheries and other non-recreational maritime uses. A fish farm uses up space on the sea that can obstruct or impede the activities of other maritime users. At the pre-application / scoping stage of this proposal MOWI sought the views of the Council, Clyde Fishermen’s Association, the MOD and the Royal Yachting Association. The following non-recreational marine users and activities were identified near North Kilbrannan:

- Kilbrannan Sound is within a Military Exercise Area;
- The nearest port, harbour, marina or slipway is the Claonaig Ferry Terminal approximately 7.2km away;
- There are no ferry routes near North Kilbrannan.
- Fishing effort and relative value of fishing in the area around the proposed site are medium. Most of the fishing effort and value are concentrated over the other side of Arran in the Firth of Clyde.

The impacts on navigation, commercial shipping and fisheries were assessed in the EIAR by accessing publicly available data and through consultation. Commercial shipping was assessed as a low sensitivity receptor due to the low frequency of transits through the area. The location of the farm outwith the main route through the Kilbrannan Sound indicates that the magnitude of impact would also be low. Therefore the overall impact on commercial navigation is assessed as minor.

Recreational shipping has also been assessed as a low sensitivity receptor. Similar to commercial shipping, due to the farm being located outwith the main route through the Sound, the magnitude of impact would also be low. Therefore the overall impact on recreational navigation is assessed as minor.

In terms of commercial fisheries, the key impacts associated with the proposal are identified within the EIAR as being:

- The physical displacement of fishing activity from the area;
- Impacts arising from the depositional footprint of carbon and infeed residues;
- Impacts on navigation and safety arising from additional infrastructure.

Data from Marine Scotland NMPi indicates that most commercial fishing vessels in the area operate in the Firth of Clyde with an average of 14 to 20 vessels operating in the Kilbrannan Sound.

The EIAR concludes that commercial fisheries populations are classified as a low sensitivity receptor in terms of economic value due to the existing low commercially viable marine populations identified. The number of fishing vessels is also low, therefore the overall significance on commercial fisheries is assessed as minor.

The Clyde Fishermen's Association were consulted on this application and have objected on a number of grounds including the loss of fishing grounds to indigenous fishermen. They contend that this particular area will take away safe fishing grounds for prawn fishing.

The Council's Marine and Coastal Policy Officer has noted that ScotMAP data (Oct 2020) shows that the marine area of the farm is of low-medium value for nephrops / crab creel and trawl fishing. She has further noted that the moorings area which would extend to 30.6 ha might interact with fishing activity and could be considered significant, however it was concluded that no significant environmental effects were considered likely in relation to risk to navigation and anchorages and other marine users.

The MOD were consulted through the EIAR process and advised that there were no objections regarding this activity in the location specified.

Taking account of the above, it is considered that there may be some impacts on commercial fishing, taking account of the conclusions of the EIAR and consultation responses, it is not considered that these would be of a significance that would provide a sustainable reason for the refusal of the application.

It is therefore considered that the proposal would accord with the development plan on this issue, namely NPF4 policy 32 and LDP policies LDP 5 and AQUA 1.

## **8) Amenity issues arising from operational effects (waste, noise, light and colour)**

The EIAR contains a chapter which considers noise. Potential receptors to noise impacts were identified within a 1km buffer from the proposed farm site. No high sensitivity receptors were identified and potential receptors included occasional walkers associated with the coastline, recreational users (boats/kayakers) and fishing boats. Other marine users include yachts and power boats. No stationary receptors were identified. The receptors were assessed to be of low sensitivity and the magnitude of the impact was assessed to be minor resulting in an overall minor impact.

The EIAR contains a Chapter on waste management (non-fish). This details the nature of waste generated at a fish farm and classifies how it is managed. It is noted that waste management processes are currently certified under ISO 14001 which is an environmental management certification. This chapter also states that MOWI is committed to reducing waste

and makes efforts to re-use and repair equipment where possible. Whilst a Waste Management Plan has been submitted as an Annex of the EIAR, a further condition is recommended in order to allow the planning authority to fully consider the applicant's proposals for the storage, separation and collection of waste including proposals for uplift where fish farm equipment has become detached from the site.

The Council's Public Protection service have requested that a condition be applied to require further details of the fresh water supply which will serve the proposed feed barge. The applicant has advised that they would be happy with such a condition and have advised that the proposed feed barge would be of a modern design which will ensure a safe working platform for staff. There will be no provision for overnight accommodation for staff. In terms of welfare facilities and water provision, the feed barge design will include integral water storage tanks which form the basis for freshwater supply needs. Water would be sourced from a land based mains supply and transferred to the barge by bulk container. Additional treatment in the form of appropriate filtration and treatment such as ultraviolet disinfection would also be fitted to ensure the water is wholesome for consumption.

The would not conflict with NPF4 policies 12 and 23 and LDP policies LDP 10, SG LDP SG BAD 1, SG LDP SERV 5b

## **9) Economic Impact**

It is stated that the site would require 10 permanently employed members of staff and potentially seasonal workers during the summer and in the second year of the production cycle. The applicant has advised that the development would also support 68 supply chain jobs within Argyll and across Scotland. An economic impact assessment presented in support of the application assesses that the development will generate wider benefits including an operational annual GVA Impact of £1.2M to the Scottish economy. The assessment concludes that for every pound of investment in the project over a 20-year period, approximately four pounds are returned to the Scottish economy.

The development would be serviced from Carradale Harbour from a new, upgraded shore base facility that the applicant has committed to develop. This would incorporate community benefit elements including a new pontoon for small vessels which would operate on a shared community use basis. The proposed shore base would be in a prominent location within Carradale harbour with extensive works having been undertaken to remediate significant quantities of historic waste deposits from the land offering further opportunities for the renovation and use of historic harbour buildings as part of the shore-based development.

It is considered that the proposal would have a positive economic impact in the local and wider area in accordance with NPF4 policy 25 and LDP policies LDP 5 and SG LDP AQUA 1.

## **4. Effects of Fish Farm Medication on Human Health**

A number of representations associated with this planning application have raised concerns about adverse effects of fish farm medications on wild swimmers. This issue arose after the submission of the planning application and did not form part of the EIAR. Human health is a specified criterion within the EIA process. The determination of this application has incurred a significant delay due to information being requested on this topic. A report was commissioned by the Scottish Salmon Producers Organisation (now Salmon Scotland) and submitted by the applicant. This report produced by WCA was advertised as supplementary information to the EIA. The objective of the report was to assess the potential health risks to open water swimmers in the vicinity of fish farms in Scotland in relation to medicinal treatments applied

for the control of sea lice on salmon. The report has considered three substances, namely azamethiphos, deltamethrin and hydrogen peroxide.

Medicinal sea lice treatments using known amounts of the substances are carried out in one of two ways:

- Bath treatments in-situ. By enclosing the pen in question fully with a large tarpaulin. The net is lifted to gently crowd the fish together in the smallest safe volume. The tarpaulin is passed underneath the net and pulled up around the pen above the water level. When the fish are totally enclosed in the tarpaulin, treatment can begin. Once the treatment is completed the tarpaulin is removed and the treatment water released into the sea.
- Fish may be treated in tanks on board specialist wellboats. Following treatment, the dislodged lice are collected and disposed of, then the treatment water is released into the sea.

With regard to azamethiphos and deltamethrin the report concludes that the concentrations used to treat fish are safe for open water swimmers, even before dilution and dispersion occurs in open waters. However, for hydrogen peroxide there is a risk associated with the concentrations of hydrogen peroxide used in the fish treatment paths, therefore, characterisation of dilution and dispersion are likely to be required to be taken into account to demonstrate that discharges of hydrogen peroxide are safe for open water swimmers.

NHS Highland were consulted on the WCA report and did not provide a definitive response however they confirmed that they did not object to the proposal. As an extra precautionary measure a condition is proposed requiring the company to provide a Communications Plan to advise water users when bath treatments are in use at the farm. This also requires the production of a Monitoring Plan to investigate the dispersal and dilution of Hydrogen Peroxide following its use in bath treatments on the site and the use of these findings to review and update the conclusions the Communications Plan.

Subject to the imposition of this condition it is considered that the proposal would comply with NPF4 Policy 23 which seeks to protect people and places from environmental harm and mitigate risks arising from safety hazards.

## **Appendix B**

### **HABITATS REGULATIONS 'APPROPRIATE ASSESSMENT' HABITAT DIRECTIVE 92-43-EEC THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED**

#### **Endrick Water Special Area of Conservation**

##### **Purpose of the designation**

The Habitats Directive aims to conserve biodiversity by maintaining or restoring species to favourable conservation status. The Endrick Water was classified as a Special Area of Conservation for three species of freshwater fish in 2005. The primary qualifiers for this site are brook lamprey (*Lampetra planeri*) and river Lamprey (*Lampetra fluviatilis*). Atlantic salmon (*Salmo salar*) are a secondary qualifier for this site. Neither brook nor river lamprey will be impacted by the proposal.

The purpose of the designation is to avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- Population of the species, including range of genetic types for salmon, as a viable component of the site;
- Distribution of the species within site
- Distribution and extent of habitats supporting the species;
- Structure, function and supporting processes of habitats supporting the species;
- No significant disturbance of the species.

##### **Consequences of the designation**

In circumstances where European Protected Species could be subject to significant effects as a consequence of development proposals, the competent authority, in considering whether development should be consented, is required to undertake an 'appropriate assessment' to inform its decision-making process, on the basis that where unacceptable effects are identified, or in cases of 'reasonable scientific doubt', then permission ought not to be granted.

An 'appropriate assessment' is required to be undertaken in cases where any plan or project which:

- (a) Either alone or in combination with other plans or projects would be likely to have significant effect on a European site designated for nature conservation; and
- (b) Is not directly connected with the management of the site.

It is considered by NatureScot that the proposal is likely to have a significant effect on the Atlantic Salmon qualifying interest of the site. The proposed site lies approximately 70km to

the south-west of the boundary of the SAC as the crow flies. However, wild salmonids and Atlantic salmon smolts emigrate through the Firth of Clyde. As a consequence, Argyll and Bute Council has conducted an 'appropriate assessment', as per the Conservation (Habitats and C.) Regulations 1994 (as amended), having regard to the anticipated effects of development and the conservation objectives for the site's qualifying interests. This assessment is detailed below.

## **Characteristics of the development**

The proposal is for the equipping and operation of a marine fish farm with farmed fish to be contained in 12 pens, comprising nets supported from flotation rings secured to a mooring grid with associated feed barge. The proposal is likely to have a significant effect on the Atlantic salmon feature of the Endrick Water SAC due to:

- The risk posed as a result of the potential impacts of sea lice on Atlantic salmon smolts emigrating through the Firth of Clyde; and
- Genetic introgression should farmed Atlantic salmon escape into the wild.

## **Assessment**

It is not considered that there would be any impact on the brook or river lamprey interest of the SAC.

The assessment considers the impact of the proposals on Atlantic salmon and has regard to the applicant's submitted information in support of the planning application, and to consultation advice provided by NatureScot.

NatureScot has raised concerns about the submitted proposal on the basis that the operation of the farm, as envisaged by the applicants, could in their view affect the qualifying interests of the SAC. They object to the proposal due to the potential impact on the SAC unless it was subject to conditions requiring operation strictly in accordance with the proposed mitigation measures.

The site is some 70km from the SAC and will have no direct impact on the boundaries of the SAC. However, it could impact on the qualifying interest of the Atlantic salmon, including smolts, as they travel through the Firth of Clyde.

The site will generate sea lice which would disperse in the wider Firth of Clyde. The greater the level of lice, the greater the potential impact on the qualifying interests within the Firth of Clyde. An escape of farmed fish has the potential for interaction with wild salmonids within the Firth of Clyde.

NatureScot has advised that extensive literature exists which demonstrates the negative impacts of aquaculture derived sea lice on early marine survival of post smolt Atlantic salmon (and sea trout which may stay in the Clyde all year) and proximity of marine fin fish aquaculture units.

The Atlantic salmon qualifying interest of the Endrick Water SAC was in an unfavourable condition (both for juvenile and adult fish) in 2005 and 2011 as evidenced by Site Condition Monitoring. Assessments carried out by Marine Scotland Science determined that for 2019, the Endrick Water SAC met the criteria for inclusion in category 2 (where the population has a 60 to 80% probability of meeting its conservation limit and may require management action to reduce exploitation).

The rod catch for the whole of Scotland, which is frequently used as a proxy for population trends, showed that the 2018 rod catch was at its lowest levels since records began in 1952. Atlantic salmon both nationally and within the Endrick Water SAC, are therefore considered to be vulnerable.

Atlantic salmon are anadromous and undertake extensive migrations between freshwater and marine habitats. Smolt migration is associated with high mortality and is thus considered a critical life stage in the Atlantic salmon life history. Currently only about 5% of smolts who make the journey return to freshwater as adults.

Smolts originating from the Lomond catchment (which includes the Endrick Water SAC) and the Clyde catchment (which includes the rivers Clyde, Gryffe, Black Cart Water and White Cart Water) migrate to their oceanic feeding grounds in the Norwegian Sea and West Greenland via the Inner and Outer Clyde. This means that these fish will pass through the main channel and southward past the east coast of Bute and the island of Little and Great Cumbrae (possibly including the Fairlie Roads) as they pass into the Arran Basin and outer Firth of Clyde.

Nature Scot further advise that whilst they do not know the exact migration route of Atlantic salmon post smolts emigrating from the Endrick Water SAC, there is potential for them to pass through lice dispersion plumes emanating from the proposal.

NatureScot advise that the proposal would not adversely affect the integrity of the SAC as they consider that short term elevated lice levels would not compromise Conservation Objective 1: *'Population of the Species, including range of genetic types for salmon, as a viable component of the site'*. However, persistent elevated lice levels recurring during periods of the smolt run could, in the long term, compromise this conservation objective.

NatureScot has advised that MOWI's revised EMP (December 2020) in combination with suggested planning conditions would provide Argyll and Bute Council with an enforceable framework to ensure that any elevated risk to the Endrick Water SAC as a result of this proposal could be identified and mitigated thus ensuring that any adverse effect on the integrity of the site would be avoided. In addition to adherence to the EMP process, managing risk to the Endrick Water SAC qualifying feature can be further mitigated by full adoption of the current Scottish Technical Standards and embedded best practice to mitigate the risk of equipment failure and subsequent farmed salmon escapes.

**Recommended mitigation to be secured by planning condition, should permission be granted.**

NatureScot advise that on the basis of the appraisal carried out to date, if the proposal is carried out strictly in accordance with the revised EMP, it is concluded that the proposal would not adversely affect the integrity of the Endrick Water SAC:

1. Under the revised EMP, the applicant will undertake a programme of wild fish monitoring to measure levels of sea lice infestation pressure on wild salmonids in coastal waters within a zone of 30km from the Management Area (section 5.1 of the EMP). For the avoidance of doubt, NatureScot recommend that a planning condition is applied to any consent that states that the site is not stocked until the monitoring plan has been agreed, including a requirement to monitor the juvenile salmon population.



2. The applicant will keep a weekly record of estimated total lice emissions which will be used to calculate a 'lice load' in the Management Area (section 5.2 of the EMP).
3. The applicant will carry out sea lice dispersion modelling as part of the plan. This will be used to guide the monitoring strategy (section 5.3 of the EMP).
4. The applicant will work with the Argyll District Salmon Fishery Board to design an appropriate acoustic tracking study which aims to address information gaps associated with the migration of salmon smolts (section 5.4 of the EMP).
5. An additional monitoring programme will be designed and implemented to produce data on the health of wild salmonid populations in the Endrick Water SAC (section 5.6 of the EMP).
6. The EMP commits the applicant to meet with stakeholders at least twice per production cycle. Meeting will be scheduled to take place prior to the wild smolt migration periods and one meeting to be held at the end of the production cycle (section 6.3 of the EMP). In addition to this, we recommend that as part of the end of cycle review, the site will not be restocked until the review has been agreed by Argyll and Bute Council in consultation with NatureScot.
7. The applicant will adhere to the Scottish Technical Standard for aquaculture equipment to reduce the risk of equipment failure and the subsequent occurrence of any significant escape of farmed salmon escapes.

## **Conclusion**

The potential impacts of the development in relation to the conservation objectives cited in the SAC designation have been considered in the light of the above and it has been concluded that with identified mitigation measures in place the impacts arising from the operation of the development as proposed, in combination with the operation of other farms nearby will not have a significant impact upon qualifying interests, and accordingly there is no reason to withhold permission on European nature conservation grounds.

## Appendix C

### **HABITATS REGULATIONS 'APPROPRIATE ASSESSMENT' HABITAT DIRECTIVE 92-43-EEC THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED**

#### **Ailsa Craig Special Protection Area**

##### **Purpose of the designation**

The Habitats Directive aims to conserve biodiversity by maintaining or restoring species to favourable conservation status. The Ailsa Craig Special Protection Area (SPA) was classified 25<sup>th</sup> April 1990 and extended 25<sup>th</sup> September 2009. It covers the Ailsa Craig Island and approximately 2km into the marine environment, including the seabed, water column and surface. It has a qualifying interest by regularly supporting populations of migratory species namely; northern gannet (*Morus bassanus*) and lesser black-backed gull (*Larus fuscus*). It also has a qualifying interest as it regularly supports in excess of 20,000 individual seabirds including common guillemot (*Uria aalge*), black-legged kittiwake (*Rissa tridactyla*) and herring gull (*Larus argentatus*).

The purpose of the designation is to avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained:

- Population of the species as a viable component of the site;
- Distribution of the species within site;
- Distribution and extent of habitats supporting the species;
- Structure, function and supporting processes of habitats supporting the species;
- No significant disturbance of the species.

##### **Consequences of the designation**

In circumstances where European Protected Species could be subject to significant effects as a consequence of development proposals, the competent authority, in considering whether development should be consented, is required to undertake an 'appropriate assessment' to inform its decision-making process, on the basis that where unacceptable effects are identified, or in cases of 'reasonable scientific doubt', then permission ought not to be granted.

An 'appropriate assessment' is required to be undertaken in cases where any plan or project which:

- (a) Either alone or in combination with other plans or projects would be likely to have a significant effect on a European site designated for nature conservation; and
- (b) Is not directly connected with the management of the site.

It is considered by NatureScot that the proposal could affect the qualifying interests, except for kittiwake, of Ailsa Craig SPA. The proposed site lies approximately 50km to the north west of the boundary of the SPA. However, this is within the mean maximum foraging range for birds identified as the qualifying interest of the SPA. As a consequence, Argyll Bute Council has conducted an 'appropriate assessment', as per the Conservation (Habitats and C.) Regulations 1994 (as amended), having regard to the anticipated effects of development and the conservation objectives for the site's qualifying interests. This assessment is detailed below.

### **Characteristics of the development**

The proposal is for a new Atlantic salmon marine fish farm located in the Kilbrannan Sound off the east coast of Kintyre north of Cour Bay. The development comprises 12 no., 120 metre circumference pens arranged in a 2 x 6m regular grid with associated moorings to the sea bed.

NatureScot advise that the site is located within the mean maximum foraging range of the qualifying features of the Ailsa Craig SPA which are: breeding seabird assemblage, gannet (breeding), common guillemot (breeding), herring gull (breeding), kittiwake (breeding) and lesser black-backed gulls (breeding). Furthermore for gannets, kittiwakes, lesser black-backed gulls and guillemots, the proposal is within their mean foraging distance (plus one standard deviation) from Ailsa Craig SPA.

NatureScot advise that the potential pathways for marine birds in relation to finfish farms are:

- 1) Entanglement or entrapment in top, cage or antipredator netting or in any nets deployed to recapture stock in event of escape;
- 2) Disturbance in the vicinity of the farm and / or associated vessels;
- 3) Direct displacement from the farm footprint; and
- 4) Loss of or damage to prey-supporting habitats in the vicinity of the farm and / or as a consequence of export of organic materials or chemicals from the farm site.

### **Assessment**

All of the qualifying features of the Ailsa Craig SPA are within their mean maximum foraging range of the proposal which sits approximately 50km from the SPA. Furthermore, for gannets, kittiwakes, lesser black-backed gulls and guillemots, the proposal is within their main foraging distance (plus one standard deviation) from Ailsa Craig SPA.

NatureScot's assessment focuses on those qualifying features which NatureScot identified as a likely significant effect (LSE) during the screening / scoping stage: northern gannet, herring gull, lesser black-backed gull and guillemot. No LSE is anticipated for kittiwake.

In the context of the overall foraging range available to the qualifying species, NatureScot advise that it is unlikely that disturbance (impact pathway 2), displacement (impact pathway 3), or loss of habitat (impact pathway 4) as a result of

the proposal would result in any likely significant effects for the qualifying features of the SPA. NatureScot's assessment therefore focuses on the potential for entanglement or entrapment in netting associated with the fish farm.

NatureScot have provided a summary table on their assessment on the qualifying features of the Ailsa Craig SPA which is shown below:

	Ailsa Craig SPA				
	Gannet	Herring gull	Lesser black-backed gull	Common guillemot	Kittiwake
Likely significant effect?	Yes (TP)	Yes (TP)	Yes (TP)	Yes (SSN)	No
Adverse effect on site integrity?	<b>Possible</b>	No	No	No	No
Need for immediate notification	Yes	Yes	Yes	Yes	Yes

Where TP = top net and SSN = sub-sea predator exclusion nets

NatureScot advises that there are also a number of other bird species which may use the Kilbrannan Sound for foraging or maintenance activities, including breeding road throated divers (an Annex 1 species), as red-throated diver nests have been recorded within 10km of the proposal. In addition to the species within the table above, should there be any other instances of other bird species being entrapped or entangled in netting at the site (e.g. shag, cormorants, sea eagles, diver species) NatureScot would also request to be notified.

In conjunction with the embedded mitigation already proposed by the applicant, NatureScot would recommend that further mitigation is added through adoption of a smaller mesh (ideally 50mm) panels at the base of side nets, as opposed to having 100mm in both ceiling and side panels, as is suggested by the application. This is to reduce the risks to large gull species being entrapped or entangled in netting.

### Gannets

#### Bird Entrapment Incident

In 2019 there was a bird entrapment issue at Carradale Fish Farm. An operational error at the farm resulted in 200mm top nets being installed rather than 100mm. This resulted in the entrapment of a number of gannets and gull species. The fish farm log book was incomplete and contradictory. The incident notes state that there were no fatalities or injuries, however, this conflicted with an account from a member of the public. NatureScot have not been able to verify either account of the entrapment incident and feel that this highlights the need for robust and systematic recording and reporting on entanglement / entrapment events. Once the problem with the net size was identified, it took several weeks for this to be rectified during which more birds became entrapped.

NatureScot have advised that studies indicate that there is a high level of segregation among foraging areas used by gannets from different colonies during the breeding season. As such, it might be expected that the majority of breeding gannets foraging in the Kilbrannan Sound will derive from the Ailsa Craig SPA. Gannets are known to use the Kilbrannan Sound at particular times of year when their food sources are present.

NatureScot contend that there is some confusion within the shadow HRA submitted by the applicant. NatureScot advise that gannets use of the area should be considered as being 'moderate' and the connectivity as being 'high' for this proposal. This is especially the case considering the distance between the proposal and Ailsa Craig SPA is less than half the gannet mean foraging range. The applicant's report also states that "in a worse case scenario low numbers could occasionally be entrapped but experience at the nearby Carradale Fish Farm shows these can be quickly released unharmed". NatureScot have taken issue with this due to the poor record keeping and conflicting reports received by the member of the public.

NatureScot further advise that the influence of ceiling mesh net size on the potential risk to gannets associated with pole mounted top net systems is as yet unknown. The incident at Carradale Fish Farm demonstrates that gannets have attempted to plunge dive through 200mm mesh nets and consequently risked entrapment or entanglement. On theoretical grounds, there may be less risk associated with smaller (in particular 100mm or less) ceiling mesh sizes, assuming that gannets can clearly see the nets and accurately judge their potential to enter cages safely through the mesh. However, there is currently a lack of empirical data against which to assess this.

Given the connectivity with the Ailsa Craig SPA, potential attraction to fish farm cages and apparent entrapment / entanglement risks to gannets posed by pole mounted top net systems, **NatureScot advise a conclusion of likely significant effects (LSE) and possible adverse effect on site integrity (AESI).**

There is currently insufficient information available with respect to the following aspect to enable NatureScot to draw as robust conclusion as to whether there would be an AESI.

- Potential attraction of gannets to fish farms using pole mounted nets;
- Specific risks associated with different configurations of pole mounted nets, including mesh sizes;
- The number of gannets involved in entrapment incidents and the frequency of this occurrence;
- The outcome of entrapment and whether it could indeed / has already led to mortalities in gannets.

The conclusion is also reached because there could be a cumulative effect with the nearby Carradale Fish Farms.

NatureScot advise that any permissions for the use of pole mounted top net systems, irrespective of mesh sizes, should be subject to review, underpinned by systematic monitoring and by requirements for immediate notification in the event of emerging

patterns of entanglement or entrapment of marine birds that might ultimately result in AESI.

#### Herring and lesser black-backed gulls

The origins of herring and lesser black-backed gulls foraging within the Kilbranna Sound are not clear. It is possible that some will be from the Ailsa Craig SPA while some will be from the non-SPA population. There is potential for connectivity between Ailsa Craig SPA and the proposed site and therefore as a precautionary approach, and lacking further information on the gulls' origins, NatureScot assume that a least some of the birds will be from the SPA population.

Gulls' foraging methods include shallow diving from surface or from low altitudes in the air when at sea and searching for food when walking on to the shore or further inland. At fish farms, it is most likely that they would attempt to access food or fish food in cages by perching on cage infrastructure, such as handrails or nets and attempting to push through the mesh. With respect to the more familiar "hamster wheel" top net systems, NatureScot consider that mesh sizes of 100mm may pose relatively high entanglement risk to birds such as gulls and these systems have typically adopted 50mm mesh to reduce this risk. Some pole-mounted systems use smaller (e.g. 50mm) mesh in the lower parts of the side panels, nearest to the handrails, in an attempt to reduce risk of perching birds becoming entangled.

It is possible that some gulls from Ailsa Craig SPA may visit the proposal and therefore NatureScot conclude that there are likely significant effects on both herring gulls and lesser black-backed gulls with respect to the risk of entrapment and entanglement. However, in the context of there being non-SPA populations nearby for herring and lesser black-backed gulls, particularly those more northerly non-SPA populations, NatureScot conclude that it is unlikely that the proposal would have an adverse effect on site integrity. It is however noted that risks to gulls could be further reduced by adoption of a smaller mesh (ideally 50mm) panels at the base of side nets.

#### Guillemot

NatureScot advise that as a diving species, guillemots are potentially susceptible to entanglement from sub-surface nets. Guillemots commonly forage in the area around the proposal and some guillemots in the Kilbrannan Sound are likely to be from the Ailsa Craig SPA. NatureScot advise that there are likely significant effects on guillemots from Ailsa Craig SPA as a result of the potential for entanglement in sub-surface anti predator nets, should they be deployed. However there is unlikely to be an adverse effect on site integrity. It should be noted that the use of sub-sea anti-predator nets requires consent from NatureScot first.

**Recommended mitigation to be secured by planning condition, should permission be granted.**

- a) Operators to maintain daily records of wildlife entanglement / entrapment using a standardised proforma and to submit regular (typically six-monthly) returns to the Local Authority, copied to NatureScot.

- b) Immediate notification by operators to both the Local Authority and NatureScot in the event of any significant entrapment or entanglement of gannet, or any other SPA interests identified as relevant to a particular fish farm (e.g. involving three or more birds of any named species on any one day and / or a total of ten or more birds in the space of any seven day period and / or repeat incidents involving one or more birds on four or more consecutive days); and
- c) Adaptive management approaches should be agreed between the Local Authority and the applicant in consultation with NatureScot.

## **Conclusion**

The potential impacts of the development in relation to the conservation objectives cited in the SPA designation have been considered in the light of the above and it has been concluded that with identified mitigation measures in place the impacts arising from the operation of the development as proposed, in combination with the operation of other farms nearby will not, with identified mitigation in place, have a significant impact upon qualifying interests, and accordingly there is no reason to withhold permission on European nature conservation grounds.

## Appendix D

List of Contributors (as of 5<sup>th</sup> May 2023)

### Representations in relation to 20/01345/MFF

#### Objection

1. Adrian Gooyers No Address Given
2. AHSS Strathclyde Group Tobacco Merchants House 42 Miller Street Glasgow G1 1DT
3. Alan Bell 18 Millburn Gardens Largs KA30 9NF
4. Alex MacCuish No Address Given
5. Alexander Tetley No Address Given
6. Alice Maxwell 29B McKelvie Road Isle Of Arran
7. Alice Mostyn No Address Given
8. Alice Sheepshanks No Address Given
9. Alison Farwell No Address Given
10. Alison Kilpatrick Upper Millhouse Pirnmill Isle Of Arran KA27 8HP
11. Alistair Eason No Address Given
12. Amy Jorgensen No Address Given
13. Andrew Binnie Marchfield Cordon Isle Of Arran KA27 8NQ
14. Andrew Griffiths No Address Given
15. Andrew Holman No Address Given
16. Andrew Rigby Burncliff Shiskine Isle Of Arran KA27 8HD
17. Andrew Wilkinson Kincardine Lodge Lochranza Isle Of Arran North Ayrshire
18. Anita Ford Homelea Newton Shore Lochranza Isle Of Arran
19. Ann Hume Stronach Cottage Douglas Place Brodick Isle Of Arran
20. Ann Turner-Swan 10 The Apostles Catacol KA27 8HN
21. Anna Owen No Address Given
22. Anne Archer Sealladh Breagha Gallanach Road Oban PA34 4PD
23. Anne Fraser No Address Given
24. Anthony Lowes 35A Pembroke Square London W8 6PD
25. Anton' De Piro Flat 3 217 Sussex Gardens London W2 2RJ
26. Archie Cumming No Address Given
27. Austin Thomson C/o Frazer Coogans Solicitors 163 Main Street Prestwick KA9 1 LB
28. Ayr And District Salmon Fishery Board No Address Given
29. Ayrshire Rivers Trust Braeside Burnbrae Lodge Mauchline KA5 5HE
30. Bill Rigby 25 Tentergate Road Knaresborough North Yorkshire HG5 9BG
31. Blue Marine Foundation 3rd Floor South Building Somerset House London WC2 R1LA
32. C L Littlewood No Address Given
33. C Shannon 38 Suffolk Street Helensburgh G84 9PD
34. Callum Stammers-Swan No Address Given
35. Calum Farwell No Address Given
36. Carol Dunn No Address Given
37. Caroline Byrne No Address Given
38. Caroline Younger No Address Given
39. Carrie Frank No Address Given
40. Carys Griffiths No Address Given
41. Caspar Hobbs No Address Given
42. Catherine Anholt Sunflower House Colyton Devon EX24 6HL
43. Catherine M Swan Bramleys Chappel Colchester CO6 2DN
44. Cathy Adkin Strathroy Ontario Canada



45. Cathy Burnett Ard Shonas Lochranza Isle Of Arran KA27 8JF
46. Chris Turner-Swan Craigard Catacol KA27 8HN
47. Christine McKerracher Shepherds Cottage Cour Carradale Argyll
48. Cicely Gill The Yellow Land Whiting Bay Isle Of Arran KA27 8PZ
49. Clare Mostyn No Address Given
50. Clive Meikle 15 Craig Na Gower Avenue Aviemore PH22 1RW
51. Clyde Porpoise CIC 1/1 Allanton Park Terrace Fairlie KA20 0AW
52. Clyde River Foundation No Address Given
53. Colin Burgess Carradale House Carradale Estate Carradale Argyll
54. Colin McKee Aranaigh Skipness Tarbert Argyll
55. Cour Ltd Cour Carradale Campbeltown PA28 6QL
56. D'Arcy Rice No Address Given
57. David Ainsley No Address Given
58. David Bridge Redesdale House Skipness Tarbert Argyll
59. David Burton No Address Given
60. David Maguire Navarre Lochranza Isle Of Arran KA27 8HL
61. David Penn Meadow Cottage Pirnmill Isle of Arran KA278HP
62. David Pilch 9 The Row Catacol Isle Of Arran KA27 8HN
63. David Platt The Craggs Catacol IOA KA27 8HN
64. David Stammers Bramleys Chappel Colchester CO6 2DN
65. Dennis Adkin Strathroy Ontario Canada
66. Dennis Archer Sealladh Briagha Gallanach Road Oban Argyll And Bute
67. Derek McLay 5 Torwood Avenue Larbert FK5 4NG
68. Donald Macneish Shipfield Lamlash Isle Of Arran KA27 \*NB
69. Donna Macpherson No Address Given
70. Doug Chase Tigh Na Traigh Shore Rd Lamlash Isle Of Arran
71. Doug Macpherson No Address Given
72. E McGrigor No Address Given
73. Edward Somerfield No Address Given
74. Elizabeth Nickerson No Address Given
75. Erica Kerr No Address Given
76. Eugene O'Connor No Address Given
77. Fiona Cameron No Address Given
78. Fiona Clarke Tel-El-Kebir Shiskine Isle of Arran KA27 8HD
79. Fiona Jeffery No Address Given
80. Fiona Oakes No Address Given
81. Freda Lewis Stempel 9 Bolingbroke Grove London SW11 6ER
82. Freddie Nickerson No Address Given
83. Friends Of Millstone Point Alba East Drive House Kinneil Lamlash Isle Of Arran
84. Friends Of The Sound Of Jura No Address Given
85. George Nickerson No Address Given
86. George Wilder No Address Given
87. George Young No Address Given
88. Giles Taylor No Address Given
89. Gill Bates No Address Given
90. Gord Macpherson No Address Given
91. Gordon Donaldson 52 Sweeney court Ardrossan KA22 8GY
92. Greg Attwood No Address Given
93. Grogport Residents No Address Given
94. Hamish Hunter No Address Given
95. Harry Nickerson Cour Ltd
96. Harry Walker Address Not Provided
97. Hazel Swan No Address Given
98. Hazel Yabsley 5 Wedmore Road Hitchin Herts SG4 9JH
99. Heather Allman Kilbrannan View Grogport Carradale Campbeltown

100. Helen Margaret Watson Cheyne No Address Given
101. Helen Mostyn No Address Given
102. Henrietta De Ritter Address Not Provided
103. Henry Page 37A South Parade Oxford OX2 7JN
104. Hilary Swan No Address Given
105. Howard Litton St Columba's Church Isle of Arran Whiting Bay KA27 8PX
106. Hugh Nickerson No Address Given
107. Iain Sanders 30 Urquhart Place Portree IV51 9HJ
108. Isabella Cornwall No Address Given
109. Isobel Neilson No Address Given
110. J Johnstone No Address Given
111. J M Campbell Blairbeg House Lamlash KA27 8JT
112. Jackie Adams No Address Given
113. Jackie Lamond Sperasaig House Cour
114. Jacqueline M Lamond No Address Given
115. James Anderson No Address Given
116. James McEuen No Address Given
117. James Tamlyn No Address Given
118. Jamie Forlan No Address Given
119. Jane MacLean No Address Given
120. Janet Jardine 26 Kilmartin Lochgilphead Argyll And Bute PA31 8RN
121. Jean Platt The Craggs Catacol IOA KA27 8HN
122. Jean Wilkinson Kincardine Lodge Lochranza Isle Of Arran North Ayrshire
123. Jenny Richmond Not Given
124. Jess James Skipness Estate
125. Jo Totty 8 Hillside Terrace Lamlash Isle of Arran KA27 8ND
126. Joanna De Ritter No Address Given
127. Joanna McKay Forbes Barmollach Grogport Carradale Campbeltown Argyll  
And Bute
128. John C Adam Bayview House Pirnmill Isle Of Arran KA27 8HP
129. John Drinkell No Address Given
130. John Ford Homelea Newton Shore Lochranza Isle Of Arran
131. Jonathan Jarrett No Address Given
132. Jonathan Rigby 28 Butterfly Close Pontypridd Wales CF38 1AZ
133. Josh Barker No Address Given
134. Judith Jones Greenhill Torrisdale Campbeltown Argyll And Bute
135. Karen Dixon No Address Given
136. Katharine Mitchell No Address Given
137. Kathryn Wells Lagavullin Mill Whitehouse Tarbert Argyll
138. Katy Penn Meadow Cottage Pirnmill Arran KA27 8HP
139. Kenneth Borton No Address Given
140. Krystyna Gruszecka Windygowl Lochranza Isle Of Arran KA27 8JF
141. Lally Mostyn No Address Given
142. Laurence Anholt Sunflower House Colyton Devon EX24 6HL
143. Lavinia Gibbs Dougarie Lodge Dougarie Isle Of Arran KA27 8EB
144. Leah Battistel No Address Given
145. Lesley Griffiths No Address Given
146. Lizzie Adam Bayview House Pirnmill Isle Of Arran KA27 8HP
147. Loch Lomond Angling Improvement Association 4 Woodside Place Charing  
Cross Glasgow G3 7QF
148. Loch Lomond Fisheries Trust C/o Bell Barr & Company Chartered  
Accountants 2 Stewart Street Milngavie
149. Lucy Kay Elleray Whiting Bay KA27 8RQ
150. Lucy Mostyn No Address Given
151. M A Cape No Address Given

- 152. Maggie Richmond No Address Given
- 153. Malcolm Harle cour farmhouse carradale campbeltown PA28 6QL
- 154. Malcolm MacGregor No Address Given
- 155. Malcolm Ritchie No Address Given
- 156. Marcus Barnett 10-11 Glenthorne Mews London W6 0LJ
- 157. Margaret Somerfield No Address Given
- 158. Maria Jose Velazquez No Address Given
- 159. Mark Hudson Philipston House Winterborne Clenston Blandford DT11 ONR
- 160. Mark Whitaker Ard Shonas Lochranza Isle Of Arran KA27 8JF
- 161. Melissa James No Address Given
- 162. Michael Davis No Address Given
- 163. Michael Scott Trencrom Lundavra Road Fort William PH33 6JJ
- 164. Michal G D Giedroyc No Address Given
- 165. Mike Cobban North Thunderguy Pirmill Isle Of Arran KA27 8HP
- 166. Mike Farwell No Address Given
- 167. Mike Heyworth Glenside East Skipness PA29 6XT
- 168. Naomi Morris No Address Given
- 169. Nathaniel Page Upper Leigh Farm Salisbury SP3 6AP
- 170. Neil Polley The Old Rectory PenSelwood WINCANTON BA9 8LS
- 171. Nelly Nickerson No Address Given
- 172. Nigel Jeffery No Address Given
- 173. Nigel Wells Lagavullin Mill Whitehouse Tarbert Argyll
- 174. North West Angling Trust Fisheries Consultative Council The Barn Skirwith  
Penrith Cumbria
- 175. P W Yates No 2 The Row Catacol Isle Of Arran KA27 8HN
- 176. Paul Bates No Address Given
- 177. Paul Chandler Alba East Drive House Kinneil Lamlash KA27 8JT
- 178. Paul MacLean No Address Given
- 179. Peter Howland Lower Crossaig Skipness Tarbert PA29 6YQ
- 180. Peter McRae 2 North Mains Hill Bathgate EH48 4PF
- 181. Peter Watson 10 Henderson Road Inverness IV1 1SN
- 182. Philip A R James Skipness Farmhouse Tarbert Argyll PA29 6XU
- 183. Philip Mostyn No Address Given
- 184. Philip Turner No Address Given
- 185. R Crum No Address Given
- 186. Rachel Goulding No Address Given
- 187. Rete Macpherson No Address Given
- 188. Richard Salt 3 Brunenburg Way Axminster Devon EX13 5RD
- 189. Richard Stenning No Address Given
- 190. River Stinchar Fishery Board River Stinchar Fishery Board Minuntion Pinmore  
Girvan
- 191. Robert Cowieson Benview Whiting Bay Isle Of Arran KA27 8QT
- 192. Robert L Cumming No Address Given
- 193. Robert Macpherson No Address Given
- 194. Robert Sutcliffe No Address Given
- 195. Robin Barnden No Address Given
- 196. Ronald Fraser 37 Fleurs Road Elgin Iv30 1ta
- 197. Rosie Mostyn No Address Given
- 198. Rosie Ranson No Address Given
- 199. Roy Jones Greenhill Torrisdale Campbeltown Argyll And Bute
- 200. Ruth Attwood No Address Given
- 201. Ruth McLaren Sannox Isle Of Arran
- 202. S A Campbell Blairbeg House Lamlash KA27 8JT
- 203. Sally A Campbell 5 Queen Elizabeth Cottages Furnace PA32 8XX
- 204. Sally Ford Homelea Newton Shore Lochranza Isle Of Arran

- 205. Salmon And Trout Conservation Scotland Second Floor Office 12 Castle Street Hereford HR1 2NL
- 206. Sarah Nicholas No Address Given
- 207. Sarah North Mid Thundergay Farm Pirnmill Isle of Arran KA27 8HP
- 208. Sarah Oldham No Address Given
- 209. Scottish And Souther Electricity Networks Per Peter Watson Lead Marine Consents Manager Scottish Hydro Electric Transmissions Plc 10 Henderson Road
- 210. Scottish Creel Fishermens Federation 5 Queen Elizabeth Cottages Furnace Argyll
- 211. Shan Oakes Knaresborough North Yorkshire
- 212. Shannon Clements No Address Given
- 213. Shenac Graham No Address Given
- 214. Sherry Gooyers No Address Given
- 215. Silvia Clements No Address Given
- 216. Simon J Miller Arnburn Arden Argyllshire G83 8RH
- 217. Sue Ash Alba East Drive House Kinneil Lamlash
- 218. Sue Tozer North Thunderguy Pirnmill Isle Of Arran KA27 8HP
- 219. Susan McMillan Manor Farm North Wootton Somerset BA4 4AG
- 220. Sylvie Howland Skipness Tarbert PA29 6YQ
- 221. Tarbert And Skipness Community Council Caol Na Mara Garval Road Tarbert
- 222. The River Doon Fishery Board 46 Dalblair Road Ayr KA7 1UQ
- 223. Tim James No Address Given
- 224. Tim Maxwell No Address Given
- 225. Tom De Ritter No Address Given
- 226. Valerie Wells Redesdale House Skipness Tarbert Argyll
- 227. Venetia De Ritter No Address Given
- 228. Will De Ritter No Address Given
- 229. William McHugh The Gardens Skipness Tarbert Argyll And Bute
- 230. William McKerracher Shepherds Cottage Cour Carradale Argyll
- 231. Wyllie Hume Stronach Cottage Douglas Place Brodick Isle Of Arran
- 232. Zabdi Keen No 2 Coastguard House Kildonan Isle Of Arran KA27 8SD

## Support

- 1. A MacLennan No Address Given
- 2. Alastair Barge Otter Ferry Tighnabruaich Argyll PA21 2DH
- 3. Alistair Iain No Address Given
- 4. Ally Donaldson No Address Given
- 5. Billy Glen No Address Given
- 6. Campbell Mair No Address Given
- 7. Claire Lumley-Holmes No Address Given
- 8. Connor Mays Westlinwind 18 Coast Inverasdale Ross shire IV22 2LR
- 9. Cramanachd Association Alton House 4 Ballifeary Road Inverness IV3 5PJ
- 10. Dale Ferreira Mowi Blar Mhor Industrial Estate Fort William PH33 7PT
- 11. David Goodlad No Address Given
- 12. David Hutchens Mill Road Kilbirnie KA25 7DZ
- 13. David MacGillivray Mowi Fams Office Glen Nevis Business Park Fort William
- 14. Donald Fowler Unit 2 Site 23 Kilmory Industrial Estate Lochgilphead Argyll And Bute
- 15. Donald Waring Admiralty Park Admiralty Road Rosyth Fife
- 16. Ed Ley-Wilson 22 Drummond Road Inverness IV2 4NB
- 17. Eilidh Gray No Address Given
- 18. Eleanor Neilson Wester Inshes Farmhouse Inverness IV2 5BG

19. Finlay Oman 2 Burnside Way Largs KA30 9DL
20. Fiona Ferreira No Address Given
21. Geffrey Back Dorset Cleanerfish Ltd Unit 2 Inner Breakwater Portland Port  
Castletown
22. Graham Smith No Address Given
23. Iain Angus Campbell No Address Given
24. Ian Brodie Caledonia Lodge Tormhor Carradale Campbeltown Argyll And  
Bute
25. Ian Prendergast Unit 2 Inner Breakwater Portland Port Castletown DT5 1PA
26. Jack Comben Units 2 & 3 Inner Breakwater Castletown Portland Port
27. James Deverill EWOS/Cargill Aqua Nutrition Westfield Bathgate Scotland
28. Jayne Mackay Mowi Farms Office Glen Nevis Business Park Fort William
29. Justin Whitford No Address Given
30. Laura Tulip No Address Given
31. Neil Ferguson No Address Given
32. Paddy Campbell Northshore Road Grangemouth Docks Grangemouth FK3  
8UL
33. Phil Nickells Hilton Seafood UK Estate Road 2 Grimsby North East  
Lincolnshire
34. Rebecca Bashir Mowi Farms Office Glen Nevis Business Park Fort William
35. Richard Prickett Unit 1, Inner Breakwater, Portland Port, Dorset,
36. Robert Fairns No Address Given
37. Robert Neilson No Address Given
38. S Mckie No Address Given
39. Sam Clegg No Address Given
40. Sarah MacDonald No Address Given
41. Scott Campbell No Address Given
42. Stephen O'Neill MOWI
43. Stewart Graham 136 Anderson Street Inverness IV3 8DH
44. Warren Harvey The Red Shed Carradale Argyll PA28 6SB
45. Yvonne Booth 45 Camanachd Crescent Fort William PH33 6XZ

## **Representation**

1. Harry Nickerson Cour Ltd
2. M R Jaffa

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**Location Plan Relative to Planning Application:20/01345/MFF**



1:7,500

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

**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**

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**Reference No:** 22/02479/PP  
**Planning Hierarchy:** National  
**Applicant:** Scottish Hydro Electric Transmission Plc  
**Proposal:** Erection of high voltage electricity substation and formation of associated access, landscaping, drainage and means of enclosure  
**Site Address:** Approximately 4km South West of Inveraray, 300m West of Douglas Water and Upslope of the existing An Suidhe Substation, Inveraray, Argyll and Bute

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**DECISION ROUTE**

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
- 

**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Construction of substation platform of 1.3ha
- Installation of Gas Insulated Switchgear (GIS) building, maximum height 22m and single storey control building annex
- 275/33 kV super grid transformer, rated at 120 MVA located in a ventilated building of maximum height 16m
- Two gantries and electrical equipment/down-leads to connect the OHL and proposed substation
- Diesel generator housed in a building
- Borehole for water
- Turning and parking areas
- Use and upgrades to existing 1.7km long forestry track for access
- Construction of new access tracks, 295m long
- Erection of 2.4m high security fence of palisade construction around the substation perimeter
- Erection of deer fencing around new areas of woodland planting
- Landscape planting
- Foul and surface water drainage including Sustainable Urban Drainage (SUDS) pond and outfall pipe.
- Tree felling and compensatory planting

**(ii) Other specified operations**

- Temporary site laydown of approximately 0.69ha
- Undergrounding of the 33kV interconnector cable

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**(B) RECOMMENDATION:**

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

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**(C) CONSULTATIONS:**

**Historic Environment Scotland** (23<sup>rd</sup> January 2023) - no specific comments as the proposal does not affect any heritage assets within their remit.

**Scottish Environmental Protection Agency [SEPA]** (31<sup>st</sup> January 2023) – holding objection and seek further information on proposed watercourse engineering works as it is not clear what is proposed and if it will be consentable under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended)

(4<sup>th</sup> May 2023) – following meetings and discussions with the Applicant, SEPA note that the applicant looks to divert the watercourse running north over the hydro pipeline and connecting it back to its natural cause which would require the creation of a culvert underneath an existing hydro pipeline and access track. It is noted that some of these works would be outwith the currently application development boundary. SEPA are satisfied that the proposed watercourse engineering works are consentable under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended), provided the following planning condition is attached to any decision: no development to commence until confirmation has been obtained that the diversion works have approval by separate planning application

**Transport Scotland** (27<sup>th</sup> January 2023) – no objection subject to the inclusion of planning conditions relating to: a construction traffic method statement, prior approval of the abnormal load route; and signage and temporary traffic control measures.

**NatureScot** – No response at time of writing.

**ARGYLL & BUTE COUNCIL INTERNAL CONSULTATION RESPONSES**

**Local Biodiversity Officer** (7<sup>th</sup> February 2023) – has no objection to the proposal, noting that there are no designated sites within the proposed development. The proposed losses of habitats are of low botanical value with the exception of the broadleaved woodlands and marshy grasslands. However the habitats are also common and widespread within the area and therefore predicted not to be a significant loss. The officer concurs with the mitigation report in relation to ecological, ornithological and the actions to deliver the mitigation. Planning conditions are recommended to include, detailed landscape planting plan, incorporation of the species action plans into the General Environment Management Plan and the production of an Invasive Non-native species management plan.

**Area Roads Officer** (7<sup>th</sup> February 2023) - no objection, subject to a condition requiring site access to be from the A83 Tarbet – Campbeltown trunk road only.

**Environmental Health Officer-** (18 January 2023) - no objections and does not foresee any issues regarding noise impacts given the distance between the proposed site and existing sensitive receptors.

**West of Scotland Archaeological Service** (1<sup>st</sup> February 2023) - agrees with the conclusions contained within the Cultural Heritage section of the EA, and recommends a planning condition for the implementation of a programme of archaeological works.

**Core Paths Officer** – no response at time of writing.

**Inveraray Community Council** – no response at time of writing.

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**(D) HISTORY:**

Specific to the site:

**21/01887/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. An Suidhe Substation, Land north west of Achnagoul, Inveraray, Argyll and Bute. Opinion issued on 3<sup>rd</sup> May 2022.

**21/01639/SCREEN** – Screening opinion for the erection of a 275kV gas insulated switchgear substation. An Suidhe windfarm, Inveraray. Opinion issued on 23<sup>rd</sup> March 2022.

**19/01178/PP** – Temporary change of use of land, ground works, hardstanding and fencing to form works compound, including siting of modular buildings and storage of construction materials and equipment. Land north of Killean House, Inveraray, Argyll and Bute. Planning permission granted 2<sup>nd</sup> September 2019.

Of relevance:

**22/02281/S37** – Install and keep installed approximately 1.34km of realigned 275kV overhead line supported on 6 new steel towers to connect the proposed An Suidhe Substation via down-leads to the existing 275kV Inveraray to Crossaig overhead line. An Suidhe Windfarm, Inveraray, Argyll and Bute. Currently being considered.

**22/01362/SCOPE** – Scoping opinion for proposed Section 36 for Eredine Wind Farm. Eredine Woodland, East Lochaweside, Argyll and Bute. Scoping Opinion issued by Energy Consents Unit on 20<sup>th</sup> September 2022.

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**(E) PUBLICITY:**

MREG20- Regulation 20 Major Application Advert – Expired on 17<sup>th</sup> February 2023.

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

At the time of writing, two public representations have been received by the following parties:

- Raymond Mundie of the Forest Enterprise (2<sup>nd</sup> March 2023), confirm they are the landowner at present and request the removal of sitka spruce, western hemlock and larch in the norther eastern area of the application site to support the Forest Enterprise’s native woodland restoration.
- Strachur and District Community Council (16<sup>th</sup> February 2023) - confirm they have no specific comments to make.

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council’s website.

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) **Environmental Impact Assessment Report:**  Yes  No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:**  Yes  No
- (iii) **A Design or Design/Access statement:**  Yes  No – 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  No

Environmental Appraisal Report  
Planning Statement  
Pre-application Consultation Report

The Environmental Appraisal Report covers the following topics:

- Proposed Development
- Landscape and Visual Appraisal
- Ecology and Ornithology
- Forestry
- Geology, Hydrology and Hydrogeology
- Archaeology and Cultural Heritage
- Noise Assessment
- Traffic and Transport
- Mitigation Proposals

The supporting Technical Annexes includes:

- General Environmental Management Plans
- EIA Screening Letter
- Landscape Assessment Methodology
- Landscape Character Sensitivity Table

- Photomontages and Landscape Figures
- Ornithology Consultation
- Extended Phase 1 Habitat Survey
- Species Protection Plans
- Forestry
- Drainage Strategy and Drainage Plans
- Hydrology Methodology
- Private Water Supply Risk Assessment
- Water Construction Management Plan
- Peat Management Plan
- Peat Slide Risk Assessment
- Transformer Delivery Route Report
- Cultural Heritage Appraisal and Site Gazetteer
- Noise and Vibration

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**(H) PLANNING OBLIGATIONS**

Is a Section 75 agreement required:  Yes  No

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

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**(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.**

**[National Planning Framework 4 \(Adopted 13<sup>th</sup> February 2023\)](#)**

**Part 2 – National Planning Policy**

- NPF4 Policy 1 – Tackling the Climate and Nature Crises
- NPF4 Policy 2 – Climate Mitigation and Adaption
- NPF4 Policy 3 – Biodiversity
- NPF4 Policy 4 – Natural Places
- NPF4 Policy 5 – Soils
- NPF4 Policy 6 – Forestry, Woodland and Trees
- NPF4 Policy 7 – Historic Assets and Places
- NPF4 Policy 11 – Energy
- NPF4 Policy 14 – Design, Quality and Place
- NPF4 Policy 18 – Infrastructure First
- NPF4 Policy 22 – Flood Risk and Water Management
- NPF4 Policy 23 – Health and Safety
- NPF4 Policy 25 – Community Wealth Building

**Annex B – National Statements of Need**

3. Strategic Renewable Electricity Generation and Transmission Infrastructure

**'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 5 – Supporting the Sustainable Growth of our Economy  
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

Local Development Plan Schedules

**'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016 & December 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 13 – Impact on Areas of Panoramic Quality (APQs)  
SG LDP ENV 14 – Landscape  
SG LDP ENV 16(a) – Impact on Listed Buildings  
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 TRAN 1 – Access to the Outdoors  
SG LDP TRAN 4 – New & Existing, Public Roads & 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.**

- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- [Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) - The reporters have written to Argyll and Bute Council regarding the Proposed Local Development Plan 2, which is currently at Examination. Due to the status of the revised draft National Planning Framework 4 the reporters are currently determining what, if any, further processes are required as a consequence. Although PLDP2 remains a material consideration it is now subject to this further assessment **against NPF4 policies**. Therefore, it considered appropriate **not** to attach significant weight to PLDP2 **policies** during this time, i.e. until the consequences of NPF4 **policies** for the PLDP2 have been assessed by the reporters and the Examination report is issued. **Specific sites in PLDP2 that have not received objections and are not being dealt with at the Examination**

may continue as strong material considerations, e.g. allocations and potential development areas.

- Planning Advice Notes & Web based Renewable 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
- 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

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

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

The PAC Report submitted with the application confirms that the public consultation ran for seven weeks from 22<sup>nd</sup> November 2021- 10<sup>th</sup> January 2022 and was designed to engage with stakeholders, the local community, landowners and individual residents. The common themes from the feedback were impact on tourism and local industry, consultation, and cultural heritage impacts.

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**(M) Has a Sustainability Checklist been submitted:**  Yes  No

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

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**(O) Requirement for a pre-determination hearing:**  Yes  No

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 applicant or consultee by 14<sup>th</sup> May 2023, a Hearing will not be required.

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**(P)(i) Key Constraints/Designations Affected by the Development:**

- Ancient Woodland Inventory
- SEPA Flood Zones (Surface Water)
- SPR Paths
- Archaeology

**(P)(ii) Soils**Agricultural Land Classification:

Class 6.3

Peatland/Carbon Rich Soils Classification:

- Class 1  
 Class 2  
 Class 3  
 N/A

Peat Depth Classification:

N/A

Does the development relate to croft land?

- 
- Yes
- 
- No

Would the development restrict access to croft or better quality agricultural land?

- 
- Yes
- 
- No

Would the development result in fragmentation of croft / better quality agricultural land?

- 
- Yes
- 
- No

**(P)(iii) Woodland**

Will the proposal result in loss of trees/woodland?

- 
- Yes
- 
- 
- No

(If yes, detail in summary assessment)

Does the proposal include any replacement or compensatory planting?

- 
- Yes
- 
- 
- No details to be secured by condition
- 
- 
- Not applicable

**(P)(iv) Land Status / LDP Settlement Strategy**Status of Land within the Application  
(tick all relevant boxes)

- 
- Brownfield
- 
- 
- Brownfield Reclaimed
- 
- 
- Greenfield

ABC LDP 2015 Settlement Strategy  
LDP DM 1 (tick all relevant boxes)

- 
- Main Town Settlement Area
- 
- 
- Key Rural Settlement Area
- 
- 
- Village/Minor Settlement Area
- 
- 
- Rural Opportunity Area
- 
- 
- Countryside Zone
- 
- 
- Very Sensitive Countryside Zone
- 
- 
- Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:

N/A

**(P)(v) Summary assessment and summary of determining issues and material considerations**

The proposal is for the erection of a 275kV substation to connect into the recently completed overhead line between Inveraray and Crossaig. 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 energy generation in the area across the wider 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 platform, cut/fill embankments, access road,



associated culverts, Sustainable Urban Drainage System (SUDS) and OHL connecting down-leads and towers.

It is considered that the proposal would accord full with the policies of the development plan and there are no material considerations 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.

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**(Q) Is the proposal consistent with the Development Plan:**  Yes  No

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**(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 development 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 Environmental Management plan [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 the short term from construction but a continued stream of investment assisting with 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 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, and monitoring of construction and operational compliance within the conditions of this permission.

The application can be supported in the context of the Council's Development Plan relating to renewable energy grid infrastructure and the underlying support for renewable energy development which is consented in this area. The application falls within the category of National Development under NPF4 which establishes the need for such development and accords with the principles established under Policy 11: Energy of NPF4. 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 Local Development Plan and National Planning Framework 4 and is acceptable in terms of all other applicable material considerations.

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

N/A

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

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**Author of Report:** Stephanie Wade **Date:** 09/05/2023

**Reviewing Officer:** Sandra Davies **Date:** 09/05/2023

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/02479/PP****Standard Time Limit Condition** (as defined by Regulation)**Standard Condition on Soil Management During Construction****Additional Conditions**

- The development shall be implemented in accordance with the details specified on the application form dated 16<sup>th</sup> December 2022; the Environmental Appraisal (November 2022), supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Location Plan	A01	A01	13/01/2023
Figure 1.1 An Suidhe Substation Red Line Boundary	A01	A01	13/01/2023
Site Layout Plan	4534a-DR-P-0017	Rev.2	19/12/2022
Substation Compound Layout and Electrical Section Locations	4534a-DR-P-0004	Rev.3	13/01/2023
Proposed Site Access Profiles	4534a-DR-P-0021		07/12/2022
Proposed Site Profiles	4534a-DR-P-0018	Rev.1	07/12/2022
Site Access Details	4534a-DR-P-0008	Rev.1	07/12/2022
Typical Access Track Sections – Sheet 1	4534a-DR-P-0007	Rev.2	07/12/2022
Typical Access Track Sections – Sheet 2	4534a-DR-P-0012	Rev.2	07/12/2022
Typical Deer Fence and Gate	4534a-DR-P-0016		07/12/2022
2.5m High Security Palisade Fencing Details	CE/34/2015	Rev.E	19/12/2022
Electrical Layout Elevations 01	4534a-DR-P-0011	Rev.1	07/12/2022
Electrical layout Elevations 02	4534a-DR_P-0013	Rev.2	07/12/2022
Generator Building Elevations	4534a-DR-P-0009	Rev.2	07/12/2022

Generator Building Floor Plan	LT288 An SUIDHE_DIESEL_FLOOR	Rev.1	13/01/2023
Substation Building Elevations	4534a-DR-P-0006	Rev.2	07/12/2022
Substation Building Layout	4534a-DR-P-0005	Rev.1	07/12/2022
Transformer Building Elevations	4534a-DR-P-0019		07/12/2022
Transformer Building Layout	4534a-DR-P-0020		07/12/2022
An Suidhe Septic Tank and Private Water Supply Location		A01	13/01/2023

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

2. No construction works shall be commenced until a Finalised Construction Environmental Management Document [CEMD] has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA and other consultees, as appropriate. The development shall then proceed in accordance with the approved CEMD unless otherwise agreed in writing by the Planning Authority. The CEMD shall include:
- a) An updated Schedule of Mitigation (SM) highlighting mitigation set out within each chapter of the Environmental Appraisal (EA), and the conditions of this consent;
  - b) Processes to control/ action changes from the agreed SM;
  - c) Construction Environmental Management Plans (CEMPs) for the construction phase covering:
    - i) Habitat and species protection, including ECoW Details, surveys and species protection plans;
    - ii) Landscape and Mitigation Restoration Plan including compensatory planting (refer to Condition 9);
    - iii) Pollution prevention and control;
    - iv) Dust management, including construction activity and vehicle movements;
    - v) Construction noise and vibration
    - vi) Temporary site lighting;
    - vii) Watercourse crossings;
    - viii) Site waste management
    - ix) Surface and ground water management, including: drainage and sediment management measures from all construction areas including access tracks, mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring;
    - x) Soil Management and Peat Management Plan
    - xi) Mapping of borrow pits and associated habitats identified for restoration;
    - xii) Invasive Non-Native Species Management 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 include details of:
- a) Approved access routes,
  - b) Agreed operational practises (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, information of wheel cleansing facilities, signage to be installed on the A83 warning of construction traffic, signage or temporary traffic control measures to include for larger or abnormal loads, reporting of verge damage);
  - c) The provision of an appropriate Code of Practice to drivers of construction and delivery vehicles.
  - d) Abnormal load route surveys and finalised plan (including any accommodation measures required including the removal of street furniture, junction widening, traffic management).

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

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

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

*Reason: In order to protect archaeological resources*

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

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

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

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

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

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

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

7. No development shall commence until detailed planning permission has been granted for the watercourse diversion works located outwith the red line development boundary of 22/02479/PP.

*Reason: To ensure that the watercourse diversion works located outwith the red line development boundary for this application are considered in full and permitted by separate planning application, in accordance with SEPA advice.*

8. No development shall commence until full details of the final drainage scheme and watercourse diversion have been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Flood Risk Advisors and SEPA. The approved drainage and watercourse diversion scheme shall be implemented in full and maintained in accordance with the approved details in full, prior to the first use of the development.

*Reason: To ensure satisfactory arrangements for the disposal of surface water are provided and to ensure the watercourse diversion is acceptable.*

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

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

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

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

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

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

11. 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.*

**NOTE TO APPLICANT**

- Guidance on the submission of a request for a Non Material Amendment [NMA] is available online: [Guidance Note](#)
- Details of regulatory requirements and good practice advice can be found on the [regulations](#) section of our website. Any works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended) (CAR) and contact should be made with the SEPA Water Permitting Team at [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk).
- 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.



<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>22/02479/PP</b>
<b>PLANNING LAND USE AND POLICY ASSESSMENT</b>	

## 1. Settlement Strategy

- 1.1. The Development Plan comprises National Planning Framework 4 [NPF4] and the Argyll and Bute Local Development Plan 2015 [LDP], for Argyll and Bute development management purposes. By way of background, in the event of any incompatibility between a provision of NPF4 and a provision of the LDP, NPF4 will take precedence.
- 1.2. The proposal is for the erection of a 275kV substation to connect into the recently completed overhead line between Inveraray and Crossaig. 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 energy generation in the area across the wider electricity network.
- 1.3. NPF4 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, as detailed within NPF4. 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 and reduce environmental effects.
- 1.4. Policy 11 of NPF4 provides an overriding support for enabling works, including grid transmission and distribution infrastructure, where the development maximises net economic impact, together with ensuring the development does not have 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 NPF4 and LDP policies referenced in this report.
- 1.5. It is recognised by the Council that an important infrastructure related issue is renewable energy, where Argyll and Bute’s considerable potential to contribute to national targets is currently being constrained by insufficient grid capacity. The principle of development is therefore consistent with the broad principles of NPF4 Policy 11 having regard to its strategic significance in transmitting electricity from areas of generation to areas of consumption by aiding to the improved grid network.
- 1.6. In terms of the Local Development Plan Settlement Strategy, the application lies within the ‘Very Sensitive Countryside’ development management zone, as defined by Policy LDP DM1 of the Argyll and Bute Local Development Plan 2015. Policy LDP DM1 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) of the Argyll and Bute Local Development Plan 2015; and Policy 11 (Energy) of NPF4.

## 2. Background to the Proposal

- 2.1. 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 energy 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 below:
- 2.1.1. Argyll and Kintyre 275kV Substations – Existing connected substations to the south of Inveraray require upgrading to 275kV capability, and as a result SSEN are proposing a new project involving the construction and operation of new 275kV substations in the vicinity of the existing An Suidhe, Crarae and Crossaig substations, and in the vicinity of Craig Murrail, north of Lochgilphead.
  - 2.1.2. Creg Dhubh – Dalmally 275kV Connection – This project involves establishing a new substation (permitted under permission 22/00782/PP) and a new switching gear station at Glen Lochy, connected by approximately 14km of new overhead line.
  - 2.1.3. Creg Dhubh – Inveraray 275kV Overhead Line - This project involves 8-12km of new overhead 275kV line constructed between the permitted new substation at Creg Dhubh and a connection point on the Inveraray to Crossaig overhead line. It will initially operate 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 Creg Dhubh substation will be removed.
- 2.2. The key drivers for the project are the connection of the Earraghail Windfarm and Tangy IV Windfarm, both due to connect in April 2027.
- 2.3. For the purposes of this report, reference is made cumulatively to the Associated Development which runs concurrently to this application and is being considered under a separate application under Section 37 of the Electricity Act 1989 (ref.22/02281/S37). The s37 application seeks permission for the construction of six new steel lattice towers to support the realignment of the overhead line which will connect to the new substation together with the construction of new tracks; temporary overhead line diversions and the dismantling of seven redundant towers.

### **3. Location, Nature and Design of Proposed Development**

- 3.1. The proposed development is located approximately 4km south west of Inveraray, 300m west of Douglas Water and upslope of the existing An Suidhe substation. The site is located via existing tracks off of the A83. The site comprises recently felled coniferous woodland. The surrounding land is a mix of broadleaved and coniferous woodland plantations with small areas of semi-natural mixed and broadleaved woodland. There are a number of watercourses running through the development site including the Allt Torn a'Challtuinne, which stems south of the Douglas Water. Ancient woodland is located along the eastern boundary of the site. The site includes no other designations.
- 3.2. The site selection process for the substation is detailed in the Environmental Appraisal (refer to section 2.4: Alternatives). This explains that the site selection included an appraisal of operational, technical, health and safety, economic and environmental factors

for each of the potential sites. Of the five sites, there were two identified preferred sites (AS1 and AS2) on the basis of the least potential for environmental and technical constraints. Both sites AS1 and AS2 shared a medium risk in relation to hydrology, geology, designated and non-designated cultural heritage assets, as well as forestry. Site AS1, now the subject of this application, was chosen as it was considered to provide an optimum balance of environmental, technical and cost factors.

- 3.3. The Proposal comprises the creation of a substation platform in the region of 1.3ha to accommodate the Gas-Insulated Switchgear [GIS]. This would be created using cut and fill to create a level platform at 174 AOD. One side of the substation will comprise 275kV GIS, housed in a single storey building with an attached single storey control building annex (approximately 53m x 26m x 22m). The 275/33kV super grid transformer is proposed to be located within a second building (measuring approximately 35m x 30m x 16m). Two gantries and electrical equipment/ down-leads are proposed to be installed to connect the adjacent overhead line to the proposed substation. A further building will house a diesel generator (6m x 2.4m x 3m). All buildings are proposed to be painted in a recessive colour of Olive brown Ral: 8008. The 275/33kV super grid transformer is rated at 120 MVA. Security fencing and landscaping are proposed together with the construction of 295 metres of access track (3.5m wide).
- 3.4. A private water supply will be provided by a borehole and foul and surface water drainage is provided by a SUDs pond, outfall pipe and septic tank. These are required to serve the development with toilet and wash facilities for maintenance staff. Regarding lighting, the proposal will use sensor activated security lighting for night time access.
- 3.5. The use of GIS instead of Air-Insulated switchgear [AIS] is a welcomed design approach as 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.
- 3.6. 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.

## **4. Natural Environment**

- 4.1. The intention of NPF4 Policy 4, is to protect, restore and enhance natural assets, making the best use of natural-based solutions. Policy 4(a) which sets out that development which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Policy 3 of NPF4 seeks to ensure that biodiversity is enhanced through the creation of strengthened nature networks. Policy 11(E-ix) of NPF4 requires developments to demonstrate how any impacts on biodiversity, including impacts on birds are mitigated. At LDP level, 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.
- 4.2. There are no statutory or non-statutory designated ecological sites covering the site itself. The nearest designated site is the Ardchylne Wood Site of Special Scientific Interest (SSSI) which is located 4.9km from the eastern side of the Development. The SSSI is designated for its biological features covering 176.07ha and represents one of the best upland oak woodland in Cowal. 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. These findings are accepted by the Planning Authority, with no HRA Appropriate Assessment being required.

- 4.3. The habitats present across the site have been subject to survey. The majority of the Proposed Development is within commercial coniferous plantation of low ecological and conservation value. There is an area of semi-natural broadleaved woodland, which is of higher ecological importance than the surrounding conifer habitat. The application site itself is of low ecological value due to being recently felled coniferous plantation. The Project does involve the loss of areas of these habitats, however it is considered that as the habitats are common and widespread within the area, the loss is not predicted to be significant. By way of mitigation, the applicant looks to undertake additional planting in line with their Biodiversity Net Gain strategy which sets the target to achieve No Net Loss on all projects gaining consent from April 2020. Habitats which are subject to temporary loss are proposed to be restored by the creation of new parcels of native woodland edge tree/scrub around peripheral parts of the development site, together with species rich grassland/ meadow to be introduced within the site itself and along the access route. A planning condition is recommended to be included on any subsequent decision to agree the final details regarding plant species, numbers and locations within the site.
- 4.4. The proposal will not impact on Ancient woodland located within the surrounding areas. There are no Ground Water Dependent Terrestrial Ecosystems [GWDTEs] or Annex 1 habitats present within the application site. The GWTE habitats identified within the wider area are rain-fed as opposed to being supported by groundwater. No invasive non-native plant or animal species [INNS] were recorded although it is recommended that an INNS Management Plan is sought by condition due to the location and risk of translocation. The applicant has submitted a range of information. Breeding bird surveys undertaken in 2015-2016 recorded a number of species within the area including the UK Red Status Birds of Conservation Concern, Mistle Thrush. No Schedule 1 bird species were recorded at the proposed location.
- 4.5. Ecological surveys found no signs of protected species within the footprint of the Proposed Development, although survey work did find the presence of pine martin scat within 100m from the access track. 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, additional planting, employing an Ecological Clerk of Works [ECoW], undertaking pre-construction survey checks and following species protection plans which feed into the General Environmental Management Plan [GEMP]. 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.
- 4.6. 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) and LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment of the Argyll & Bute Local Development Plan; and Policy 3- Biodiversity and Policy 4- Natural Places and Policy 11(ix) of NPF4.

## **5. Historic Environment**

- 5.1. Policy 11 (E-vii) of NPF4 requires development proposals to demonstrate how they have mitigated against potential impacts on the historic environment and Local Development Plan Policies LDP 3 and SG LDP ENV 16 accord with this provision seeking developments to be assessed against any impact they may have on the historic environment, including scheduled monuments, listed buildings and their settings.

- 5.2. There are no designated heritage assets within the Proposed Development area, however, four category B listed buildings are within a 2km radius - located at 1.2km at the closest point. A setting assessment was carried out for the nearby Old Bridge of Douglas at Claonairigh. The main setting of the bridge was its function as part of the road, which would have serviced the transport of goods and people around the area. It may have been of particular importance to the nearby woollen mill (LB12946) and Claonairigh Laird's House (LB12945). As a Category B Listed Building, the bridge has regional importance, however, the importance of its setting is mainly limited to its relationship with the river, the road which it carried and nearby historic buildings. There is no setting impact anticipated from the proposed development due to distance, topography and the extensive tree cover both around the bridge and in the area between the bridge and substation.
- 5.3. With regards to non-designated assets, walkover surveys identified one asset within the study area, the remains of a post-medieval drystone wall. Three other similar walls were identified along the access route. There is potential for these assets to be impacted by construction works and access track improvements, and mitigation measures include: firstly avoidance of the asset, archaeological exclusion zones of 5m and thirdly recording of any structures required to be removed where the works directly affect the asset. Although the potential for buried archaeological remains to be present is considered to be low, it cannot be discounted and an archaeological watching brief for all ground breaking works is put forward by the applicant. The West of Scotland Archaeological Service agree with the EA conclusions and recommend the inclusion of a planning condition for the agreement and implementation of a programme of archaeological works. Historic Environment Scotland has no specific comments on the scheme.
- 5.4. Having due regard to the above and 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 listed buildings and their settings, and is therefore consistent with the provisions of Policy 11 of NPF4, together with LDP Policies LDP 3 and SG LDP ENV 16.

## **6. Water, Flood Risk, Drainage and Soils**

- 6.1. Policy 11 (E-viii) of NPF4 requires development proposals to demonstrate how they have mitigated against potential impacts on hydrology, the water environment and flood risk.
- 6.2. 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.
- 6.3. The site sits within the sub-catchments of Allt Tom a'Challtuinne to the north west and Allt Garbh to the south which are part of the wider catchment of the Douglas water. The Douglas Water is located 300m east and downslope from the Development. The application site is not at risk of flooding. To protect the water environment from potential construction pollution, the application includes mitigation measures including 50m watercourse buffers for construction works with the exception of watercourse crossings; and the implementation of a Water Construction Environmental Management Plan.
- 6.4. Regarding public and private drinking water catchments within the area, the EA includes confirmation from Scottish Water that the proposal is at a sufficient distance from the intake to be low risk but recommends water quality protection measures are implemented. Regarding the private drinking water catchment supplying Saunach Kennels, the Assessment confirms that the property is supplied by a spring source which is hydrologically disconnected from the development, by the Douglas Water. As outlined

within the Water Construction Environment Management Plan, a water monitoring schedule is proposed to be implemented.

- 6.5. As a result of felling during the construction phase, there may be increased run-off rates during the initial operation of the substation. On-site and off-site compensatory planting for woodland removed for infrastructure and replanting onsite to ensure there is no net loss of woodland area will limit the temporary increase in run-off rates in the medium to long term.
- 6.6. The proposed development includes the creation and improvement of new watercourse crossings for the access track to the site. A planning condition is therefore recommend to ensure that watercourse crossings are to be designed such that post-development channel capacity is the same or greater than pre-development channel capacity. Due to the requirement for the substation groundworks to affect a watercourse lying immediately south, with some of these works for a diversion being outwith the red line development area for this application, SEPA confirm that a planning condition is required to ensure that no development commences for this application, if permitted by Committee, until details of the watercourse diversion have been submitted to and approved by separate planning application. A planning condition is also recommended to agree the final details of the watercourse diversion works located within the development area.
- 6.7. Regarding drainage matters, the proposal will utilise a surface water drainage system of filter drains, leading into a SUDs attenuation basins on site, which has been designed to have adequate capacity to cater for the storage required to attenuate surface water-runoff. The water is to be attenuated and restricted to 33.4l/s before discharge to the watercourse to the west. This accords with the greenfield run-off rate for the site. A planning condition is recommended to review and agree the finalised drainage measures, to include detailed plans. Potable water is to be supplied to the site via the installation of a proposed private water drinking supply. A planning condition is recommended to ensure a full assessment of the supply is undertaken to ensure it is potable, wholesome and in good quantity. Foul water is proposed to be dealt with by the installation of a septic tank, with waste being managed, inspected and drained by a licensed courier with offsite disposal. The septic tank is subject to SEPA registration.
- 6.8. Policy 5 of NPF4 confirms that 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.
- 6.9. The geology and soils for the application site comprise of a mix of Semipelite and Metagarbo rock. Peaty gleys are present across the application site. The site is underlain by Class 5 peaty soil as defined by the Carbon and Peatland Map. Peat depth surveys confirmed depths within the site varying from 0m up to 3.9m. Probes in excess of 2m were confined to lower lying localised pockets to the south west. The development has been designed to avoid any significant areas of deep peat. The permanent access track linking the substation and SUDs attenuation pond to the existing track lies on shallow peat, however one reading of 1.4m depth was recorded.
- 6.10. The proposal and its associated development (22/02281/S37) are estimated to disturb 7,474m<sup>3</sup> of peat. A Peat Management Plan has been submitted with the application outlining the full measures to mitigate potential impacts on peat through the construction

phase. The proposed reinstatement of peat and peaty soils on track and infrastructure verges; and in the vicinity of the original location surrounding the proposed substation is welcomed. The substation hardstanding area and associated earthworks will be dressed with up to 0.5m of peat and peaty soils. The SuDs attenuation pond will be located on peatland. The peat balance calculations demonstrate that there will be a balance in excavation and reuse of peat and peaty soils with no surplus or deficit arising from the development. The Council's Local Biodiversity Officer is content with the conclusions of the Peat Management Plan. No risks have been identified through the Peat Landslide Hazard Risk Assessment.

- 6.11. In summary, the proposed development maintains at least a 50 m set back distance from all watercourses. In addition, 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 the Peat Management Plan and Landslide Hazard Risk Assessment. A condition is recommended to ensure that all works are carried out in accordance with a Schedule of Mitigation and General Environment Management Plan to mitigate against pollution during construction and operation.
- 6.12. 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 Policy 5 and Policy 11 of NPF4.

## **7. Impact on Woodland**

- 7.1. Policy 11 (E-x) of NPF4 requires development proposals to demonstrate how they have mitigated against potential impacts on the trees, wood and forests. 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. Policy 6(d) of NPF4 states that development proposals on site which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site are integrated into the design.
- 7.2. A Woodland Report has been submitted which assesses the felling impact of the Proposed Development within the forest property and provides a compensatory planting scheme. The new development would remove 0.13ha of mixed broadleaves at the north west of the substation platform and at the bellmouth, and 3.73ha of 2/3 year old and 5/6 year old Sitka spruce and pine mix plantation. 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.
- 7.3. The felling areas and compensatory planting areas are considered to fully mitigate the potential impacts of woodland removal by achieving a no net loss of woodland area. The compensatory planting to be undertaken would replace the total area quantity of woodland

removed for the development and cumulatively for the Associated Development of the connecting overhead lines. 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, and would include native planting in place of non-native species in accordance with NPF4 Policy 6(d). NPF4 Policy 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 GEMP that tree protection measures will be installed.

- 7.4. A public representation has been made by the landowner- Forestry Land Scotland- seeking additional clearance of non-native trees to the north of the existing Douglas Water Hydro pipeline. As this is not within the red-line development area, this does not form part of the application consideration. However, it is understood that the Applicant will liaise with the landowner by separate agreement regarding this request.
- 7.5. Subject to the inclusion of planning conditions to ensure that the compensatory planting scheme is implemented together, the proposal is considered to accord with NPF4 Policies 6 and 11, together with Local Development Plan SG LDP ENV 6 – Development Impact on Trees /Woodland; and The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009).

## **8. Impact on Access to the Countryside**

- 8.1. Policy 11(E-iii) of NPF4 requires developments for renewable energy related developments to be assessed against any impact they may have on public access, including impact on long distance walking, cycling routes and scenic routes. It is understood that the Development area is not well used for recreational activity and 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 Policy 11 of NPF4.

## **9. Landscape and Visual Impact**

- 9.1. Policy 11(E-ii) of NPF4 requires development proposals to demonstrate how the development has mitigated against any significant landscape and visual impacts, arising from the proposal. Where impacts are localised and appropriate design mitigation has been applied, the Policy confirms that development will generally be considered acceptable. 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.
- 9.2. 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.



- 9.3. 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 three 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. Viewpoints 1 (0.25km away) and 2 (0.45km away) are both from the surrounding forestry tracks and viewpoint 3 (1.35km away) is from the A83, looking northwest to the site.
- 9.4. The Proposed Development is located within the Plateau Moor and Forest Landscape Character Area. The landscape is typified by upland plateau with rounded ridges, craggy outcrops and irregular slope profile, upland lochs, very few, isolated buildings and extensive, large-scale mosaic of open moorland and forestry. The site itself is within commercial forestry plantation and its immediate visual influence is from the existing infrastructure of the existing An Suidhe substation located 270m to the south and the overhead power lines and towers extending from the existing substation and traversing the surrounding landscape on a north-east to south-west orientation. The operational An Suidhe wind farm is located 3.9km to the north-west, and all these elements are connected by a series of access tracks.
- 9.5. The proposal is not located within any national landscape designations. At regional level the application site is located 1.8km to the west of the West Loch Fyne Area of Panoramic Quality (APQ) and 4.4km to the west of the East Loch Fyne APQ. In addition, the Inveraray Castle Garden and Designed Landscape is located 3.2km to the north east of the Proposed Development. Regarding these designations, the Assessment concludes that the zone of theoretical visibility of the proposed development, due to distance, intervening topography and vegetation, is extremely limited and at worst, the proposal would represent a very distant element in the background of the landscape on the far side of Loch Fyne. Inveraray Garden and Designed Landscape is located 3.2km to the north east and no views or effect on its designation are predicted.
- 9.6. The proposed development is located within a largely rural landscape characterised by 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 3.2 of the Environmental Appraisal considers the receptor sensitivity, and confirms that there would be negligible or no effect of the proposed development on road users, recreational users of the core path; landscape designations, settlements and nearby residential dwellings.
- 9.7. The construction works would result in the permanent loss of the vegetation on site, although this would account for a relatively small parcel of land within an expansive area of surrounding forestry and rough grassland. Additional planting of vegetation and trees is proposed to help mitigate both visually and to mitigate against the landscape fabric lost. 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 Plateau and Forest LCT to be low, resulting in a locally moderate residual effect, which reduces over extending distances from the wider area.
- 9.8. Visual effect would be restricted based on the location of the site, which has a high degree of visual enclosure due to the surrounding forestry and local topography. The site is spatially separate from any major settlements, recreational attractions or transport routes, and would therefore represent as a very minor element within wider vistas. In terms of

cumulative effects, the proposed development would augment the presence of existing power related infrastructure in the locality, in particular the existing An Suidhe substation and associated overhead power lines. The net result would be to very slightly increase the influence of this infrastructure in a northerly direction. The containing effect of the surrounding tree cover would prevent the geographic spread of potential cumulative effects across wider parts of the landscape and as such there would be very limited cumulative effects on landscape character and visual amenity.

9.9. 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: landscape planting and peat 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 11 of NPF4, and Policy SG LDP ENV 14 in respect of Landscape and Policy LDP 3 of the adopted Argyll and Bute Local Development Plan 2015.

## **10. Road Network, Parking and Associated Transport Matters.**

10.1. Policy 11 (E-vi) of NPF4 requires developments to demonstrate how they've mitigated against any impacts on road traffic and on adjacent trunk roads, including during construction.

10.2. The main construction access to the proposed development will be from the A83 turning onto the forestry track using the existing access junction. Vehicles will utilise the existing access tracks which currently serve the existing An Suidhe substation, before utilising a new permanent access track to be formed off the minor access road to enable access for vehicles during construction and for ongoing operational and maintenance access to the Proposed Development. Upgrades are proposed to the minor roads leading to the new permanent access to accommodate the abnormal load transformer delivery, with final details of this to be agreed as part of a Construction Traffic Management Plan, by planning condition. Transport Scotland also request the inclusion of a condition for the prior agreement of the abnormal load route.

10.3. Within phase 1, the construction of the permanent access track is proposed, which comprises the creation of the 174 m long and 3.5 m in width track, using cut and fill, linking the proposed substation site and the existing forestry track. The existing forestry track is to be widened to create a 5m running surface. Any existing watercourse crossings along the access, may require upgrading as part of the construction works with watercourse crossings designed and constructed to comply with the legislation set out in the Water Environment (Controlled Activities) (Scotland) Regulations 2011, as amended. Parking and vehicular turning is to be included within the substation platform.

10.4. The Proposed Development will be constructed over a 30-month period. The monthly maximum two-way HGV movements during the first three months of earthworks represents a 9% increase in the average number of HGVs on the A83 per day. This will reduce to 4% during the felling month and rise again for the remainder of construction works. Car and LGV movements would result in a 2.4% increase in numbers on the A83 per day which will increase to 3.4% during construction months 7, 8 and 9. Cumulatively with the Associated Development, which would affect construction months 13 and 14, there would be a cumulative increase of 2.8% during peak construction for cars and LGVs. Furthermore, abnormal loads (transformers) will be required to be transported to the site.

- 10.5. 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 subject to the implementation of mitigation measures. A Construction Traffic Management Plan (CTMP) is proposed by the Applicant, which would include but not be limited to: the programme of works, the agreed routes to site, measures to minimise dust and dirt being deposited on the road; and appropriate signage. 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.
- 10.6. The Council's Area Roads Officer and Transport Scotland have no objections to the proposal on transport and road safety grounds. 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 Policy 11 of NPF4.

## **11. Noise and Construction Impacts**

- 11.1. Policy 11 (E-i) of NPF4 requires development proposals to demonstrate how they've mitigated against any impacts on communities and individual dwellings, including residential amenity, visual impact and noise arising from the development.
- 11.2. The applicant recognises that noise nuisance 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 8 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. The survey identified two high receptors to the Application Site. The high receptors are both residential sites known as Killean Farmhouse (NSR2) and Old School House (NSR1). NRS1 is located approximately 0.9km to the southeast of the site and NSR2 is located approximately 0.96km to the south of the site. The proposed substation is located 430m beyond the existing An Suidhe substation, and is therefore further away from the NRSs compared to the existing substation. The Noise Assessment concludes that construction noise at all NSRs across all construction activities at worst case level would be below the lower threshold of 65dB daytime and 55dB evening time, and no noise mitigation is suggested by the Applicant. Given the distance from the project to the nearest NSR, construction vibration activities are rated as a negligible adverse impact.
- 11.3. Regarding operational noise, the assessment concludes that the predicted noise levels for the NSRs would be at worst case 14dB L. Typical background sound level during the night time periods was determined as being 35dB L, and as such the assessment level is negative to this level indicating a negligible impact. Based on the results, no specific mitigation is required for operational noise levels of the proposal. The EA does not anticipate any cumulative impacts, in terms of noise and vibration associated with the construction phase and the completion of the Development. During construction, the cumulative worst case traffic movements for a period of three months is lower than an increase of 25% of baseline traffic data on A83. During the operational phase, the main noise source within the substation would be the two 275/33 MVA super grid transformers. The operation of the substation is very unlikely to result in significant increase in traffic volume, which will be cumulative with the impacts from other developments. The noise impact, based on the potential traffic noise change, is therefore assessed as negligible.

- 11.4. The Council's Environmental Health Officer has raised no objection on the grounds of noise impacts arising from the proposal. The proposal is considered to comply with the provisions of Policy 11 of NPF4.
- 11.5. 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, 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. 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.
- 11.6. Timing of deliveries (HGVs and abnormal loads) shall also be agreed through a Construction Traffic Management Plan (CTMP) with construction traffic using the A83 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.

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

- 12.1. Policy 11(c) of NPF4 states that development 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.
- 12.2. 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.
- 12.3. Argyll and Bute is experiencing significant construction activity in the transmission network. The approval of the current application will have a short term 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 number of workers in comparison to the operation of the facility which would not require any staff to be permanently based onsite.
- 12.4. 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.

- 12.5. NPF4 calls for national developments to be exemplars of a Community Wealth Building (CWB) approach to economic development under Policy 25 of NPF4. 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.
- 12.6. 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 Policies 11 and 25 of NPF4.

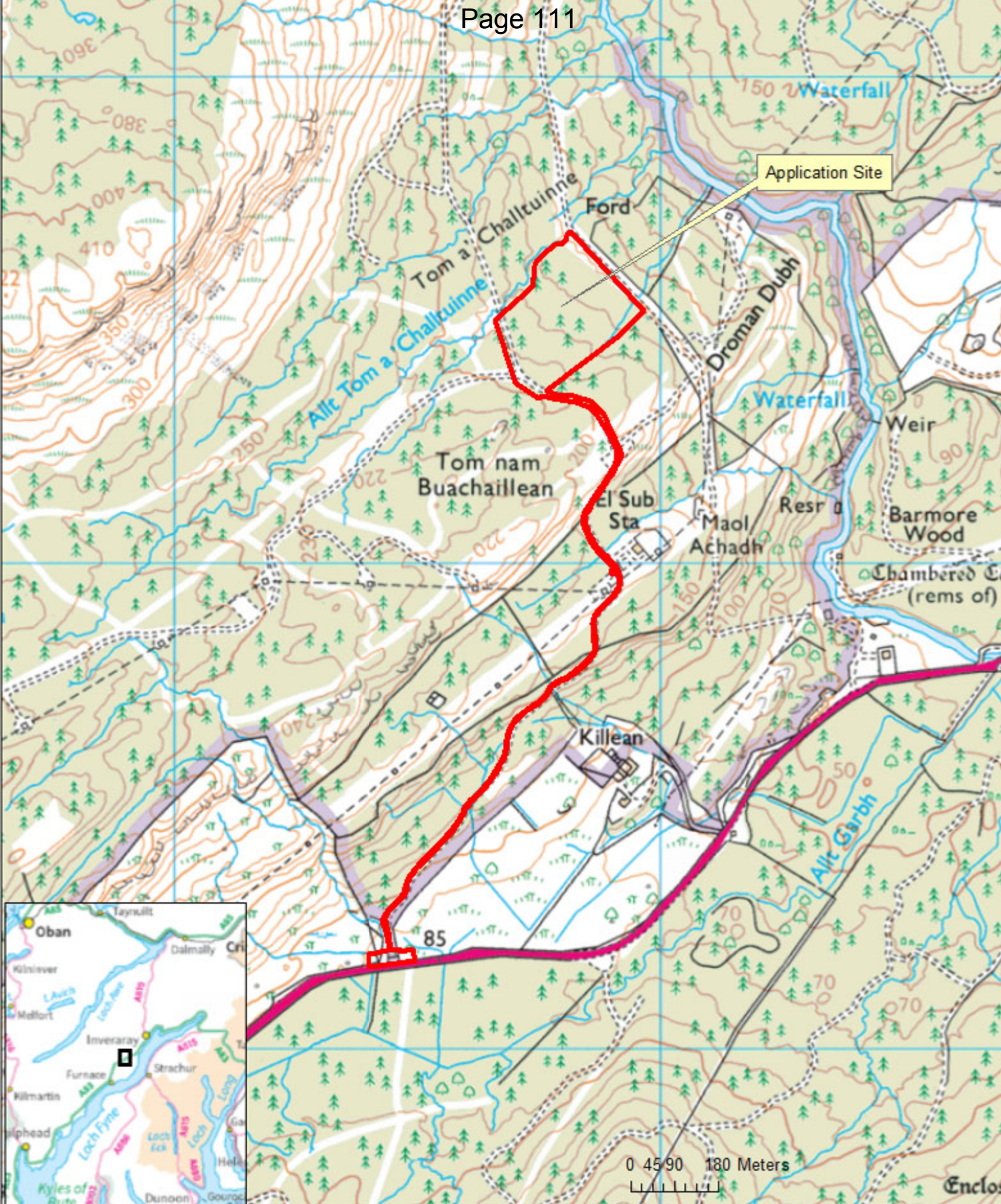
### **13. The Need for Conditions Relating to the Decommissioning of Developments, Including Ancillary Infrastructure, and Site Restoration (Including Cumulative Impacts)**

- 13.1. Policy 11(f) of NPF4 confirms that consents for development proposals may be time-limited. The Proposed Development will have a design life of 45 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 re-powering and decommissioning are therefore not considered.
- 13.2. 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 due to the nature of the development being to support the ongoing transmission of electricity to the wider area, the proposal is considered to be acceptable without any time limitation imposed. Any subsequent upgrade to equipment, where required, in the future would be reviewed through future applications.

### **14. Conclusion**

- 14.1. The Council is supportive of delivering this renewable energy related infrastructure upgrade within its Renewable Energy Action Plan and the proposals represent important National Infrastructure supported in NPF4. Although localised landscape effects will take place as identified in the EA, these are considered largely unavoidable with an infrastructure project of this scale. No objections have been received from consultees or from public representations.
- 14.2. Officers consider that overall the landscape, ecological, historic environment, transportation and other potential effects have been appropriately addressed and mitigated in defining the proposed development site and design. Appropriate mitigation can be secured through the imposition of conditions in line with the proposals set out within the EA, and those included within consultation responses. In conclusion, it is therefore recommended that planning permission is granted subject to conditions.

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**Location Plan Relative to Planning Application:22/02479/PP**



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

**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**

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**Reference No:** 23/00145/PP  
**Planning Hierarchy:** Local application  
**Applicant:** CALA Management Limited  
**Proposal:** Variation of Condition 2 relative to planning permission in principle reference 18/01444/PP (PP-130-2071) - amendment to wording of Condition 2 in relation to finished floor levels.  
**Site Address:** Land North of Cardross Primary School, Barrs Road, Cardross, Argyll and Bute.

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**DECISION ROUTE**

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
- 

**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Variation of Condition 2 of planning permission in principle reference 18/01444/PP (PP-130-2071) – in relation to finished floor levels of dwellings.

**(ii) Other specified operations**

- None
- 

**(B) RECOMMENDATION:**

It is recommended that conditional planning permission is GRANTED in accordance with Section 42 of the Town and Country Planning (Scotland) Act 1997 subject to the conditions and reasons detailed in this report.

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**(C) CONSULTATIONS:**

**Flood Risk Advisor** (6<sup>th</sup> March 2023) – raise no objections to the proposed change in finished floor levels of the dwellings to 0.15m above surrounding ground level. Their reasons for this are included below:

*Flood Risk Assessment- Fluvial Flooding- Flooding to the site and expected flow routes have been considered quantitatively. The FRA informs that given the standoff distance of the site from the Geilston Burn, the vertical separation between the site*

*and the channel and the overbank topography, out of bank flooding from the Burn is unlikely to impact the site. Flood waters are expected to exceed the channel on the right bank and due to the topography are then directed south away from the development. This is acceptable.*

*Flood Risk Assessment-Pluvial Flooding – Given the nearby pluvial flooding risk, the FRA report concludes that Finished Floor Levels should be set to at least 0.15m above ground level. Finished floor levels have been incorporated in the ‘Preliminary Site Levels’ plan and show that Finished Floor Levels are proposed to be 0.15m above ground level for all proposed houses. This is acceptable.*

*Sewer/ Culvert Blockage- Section 3.34 of the report informs that there is a ‘Scottish water surface water sewer which flows in a westerly direction close to the southern site boundary before flowing south through Cardross Primary School.’ Two manholes are located within the site boundary and are associated with this sewer system. Section 3.35 informs that the closest plot to these manholes is elevated 1.2m above existing ground levels. As such, a FFL of 0.15m above ground level at these plots is acceptable.*

*Drainage- The supplied micro-drainage calculations inform that for the 200 year + climate change event flooding is expected at manholes 5, 16 and 29. Review of the supply drainage layout and topographic information informs that property flooding is not expected should these manholes overtop.*

**Cardross Community Council** (5<sup>th</sup> March 2023) – raise no concern regarding the height of foundations for the houses, however the Community Council wish to express concern about possible worsening of the current flooding situation within the village due to the addition of this development.

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**(D) HISTORY:**

**18/01444/PP** – Removal of Conditions 4 and 5 and variation of condition 7 of planning permission in principle 15/01794/PPP (Site for the erection of residential development with associated access, infrastructure, open space, landscaping and miscellaneous works) in relation to roads arrangements. Application refused at planning Committee and subsequently granted by appeal on 15<sup>th</sup> July 2019 under reference: **PPA-130-2071**.

**15/01794/PP** – Planning Permission in Principle for ‘Site for the erection of residential development with associated access, infrastructure, open space, landscaping and miscellaneous works. Granted subject to conditions 26/01/17.

**14/02409/PAN** – Proposal of Application Notice for the erection of residential development and landscaping.

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**(E) PUBLICITY:**

LREG20 – Regulation 20 Advert Local Application – Expired 16<sup>th</sup> March 2023.

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

At the time of writing, representations have been received from 22 respondents in relation to this planning application. A total of 19 respondents raise objection and 3 respondents provide general comments.

The names and addresses of those contributing to the application are contained within Appendix B, and full copies of the representations are published on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

**(ii) Summary of issues raised-** The concerns and general comments raised are summarised within the various themes below:

**Comments relating to Condition 2**

- No objection to the proposed variation of Condition 2 with regard to finished floor levels.

*Comments: Noted, see assessment.*

**Roads Comments**

- Concern regarding the suitability of the access to the site from Darleith Road and Barrs Road and the traffic generation arising from the development;
- Darleith Road is narrow with no pavement beyond Mill Road and is used by many users including cyclists, horse riders, walkers, farm and forestry traffic;
- Safety concern due to no designated pavement for pedestrians on Darleith Road;
- Traffic generation will put a strain on the road network of the village and car parking spaces at the station;
- Safety concern of Darleith Road;
- Additional traffic generation will cause noise and air pollution;
- Concern regarding impact of traffic on the core path;
- Suitability of the road to have construction traffic in terms of weight of vehicles;
- Access via Barrs road is unsuitable for the additional traffic generation in respect of road safety;

*Comment: This section 42 application is confined to the acceptability of the finished floor levels in relation to flood risk and therefore road safety impacts is not a material consideration in this instance.*

**School Capacity Comments**

- Concern regarding the capacity of the school to accommodate the additional pupils arising from the development;
- Concern regarding capacity of nurseries.

*Comment: This section 42 application is confined to the acceptability of the finished floor levels in relation to flood risk and therefore school capacity is not a material consideration in this instance.*

**Drainage and Flooding Comments**

- Concern regarding the capacity of the existing drainage and sewerage infrastructure and its ability to cope with the additional dwellings;

- Development has potential to cause drainage problems in the immediate area including local flooding and sewerage issues;
- Development will only worsen the flooding problem in the village;
- Loss of natural drainage the field provides at present;
- Queries relating to the reasoning behind the proposed drainage scheme proposed;
- Concern regarding the maintenance responsibility of the proposed drainage ditch;
- Installation of proposed drainage will cause considerable periods of road closure causing significant disruptions to those using Darleith Road;
- Concern that proposed drainage will cause flooding impacts to the property Hillview.

*Comment: These are not material planning considerations in the determination of this application. This application seeks to amend finished flood levels. Full analysis of flooding and drainage matters associated with the development would be dealt with under any subsequent Matters Specified in Condition application.*

**Procedural Matters**

- No neighbour notification was received.

*Comment: Neighbour notification procedures and Regulation 20 Advertisement procedures have been carried out correctly.*

**Other Comments**

- Proposal would alter the character and fabric of Cardross, increasing the population by 10-20%;
- Concern regarding the environmental impact of building a large housing estate on green belt land;
- Concern regarding the carbon emissions associated with the building phase and carbon footprint of the village overall post development;
- Concern regarding the felling of established woodland without an impact assessment;
- Proposal will have a detrimental effect on the current villagers;
- Green space behind the village should be protected from development.

*Comment: These are not material planning considerations in the determination of this application.*

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) **Environmental Impact Assessment Report:**  Yes  No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:**  Yes  No
- (iii) **A Design or Design/Access statement:**  Yes  No

- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**  Yes  No

The application is supported by the following technical information:

- Drainage Strategy Report, Issue 1, 23<sup>rd</sup> November 2022
- Flood Risk Assessment, Issue 3, 1<sup>st</sup> December 2022
- Agent analysis against relevant NPF4 policies together with the submission of a Statement of Community Benefit and Cala Community Pledge document, 11<sup>th</sup> April 2023.

The Supporting Letter (27<sup>th</sup> January 2023) submitted by the agent to accompany the application, explains the following reasoning as to why the variation is sought:

*“Through the design process it has become apparent that the levels currently required by condition 2 introduce several undesirable effects. These include making access to some properties difficult for those with disabilities due to the change in levels required (introducing conflict with The Disability Discrimination Act compliance). This means that level access to some properties is only possible using the rear access point, with rising ramped pathways running from the front to a raised rear patio for some properties.*

*In support of the forthcoming AMSC submissions, a new Flood Risk Assessment (2022 FA) and Drainage Strategy were prepared. [...] These updated assessments address information gaps present at the time of the 2015 FRA; which had original resulted in the cautious wording of Condition 2.*

*Crucially, the 2022 FRS provides appropriate calculations and information to confirm the suitability of FFLs set at 150mm above ground level. The 2022 FRS further confirms that “development is not at risk of flooding from groundwater. However, in order to remove any residual risk of groundwater flooding it is proposed that the finished floor levels onsite are set at 150mm above finished ground levels.”*

## (H) PLANNING OBLIGATIONS

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

- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:**  Yes  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.**

**[National Planning Framework 4 \(Adopted 13<sup>th</sup> February 2023\)](#)**

**Part 2 – National Planning Policy**

NPF4 Policy 1 – Tackling the Climate and Nature Crises  
NPF4 Policy 2 – Climate Mitigation and Adaption  
NPF4 Policy 3 – Biodiversity  
NPF4 Policy 7 – Historic Assets and Places  
NPF4 Policy 12 – Zero Waste  
NPF4 Policy 13 – Sustainable Transport  
NPF4 Policy 14 – Design, Quality and Place  
NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods  
NPF4 Policy 16 – Quality Homes  
NPF4 Policy 21 – Play, Recreation and Sport  
NPF4 Policy 22 – Flood Risk and Water Management  
NPF4 Policy 25 – Community Wealth Building.

**[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)**

LDP STRAT 1 – Sustainable Development

Local Development Plan Schedules

**[‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March 2016 & December 2016\)](#)**

**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 3 – Drainage Impact Assessment

**Addressing Climate Change**

SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework

- (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 proposed Local Development Plan 2 \(November 2019\)](#) – The reporters have written to Argyll and Bute Council regarding the Proposed Local Development Plan 2, which is currently at Examination. Due to the status of the revised draft National Planning Framework 4 the reporters are currently determining what, if any, further processes are required as a consequence. Although PLDP2 remains a material consideration it is now subject to this further assessment **against NPF4 policies**. Therefore, it is considered appropriate **not** to attach significant weight to PLDP2 **policies** during this time, i.e. until the consequences of NPF4 **policies** for the PLDP2 have been assessed by the reporters and the Examination report is issued. **Specific sites in PLDP2 that have not received objections and are not being dealt with at the Examination may continue as strong material considerations, e.g. allocations and potential development areas.**

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

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

Further PAC is not required for S42 applications.

**(M) Has a Sustainability Checklist been submitted:**  Yes  No

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

**(O) Requirement for a pre-determination hearing:**  Yes  No

The original application was subject to a local hearing in 2017. The matters raised by objectors for this application are mostly road related issues and other matters which are not material considerations as part of this s42 application to vary the finished floor levels of the dwellings. Given, this it is recommended that a discretionary local hearing would not add value to the planning process in this instance.

**(P)(i) Key Constraints/Designations Affected by the Development:**

- SEPA Flood Zones (Surface Water)
- Core Paths

**(P)(ii) Soils**

[Agricultural Land Classification:](#)

Class 3.2

[Peatland/Carbon Rich Soils Classification:](#)

Class 1

Class 2

Class 3

Peat Depth Classification:

N/A  
N/A

- Does the development relate to croft land?  Yes  No
- Would the development restrict access to croft or better quality agricultural land?  Yes  No
- Would the development result in fragmentation of croft / better quality agricultural land?  Yes  No

**(P)(iii) Woodland**

Will the proposal result in loss of trees/woodland?  Yes  
 No

Does the proposal include any replacement or compensatory planting?  Yes  
 No details to be secured by condition  
 Not applicable

**(P)(iv) Land Status / LDP Settlement Strategy**

Status of Land within the Application

- Brownfield  
 Brownfield Reclaimed  
 Greenfield

ABC LDP 2015 Settlement Strategy  
LDP DM 1

- Main Town Settlement Area  
 Key Rural Settlement Area  
 Village/Minor Settlement Area  
 Rural Opportunity Area  
 Countryside Zone  
 Very Sensitive Countryside Zone  
 Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc: The site is allocated for housing development under allocation ref: H2002.

**(P)(v) Summary assessment and summary of determining issues and material considerations**

A Section 42 application is an application for a new planning permission for a development but with different conditions from those attached to a previous permission for that development. In determining such an application, the planning Authority can only consider the changes to the conditions on the previous permission. The principle of development is not under consideration and the original permission remains live.

Planning permission in principle was approved for this development following a Hearing on 26<sup>th</sup> January 2017. The site is identified as a housing allocation for 158 units within the adopted Local Development Plan, however, the applicant in the previous Planning Permission in Principle application, indicated that approximately 140 units were proposed. It is located to the north of the settlement of Cardross and is bounded by Darleith Road to the west and a private access to the east. This private access is a continuation of Barrs Road.



In this application, the applicant has applied to vary Condition 2 to alter the finished floor levels of the dwellings. The applicant has submitted supporting drainage and flooding reports to justify the required change to the finished floor levels.

It is considered that the proposal would accord fully with the policies of the development plan and there are no material considerations which would indicate otherwise. As there is a procedural requirement to re-issue the previous permission in its entirety, Officers have also considered whether this new grant of permission has material planning consequences for any other planning conditions. Officers are content that there are no material planning consequences for any other conditions and therefore only Condition 2 required to be amended in the new decision to be issued under this Section 42 application,

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.

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**(Q) Is the proposal consistent with the Development Plan:**  Yes  No

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

The primary matter under consideration is whether Condition 2 can be reworded as suggested but still protect the approved residential properties from potential ground water flood risk. The primary and defining consideration on whether this would be acceptable are the expert views of the Council's Flooding Advisor. The Advisor is content that from the information provided, the condition can be required as suggested, whilst still ensuring the houses will be protected from any potential flood risk. This is confirmed in their response dated 06.03.23. 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 Local Development Plan and it is acceptable subject to the conditions in terms of all other applicable material considerations.

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

Not applicable.

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

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**Author of Report:** Stephanie Wade

**Date:** 29<sup>th</sup> April 2023

**Reviewing Officer:** Sandra Davies

**Date:** 1<sup>st</sup> May 2023

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. (23/00145/PP)**

**Standard Time Limit Condition** (as defined by Regulation)

**Standard Condition on Soil Management During Construction**

**Additional Conditions**

1. Plans and particulars of the matters specified in conditions 2,3,6,7,8,9,11,12,13,15,16 and 17; 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 details contained within the approved plans and particulars.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

2. Pursuant to Condition 1 – unless otherwise approved in writing by the Planning Authority, no development shall commence in respect of any individual plot 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 proposed finished floor levels relative to an identifiable fixed datum located outwith the application site. These levels shall be at least 0.15 metres above finished ground levels. Thereafter, the development shall be implemented in accordance with the duly approved details which shall have regard to special needs access requirements established by policies SG LTP TRAN 3 and SG LDP HOU 2.

Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Local Development Plan policy.

3. Pursuant to Condition 1 – no development shall commence until a scheme for the provision of affordable housing that is in accordance with the provisions of the Council's Development Plan Policy and Supplementary Guidance on Affordable Housing has been submitted to and approved in writing by the Planning Authority. The scheme shall:
  - a) Provide that a minimum of 25% of the approved dwellings are affordable homes;
  - b) Define those dwellings that are to be used as affordable homes;
  - c) Establish the timing of the provision of the affordable homes relative to the phasing of the development, which shall ensure that works on the last 25% of those approved dwellings that are not affordable homes are not commenced until the affordable homes have been completed for occupation;
  - d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers.

The development shall be implemented and occupied thereafter in accordance with the duly approved scheme for affordable housing.

Reason: To accord with the provisions of the development plan in respect of affordable housing provision.

4. Unless otherwise agreed in writing by the Planning Authority in consultation with the Road Network Manager, no development shall commence unless and until the following improvements to Darleith Road have been provided:
  - i) The provision of a suitable traffic calming scheme (give and take priority) and the provision of three new off-street car parking spaces between Barrs Terrace and

Mill Road. A drawing showing details of these provisions shall be submitted for prior written approval of the Planning Authority.

- ii) Road improvement between Mill Road and the proposed development site entrance as identified on plan TIAvcar2\_SK002B
- iii) The provision of a passing place immediately to the north of the proposed development site entrance in order to accommodate large vehicles passing in opposite directions.
- iv) Upgrade of the existing lighting between Mill road and the existing 30 mph speed restriction limit.

Reason: To provide improvements, including suitable traffic calming measures, compensatory parking and a passing place for larger vehicles, in the interests of road safety and to ensure a safe connection from the A814 to the site.

5. Unless otherwise agreed in writing by the Planning Authority, in consultation with the Road Network Manager, no dwelling shall be occupied unless and until the existing 30 miles per hour speed restriction on Darleith Road has been extended and brought into effect to a location north of the Darleith Road access, the exact location to be agreed in consultation with the Road Network Manager.

Reason: In the interests of road safety.

6. Pursuant to Condition 1 – no development shall commence until the following plans and particulars have been submitted to and approved by the Planning Authority in consultation with the Road Network Manager. Thereafter, the schemes shall be carried out in accordance with the approved details. Such details shall incorporate:
  - i) On the A814 Main Road, Cardross, a scheme to enhance the gateway features in both directions at the entrances into Cardross village to be fully implemented in accordance with these details prior to occupation of the first dwelling house.
  - ii) On the A814 Main Road, Cardross, within the village envelope a scheme to enhance traffic calming to be fully implemented in accordance with these details prior to occupation of the first dwelling house.

Reason: In the interests of road safety.

7. Pursuant to Condition 1 – no development shall commence until full details of the internal road layout within the development have been submitted to and approved in writing by the Planning Authority. The development layout shall ensure that no more than 20 dwelling houses will be served from the east access, i.e. via Barrs Road. All other vehicular traffic will be required to access the development site from Darleith Road. The internal roads shall be constructed in accordance with the principles of Designing Streets.

Reason: In the interests of road safety and good place making.

8. Pursuant to Condition 1 – Car parking provision shall be provided in accordance with the Argyll and Bute Council supplementary guidance policy SG LDP TRAN 6. Parking provision shall be constructed and made available for use prior to the first occupation to the dwelling(s) to which it relates and shall be maintained thereafter for the parking of vehicles.

Reason: In the interests of road safety.

9. Pursuant to Condition 1 – no development or ground breaking works shall commence until an archaeological field evaluation has been undertaken and submitted to the Planning Authority for approval, the results of which shall inform as necessary the

layout of the development to be submitted for the purposes of the Approval of Matters Subject to Conditions.

This archaeological field evaluation shall be prepared by a suitably qualified person and shall consist of a trial trenching programme of a distributed sample of 8% of the full application area. The West of Scotland Archaeology Service shall be notified at least 14 days in advance of the evaluation in order to facilitate monitoring of the work evidence of which to be submitted along with the archaeological field evaluation as part of the Approval of Matters Specified in Conditions submission. If archaeological remains on the site are confirmed, proposals for their preservation shall also be included.

Reason: In order to protect archaeological resources.

10. For the avoidance of doubt the proposals hereby approved shall be served by public water and sewerage connections.

Reason: The proposal has been assessed on this basis and the introduction of private connections would represent a further material consideration in the determination of this planning application.

11. Pursuant to Condition 1 – no development shall commence until the following details have been submitted to and approved in writing by the Planning Authority:
- i) Details of the proposed cut-off ditch (or similar) to be located along the northern border of the site along with calculations demonstrating that this proposed mitigation measure will not exacerbate flooding elsewhere;
  - ii) The existing flow pathway in the vicinity of the sewer line shall be maintained;
  - iii) A detailed drainage assessment and layout;
  - iv) Method Statement detailing surface water containment during construction.

Reason: In order to ensure appropriate mitigation for flood risk.

12. Pursuant to Condition 1 – full details of the proposed SUDs shall be submitted to and approved in writing by the planning authority. Thereafter the development shall commence in accordance with these details. These details shall include:
- i) Full details of the proposed design and appearance of the SUDs facility to be designed in accordance with CIRIA C753;
  - ii) Detailed design calculations for this facility;
  - iii) Details of the proposed drainage of the SUDs facility;
  - iv) Details of the proposed maintenance regime and maintenance responsibilities for the SUDs facility.
  - v) Soil information to be provided if infiltration SUDs are proposed.

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

13. Pursuant to Condition 1 – no development shall 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) Existing landscaping features and vegetation to be retained;
  - iii) Location design and materials of proposed walls, fences and gates. This shall include details of a secure boundary between the application site and the disused quarry on the south west corner of the site;

- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/ shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.
- vi) The proposed landscape plan shall take account of the Design Recommendations (para.4.8) contained within the applicant's supporting Landscaping Report dated June 2015 undertaken by Ann Nevett.

In addition, in accordance with the requirements of NPF4 Policy 3b, a Biodiversity Statement shall be submitted which demonstrates how the proposal will conserve, restore and enhance biodiversity including nature networks so that they are in a demonstrably better state than without intervention. This should include details of future management and should be informed by best practice methods.

Reason: To assist with the integration of the proposal with its surroundings in the interests of amenity and to comply with Policy 3 of NPF 4.

14. No trees overhanging the site shall be lopped, topped, or felled other than in accordance with the details provided to satisfy the requirements of condition 13 above.

Reason: In order to protect the trees overhanging the site in the interests of amenity.

15. Pursuant to Condition 1 – no development shall commence until details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development have been submitted to and approved in writing by the Planning Authority. The details shall comprise:
- i) A plan showing the location and extent of communal open space and equipped play areas;
  - ii) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
  - iii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);
  - iv) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of development;
  - v) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects. The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

Reason: In order to secure provision of communal open space and equipped play areas within the development in accordance with the minimum standards set out in the Development Plan.

16. Pursuant to Condition 1 – no development shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to and approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the dwellings which it is intended to serve.

Reason: In order to ensure that satisfactory arrangements have been made for dealing with waste on the site in accordance with Policy SG LDP SERV 5 (b).

17. Pursuant to Condition 1 – no development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Planning Authority. The provisions of this plan shall be adhered to during the construction period unless any subsequent variation thereof is agreed in writing by the Planning Authority.

Reason: In order to ensure the minimisation of waste generated during construction in accordance with policy SG LDP SERV 5 (b).

## NOTE TO APPLICANT

- This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
- Application(s) for Approval of Matters specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 within the time limits specified in Section 59 of the Act.
- Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
- The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site, it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997, it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- Please see the West of Scotland Archaeology Service's consultation comments in respect of the proposed development.
- Please see Scottish Water's consultation response dated 31/5/16.
- The consideration to reduce the 30mph speed restriction should be assessed in conjunction with Police Scotland and the Council's Roads Officer.
- An application for a Roads Construction Consent is required to be submitted and approved. Thereafter a financial security bond will require to be lodged with the Council's legal services section before any works commence on site.
- In order to meet obligations under wildlife legislation and to protect any breeding birds on the site, any vegetation removal should be undertaken outside the bird nesting

season (March – August). If vegetation removal is planned during the bird nesting season, a suitably qualified ecologist should inspect the area for the presence of nests up to a maximum of one day prior to removal. If an active nest is discovered vegetation cannot be removed and must be left in situ until the young have fledged.

- Japanese Knotweed has been reported on or near this site. It is a highly invasive weed that is capable of structural damage. Disturbance will cause it to spread and its movement is controlled by legislation. Under the Wildlife and Countryside Act 1981 it is illegal to cause it to spread in the wild. You are strongly advised to survey the site for the presence of Japanese Knotweed at an early stage and before any site clearance work, and, if found, to formulate plans to control or eradicate it. Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plant may extend laterally up to 7 metres beyond this.
- Prior to the submission of an Approval of Matters Specified in Conditions application, the applicant is requested to contact the Council's Education Department in order to investigate the opportunity for the provision of a pedestrian footpath from the site directly into Cardross Primary School for the use of children attending the school.



<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>23/00145/PP</b>
<b>PLANNING LAND USE AND POLICY ASSESSMENT</b>	

## 1. Introduction

1.1. A Section 42 application is an application for a new planning permission for a development but with different conditions from those attached to a previous permission for that development. This appraisal will consider whether, if planning permission is granted subject to the proposed amendments to the condition as imposed on planning permission PPA-130-2071, the proposal would remain in accordance with the development plan and if not whether other material considerations indicate otherwise. In determining such an application, the Planning Authority can only consider changes to the conditions on the previous permission. The principle of the development is not under consideration and the original planning permission remains live.

## 2. Location of Development

2.1. The application site is located on the northern edge of Cardross village and comprises a fairly level field, which is in use for grazing. It is bounded by Darleith Road to the west, and Barrs Road to the east, each of which provides access, directly or indirectly, to the principal road through Cardross, the A814. Cardross Primary School is located immediately to the south of the site.

## 3. Proposal

3.1. The original Planning Permission in Principle permission, granted permission for the erection of a residential housing development, together with its associated infrastructure on the land allocated under the LDP as ref: H20002 (Cardross- Kirkton Farm 1) (permission ref. 15/01794/PP). A subsequent Section 42 application (18/01444/PP) was submitted to vary three conditions relating to roads matters which was subsequently granted by Scottish Government upon appeal in July 2019 (ref.PPA-130-2071). This permission was subject to a series of planning conditions, of which, some of the information for those conditions was required to be considered further under any subsequent Approval of Matters Specified in Conditions applications.

3.2. In this instance, the applicant is seeking to vary one condition (Condition 2) which relates to the finished ground floor levels of the dwellinghouses to be erected on site. The applicant has advised a cautious approach was taken within the approved Planning Permission in Principle regarding the finished ground floor level and whilst the cautious approach was not unreasonable, the unintended consequence is that the levels included within the condition (300mm-600mm) are difficult to achieve whilst also being compliant with the Disability Discrimination Act (DDA) requirements.

3.3. The approved Condition 2 states:

3.3.1. “Pursuant to Condition 1 - no development shall commence in respect of any individual plot 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 proposed finished ground floor levels relative to an identifiable fixed datum located outwith the application site. These levels shall be at least 0.3 metres to 0.6 metres above finished ground

levels. Thereafter the development shall be implemented in accordance with the duly approved details which shall have regards to special needs access requirements established by policies SG LDP TRAN 3 and SG LDP HOU 2.

3.4. The applicant is proposing to amend the wording of Condition 2 to read as follows (amended words highlights in bold for ease of reference):

3.4.1. “Pursuant to Condition 1 – **unless otherwise approved in writing by the Planning Authority**, no development shall commence in respect of any individual plot 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 proposed finished floor levels relative to an identifiable fixed datum located outwith the application site. These levels shall be at **least 0.15 metres** above finished ground levels. Thereafter, the development shall be implemented in accordance with the duly approved details which shall have regard to special needs access requirements established by policies SG LTP TRAN 3 and SG LDP HOUS 2.”

#### 4. Settlement Strategy

4.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material planning considerations indicate otherwise. The principle of development has been established under the original permission and consequently, it is not necessary to revisit whether or not it is compliant with the settlement strategy. This is an application to modify the requirements of the condition on an existing permission. In order to address the determining issues, the key considerations are therefore:

- 4.1.1. Compliance with the Development Plan and other planning policy
- 4.1.2. Modification of condition 2; and
- 4.1.3. Any other material considerations.

#### 5. Compliance with National Policy

5.1. The Development Plan has changed since the determination of the original application. The Development Plan now comprises National Planning Framework 4 [NPF4], in addition to the adopted Argyll and Bute Council Local Development Plan 2015 [LDP] and all statutory and supplementary guidance. As approval of this application will grant a fresh planning permission, it is necessary to address the relevant policy framework for the application where the framework differs from that of the LDP, in addition to addressing the minor matters raised by the desire to change Condition 2.

5.2. Policies 9 and 16 Of NPF4 support development of greenfield sites where they are allocated for development within the LDP. The application site is allocated for housing development within the LDP under reference “H2002 Cardross- Kirkton Farm 1”. This allocated suggested a scale of 158 units with 25% affordable housing provision. In accordance with Policy 16(e) of NPF4, the scheme will provide a 25% affordable housing provision within the residential development. The scheme accords with NPF4 Policy 15 which looks to promote development schemes that allow for facilities and services to be reached by residents using sustainable means. The application site is within a 10-minute walk of the local facilities of Cardross and within a 15-minute walk of public transport links including a train station.

- 5.3. As the original application was for a planning permission in principle, the detailed aspects of design and layout of the scheme and their compliance with Policy 14 of NPF4 to ensure the development is consistent with the six qualities of successful place and Policy 21 (Play, Recreation and Sport) are to be considered under the subsequent application for Approval of Matters Specified in Condition. The indicative layout plan shows there is sufficient space to accommodate the development.
- 5.4. A Statement of Community Benefit has been provided as required by Policy 16 of NPF4. This document references that the development will provide additional housing to the community, including 25% affordable housing provision; road improvements to the local road network improving road safety; additional areas of communal open space and play facilities to be provided within the scheme which is accessible to the wider community; and implementation of the Cala Community Pledge which includes commitments for tree planting, community litter picking, and installation of defibrillators. The Community Pledge, which is submitted in response to Policy 25 Requirements to ensure development proposals contribute to local or regional community wealth building strategies, highlights that the applicant is committed to showcasing of local supply chains and services in the show homes on the site with an ambition to raise awareness of local businesses and produced to increase spending within communities. It is also highlighted that the applicant has an operational model to engage with the local supply chain in relation to construction activities, and tendering processes being open to local providers.
- 5.5. NPF4 Policies 1-3 apply to all development proposals. Significant weight will be given to the global climate and nature crisis. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- 5.6. Regarding Policy NPF4 Policy 2, it is noted that the proposal accords with the LDP Settlement Strategy which promotes sustainable levels of growth by steering significant development to the settlements. It is considered that the proposed development would be consistent with Policy 2 of NPF4 having had due regard to the specifics of the development proposed and to the overarching planning policy strategy outlined within the adopted Local Development Plan.
- 5.7. An extended Phase 1 Habitat Survey supported the original application for planning permission in principle which confirmed that the proposal would not have any adverse ecological impacts. Full consideration of a landscaping scheme which will contribute to the conversation, restoration and enhancement of biodiversity as required by Policy 3 of NPF4 is sought under the Approval of Matters Specified in Condition [AMSC] application.
- 5.8. In accordance with NPF4 Policy 5, the site does not include prime agricultural land nor peatland and carbon rich soils. As the proposal involves ground breaking works, an additional planning condition, which now forms part of the Planning Authority's standard planning conditions, will be attached to any subsequent decision to ensure compliance with NPF4 Policy 5. This new standard condition looks to ensure prior agreement of soil management to ensure appropriate methods are used for soil storage during construction.
- 5.9. NPF4 Policy 7(o) requires developers to provide an evaluation of archaeological resource to inform impacts on non-designated historic environment assets, including where there is potential for non-designated archaeological remains. As the site lies in an area fairly rich in archaeological remains from the prehistoric and medieval periods and evaluation is therefore required. The original planning condition (Condition no.9) attached to the PPP permission is therefore still required to be attached to any subsequent decision.

- 5.10. Regarding waste matters, NPF4 Policy 12 aligns with the LDP requirements for medium to larger scale developments to provide details of the arrangements for storage, separation and collection of waste to be submitted, together with a site waste management plan. The existing planning conditions attached to the original PPP permission (Conditions no.7 and 16), is therefore still relevant and will be carried forward.
- 5.11. Regarding access and sustainable transport matters, NPF4 Policy 13 aligns with the LDP requirements for the submission of a Transport Assessment, which was provided with the original Planning Permission in Principle submission. The roads related conditions, in particular, conditions 4, 5 and 7, were subsequently reviewed at Appeal level and the roads related conditions attached to the appeal decision are therefore still relevant and will be carried forward.

## **6. Modification of Condition 2- Impact on Flooding**

- 6.1. Policy LDP 10 seeks to ensure developments avoid areas subject to flood risk and further guidance is provided within SG LDP SERV 7. An updated Flood Risk Assessment [FRA] and Drainage Strategy have been submitted in support of this application for variation of condition. A topographic survey of the site included within the FRA informs that at the closest point, the Geilston Burn sits at an elevation circa 15m lower than that of the site. It is noted that the site lies close to but ultimately outside of all indicative limits of flooding as per the SEPA flood maps. The Council's Flood Risk Advisors have reviewed the submitted information and confirm that the change of finished floor levels of the dwellings to a minimum of 0.15m above surrounding ground level is considered acceptable with regards to flood mitigation measures.
- 6.2. The proposed amendment of Condition 2 is considered to accord with Policies SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 3, SG LDP SERV 7 and NPF4 Policy 22.

## **7. Modification of Condition 2 – Impact on Accessibility**

- 7.1. The change in ground floor level to ensure that the proposal is compliant with the Disability Discrimination Act accords with Policy 16(c) of NPF4 which supports development proposals for new homes that improve affordability and accessible, adaptable and wheelchair accessible homes.

## **8. Other Considerations, including Public Representations**

- 8.1. The change to the finished floor level of the dwellings would not result in any change to the conclusions reached on any other material planning considerations of the original scheme and no further assessments are required in respect of those, for this application. It is noted that a number of letters of concern have been received from local residents and the Community Council, however the issues raised within those responses are not material to the determination of this S.42 application. The matters of concern raised relate to the merits of the information to be submitted against the subsequent Approval of Matters Specified in Condition application. Whilst it is noted that matters relating to flooding in general have been raised by the Community Council and members of the public, the analysis for the purposes of this application under flooding and drainage relates solely to the acceptability of the change in finished floor levels and does not therefore provide a full analysis of the overall wider flooding matters and drainage scheme which will be reviewed as part of the subsequent AMSC application.

## **9. Conclusion**

9.1. The proposed variation of Condition 2 would be acceptable. The lowering of the Finished Floor Levels to a minimum of 0.15m has been demonstrated to adequately safeguard the residential properties from potential groundwater flooding, whilst improving the Disability Discrimination Act compliance by way of accessibility issues. Officers have considered the new grant of permission against any new material considerations arising from the introduction of NPF4 and confirm that there are no material planning consequences for any other condition and therefore only Condition 2 required to be amended in the new decision notice to be issued under this Section 42 permission. It is considered that the proposal accords with the principles and policies contained within the Development Plan and the application is therefore recommended for approval subject to conditions.

<b>COMMITTEE REPORT</b>	
<b>APPENDIX B – RELATIVE TO APPLICATION NUMBER:</b>	<b>23/00145/PP</b>
<b>LIST OF CONTRIBUTORS</b>	

	<b>Contributor Name</b>	<b>Contributor Address</b>	<b>Date response received</b>
1	Alexandra Easton	10 Napier Avenue, Cardross G82 5LY	29.03.2023
2	Mrs Catherine Court	3 Fairway, Cardross, G82 5LP	28.03.2023
3	Charlotte Francoz	Hillview, Darleith Road, Cardross, G82 5EZ	07.03.2023
4	Connie Ross	67 Barrs Road, Cardross	27.02.2023
5	Dr Julie Lang	Ellismhor, Darleith Road, Cardross G82 5EZ	06.03.2023
6	Dr Gillian Hunter	13 Braid Drive, Cardross G82 5QD	22.03.2023
7	Erin Gregory	Middle Lodge Drumhead, Darleith Road, Cardross, Dumbarton, G82 5EZ	11.04.2023
8	Mr Gordon Hendry	No address given.	14.03.2023
9	Mr James Henson	13 Kilmahew Avenue, Cardross, G82 5NG	22.03.2023
10	Mrs Janet Peattie	17 Napier Avenue, Cardross G82 5LY	31.03.2023
11	Mr John Young	5 Kilmahew Court, Cardross G82 5NJ	31.03.2023
12	Mrs Katherine Cassell	Burnfoot Cottage, Peel Street, Cardross G82 5LD	03.04.2023
13	Mr Mark McGhee	32. Muirend Road, Cardross, G82 5LG	22.03.2023
14	Mrs Mhairi Terrace	Westlade North, Darleith Road, Cardross, G82 5PG	21.03.2023
15	Mr Michael Hutcheson	30 Barrs Road, Cardross, G82 5PW	22.03.2023
16	Mr Michael Veitch	3 Barrs Court, Cardross G82 5PP	06.03.2023

17	Mr Paul D Macfarlane	9 Mill Road, Cardross G82 5PQ	27.03.2023
18	Mr Paul Robb	10 Napier Avenue, Cardross G82 5LY	27.03.2023
19	Mr Peter McPherson	32 Barrs Road, Cardross G82 5PW	31.03.2023
20	Mr Robert Seaward	4 Barrs Court, Cardross G82 5PP	22.03.2023
21	Miss Sharon Goodwin	Rosemount, Peel Street, Cardross, Dumbarton, G82 5LD	12/04/2023
22	Mrs Stella Kinloch	Craigend, Cardross G82 5EP	22.03.2023

Application Site



0 20 40 60 80 Meters



### Location Plan Relative to Planning Application:23/00145/PP



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ARGYLL AND BUTE COUNCIL

PPSL

DEVELOPMENT AND ECONOMIC GROWTH

24th May 2023

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**BRIEFING PAPER: SCOTTISH GOVERNMENT PROPOSALS REGARDING NEW NATIONAL PARKS**

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**1.0 EXECUTIVE SUMMARY**

1.1 This aim of this Report is to raise awareness of the Scottish Government proposals regarding the selection and designation of a new National Park(s). The nomination process is proposed to be initiated in the summer 2023.

1.2 Points covered are:

- the role of National Parks;
- information on the Scottish Government process for designation of a new National Park(s) (timetable Appendix 1);
- potential issues related to the designation of a National Park (Appendix 2);
- the potential role of the Council in this process.

1.3 Officers will publicise the opportunity for communities to develop their own proposals. If any come forward, the Council will be able to consider if it wishes to support them or not, at the appropriate time.

1.4 Recommendations

It is recommended that PPSL consider and notes the information in the Report on:

i) the role of National Parks;

ii) the Scottish Government process for selection and designation of a new National Park(s); and

iii) some of the potential issues related to the designation of a National Park.

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**ARGYLL AND BUTE COUNCIL**  
**DEVELOPMENT AND ECONOMIC GROWTH**

**PPSL**  
**24th May 2023**

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**BRIEFING PAPER: SCOTTISH GOVERNMENT PROPOSALS REGARDING NEW NATIONAL PARKS**

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**2.0 INTRODUCTION**

- 2.1. There are currently two National Parks in Scotland, Loch Lomond and the Trossachs National Park (partly within Argyll and Bute Council area) and Cairngorm National Park. The Scottish Government wishes to establish at least one new National Park by 2026.
- 2.2. This paper provides information on: the role of National Parks; the Scottish Government process for designation of a New National Park(s); potential issues related to the designation of a National Park; and the potential role of the Council in this process.

**3.0 RECOMMENDATIONS**

- 3.1 It is recommended that PPSL consider and notes the information in the Report on:
- i) the role of National Parks;
  - ii) the Scottish Government process for selection and designation of a new National Park(s); and
  - iii) some of the potential issues related to the designation of a National Park.

## 4.0 DETAIL

4.1 The first two National Parks designated in Scotland were Loch Lomond and the Trossachs National Park in 2002 and the Cairngorms National Park in 2003. The aims of these parks are to:

- conserve and enhance the natural and cultural heritage of the area;
- promote the sustainable use of the natural resources of the area;
- promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area; and
- promote the sustainable social and economic development of the area's communities.

It is important to note that the aims for the original parks are wider than just the natural environment, also covering cultural heritage and sustainable economic development.

4.2 The Scottish Government has announced its intention to designate a new National Park(s) during 2026. A new overarching purpose for Parks of *“leading nature recovery and a just transition to net zero”* has also been proposed. The process for this has already started with consultations looking at the future of National Parks in Scotland, the approach and criteria of these National Parks and developing an evaluation framework.

4.3 The first formal stage is proposed in the summer of 2023, with the Scottish Government seeking nominations for new National Parks from across Scotland. There is a commitment to an open, transparent and bottom-up nomination process for selecting new National Park areas. It is proposed that the nominations will be assessed through a non-statutory evaluation framework (this framework is currently out for public consultation and officers will consider an appropriate response in due course). The proposed, and relatively short timetable is at Appendix 1.

4.4 When the call for nominations is made by the Scottish Government, the Council will need to consider whether or not to propose, or support a local group(s) that proposes, a new National Park(s) within Argyll and Bute. Nominations will require supporting information and be able to demonstrate the level of local support. The Scottish Government would then consider the submissions and further consultation would take place on those areas selected to progress. It is noted that any proposal that receives insufficient local support will not be taken forward. The Scottish Government will move to designation in the winter of 2024/25 - spring 2026.

4.5 This process could provide an opportunity to raise the profile of Argyll and Bute by proactively entering in to the debate and considering options. There are a range of issues that need to be taken in to account, including social and economic factors. Some of these are highlighted in Appendix 2. The nature and location of a potential park(s) is also something to consider, for example the potential benefits and issues related to a marine or island based National Park or one with a strong focus on Gaelic culture.

- 4.6 It will be useful to raise awareness of the Scottish Government process and Officers will publicise the opportunity for communities to develop and pursue their own proposals. If any proposals come forward the Council will be able to consider if it wishes to support them or not at the appropriate time.

## **5.0 CONCLUSION**

- 5.1 It would be useful if the Council could raise awareness of this process prior to the request for nominations for new National Parks from the Scottish Government. It may also be beneficial to take wider views in to consideration.

## **6.0 IMPLICATIONS**

- 6.1 Policy – None as a result of this paper, which raises awareness of the National Park designation process. However, the designation of a National Park would have policy implications.
- 6.2 Financial – None as a result of this paper. The designation of a National Park would have financial implications.
- 6.3 Legal – None as a result of this paper. The designation of a National Park would have legal implications
- 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 Climate Change – None
- 6.7 Risk – Lack of an early briefing on the issues could result in a less effective response to the selection process when it commences in the summer 2023.
- 6.8 Customer Service - None

**Kirsty Flanagan,**

**Executive Director with responsibility for Development and Economic Growth**

**Policy Lead Cllr Green**

18th April 2023

**For further information contact:**

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**APPENDICES**

Appendix 1 National Park Designation Timetable

Appendix 2: Summary of main points relating to National Park designation raised during the Proposed Local Development Plan 2 Main Issues Report consultation 2017

**Appendix 1 National Park Designation Timetable**

<b>New National Park(s) Indicative timeline</b>	
<b>Milestone</b>	<b>Timescale (indicative)</b>
Public Consultation – (The Future of National parks in Scotland)	Late Spring 2022 – completed
Public Consultation – Approach and Criteria of National Parks in Scotland	Autumn 2022 – Winter 2022/3 – completed
Development of Evaluation Framework and any legislative changes required (including public consultation)	Winter 2022 – Summer 2023
Nominations and Assessment of proposals for New National Park(s)	Summer 2023 – Winter 2023/4
Reporter Investigation  (including public consultation on proposals for new National Park(s) and advice to Minister)	Spring 2024 - Winter 2024/5
Designation Order(s)  (including public consultation, parliamentary scrutiny and order coming into effect to designate the new National Park(s))	Winter 2024/5 – Spring 2026

**Appendix 2 Summary of main points relating to National Park designation raised during the Proposed Local Development Plan 2 Main Issues Report consultation 2017**

- **Control and governance**
  - Island circumstances
  - Scale and nature of management required
  - Planning powers – different models
- **Other designations**
  - Regional Parks
  - Marine Protected Areas or other nature designations
  - Role of other agencies e.g. Argyll and the Isles Strategic Tourism Partnership
- **Need for further information to make an informed decision.**
  - Explore the potential/aspirations with key stakeholders and communities.
  - Understanding of the special qualities and needs of the area
  - Impacts on repopulation and tourism
  - Outcomes in current National Parks
- **Economy**
  - Potential for economic growth, including tourism
  - Potential impacts on existing economic activities; in particular distilleries, fishing, energy, farming, forestry, aquaculture and manufacturing industries
  - Fit with growth agenda e.g. Tobermory - Oban - Dalmally growth corridor
- **Renewables**
  - Impact on renewable industries
- **Environmental issues have been raised:-**
  - Environmental protections are already in place/additional safeguards
  - Argyll and Bute has internationally important marine and land environments
  - Impact of increased tourism on natural assets
- **Social**
  - Population impacts
  - Job impacts – growth some areas, restrictions others
  - Potential impact on affordable housing
  - Benefits of environmental management for local communities
  - Need for strong local backing
- **Finance**
  - Additional costs
  - Additional funding
  - Additional pressures on infrastructure

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