

# Public Document Pack

## Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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

14 June 2023

## NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **ON A HYBRID BASIS IN THE MARRIAGE SUITE, HELENSBURGH AND LOMOND CIVIC CENTRE, 38 EAST CLYDE STREET, HELENSBURGH AND BY MICROSOFT TEAMS** on **WEDNESDAY, 21 JUNE 2023 at 1:00 PM**, 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 24 May 2023 at 10.30 am (Pages 5 - 16)
  - (b) Planning, Protective Services and Licensing Committee held on 24 May 2023 at 2.00 pm (Pages 17 - 24)
  - (c) Planning, Protective Services and Licensing Committee held on 24 May 2023 at 2.30 pm (Pages 25 - 26)
4. **CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW**  
(Pages 27 - 36)  
Report by Executive Director with responsibility for Legal and Regulatory Support
5. **HOLIDAYS DIRECT MARKETING: CHANGE OF USE OF LAND FOR THE SITING OF 10 HOLIDAY PODS, FORMATION OF VEHICULAR ACCESS AND PARKING, INSTALLATION OF SEWAGE TREATMENT PLANT AND ASSOCIATED LANDSCAPING: LAND BETWEEN ACHNAKEEP AND SCHOOLHOUSE COTTAGE, PORTSONACHAN (REF: 22/00625/PP)** (Pages 37 - 78)  
Report by Head of Development and Economic Growth

6. **MR COLIN CAMPBELL: ERECTION OF DECKING AND FENCING (RETROSPECTIVE): 3 ACADEMY TERRACE, ACADEMY ROAD, ROTHESAY, ISLE OF BUTE (REF: 22/01611/PP)** (Pages 79 - 98)  
Report by Head of Development and Economic Growth
7. **SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: TO CONSTRUCT AND OPERATE A 275 KILOVOLT (KV) ELECTRICITY SUBSTATION AND ASSOCIATED INFRASTRUCTURE. THE WORKS WILL COMPRISE CUT AND FILL TO TIE THE PLATFORM INTO THE EXISTING GROUND LEVEL LANDSCAPING, SUSTAINABLE DRAINAGE SYSTEMS (SUDS) BASINS, NEW PERMANENT ACCESS AND UPGRADES TO EXISTING TRACKS: LAND APPROX 1.6 KM NORTH WEST OF MINARD AND UPSLOPE OF THE EXISTING CRARAE SUBSTATION, MINARD (REF: 22/02376/PP)** (Pages 99 - 134)  
Report by Head of Development and Economic Growth
8. **SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: ERECTION OF HIGH VOLTAGE ELECTRICITY SUBSTATION AND FORMATION OF ASSOCIATED ACCESS, LANDSCAPING, DRAINAGE AND MEANS OF ENCLOSURE (CRAIG MURRAIL) SUBSTATION): ACHNABRECK FOREST - LAND APPROXIMATELY 2.5 KM NORTH EAST OF LOCHGILPHEAD AND 4 KM SOUTH WEST OF LOCH GLASHAN, LOCHGILPHEAD (REF: 22/02578/PP)** (Pages 135 - 172)  
Report by Head of Development and Economic Growth
9. **SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: ERECTION OF HIGH VOLTAGE ELECTRICITY SUBSTATION AND FORMATION OF ASSOCIATED ACCESS, LANDSCAPING, DRAINAGE AND MEANS OF ENCLOSURE (CROSSAIG (NORTH) SUBSTATION): LAND ADJACENT TO CROSSAIG SUBSTATION, SKIPNESS (REF: 23/00382/PP)** (Pages 173 - 212)  
Report by Head of Development and Economic Growth
10. **MR D HIGGINS: ERECTION OF DWELLINGHOUSE, FORMATION OF VEHICULAR ACCESS AND ASSOCIATED WORKS: GARDEN GROUND OF TORWOOD HOUSE, TORWOODHILL ROAD, RHU, HELENSBURGH (REF: 22/02523/PP)** (Pages 213 - 236)  
Report by Head of Development and Economic Growth
11. **PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS** (Pages 237 - 240)  
Report by Head of Development and Economic Growth
12. **REGULATORY SERVICES - SERVICE PLAN 2023-25** (Pages 241 - 258)  
Report by Executive Director with responsibility for Development and Economic Growth
13. **BUILDING STANDARDS BALANCED SCORECARD 2023-25** (Pages 259 - 272)  
Report by Executive Director with responsibility for Development and Economic Growth
- E1 14. **ENFORCEMENT REPORT REFERENCE 22/00002/ENFHS** (Pages 273 - 278)  
Report by Head of Development and Economic Growth

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an “E” on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

**E1 Paragraph 13** Information which, if disclosed to the public, would reveal that the authority proposes-

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

## **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

This page is intentionally left blank

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS on WEDNESDAY, 24 MAY 2023**

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

Councillor John Armour	Councillor Fiona Howard
Councillor Gordon Blair	Councillor Paul Donald Kennedy
Councillor Jan Brown	Councillor Liz McCabe
Councillor Amanda Hampsey	Councillor Luna Martin
Councillor Daniel Hampsey	Councillor Peter Wallace
Councillor Graham Hardie	

**Attending:** Stuart McLean, Committee Manager  
Matt Mulderrig, Development Policy & Housing Manager  
Sandra Davies, Major Applications Team Leader  
Stephanie Wade, Senior Planning Officer

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Audrey Forrest, Mark Irvine and Andrew Kain.

**2. DECLARATIONS OF INTEREST**

Councillor Blair declared a non-financial interest in planning application reference 22/02479/PP as his daughter worked with a company involved in the erection of pylon lines. Having taken note of the updated Standards Commission Guidance in relation to declarations (issued on 7 December 2021) with specific reference to section 5.4(c), he did not consider that he had a relevant connection and as such would remain in the meeting and take part in the consideration of this application which is dealt with at item 5 of this Minute.

**3. MINUTES**

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 19 April 2023 at 10.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 19 April 2023 at 2.00 pm was approved as a correct record.

**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)**

The Major Applications Team Leader spoke to the terms of the report and to supplementary reports numbered 1 and 2 which advised of late representations, a representation of support that had been withdrawn and further comment from Nature Scot and the Applicant.

This application is for the siting and operation of a new salmon fish farm located within the Kilbrannan Sound. The site would be served by sea from the existing shore base at

Carradale Harbour. At the time of writing the report this application has attracted 232 objections, 2 representations and 45 expressions of support. Objections have also been raised by Argyll District Salmon Fishery Board, Tarbert and Skipness Community Council, Fisheries Management Scotland, and the Clyde Fishermen's Association.

The proposal is considered to be consistent with the relevant provisions of the Development Plan. However, given the level of interest in the application and the complexity of the issues raised, it was recommended that a discretionary pre-determination hearing be held for this application in advance of determining this application.

### **Decision**

The Committee agreed:

1. to hold a discretionary pre determination hearing at the earliest opportunity on a hybrid basis within the Council Chamber, Kilmory, Lochgilphead and by Microsoft Teams; and
2. to hold a site visit in advance of the date of the hearing.

(Reference: Report by Head of Development and Economic Growth dated 12 May 2023 and supplementary reports 1 and 2 dated 23 May 2023, submitted)

#### **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)**

The Senior Planning Officer spoke to the terms of the report. The proposal is for the erection of a 275kV gas insulated switchgear 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, co-ordinate and economical electrical transmission system" and is required to allow connection for renewable energy generation in the area across the wider electricity network.

It is considered that the proposal would accord 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 in full with the material considerations.

It was recommended that planning permission be approved subject to conditions detailed in the report of handling.

### **Decision**

The Committee agreed to grant planning permission subject to the following conditions and reasons:

1. 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	LT288 An SUIDHE_DIESEL_FLOOR	Rev.1	13/01/2023

Plan			
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.*

(Reference: Report by Head of Development and Economic Growth dated 9 May 2023, submitted)

**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)**

The Senior Planning Officer spoke to the terms of the report. This is a Section 42 application which 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 January 2017. The site 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. The applicant has applied to vary Condition 2 to alter the finished floor levels of the dwellings.

It is considered that the proposal accords with the principles and policies contained within the Local Development Plan and it was recommended that planning permission be granted subject to the conditions and reasons detailed in the report of handling.

### **Decision**

The Committee agreed to grant planning permission in accordance with Section 42 of the Town and Country Planning (Scotland) Act 1997 subject to the following conditions and reasons:

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).*

(Reference: Report by Head of Development and Economic Growth dated 1 May 2023, submitted)

## **7. BRIEFING PAPER: SCOTTISH GOVERNMENT PROPOSALS REGARDING NEW NATIONAL PARKS**

A report raising awareness of the Scottish Government proposal regarding the selection and designation of a new National Park(s), with the nomination process proposed to be initiated in the summer 2023, was before the Committee for consideration.

### **Decision**

The Committee considered and noted:

1. the role of National Parks;
2. the Scottish Government process for selection and designation of a new National Park(s); and
3. some of the potential issues related to the designation of a National Park.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 18 April 2023, submitted)



**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS on WEDNESDAY, 24 MAY 2023**

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

Councillor Gordon Blair	Councillor Fiona Howard
Councillor Jan Brown	Councillor Paul Donald Kennedy
Councillor Amanda Hampsey	Councillor Liz McCabe
Councillor Daniel Hampsey	Councillor Luna Martin
Councillor Graham Hardie	Councillor Peter Wallace

**Attending:** Stuart McLean, Committee Manager  
Fiona Macdonald, Solicitor  
Thomas Jones, Applicant  
Sergeant David Holmes, Police Scotland

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors John Armour, Audrey Forrest, Mark Irvine and Andrew Kain.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (T JONES, LOCHGILPHEAD)**

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of video call and joined the meeting by Microsoft Teams.

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

The Chair referred to a preliminary matter and advised that Police Scotland had requested the Committee take account of a number of spent convictions the Applicant had which were considered "protected" in terms of the Rehabilitation of Offenders Act 1974. It was noted that the Committee may take into consideration evidence relating to spent convictions, protected matters, and similar where they were satisfied that justice could not be done except by admitting such evidence.

The Chair outlined the procedure that would be followed in this respect and invited Police Scotland to address the relevancy of the protected matters to this application.

**POLICE SCOTLAND**

Sergeant Holmes advised that there were various spent convictions that were protected and that in line with public safety it was the Chief Constable's contention that justice could not be done in this case except by admitting this evidence into the process so that the full

facts were in front of the Committee prior to determination of this application from Mr Jones.

The Chair then invited the Applicant to ask Police Scotland questions and to address the relevancy of the protected matters to his application.

### **APPLICANT**

Mr Jones said he was not sure exactly what the protected matters were but that he would have no problem with them being made available to the Committee. He confirmed that he had no questions for Police Scotland.

The Chair then invited Police Scotland to comment on the Applicant's submission and Sergeant Holmes confirmed that he had nothing further to add.

The Chair then invited the Members to ask questions and determine the relevancy of the protected matters.

### **MEMBERS' QUESTIONS AND DEBATE**

Councillor Blair sought and received confirmation from Mr Jones that all of his convictions were of a similar nature.

Councillor Kennedy asked Sergeant Holmes why some convictions were protected and some were not. Sergeant Holmes referred to the Rehabilitation of Offenders Act 1974 and explained that it depended on the time of a conviction, the age of the offender and the disposal of a case.

The Committee agreed that the protected matters should be taken into consideration and a copy of the detail of these was circulated to the Committee.

A short adjournment was taken and the Chair then outlined the hearing procedure that would be followed and invited the Applicant to speak in support of his application.

### **APPLICANT**

Mr Jones referred to the objection to his application due to his previous convictions and advised that he would be happy to explain what these were about. He advised that since the last conviction he had lived in Ukraine but then had to leave at the start of the war in 2022. He said that while in Ukraine he taught English and had military training. He and his family moved to England in March 2022 just after the war started. He said they lived in London for 4 months before moving to Ardrishaig and then Lochgilphead and that he currently worked for a breakdown recovery company. He said that since moving to the area he had also worked in a local pub and that he continued to teach English online. He said his employer at the Stag Garage was very pleased with his work and that he had received good reviews online.

Mr Jones advised that it was suggested to him by various people in the local community that he should apply to be a taxi driver. He said that he and his family had been accepted by the community and that they had received a lot of help and that he would like to put something back into the community and thought that this type of work would benefit him, his wife and family, and the community. He referred to his past which, he said, he could not deny and that he would be happy to answer any questions the Committee may have.

## **QUESTIONS FROM POLICE SCOTLAND**

Sergeant Holmes confirmed that he had no questions.

## **POLICE SCOTLAND**

Sergeant Holmes referred to a letter from the Divisional Commander dated 21 April 2023 which advised that the Chief Constable objected to this application on the grounds that the Applicant was not a fit a proper person to be the holder of a licence by virtue of five convictions dated 26 June 2008, 12 September 2012, 26 August 2013, 13 February 2014 and 13 March 2014 which he explained the detail of.

He also referred to a further letter dated 21 April 2023 which outlined seven spent convictions which were considered “protected” in terms of the Rehabilitation of Offenders Act 1974, which he also explained the detail of.

## **QUESTIONS FROM APPLICANT**

Mr Jones advised that he had no questions.

## **MEMBERS' QUESTIONS**

Councillor Blair referred to the conviction dated 8 June 1988 which was out of sync from the rest, which were in date order, and he received confirmation from Sergeant Holmes that this was correct.

Councillor Blair asked Mr Jones to confirm if he could guarantee that since moving to Argyll things had calmed down for him and that he had since changed his ways. He pointed out to Mr Jones that as a Taxi Driver he would be driving members of the public on behalf of the Committee and that the Committee wanted the very best people doing this.

Mr Jones said that there had been a long gap between now and when things went wrong from him. He commented that his last conviction was in 2016. He advised that his life was troubled in England and that it got to a point he decided he had to move himself from the situation. He said that he'd had a decent business in Sussex chartering yachts and that he had sold up and moved to Ukraine and had a good life out there. He said he was awarded medals for all the good he had done in Ukraine. He advised that he appreciated that his past would raise concerns. He advised that he wanted to be calm and that he had moved to a beautiful part of the world with his wife and step son.

He said it had been very hard last year but they had now settled into life in Argyll and that they have been treated so well. He said he would like to give back to the community and settle in Lochgilphead. He referred to many activities he was involved in including lawn bowls and tennis. He said he was very helpful in the community. He said he could understand concerns raised and that if his daughter got into a taxi with someone with his colourful past, he would raise questions too. He gave his assurance that things had changed. He advised that over the years he received counselling and also delivered a counselling course so that he could help others. He said he had tried to turn things around to help others.

Councillor Kennedy commented that some of the older convictions would have been when Mr Jones was very young so may be excusable. However, he advised he was more concerned about the more recent convictions from 2008 onwards. He pointed out that there was a lot of road traffic offences with disqualifications for driving which, he said, indicated a lack of respect. He asked Mr Jones why he was disqualified from driving in 2014.

Mr Jones said he was living in Dorset at the time. He said he was not aware that the Police had contacted the DVLA and that his licence had been cancelled. He said that he had moved away and did not get the notification. He said he found out when he was driving in Sussex which led to a disqualification. He said it was down to misinformation but it was his fault.

Councillor Kennedy referred to Mr Jones being disqualified from driving again in 2016. Mr Jones said he was not aware of that, he read out a list of convictions and said that he disputed some of those listed in the Police letter. Mr Jones said that he had a problem with the Dorset Police and that he had taken them to court. He had to sign a non-disclosure agreement with them as they admitted fault but he could not talk about it. Mr Jones advised that had he been aware that he was disqualified he would not have driven. He said that he'd had insurance and that he'd still had his licence. He said it was down to miscommunication. He said he could not deny he was not allowed to drive but he was not aware.

Councillor Kennedy sought and received confirmation from Mr Jones that he moved to Ukraine in May 2015 and returned to England on 2 March 2022. Mr Jones advised that he'd had no issues with the Police in Ukraine and that he had done some very good and worthy things there. He referred to the local press, the Argyllshire Advertiser, doing a touching article about him which could be read online.

Councillor Kennedy sought and received confirmation of the type of military training Mr Jones received in Ukraine. Mr Jones advised that as he could speak French, English, Italian and some Ukrainian he was commissioned by the Ukraine Army to meet and greet and to make sure information passed on was understood. He advised that he lived behind the military academy and that he had taught English there.

Councillor Green sought and received confirmation from Sergeant Holmes that the court conviction dated 19 May 2016 was as a result of an offence which took place on 13 April 2015.

Councillor Green sought and received confirmation from Mr Jones that he briefly came back to Sussex in 2016 to see his daughter and had attended that court hearing on 19 May 2016.

Councillor Wallace sought and received some background on the harassment convictions. Mr Jones referred to being in breach of a restraining order. He said that owning a business with someone in the same place had caused problems. Referring to the incident in question, he said the door was banged but the window was not smashed. He said that he had not been aware at that time that there was a restraining order. He said he eventually moved away from Dorset. He said he had felt victimised by the Dorset Police and that was why he sued them and had to sign a non-disclosure agreement.

Councillor Kennedy asked for details of the circumstances which led to the destruction of property. Mr Jones said the property was his. He advised that it happened when a severe toxic relationship was breaking down. He said it was a very volatile situation.

Councillor Brown commented that there seemed to be a lot of things that had happened to Mr Jones that he was not aware of such as the harassment order and the loss of his driving licence. She said that she appreciated that things had changed and that Mr Jones had moved on. She pointed out that the Committee had a big responsibility to ensure that members of the community were safe.

Mr Jones said that things did not make sense to him either and that he too would be concerned. He said he was confused about some of the dates in the Police letters and that some of these went back a long time.

Councillor Brown said she was not looking at the earlier dates as these were a long time ago. She said she had more concern about the convictions dated 2012, 2013, 2014 and 2016. She pointed out that these were only around 10 years ago. She said she appreciated that Mr Jones had been in a difficult situation and that she was a great one for giving someone another chance but at the moment she was concerned and conflicted.

Mr Jones replied that hindsight was a wonderful thing. He commented that his mental health had been impacted by staying in his previous relationship and referred to family abandonment issues. He said he was not trying to sugar coat things or excuse himself. He said that he had done some stupid things without care and thought to himself and to others. He said he was sorry and that he would rather not be sitting here trying to explain things which, he advised, were embarrassing and shameful. He said he took ownership for his past and that what he had done was not deniable. He advised that a lot of things had been done without care or thought and in the spur of the moment.

Councillor Kennedy sought and received confirmation from Mr Jones that he met his wife in Ukraine and that they were married a year and a half later in September 2016 and that she knew all about his past. He said it was his last choice to come back to England but they had to keep his family safe. He advised that he had taken on responsibility for his step son and wife and that they had a good life in Argyll. He said it had not been easy for his wife to move away from her home. He said her English was not good and that she was a bit timid and that his son had recently been diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) and Autism.

Councillor Kennedy sought and received confirmation from Mr Jones that they moved to Lochgilphead in September 2022. They initially had a private rent in Ardrishaig but moved to an ACHA flat after 3 months.

Councillor Kennedy asked Mr Jones why he had not declared his convictions on his application form. Mr Jones said he had sought advice from the Council's legal staff and was told that if his convictions were more than 5 years old they did not need to be declared. He said that he had offered to put them on the form but was told not to. He acknowledged that he should have read the form more carefully himself.

Councillor Blair sought assurance from Mr Jones that what was in the past was in the past and that he would be a quality taxi driver in the area.

Mr Jones said he could not deny his past. He said that when he left for Ukraine he did not want to get into another toxic relationship or be in the kind of trouble he was in Dorset

again. He said he would be happy with a probationary period. He said his wife had helped him through these years and that he wanted to be calm in a great community.

Councillor Blair commented that section 2 of the application form was not clear and he asked if Officers could look at that part of the form to make it easier to understand and complete.

Councillor Kennedy referred to the 2014 conviction for driving with excess alcohol and asked Mr Jones if he had attended court on that occasion. Mr Jones said that he thought that he had.

Councillor Kennedy sought and received confirmation from Sergeant Holmes that Police Scotland did not routinely contact applicants about their previous convictions before submitting objections.

## **SUMMING UP**

### **Police Scotland**

Sergeant Holmes advised that he had nothing further to add.

### **Applicant**

Mr Jones thanked the Committee for taking the time to hear what he had to say. He also thanked them for their concerns which, he said, he understood fully.

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

## **DEBATE**

Councillor Brown said she would like to approve this application. She said that Mr Jones had answered a lot of questions and that she would like to give him a chance. She advised that she thought he deserved this chance and that she would like to move that the application be approved.

Councillor Kennedy advised that he had concerns with this application at this time. He pointed out that Mr Jones had a history which showed not much consideration for driving regulations combined with alcohol related offences. He referred to a gap of 5 or 6 years when Mr Jones was not in this country and to him advising that he had no issues while living in Ukraine. He commented that Mr Jones had only been back in this country a few months. He advised that some of the convictions showed Mr Jones to possibly have a bit of a temper and that driving a taxi may not be the best environment for Mr Jones depending on the customer. He advised that he was tempted to refuse the application and, giving more time, Mr Jones could apply again. He commented that Mr Jones had a job at the moment and had a full driving licence.

Councillor Howard said that she would second Councillor Brown's motion. She said that she thought Mr Jones had gone through a lot in his life and that she would like to give him a chance to make a go of his new life living here with his family.

Councillor Hardie said he would support Councillor Kennedy if he put forward an amendment to refuse.

Councillor Blair said he concurred with the thoughts of Councillor Brown and Councillor Howard. He advised that Mr Jones had demonstrated remorse for his previous activities. He commented that living in a small community all eyes would be on him and that any misdemeanour would be reported straight to the Council and the Police. He said that he liked to see someone given a hand to get on and that Mr Jones would be well aware of the Committee's expectations of a taxi driver in Argyll and Bute. He said he would be supportive of this application.

Motion

To agree to grant a Taxi Driver Licence to Mr Jones.

Moved by Councillor Jan Brown, seconded by Councillor Fiona Howard.

Amendment

To agree to refuse Mr Jones' application for a Taxi Driver Licence on the grounds that he was not a fit and proper person to be the holder of the licence.

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

A vote was taken by calling the roll.

Motion

Councillor Blair  
Councillor J Brown  
Councillor Howard

Amendment

Councillor Green  
Councillor A Hampsey  
Councillor Hardie  
Councillor Kennedy  
Councillor McCabe  
Councillor Martin  
Councillor Wallace

No Vote

Councillor D Hampsey  
(due to having technical  
issues and not being  
present for the whole  
hearing)

The Amendment was carried by 7 votes, with 3 votes for the Motion and 1 no vote, and the Committee resolved accordingly.

**DECISION**

The Committee agreed to refuse Mr Jones' application for a Taxi Driver Licence on the grounds that he was not a fit and proper person to be the holder of the licence by virtue of his previous convictions.

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

This page is intentionally left blank



**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS on WEDNESDAY, 24 MAY 2023**

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

Councillor Gordon Blair	Councillor Fiona Howard
Councillor Jan Brown	Councillor Paul Donald Kennedy
Councillor Amanda Hampsey	Councillor Liz McCabe
Councillor Daniel Hampsey	Councillor Luna Martin
Councillor Graham Hardie	Councillor Peter Wallace

**Attending:** Stuart McLean, Committee Manager  
Fiona Macdonald, Solicitor  
Stephen McIntyre-Stewart, Applicant

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors John Armour, Audrey Forrest, Mark Irvine and Andrew Kain.

**2. DECLARATIONS OF INTEREST**

Councillor Paul Kennedy declared a financial interest in this application as he held a Taxi Car Licence for the Helensburgh and Lomond Area. He left the hearing at this point and took no part in the determination of this application.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI CAR LICENCE (S MCINTYRE-STEWART, GARELOCHHEAD)**

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of audio call and joined the meeting by telephone.

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

**APPLICANT**

Mr McIntyre-Stewart advised that as a Taxi Operator he and others were aware that the taxi trade had not picked up as they had hoped to pre Covid levels. He pointed out that there were, however, still gaps in the industry at the weekends and in the evenings. He said there continues to be a lack of provision with people waiting at the rank for a considerable time, particularly on Friday and Saturday evenings. He advised that he had submitted this application to try and fill that gap.

**MEMBERS' QUESTIONS**

Councillor Green sought and received confirmation from the Council's Solicitor that there were currently 46 taxis in the Helensburgh and Lomond area and that there had been 48 taxis when the LVSA survey was carried out.

Councillor Blair sought and received confirmation from Mr McIntyre-Stewart that he would be available to cover work over the phone during the week and that he would only work the rank at the weekends.

## **SUMMING UP**

### **Applicant**

Mr McIntyre-Stewart commented that the area was short of 2 taxis since the survey was carried out. He added that the trade had not yet fully picked up from Covid. He confirmed that he had received a fair hearing.

## **DEBATE**

Councillor Blair referred to the statistics and said that as the area was 2 short this would seemed a good opportunity to add an extra taxi.

Councillor McCabe agreed with Councillor Blair.

Councillor Hardie advised that being a Helensburgh Ward Councillor, he could see for himself in the evenings that people were waiting at the rank outside the station.

Councillor Howard said she supported this application, especially as it would serve the peninsula which, she advised, was short of a taxi service.

Councillor Amanda Hampsey advised that she agreed with her fellow Councillors and would be happy to approve the application based on the statistics and figures provided.

Councillor Green confirmed that he was likewise minded.

## **DECISION**

The Committee unanimously agreed to grant Mr Stephen McIntyre-Stewart a Taxi Car Licence and noted that written confirmation of this would be issued within 7 days.

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

---

**ARGYLL AND BUTE COUNCIL****PLANNING, PROTECTIVE  
SERVICES AND LICENSING  
COMMITTEE****LEGAL AND REGULATORY  
SUPPORT****21 June 2023**

---

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

---

**1.0 EXECUTIVE SUMMARY**

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 and to review the scales for taxi fares and other charges on a regular basis. The new fare structure requires to come into force by 22 October 2023. The fares were last reviewed by members on 19 January 2022 and took effect on 22 April 2022.

**2.0 RECOMMENDATIONS**

The Committee are asked to:

- Review the existing scales and publish them proposing a date when the proposed scales shall come into effect.
- Authorise the Head of Legal and Regulatory Support to advertise the proposed changes to tariffs and to invite any responses within one month of the advertisement and report back to members at their meeting on 23 August 2023.
- Should no objections or representations be received in relation to the proposal delegate authority to the Head of Legal and Regulatory Support in consultation with the Chair of PPSL to conclude the review without the requirement for the Committee to consider a further report on the review.

---

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE  
SERVICES AND LICENSING  
COMMITTEE

LEGAL AND REGULATORY  
SUPPORT

21 June 2023

---

CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
TAXI FARE SCALE REVIEW

---

**1. SUMMARY**

**1.1** 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 and to review the scales for taxi fares and other charges on a regular basis. The new fare structure requires to come into force by 22 October 2023. The fares were last reviewed by members on 19 January 2022 and took effect on 22 April 2022.

**1.2** The current maximum fares are:

Tariff 1 £3.45 (hiring between 7am and 10pm)  
Initial charge (860 yards or part thereof)  
Subsequent charge (each 176 yards or part thereof) @ 23p

Tariff 2 £4.14 (hiring between 10pm and 7am)  
Initial charge (860 yards or part thereof)  
Subsequent charge (each 150 yards or part thereof) @ 23p

Tariff 3 £4.83 (public holidays)  
Initial charge (860 yards or part thereof)  
Subsequent charge (each 120 yards or part thereof) @23p

Charges in respect of soiling, waiting and telephone bookings are £100 (maximum), 40p per minute and 35p respectively.

**2. RECOMMENDATIONS**

**2.1** The Committee are asked to:

- Review the existing scales and publish them proposing a date when the proposed scales shall come into effect.
- Authorise the Head of Legal and Regulatory Support to advertise the proposed changes to tariffs and to invite any responses within one month of the advertisement and report back to members at their meeting on 23 August 2023.

- Should no objections or representations be received in relation to the proposal delegate authority to the Head of Legal and Regulatory Support in consultation with the Chair of PPSL to conclude the review without the requirement for the Committee to consider a further report on the review.

### **3. DETAIL**

- 3.1** On 20 April 2023 a letter was issued to all taxi operators requesting their views on taxi fares by 29 May 2023. A questionnaire was also issued at the same time to try and engage with taxi operators on how the Licensing Section are performing. Members also requested at their meeting on 19 April 2023 that the consultation be opened up to members of the public in order to seek their views on taxi fares. Only one member of the public replied supporting no increase as the existing fares are unaffordable as they are. As a result of the consultation exercise and questionnaire the following responses from the trade are detailed below:-

#### **Lorn**

9 responses were received.

6 requested no increase as an increase might deter people using a taxi.

2 stated any increase should round figures off.

1 supported an increase with the starting tariff £3.50 and time/yardage to nearest 5p or 0p.

#### **Mid Argyll**

1 response requested no increase as an increase might deter people using a taxi.

1 response was received from a private hire operator supporting an increase of at least 20% would be appropriate taking the mileage rate (after the initial one) to a minimum of £2.90. The following information was provided based on their operations for the last financial year: Distance covered by our two cars was over 50,000 miles of which less than 50% was chargeable, about 25,000. Our direct costs excluding labour and depreciation were over £32,000 giving a cost of £1.28 per mile. From the balance of about £1 per mile we need to cover depreciation and labour and the current rate is not sufficient.

#### **Cowal**

No responses received as at 22/5/23.

#### **Lomond**

3 requested no increase.

#### **Bute**

1 requested no increase.

2 supported an increase in order to round off the fares to 5p instead of coppers. One also stated fares should be increased annually instead of massive jump after 5 years. (prior to the increase in fares in 2022 fares were last increased in 2014).

### Kintyre

1 requested no increase.

- 3.2** Enquiries were made with Angus Council, East Lothian Council and Highland regarding their existing taxi charges for the purpose of comparison and the findings are noted below.

	Argyll and Bute Existing Fares	Angus Council	East Lothian Council	Highland Council	Dumbarton & Vale of Leven Zone
Tariff 1	£3.45 860 yards then 176 @ 23p	£3.80 1440 yards then 75 @ 10p	£3.00 Depending on distance/time add 20p	£3.70 Depending on distance/time add 10p	£3.00 Depending on distance/time add 10p
Tariff 2	£4.14 860 yards then 150 @ 23p	£4.00 1440 yards then 70 @ 10p	£4.00 Depending on distance/time add 20p	£4.00 Depending on distance/time add 10p	£3.60 Depending on distance/time add 10p
Tariff 3	£4.83 860 yards then 120 @ 23p	£5.50 1440 yards then 60 @ 10p	£5.00 Depending on distance/time add 40p	£4.70 Depending on distance/time add 10p	£5.00 Depending on distance/time add 10p

- 3.3** The Committee are advised that data from the AA's Fuel Price Report dated 30 April 2023

Unleaded prices have fallen, from 147.2 p/litre last month to 146.9 p/litre

Diesel prices have dropped from 165.5 p/litre to 161.1 p/litre

The price difference between diesel and unleaded has shrunk to 14.2 p/litre

- 3.4** The recent taxi survey undertaken by LVSA in 2019 noted "that the Private Hire and Taxi Monthly magazine publish monthly league tables of the metred fares for taxis in Licensing Authorities in the UK. The Tariff 1 fares for a two mile journey (distance costs only) are compared and ranked. The lower the ranking (number), the more expensive the journey, compared with other authorities. The July 2019 table indicated that the fares in Argyll & Bute were ranked 103 out of 366 authorities listed. This indicates that taxis in Argyll & Bute are more expensive than for most authorities". As at May 2023 Argyll and Bute are ranked 131.

- 3.5** Circular 25/1986 states the Secretary of State expects that in fixing fares authorities will want to pay primary regard to the costs incurred by the

trade, having regard to the capital costs. (including interest payments) of the vehicles, the costs of maintaining and replacing them to the standards required by the licensing authority, the costs of employing drivers, and the prevailing levels of wages and costs in related road transport industries. In the Secretary of State's view the public interest is better served by ensuring the maintenance of an adequate taxi service by giving the trade a fair return than by depressing fares for social reasons, however understandable. If fares are fixed at a level higher than the market can stand, the trade is free to reduce them.

#### **4. CONCLUSION**

**4.1** Members are now required to review the matter of taxi fares. As previously advised in terms of Section 17 the procedure for reviewing taxi fares has changed.

In carrying out a review, the licensing authority must-

- (a) consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area,
- (b) following such consultation –
  - (i) review the existing scales, and
  - (ii) propose new scales (whether at altered rates or the same rates)
- (c) publish those proposed scales in a newspaper circulating in its area-
  - (i) setting out the proposed scales
  - (ii) explaining the effect of the proposed scales
  - (iii) proposing a date on which the proposed scales are to come into effect, and
  - (iv) stating that any person may make representations in writing until the relevant date, and
- (d) consider any such representations

In reviewing the matter of taxi fares members are invited to consider whether;

- A)** They wish to accept the general consensus from the 19 written responses received whereby 14 are requesting no increase and 5 are requesting increases to the fares be made.

When considering all of the above proposals members may wish to have regard to:-

1. The lack of representation or response to the proposed review of taxi fare scales for or against from the trade. A total of 111 operators were consulted with 18 providing written representations plus one from a member of the public. Therefore only 20% of the trade has responded and that equates to 21% in total.
2. The comparison of the general effect of Argyll and Bute's existing fares with those in place in Angus Council, East Lothian Council and Highland Council.
3. The fluctuation in the price of fuel.

4. The economic effect COVID 19 and the cost of living crisis is still having on our local communities.

If members are minded to propose an increase in fares they require to detail the proposed new scales, taking into consideration the following views obtained from taxi operators:-

- Kintyre and Lomond wish the fares to remain as is
- Lorn propose to “round fares up” and increase starting tariff to £3.50 and time/yardage to nearest 5p or 0p
- Cowal have submitted no response
- Bute propose to “round fares up” and that fares should be increased annually to avoid massive increases.
- Mid Argyll request an increase of at least 20%

- B)** They may wish to reaffirm the current scale of maximum fares previously reviewed by the Council on 19 January 2022 which came into force 22 April 2022 also having regard to the 19 written responses whereby 14 are requesting no increase to the taxi fares and 5 are requesting an increase. Members may also wish to have regard to:-

1. The lack of representation or response to the proposed review of taxi fare scales for or against from consultees. Only 20% of the trade have responded.
2. It should be noted that those requesting no increases from the following areas:- Lomond, Lochgilphead, Mull, Islay, Oban and Bute.

- 4.2** Members further require to propose a date of which the proposed fares are to come into effect. It is recommended that this be 22 October 2023.

- 4.3** Members should be aware that any person or any persons or organisations appealing to the Traffic Commissioner to be representative of taxi operators in the area who operates a Taxi in an area for which scales have been fixed or in respect of which a review has been carried out will still have the opportunity to lodge an appeal to the Scottish Traffic Commissioner within a 14 day period.

## **5. IMPLICATIONS**

5.1 Policy- None

5.2 Financial -none

5.3 Legal – The Council require to review taxi fares in terms of the Civic Government (Scotland) Act 1982

5.4 HR -none

5.5 Fairer Scotland Duty:-none

5.5.1 Equalities - protected characteristics-none

5.5.2 Socio-economic Duty-none

5.5.3 Islands -none

5.6 Climate Change-none

5.7 Risk-none

5.8 Customer Service-none



**Douglas Hendry**  
**Executive Director with responsibility for Legal and Regulatory Support**

**Policy Lead: Cllr Kieron Green**

For further information contact: Sheila MacFadyen, Senior Solicitor  
Tel: 01546 604265                      Email [Sheila.macfadyen@argyll-bute.gov.uk](mailto:Sheila.macfadyen@argyll-bute.gov.uk)

## APPENDIX 1

	Argyll and Bute Council Civic Government (Scotland) Act 1982	Current Maximum Fares fixed from 22 April 2022	Mid Argyll With 20% increase	Lorn - Increase of 5p to initial charge	Lorn - Increase of 5p to initial charge as %	Bute Round up fares to nearest 5p	Bute Round up fares to nearest 5p as %
<b>Tariff 1</b>	Hirings from ranks or "flag" betw een 7am and 10pm Hiring						
	Initial charge (860 yards or part thereof)	£3.45	£4.14	£3.50	1.4%	£3.45	0.0%
	Subsequent charge (each 176 yards or part thereof)	£0.23	£0.28	£0.25	8.7%	£0.25	8.7%
<b>Tariff 2</b>	Hirings from ranks or "flag" Hiring betw een 10pm and 7am						
	Initial charge (860 yards or part thereof)	£4.14	£4.97	£4.19	1.2%	£4.15	0.2%
	Subsequent charge (each 150 yards or part thereof)	£0.23	£0.28	£0.25	8.7%	£0.25	8.7%
	Tariff 2 also applies to hirings from ranks or "flag" betw een 6pm and 10pm December 24 <sup>th</sup> , 6pm and 10pm December 31 <sup>st</sup> and betw een 7am 2 <sup>nd</sup> January and 7am 3 <sup>rd</sup> January						
<b>Tariff 3</b>	Hiring from ranks or "flag" between 10pm 24 <sup>th</sup> December and 7am 27 <sup>th</sup> December and 10pm 31 <sup>st</sup> December and 7am 2 <sup>nd</sup> January						
	Initial Charge (860 yards or part thereof)	£4.83	£5.80	£4.88	1.0%	£4.85	0.4%
	Subsequent Charge (each 120 yards or part thereof)	£0.23	£0.28	£0.25	8.7%	£0.25	8.7%
	<b>Waiting Time</b> – 35 pence per minute commencement of journey, charged on a pro rata basis per second	£0.40	£0.48	£0.40		£0.40	
	<b>Taxi called by means of telephone</b> - 30 pence additional charge	£0.35	£0.42	£0.35		£0.35	
	<b>Large Mini-bus type vehicles</b> (carrying 5 or more passengers together at their own request)						
	a) Where Tariff 1 would apply – charge Tariff 2 b) Where Tariff 2 would apply – charge Tariff 3 c) Where Tariff 3 would apply – Surcharge £1.00	£1.15	£1.38	£1.15		£1.15	
	<b>Fee by negotiation</b> – for all journeys commencing within but finishing outwith Argyll & Bute, in a place of the above charges, such fares may be charged as prior to the acceptance of the hire, were proposed to the hirer and accepted by him/her						
	<b>Ferry Fares</b> – The hirer shall be liable for the cost of a return ferry fare for any journey involving a ferry						
	<b>Soiling Charge</b> - £100 maximum (with permission to display warning signs indicating that there may be an additional charge for any potential loss of earnings suffered as a consequence)	£100.00	£100.00	£100.00		£100.00	

		Current Maximum											
Argyll and Bute Council Civic Government (Scotland) Act 1982		Current Maximum Fares fixed from 22 April 2022			Mid Argyll With 20% increase			Lorn - Increase of 5p to initial charge			Bute Round up fares to nearest 5p		
		Fare	1 mile = 1760 yds	5 miles = 8800 yds	Fare	1 mile = 1760 yds	5 miles = 8800 yds	Fare	1 mile = 1760 yds	5 miles = 8800 yds	Fare	1 mile = 1760 yds	5 miles = 8800 yds
Tariff 1	Hirings from ranks or "flag" Hiring between 7am and 10pm												
	Initial charge (860 yards or part thereof)	£3.45	£4.63	£13.83	£4.14	£5.55	£16.55	£3.50	£4.78	£14.78	£3.45	£4.73	£14.73
	Subsequent charge (each 176 yards or part thereof)	£0.23			£0.28			£0.25			£0.25		
Tariff 2	Hirings from ranks or "flag" Hiring between 10pm and 7am												
	Initial charge (860 yards or part thereof)	£4.14	£5.52	£16.31	£4.97	£6.62	£19.58	£4.19	£5.69	£17.42	£4.15	£5.65	£17.38
	Subsequent charge (each 150 yards or part thereof)	£0.23			£0.28			£0.25			£0.25		
	Tariff 2 also applies to hirings from ranks or "flag" between 6pm and 10pm December 24 <sup>th</sup> , 6pm and 10pm December 31 <sup>st</sup> and between 7am 2 <sup>nd</sup> January and 7am 3 <sup>rd</sup> January												
Tariff 3	Hiring from ranks or "flag" between 10pm 24 <sup>th</sup> December and 7am 27 <sup>th</sup> December and 10pm 31 <sup>st</sup> December and 7am 2 <sup>nd</sup> January												
	Initial Charge (860 yards or part thereof)	£4.83	£6.56	£20.05	£5.80	£7.87	£24.06	£4.88	£6.76	£21.42	£4.85	£6.73	£21.39
	Subsequent Charge (each 120 yards or part thereof)	£0.23			£0.28			£0.25			£0.25		

**Waiting Time** – 35 pence per minute  
commencement of journey, charged on a pro rata  
basis per second

£0.40

£0.48

£0.40

£0.40

**Taxi called by means of telephone** - 30 pence  
additional charge

£0.35

£0.42

£0.35

£0.35

**Large Mini-bus type vehicles** (carrying 5 or more  
passengers together at their own  
request)

a Where Tariff 1 would apply – charge Tariff 2  
b) Where Tariff 2 would apply – charge Tariff 3  
c) Where Tariff 3 would apply – Surcharge £1.00

£1.15

£1.38

£1.15

£1.15

**Fee by negotiation** – for all journeys commencing  
within but finishing outwith Argyll & Bute, in a place of  
the above charges, such fares may be charged as  
prior to the acceptance of the hire, were proposed to  
the hirer and accepted by him/her

**Ferry Fares** – The hirer shall be liable for the cost of  
a return ferry fare for any journey involving a ferry

**Soiling Charge** - £100 maximum (with permission to  
display warning signs indicating that there may be an  
additional charge for any potential loss of earnings  
suffered as a consequence)

This page is intentionally left blank

**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**

---

**Reference No:** 22/00625/PP  
**Planning Hierarchy:** Local Application  
**Applicant:** Holidays Direct Marketing  
**Proposal:** Change of Use of land for the Siting of 10 Holiday Pods, Formation of Vehicular Access and Parking, Installation of Sewage Treatment Plant and associated Landscaping  
**Site Address:** Land between Achnakeep and Schoolhouse Cottage  
 Portsonachan

---

**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**

- Change of use of land for the siting of 10 holiday pods
- Formation of vehicular access and parking area
- Installation of sewage treatment plant

**(ii) Other specified operations**

- Proposed private water supply
  - Proposed landscaping
- 

**(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

---

**(C) CONSULTATIONS:**

Roads Authority

Report dated 28/09/22 advising no objection to the proposed development subject to a number of conditions being imposed on the grant of planning permission including the appropriate construction of the access at the junction with the public road and

the provision of 6 additional passing places to be provided or formalised along the section of the B840 from the A819 public road to the site entrance.

#### Environmental Health Service – Private Water Supply (PWS)

Memo dated 05/09/22 advising no objection to the proposed development subject to a condition being imposed on the grant of permission to secure a report on the proposed private water supply to ensure that it is sufficient to serve the proposed development.

#### Environmental Health Service – Amenity (EHS)

Memo dated 02/12/22 advising that the site is in close proximity to a number of residential dwellinghouses with the development proposed having the potential to give rise to adverse amenity issues. Accordingly the EHS requested that a Noise Management Plan be submitted which should outline how noise from guests utilising the premises can be managed including rules for the use of the development. The EHS further advise that a condition should be imposed on the grant of planning permission to secure details of the proposed external lighting to serve the proposed development. The EHS provide further comments with regards to the requirements for a Site License which is a matter separate from the planning process.

#### ABC Flood Risk Advisor (JBA Consulting Ltd)

Initial report dated 07/12/22 deferring their decision until such time as drainage details are supplied, such as surface water drainage calculations. JBA advise that all surface water drainage should be designed according to CIRIA C753 and Sewers for Scotland 4<sup>th</sup> Edition and post development runoff should not exceed the greenfield runoff rate. As a result of the initial comments from JBA, the Agent liaised with JBA submitting a revised drainage plan for their proposed development. In their response (23/02/23) to the updated drainage plan, JBA confirmed their acceptance of the proposed drainage calculations and provided a number of comments for the Applicant with an advisory comment regarding the diameter of the proposed outlet pipe.

#### Biodiversity Officer

Letter dated 16/08/22 advising, in summary, that she is content with the findings of the Ecological Survey but noted the absence of any ornithological surveys, therefore asks that a condition is imposed on the grant of planning permission requiring that any ground and tree works are undertaken outwith the bird nesting season (March-August). The Biodiversity Officer also advised that a condition should be imposed to secure the submission of an Eradication Plan for Invasive Non-Native Species. The Biodiversity Officer provided additional advisory comments which will be conveyed to the Applicant.

#### Glenorchy and Innishail Community Council

E-mail dated 23/08/22 advising that they held a well-attended extraordinary meeting to discuss the proposed development where the community objected to the proposed development on the following grounds; Increased Traffic using the B840; Lack of Car Parking; Pedestrian Hazard; Impact on Residential Amenity and Quality of Life; Maintenance; Water Supply; Appearance and Design; Benefit to Local Economy; Impact on Nature; Landscape Setting.

**Officer Comment:** *The comments of the Community Council are noted and are addressed in the Representations at Section F below.*

#### Oban and District Access Panel

E-mail dated 06/08/22 advising, in summary, that the remit of the panel is to encourage developers and designers to create accessible buildings and environments that provide disabled people with equal access and facilities and enable them to participate and to thrive.

The Panel advise that the submission falls short in some respects and would encourage the developer to redesign units 2 and 3 on Inclusive Design principles as set out in BS8300-2019. These units could be readily adapted and could be provided with on-site parking. The Panel would be happy to overlay their 1:50 floor plan with suggested alterations.

**Officer Comment:** *These comments are noted by the Planning Authority and will be passed to the Applicant for comment/action.*

The above represents a summary of the issues raised. Full details of the consultation responses are available to view via the [Public Access](#) section of the Council's website.

---

**(D) HISTORY:**

No relevant planning history.

---

**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 25/08/22.

---

**(F) REPRESENTATIONS:**

**(i) 37 objections received from:**

Mr R.McD.P. Manson, Green Cottage, Ardbrecknish, Dalmally, PA33 1BJ (27/08/22)  
Mrs R.McD.P. Manson, Green Cottage, Ardbrecknish, Dalmally, PA33 1BJ (27/08/22)

D. Beckitt – by e-mail only (25/08/22)

A. Beckitt, Corries, Lochawe Village, Dalmally (25/08/22)

Mr Ernie Jamieson Creag Mor, Ardbrecknish, Dalmally, PA33 1BH (25/08/22)

Mrs Angela Sheppard, 21 Brunt lane, Woodville, Swadlincote, Derbyshire, DE11 7EW (22/08/22)

Michael Andrews, Cruachan View, Portsonachan, PA33 1BJ (25/08/22)

Mrs Tracy Boyles, Riverside Cottage, Cladich, Dalmally, PA33 1BQ (25/08/22)

Rona Duncan, South Lodge, Portsonachan, PA33 1BJ (24/08/22)

Catherine Andrews, Cruachan View, Portsonachan, PA33 1BJ (24/08/22)

Christopher Stylianou, Braevallich House, Braevallich, PA33 1BU (24/08/22)

Janet Buchanan, Innishail Cottage, Ardbrecknish, Dalmally, PA33 1BH (24/08/22)

Pamela A. Gibson – by e-mail only (24/08/22)

Rena Ritchie, Old School, Portsonachan, PA33 1BJ (23/08/22)

Professor Rowena Parnell, Ardchonnell Schoolhouse, East Lochaweside, PA33 1BW (22/08/22)

Isabella Wemyss - Eredine Village (22/08/22)

Mr Jon Strickland, Cladich Mor, Cladich, Dalmally, PA33 1BQ (22/08/22)

Malcolm Parnell, Ardchonnell Schoolhouse, East Lochaweside, PA33 1BW (22/08/22)  
Mr David Brodie, Loch View, Portsonachan, PA33 1BJ (21/08/22)  
Mrs Catriona O'Keeffe, Blarghour Farmhouse, East Lochaweside, Dalmally, PA33 1BW (19/08/22)  
Martin O' Keeffe, Blarghour Farm, PA33 1BW (18/08/22)  
Frazer J. A. Lim, The Auld Mill, East Lochaweside, PA33 1BN (18/08/22)  
Carol Russell – by e-mail only (17/08/22)  
R. Russell – by e-mail only (17/08/22)  
Dr Wai L. Lim, The Auld Mill, East Lochaweside, PA33 1BN (17/08/22)  
Euan Lim, The Auld Mill, East Lochaweside, PA33 1BN (17/08/22)  
Mrs Linda Lim, The Auld Mill, East Lochaweside, PA33 1BN (17/08/22)  
Crispin Flint, Sonachan Still, Portsonachan, PA33 1BJ (16/08/22)  
Dr. Roger Flint, 218 Newbury Street, Boston, Massachusetts, 02116 (16/08/22)  
Mrs Suzanne Flint, Sonachan Still, Portsonachan, PA33 1BJ (16/08/22)  
Mr Stephen Cook, 66 Sheep Walk, Shepperton, TW17 0AJ (15/08/22)  
Elizabeth Bradley, 2 Langside Drive, Comrie, Perthshire, PH6 2HR (15/08/22)  
Alistair Cook, 3 Craiglockhart Bank, Edinburgh, EH14 1JH (15/08/22 & 21/02/23)  
Colin Bradley, 41 Cavendish Avenue, Perth, PH2 OJU (11/08/22 & 14/04/22)  
K. Mottram, Achnacloich Cottage, Portsonachan, PA33 1BU (10/08/22)  
Mr Neil Mottram, 1 Achnacloich Cottage, Portsonachan, PA33 1BJ (01/08/22 & 10/08/22)  
Andrew Short. Old School, Portsonachan, PA33 1BJ (09/08/22, 10/08/22 & 24/08/22)

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:

### • Access, Traffic, Parking and Pedestrian Safety

The proposed development will create a large amount of traffic along the B840 public road which is a single track road with passing places along the entire 23 mile length of Loch Awe and which is not suitable for developments that create a lot of additional traffic.

There are an insufficient number of intervisible passing places along the B840 to allow vehicles to pass and therefore, any development which increases the use of this public road will exacerbate the problem.

The road is increasingly being used by supply and delivery trucks and other logistical traffic who support the community in a modern post Covid society meaning that the road is substantially busier than it has been in the past..

The public road, whilst not identified as part of a Sustrans national network route, is recognised as a safe cycle route due to limited traffic use. Consequently, the road is used significantly by cycling groups as a safe and flat cross country route traversing Argyll.

The stretch of the B840 public road through Portsonachan does not benefit from a pavement or a lesser speed limit and, as such, the increase in vehicles will put pedestrians at significantly more risk, this will include patrons of the proposed development.



Given the need for large scale haulage and craneage during the construction phases of the development, there are concerns that delays and obstructions along the B840 may arise which could prevent access for emergency vehicles etc.

The developer should be required to provide a detailed Construction Method Statement illustrating their methodology to ensure that the road remains clear at all times throughout the construction period of the development.

It is essential that the developer provides a formal Traffic Impact Assessment Study illustrating the impact of the proposed development through its construction and operational phases. Such a study should be subject to third party scrutiny prior to the determination of the application.

**Officer Comment:** *The Council's Roads Engineer raised no objection to the proposed development on road or pedestrian safety grounds. This recommendation of no objection is on the basis that conditions are imposed on the grant of permission to secure the appropriate construction of the access at the junction with the public road and also the provision of 6 additional passing places along the B840 public road from the A819 junction and the application site, conditions which have been accepted by the Applicant.*

*Furthermore, since the Roads Engineer submitted his response, the Agent has submitted a 'Vehicle Trip Briefing Note' (VTBN) in support of the proposed development, full details of which is set out in Appendix A of this report. However, in summary, the VTBN demonstrates that the anticipated trips generated as a result of the proposed development would be at a low level such that there would not be any material impact on the operation of the road network nor would it attract any requirement for off-site mitigation to accommodate the proposals.*

## • **Impact on Amenity/Bad Neighbour Development**

Due to the close proximity of the proposed development to existing residential properties within Portsonachan Village, this will result in noise and nuisance to the residents of these properties.

The proposal will exacerbate the existing noise and bad neighbour problems of the existing lodges.

The development of this site with a rowdy camping style accommodation development is wholly outwith the character of the village and would have a very detrimental effect on the residents living close to the development and the wider loch side community.

Neither the current lodges nor proposed new lodges have any direct monitoring of guest behaviour by the parent hotel business, leading to unsociable behaviour greatly affecting local residents, and existing problem with the current lodges.

The proposed development will simply diminish the quality of life for local residents making it a worse place to live which goes against the very reasons that residents have chosen to live in Portsonachan.

**Officer Comment:** *Due to the proximity of the application site to a number of residential dwellinghouses, consultation was undertaken with the Council's EHS. In their response to the application, whilst not objecting to the proposal, they requested,*

due to the proximity to a number of residential dwellinghouses, that a Noise Management Plan be submitted which should outline how noise from guests utilising the premises can be managed including rules for the use of the development. The EHS further advised that a condition should be imposed on the grant of planning permission to secure details of the proposed external lighting to serve the proposed development in order to ensure that it will not give rise to any significant adverse impact on the amenity of the neighbouring properties and wider area. The Agent worked with the EHS to agree a mutually acceptable Noise Management Plan for the proposed development which includes details of rules to be adhered to by guests and details of how these rules will be enforced in the event of non-compliance. The EHS confirmed acceptance of the Noise Management Plan subject to a condition being imposed on the grant of permission to ensure that the development is undertaken in accordance with the approved scheme.

- **Impact on Natural Environment**

The site is not simply a narrow gap between existing buildings ripe for an infill development, but a long stretch of land in keeping with the rural character of Portsonachan which has other stretches of similar undeveloped green land.

The natural environment presently extends throughout the village and the woodland and fields which are present within the village will be lost to the new accommodation reducing the present of vegetation and the natural habitat for various wildlife.

The proposed development, both by virtue of the construction and thereafter the operation of the development, due to the increased activity, noise and lighting etc. will have an adverse impact on a wide range of bird and wildlife including Otter, Pine Martin and Red Squirrel.

The proposal will have an adverse impact on the Ancient Woodland.

The proposal will have an adverse impact on the North Argyll APQ.

**Officer Comment:** *The application site is situated within the defined Minor Settlement of Portsonachan where Policy LDP DM 1 of the LDP, and the forthcoming pLDP2, give encouragement to small scale development and accordingly these policies directly support the principle of the proposed development. The proposed development is also directly supported by national planning policy 30 of NPF4.*

*Notwithstanding the direct policy support for the proposed development the application is accompanied by a Tree Report and an Ecological Appraisal for the site. The Tree Report recommends the removal of one tree within the development site with the potential of a further young tree to be felled, both of which are outwith the Ancient Woodland designation. No other trees within the development site are to be felled and a condition is proposed to ensure tree protection and retention measures are undertaken within the proposed development.*

*The Ecological Appraisal does not identify any adverse impact on protected habitats or species.*

*The findings of the reports have been accepted by the Council's Biodiversity Officer. Both reports are assessed in full in the Appendix to this report.*

*In addition, a Landscape and Visual Assessment (LVA) has been undertaken for the site, details of which are contained in Appendix A of this report, but which in summary concludes, with the tree retention and proposed landscaping, that the site does not lead to unacceptable levels of potentially adverse landscape and visual effects.*

*The sympathetic siting of the pods within the site, using a muted palette of finishing materials, together with the tree retention and proposed landscaping scheme, will ensure that the proposed development will not result in a significantly visually intrusive development within the site, the wider landscape or the APQ.*

- **Private Water Supply**

Water supply in the area is already an issue with water often required to be pumped from the loch to bolster the existing supply to the chalets.

No details about the source of the proposed private water supply has been provided in the application.

If the water supply is by way of a borehole this could severely impact and disrupt the water supply of other local residents.

An assessment of the proposed water supply has not been submitted with the application.

There is potential risk of damage to existing water pipes that run from an old established spring fed supply under the development area which serves Ar Tigh, Alt Bhan and The Old Schoolhouse.

**Officer Comment:** *The Council's Private Water Supply Team (PWS) were consulted on the proposed development. In their response the PWS advise that, as the application does not provide any detailed information on the source, capacity or quality of the proposed private water supply, it is considered appropriate to impose a safeguarding condition on the grant of planning permission to secure a report on the proposed private water supply to ensure that the site is adequately serviced for water provision and does not have a detrimental effect on the water supplies of surrounding properties. The report on the proposed private water supply will require to be submitted and agreed in writing with the Planning Authority in consultation with the PWS team in advance of works starting on site.*

*With regards to damage to existing water supply pipes, this is a civil matter between affected parties and not material planning matter in the consideration of this planning application.*

- **Private Drainage System**

Concerns regarding the proposed private drainage system to serve the development and the potential impact that discharge from the development will have on Loch Awe.

**Officer Comment:** *The Council's Building Standards Service will apply sufficient control over the operation of the proposed private drainage system at Building Warrant stage to ensure no adverse impacts arise. The Council's Flooding Advisors, JBA Consulting Ltd, were consulted for their comments on the impact of the proposed development on adjacent water courses and raised no objection. Furthermore, any developments that are likely to have an impact on adjacent watercourses are subject*

to separate licensing under The Controlled Activities Regulations (CAR) through SEPA.

- **Scale and Design of Development**

Whilst the application is proposing 10 units which is classed as small scale, the business proposing the development already has 9 larger holiday lodges in another site separate from the hotel, as well as a large hotel offering tourist accommodation which has, alongside it, a converted coach house and lochside chalets offering yet further tourist accommodation. This entire operation is all within the small settlement village of Portsonachan and certainly not small scale.

The pod design does not match or fit in with any residential property in Portsonachan, which are larger properties each with a unique design within private gardens. Not a single design is repeated or sited within a housing context.

Only the existing, non-residential holiday lodges already owned by the Portsonachan Hotel feature repetitive, identical structures, but of a very different design to that proposed in the current application.

Due to the elevated nature of the site, and its sloping topography, the incongruous site of 10 identically designed chalets will be particularly visible and impactful to all parties passing through the village.

**Officer Comment:** *This small scale tourism venture is considered to be of an appropriate scale and design for its purpose, in an area where there is no distinct architectural style evident.*

*The siting of the development, working with the existing contours of the site to avoid any unnecessary cut and fill, together with the retention of the woodland surrounding the site and the proposed structure landscaping will help integrate the proposed development within its site to ensure that it does not appear as an overly prominent or incongruous feature within the site or wider landscape.*

*Whilst the scale and impact of the existing development is acknowledged, and due regard has been given to the cumulative impact, it is not considered that the development capacity of the minor settlement has been reached or that the current development proposed would be contrary to adopted planning policy.*

- **Management and Maintenance of Development**

Concerns over the management of the proposed development which will be conducted from the reception of the Portsonachan Hotel, which is located a considerable distance away.

Concerns over the maintenance of the proposed development. There are many potential opportunities to illustrate the low levels of maintenance that the developers progress on their property interests illustrating that the developer places little value on the control of maintenance of their assets.

**Officer Comment:** *Whilst this comment is noted, the site is considered to be in relatively close distance to the Portsonachan Hotel to the west to negate the need for any on-site management presence. Furthermore, the Council's EHS have agreed a Noise Management Plan for the proposed development which includes a system*

*that can be accessed remotely and alert staff of any noise related issues arising from the operation of the proposed development.*

*The maintenance of the development is a matter for the Applicant.*

- **Over Provision of Tourist Accommodation & Quality of Development**

The surrounding area is already over-subscribed with tourist accommodation. Aside from the monopoly of tourist accommodation provided by the Portsonachan Hotel there is a wealth of tourist accommodation close by provided by smaller community run businesses along the south shore of Loch Awe.

The current proposal only offers more of what is already provided and will threaten the smaller tourist accommodation businesses within the community.

The proposal does not offer high quality tourism, just more of the same and more of what is already oversubscribed and not required.

The lower price point of these small lodges could be undercutting the smaller locally run established tourism facilities reducing the benefits of tourism to other and monopolising tourism accommodation in the area.

**Officer Comment:** *Matters related to economic competition are not material to the assessment of this planning application and cannot be afforded weight in the consideration of this application.*

*Furthermore small scale tourism ventures benefit from direct policy support from both National and Local Policy (NPF4 Policy 30 and LDP Policy LDP 5, SG LDP TOUR 1 and SG LDP TOUR 3) which recognise that tourism is a sustainable industry and has the potential to add value to the economy of Argyll and accordingly offer direct support to new and improved small scale tourism ventures.*

### **Benefit to Local Economy**

There is little evidence of any benefit to the community of Portsonachan or the wider Argyllshire economy beyond the Applicant's own assertions that the proposal will add value to the local economy by creating additional employment; enhance visitor attraction and spend within the region; and, associated knock-on benefits to local suppliers and businesses. The suppliers of the pods are not based in Argyllshire and there is little evidence to suggest that local supplies are regularly used and would benefit.

**Officer Comment:** *In order to comply with the newly adopted NPF4, further information was submitted by the Agent with regards to the economic benefit arising from the proposed development. The Agent outlines that:*

*'The applicant intends to invest circa. £2.1m in bringing forward the development proposals and associated infrastructure. This represents a significant investment in the local area and will positively contribute to the policy intent and outcomes of NPF4, particularly those relating to tourism. For example, as well as being a significant investment in the development itself, the proposals would generate at least 2 additional full time equivalent jobs within the area. Although modest in scale and difficult to accurately quantify, the proposals will provide additional choice and attract additional visitors and associated spend to the region, thereby providing additional knock-on benefits to local suppliers, businesses, tourist attractions and amenities,*

*including: Loch Awe Boats, Loch Awe Raptors, Ardbrecknish Bar and the Portsonachan Hotel, all of which are within walking or a short cycle distance from the proposal site. Of course, the proposals would also benefit the wider locale, as visitors make day trips and visitations to other local attractions and features’.*

- **Setting a Precedent**

Should permission be granted for the 10 units in the current application, this will set a precedent for further development. Indeed the Tree Survey submitted with the application makes reference to ‘*up to 35 new holiday chalets sited within the open ground lying to the east of the existing chalet development. The initial phase of development is for 10 chalets...*’.

Accordingly, although the Planning Authority can only consider the information contained within the application package, due to the inclusion within the submission regarding the possibility of future units, it is now reasonable to consider this planning application as a ‘Trojan Horse’ type of application and it is now reasonable to assume the concerns of the community that, should permission be granted, the impacts on both the character of the settlement and the amenity of residents may be greatly exacerbated, beyond that being represented in the current application.

**Officer Comment:** *The granting of permission for the 10 pods subject of this application in no way infers that any future permission will necessarily be supported. Each planning application submitted is considered on its own merits in accordance with the Development Plan in force at the time along with all other material planning considerations.*

- **Lack of Local Amenities and Tourist Facilities**

There are no local facilities within the vicinity of the site i.e. shop, playground etc. and therefore the development may not be attractive to young families.

The proposed development is not close to any specific tourist interests, only more tourist accommodation. The proposal does not offer any new facilities or visitor attractions.

**Officer Comment:** *Whilst this comment is noted, the proposal subject of this application is similar to many tourism ventures found throughout rural Argyll with patrons of such ventures aware of the facilities available on the site and in the local area prior to booking a stay.*

- **Waste Management/Disposal**

The proposed development does not provide sufficient details on waste management or disposal procedures to serve the proposed development.

The hotel presently uses a small area of ground adjacent to the B840 public road for the burning of mixed waste and it is not unusual to find broken white goods and furnishings piled in this area.

**Officer Comment:** *With regards to the operational waste from the proposed development, this is set out in a statement submitted with the application which is discussed in more detail in Appendix A of this report. With regards to the allegations*

*of burning of waste and 'fly tipping' of items, this is a matter for the Council's Amenity Services, Environmental Health Service and SEPA.*

---

**(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  
A Design and Access Statement has been submitted in support of the application.
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**  Yes  No  
Ecology Report and a Tree Report have been submitted in support of the application; details of which are discussed in Appendix A of this report.
- 

**(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**

**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 6 – Forestry, Woodland and Trees  
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)  
NPF4 Policy 12 – Zero Waste  
NPF4 Policy 13 – Sustainable Transport

**Liveable Places**

NPF4 Policy 18 – Infrastructure First  
NPF4 Policy 22 – Flood Risk and Water Management  
NPF4 Policy 23 – Health and Safety

**Productive Places**

NPF4 Policy 30 – Tourism

**[‘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 9 – Development Setting, Layout and Design  
LDP 10 – Maximising our Resources and Reducing our Consumption  
LDP 11 – Improving our Connectivity and Infrastructure

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

**Natural Environment**

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity  
SG LDP ENV 2 – Impact on European Sites  
SG LDP ENV 6 – Impact on Trees / Woodland  
SG LDP ENV 7 – Water Quality and the Environment

**Landscape and Design**

SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs)  
SG LDP ENV 14 – Landscape

**Support for Business & Industry: Main Potential Growth Sector: Tourism**

SG LDP TOUR 1 – Tourist Facilities and Accommodation, including Static and Touring Caravans  
SG LDP TOUR 3 – Promoting Tourism Development Areas

**Bad Neighbour Development**

SG LDP BAD 1 – Bad Neighbour Development

**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
- SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development
- SG LDP SERV 6 – Private Water Supplies and Water Conservation

**Transport (Including Core Paths)**

- SG LDP TRAN 2 – Development and Public Transport Accessibility
- SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
- SG LDP TRAN 5 – Off-site Highway Improvements
- SG LDP TRAN 6 – Vehicle Parking Provision

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

- [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.**
- Argyll and Bute Sustainable Design Guidance, 2006
- Consultation Responses
- Third Party Representations

---

**(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

---

**(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

In deciding whether to hold a discretionary hearing Members should consider:

- 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 proposal has elicited 37 objections.

It is the opinion of the Planning Authority that the representations received, together with officer assessment of the relevant planning issues contained within this report, provide all the information required to enable Members to make an informed decision based on all of the material planning considerations in this case, not least the recently adopted 'National Planning Framework 4' and the direct relevance of key planning policies contained within it as underpinned by the Policies and Supplementary Guidance (SG) contained within the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015.

In this instance it is not considered that the objections raise any complex or technical issues that have not been addressed in the current Report of Handling and it is not considered that a discretionary local hearing would add value to the planning process.

The determining factor in the assessment of this application is whether the proposed holiday pod development is consistent with the provisions of the adopted National Planning Policy as underpinned by the LDP and whether the issues raised by third parties raise material considerations of sufficient significant to withhold planning permission.

In this instance the proposed development is considered to be wholly consistent with, and actively supported by, the provisions of the adopted National Policy as underpinned by the LDP.

---

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

- North Argyll Area of Panoramic Quality

**(P)(ii) Soils**

[Agricultural Land Classification:](#)

Class 5.3 – Land capable of use as improved grassland. Pasture deteriorates quickly.

[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  N/A

Would the development result in fragmentation of croft / better quality agricultural land?  Yes  No  N/A

**(P)(iii) Woodland**

Will the proposal result in loss of trees/woodland?  Yes  
 (If yes, detail in summary assessment)  No

Does the proposal include any replacement or compensatory planting?  Yes  
 No details to be secured by condition  
 N/A

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

Status of Land within the Application  Brownfield  
 (tick all relevant boxes)  Brownfield Reclaimed by Nature  
 Greenfield

ABC LDP 2015 Settlement Strategy  Main Town Settlement Area  
 LDP DM 1 (tick all relevant boxes)  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 application is seeking to secure permission for the change of use of the land to allow it to be utilised as a small scale holiday development comprising 10 pods.

The proposed development benefits from direct policy support from both National and Local Policy (NPF4 Policy 30 and LDP Policy LDP 5, SG LDP TOUR 1 and SG LDP TOUR 3) which recognise that tourism is a sustainable industry and has the potential to add value to the economy of Argyll.

In terms of the Settlement Strategy set out in the adopted LDP, the application site is situated within the defined Minor Settlement of Portsonachan where Policies LDP STRAT 1 and LDP DM 1 give general encouragement to small scale development on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP TOUR 1 and SG LDP TOUR 3 which offers further support to small scale tourism ventures where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact. Furthermore the site is

within a Tourism Development Area where Policy SG LDP TOUR 3 of the LDP and the Council's Economic Development Action Plan recognise that tourism is a strategically important sector for Argyll and Bute which will continue to play a significant role in the economy of Argyll and Bute.

Policy LDP 5 gives support to new and existing businesses which help deliver sustainable economic growth throughout the area with SG LDP TOUR 1 expanding on this policy giving a presumption in favour of new or improved tourist facilities subject to a number of criteria including respecting the landscape character and amenity of the area; being reasonably accessible by public transport and being well related to the existing settlement pattern of development.

The application site comprises a generally rectangular shaped area of ground situated directly adjacent to the B840 public road which forms its northern boundary. The site slopes up from the public road towards its southern boundary which does not have a defined boundary comprising rising land with a covering of trees and shrubs. The western boundary is delineated by an area of thick scrub and post and wire fence beyond which is a single dwellinghouse, 'Achnakeep Cottage', which separates the site from an existing, long established, chalet development. The eastern boundary of the site comprises an area of hedgerow and post and wire fence adjacent to a single dwellinghouse, 'Schoolhouse Cottage'. On the opposite side of the public road from the site there are three dwellinghouses, 'Ar Taigh', 'Alt Bhan' and 'Sonachan Still'.

The proposal involves the siting of 10 pre-fabricated EVA – Lesko Modular Lodges which comprise modest, single storey, curved roofed structures with finishing materials which comprise horizontal cedar cladding with a charcoal grey coloured roof tile. The lodges, which are referred to as pods for the purpose of this report, provide two bedrooms with a central lounge and dining area and a kitchen to one end and a shower room to the other.

The application proposes a new vehicular access spurring from the B840 public road to the east of the site to serve the proposed development. The application shows an internal access track which runs parallel to the B840 public road on the flatter area of ground within the site with a parking area for 10 pods at its western end and a turning head to the east.

The application proposes a private drainage system and private water supply to serve the proposed development due to the lack of public infrastructure within the vicinity of the site.

The proposal has elicited 37 objections.

The proposal for the change of use of land for the siting of 10 holiday pods, along with the associated infrastructure and landscaping, is considered to represent a suitable proposal which is consistent with the provisions of the adopted LDP and one which will benefit the local economy in accordance with one of the central challenges for Argyll and Bute, that of delivering sustainable economic growth.

Taking account of the above, it is recommended that planning permission be approved subject to conditions.

A full report is provided in the Appendix of this report.

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

---

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

The proposal is considered to be consistent with the relevant provisions of National Planning Framework 4 as underpinned by the Policies and Guidance contained within the adopted Development Plan, and there are no other material considerations of sufficient significance, including issues raised by third parties, to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.

---

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

N/A

---

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

---

**Author of Report:** Fiona Scott

**Date:** 01/06/23

**Reviewing Officer:** Tim Williams

**Date:** 01/06/23

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/00625/PP****Standard Time Limit Condition** (as defined by Regulation)**Standard Condition on Soil Management During Construction****Additional Conditions****1. PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 25/03/22, 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.

<b>Plan Title.</b>	<b>Plan Ref. No.</b>	<b>Version</b>	<b>Date Received</b>
Proposed Site Layout and Landscaping Plan	1538/07	D	23/06/22
Existing Site Layout Plan	1538/08	A	23/06/22
Site Location Plan	1538/09	B	23/06/22
Section A – Existing and Proposed Topography	1538/10	A	28/03/22
Section B – Existing and Proposed Topography	1538/10	B	28/03/22
Key Plan & Elevations	22-0000-001	A	23/06/22
Biodiversity Enhancement Plan – 26 PAGES			11/05/23
Civil/Structural Site Constraints Report Part 1 of 3 – 151 PAGES			23/06/22
Civil/Structural Site Constraints Report Part 2 of 3 – 30 PAGES			23/06/22
Civil/Structural Site Constraints Report Part 3 of 3 – 22 PAGES			23/06/22
Design and Access Statement Part 1 of 2 – 13 PAGES			23/06/22
Design and Access Statement Part 2 of 2 – 12 PAGES			23/06/22
Drainage Details – Greenfield and Storage Calculations			08/02/23
Drainage Details – 30 Year Storage Calculations – 4 PAGES			08/02/23
Ecological Assessment – 34 PAGES			28/03/22
Proposed Drainage Strategy	HDM-BLY-XX-XX-SK-C-96		08/02/23
Proposed Parking and Entrance Road	HDM-BLY-XX-XX-SK-C-95003	F	27/07/22
High Level Landscape and Visual Appraisal Part 1 of 2 – 17 PAGES			23/06/22
High Level Landscape and Visual Appraisal Part 2 of 2 – 20 PAGES			23/06/22
Lodge Specification – 2 PAGES			28/03/22

Noise Management Plan – 3 PAGES			06/03/23
NPF4 Statement May '23 – 11 PAGES			
Planning Statement – 49 PAGES			28/03/22
Planting Notes & Landscape Maintenance and Management Proposals – 13 PAGES			28/03/22
Tree Survey and Arboricultural Constraints – 16 PAGES			28/03/22
Vehicle Trip Briefing Note – 6 PAGES			

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

## 2. Vehicular Access

Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/004a and shall include visibility splays of 2.4 metres to point X by 53 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

*Reason: In the interests of road safety.*

### Note to Applicant

- 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.
- A 300mm diameter twin walled culvert pipe to be installed in the existing ditch where the new access is to be situated.

## 3. Passing Places

Notwithstanding the provisions of Condition 1, no development shall commence on site until details, in plan form, of 6 additional passing places provided, or formalised, along the B840 public road, between the junction of the A819 and the application site, have been submitted to and their position and specification agreed in writing with the Planning Authority in consultation with the Roads Engineer. Thereafter the passing places shall be undertaken in accordance with the approved details unless otherwise agreed in writing with the Planning Authority, and shall be available for their intended use before any of the holiday pods hereby granted are first occupied.

*Reason: In the interests of road safety.*

#### 4. **Private Water Supply**

Notwithstanding the provisions of Condition 1, 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 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.*

#### Notes to Applicant

1. Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Service in the first instance.
2. If the development is likely to use 10m<sup>3</sup> water per day then the applicant will need to apply for a registration or licence for water abstraction from SEPA <https://www.sepa.org.uk/regulations/authorisations-and-permits/application-forms/#Water>.
3. If the proposed development is a commercial undertaking including but not limited to; use as a holiday or long term private let, workplace, food business, campsite etc. then the applicant must apply to the Environmental Health service 8 weeks before the intended use date for the private water supply to be registered and certified as fit for use. Email: [pws@argyll-bute.gov.uk](mailto:pws@argyll-bute.gov.uk).
4. It is recommended that should planning permission be granted, that the applicant contact this Service to discuss further the measures needed to comply with the requirements of Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

#### 5. **Sustainable Drainage System**

The development shall be undertaken in accordance with the drainage details set out on Drawing Number HDM-BLY-XX-XX-SK-C-96001 – Proposed Drainage Strategy and Greenfield Run-off and Micro Drainage Calculations (GC22462 Greenfield and Storage Calculations) and GC22462 30 Year Storage Calculations).



The approved surface water drainage scheme shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

Note to Applicant

- Please note the advice and guidance set out in the consultation response from JBA Consulting Ltd which is available to view via the [Public Access](#) section of the Council's website.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk)

**6. Occupancy Restriction**

Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 the residential accommodation hereby approved shall be used for short term holiday occupancy only and not as a main residence and shall not be occupied by any family, group or individual for a cumulative period of more than three calendar months in any one year. A register showing dates of arrivals and departures shall be maintained at the premises and shall be available at all reasonable times for inspection by the Planning Authority.

*Reason: In order to define the permitted occupancy having regard to the fact that the premises are unsuitable for occupation as a permanent dwellings.*

Note to Applicant

For the avoidance of doubt this permission only provides for the occupation of the premises on a short term basis on the grounds that the development is unsuited to full time residential occupation. Specifically the occupation of the premises as a dwelling shall require the benefit of a separate planning permission.

**7. Noise Management Plan**

The development shall be operated in accordance with the measures set out in the Noise Management Plan for the proposed development dated 01/03/23 unless otherwise approved in writing by the Planning Authority.

*Reason: In order to avoid noise nuisance in the interest of amenity.*

**8. External Lighting**

Notwithstanding the effect of Condition 1, no development shall commence until full details of any external lighting to be used within the site has been submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. Thereafter the external lighting shall be installed in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

*Reason: In order to avoid light pollution in the interest of amenity.*

Note to Applicant

All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.

**9. Ecological Assessment**

The development shall be implemented in accordance with the mitigation measures identified in the Ecological Appraisal dated September 2021 unless otherwise agreed in writing by the Planning Authority.

*Reason: In order to protect natural heritage assets in the interest of nature conservation.*

Note to Applicant:

Consideration should be given to the advice and guidance set out in the consultation response from the Council's Biodiversity Officer in relation to the requirement for checks for protected species prior to works commencing and species/habitats which may be affected and the developer's responsibilities and obligations under nature conservation legislation and associated licencing requirements. The consultation response is available to view via the [Public Access](#) section of the Council's website.

**10. Tree Retention and Protection Measures**

The development shall be implemented in accordance with the mitigation measures identified in the Tree Survey and Arboricultural Constraints Report dated October 2021 unless otherwise agreed in writing by the Planning Authority.

*Reason: In order to protect natural heritage assets in the interest of nature conservation.*

**11. Eradication of Non-Native Invasive Species**

No development shall commence on site until full details of an Eradication Scheme for non-native invasive species comprising Rhododendron ponticum and Japanese knotweed within the application site has been submitted to and approved in writing by the Planning Authority in consultation with the Biodiversity Officer. The Eradication Scheme shall include a timetable for implementation and clearly identify the extent of the Rhododendron ponticum and Japanese knotweed on a scaled plan

*Reason: To eradicate non-native species from the development site and to prevent their spread throughout development works.*

**12. Biodiversity Enhancement and Landscaping**

The development shall be implemented in accordance with the approved biodiversity enhancement measures as set out in the Biodiversity Enhancement Plan dated April 2023 and received 11.05.23 and the associated Landscaping Plan (Drawing Number 1538/07 D). Notwithstanding the effect of Condition 1, the development shall not be

occupied until such time as the physical biodiversity enhancement measures have been completed.

All of the agreed hard and soft landscaping works shall be completed during the first planting season following the first occupation of the development unless otherwise agreed in writing by the Planning Authority.

Any trees or shrubs which fail to become established, which die, are removed or become seriously diseased within five years of the implementation of the scheme shall be replaced in the following planting season by equivalent size and species of trees or shrubs as those originally required to be planted.

*Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity and in order to protect and enhance natural heritage assets and increase the biodiversity value of the site in accordance with national and local planning policy aims.*

<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>22/00625/PP</b>
<b>PLANNING LAND USE AND POLICY ASSESSMENT</b>	

## 1. Introduction

- 1.1. The proposal the subject of this application is seeking to secure planning permission for the change of use of land for the siting of 10 holiday pods, the formation of a vehicular access and parking area and the installation of a sewage treatment plant.

## 2. Location of Development

The application site comprises a generally rectangular shaped area of ground situated directly adjacent to the B840 public road which forms its northern boundary. The site slopes up from the public road towards its southern boundary which does not have a defined boundary comprising rising land with a covering of trees and shrubs. The western boundary is delineated by an area of thick scrub and post and wire fence beyond which is a single dwellinghouse, 'Achnakeep Cottage', which separates the site from an existing, long established, chalet development. The eastern boundary of the site comprises an area of hedgerow and post and wire fence adjacent to a single dwellinghouse, 'Schoolhouse Cottage'.

On the opposite side of the public road from the site there are three dwellinghouses, 'Ar Taigh', 'Alt Bhan' and 'Sonachan Still'.

The site comprises an area of sloping, undulating land which rises up from the public road from south to north. There is an area of mature trees running along the boundary of the site with the B840 public road. Within the site there are areas of open ground with rough grass and scrub with some groupings and individual trees.

There is an overhead power cable running through the site on an east/west alignment which is to be undergrounded as part of the proposed development.

## 3. Settlement Strategy

- 3.1 In terms of the Settlement Strategy set out in the adopted LDP, the application site is situated within the defined Minor Settlement of Portsonachan where Policies LDP STRAT 1 and LDP DM 1 give general encouragement to small scale development on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP TOUR 1 and SG LDP TOUR 3 which offers further support to small scale tourism ventures where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact. Furthermore the site is within a Tourism Development Area where Policy SG LDP TOUR 3 of the LDP and the Council's Economic Development Action Plan recognise that tourism is a strategically important sector for Argyll and Bute which will continue to play a significant role in the economy of Argyll and Bute.

In order to address the determining issues, the key considerations in this application are:

- Compliance with the Development Plan and other relevant planning policy
- Any other material considerations.

## 4. Proposal

- 4.1. The proposal is seeking to secure planning permission for the change of use of land for the siting of 10 holiday pods, the formation of a vehicular access and parking area and the installation of a sewage treatment plant on an area of land between 'Achnakeep Cottage' and 'Schoolhouse Cottage', Portsonachan.

The application is accompanied by a Landscape and Visual Appraisal; a Tree Survey Report; and an Ecological Assessment which are discussed in more detail in the relevant sections below.

The application is seeking to secure permission for the change of use of the land to allow it to be utilised as a small scale holiday development comprising 10 pods.

The proposal involves the siting of 10 pre-fabricated EVA – Lesko Modular Lodges which comprise modest, single storey, curved roofed structures with finishing materials which comprise horizontal cedar cladding with a charcoal grey coloured roof tile. The lodges, which are referred to as pods for the purpose of this report, provide two bedrooms with a central lounge and dining area and a kitchen to one end and a shower room to the other.

The application proposes a new vehicular access spurring from the B840 public road to the east of the site to serve the proposed development. The application shows an internal access track which runs parallel to the B840 public road on the flatter area of ground within the site with a parking area for 10 pods at its western end and a turning head to the east.

The proposed pods are sited around the proposed internal access track. The application shows three pods sited to the west of the access track with a further three proposed to the east of the access track. The remaining four pods are proposed to the south of the access track on the higher ground. The application proposes a small element of cut and fill in order to provide an appropriate platform on which to site the pods.

The proposed pods have been sited with their main elevations facing north towards Loch Awe but oriented within the site in such a manner so as to avoid any direct view towards the existing dwellinghouses on the opposite side of the public road.

A series of footpaths approximately 1.5 metre in width are proposed leading from the access track to serve the proposed pods. There is no vehicular access or parking provision serving any of the individual pods.

## 5. Compliance with National Policy

NPF4 was adopted on 13 February 2023 which now represents the main policy background against which proposed developments are assessed underpinned by the Policy and Supplementary Guidance contained within the adopted 'Argyll and Bute Local Development Plan' 2015 (LDP).

The relevant NPF4 Policies are detailed below and grouped into topic areas.

### 5.1. NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4.

Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

**In this case, given the small scale nature of the development proposed and its alignment with all other relevant policies in NPF4 and those supporting policies in the LDP, it is considered that the development proposed would be in accordance with the broad aims of NPF4 Policy 1 as underpinned by LDP Policies STRAT 1, LDP DM 1 and the adopted Sustainability Checklist.**

## 5.2. NPF4 Policy 2 – Climate, Mitigation and Adaption

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change.

Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. It is noted that the provisions of the Settlement Strategy set out within Policy LDP DM 1 of the 'Argyll and Bute Local Development Plan' 2015 (LDP) 1 promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements, rural growth is supported through identification of Key Rural Settlements and safeguards more sensitive and vulnerable areas within its various countryside designations.

**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 LDP, notably Policies STRAT 1, LDP DM 1, LDP DM 10 and the adopted Sustainability Checklist.**

## 5.3. NPF4 Policy 3 – Biodiversity

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

In the case of the development proposed by this application, it is considered that there are no issues of compliance with Policy 3. The application is accompanied by a detailed and comprehensive Biodiversity Enhancement Plan (BEP) for the site, details of which are provided below.

The BEP prepared for the site outlines that its aim is to create and manage habitats within the site to enhance their suitability to support wildlife and increase the overall biodiversity value of the development as well as maintaining connectivity to the habitats in the wider area.

The BEP outlines that the following habitats will be retained and/or created as part of the new development:

- Indigenous hedgerow planting;
- Scattered tree planting;
- Structure tree planting;

- Wildflower meadow grassland;
- Close mown grassland;
- Homes for nature;
- Wildlife swales; and
- Wildlife friendly lighting.

The BEP outlines that the existing woodland to the east, west and south of the site will be retained.

The BEP outlines that, based on the habitats proposed within the new development, the following biodiversity enhancements have been set.

- Creation, maintenance, and enhancement of indigenous hedgerows for biodiversity;
- Creation, maintenance, and enhancement of woodland and scattered trees for biodiversity;
- Creation and maintenance of wildflower meadows for biodiversity;
- Creating sources of nectar for pollinators through planting;
- Providing and maintaining hibernacula for a wide range of species;
- Creation and maintenance of swales for biodiversity; and
- Use of wildlife friendly lighting.

The above summarises the proposed biodiversity measures for the site, with the BEP providing a detailed and comprehensive scheme detailing how the proposed measures will be brought forward within the proposed development.

The BEP outlines management actions that can be undertaken for the conservation, enhancement and creation of habitats and biodiversity at the site for a period of five years after the completion of the developments construction, thereafter the BEP can be further extended through a review process and the adoption of a new plan.

The proposals set out in the BEP are followed through into the landscaping drawing submitted with the application.

It is considered that the BEP provides adequate and proportionate measures for biodiversity enhancement and protection for the proposed development. A condition will be imposed on the grant of permission to ensure that the proposal set out in the BEP come forward within the proposed development.

**With a condition to bring forward the biodiversity enhancement and creation opportunities identified in the BEP, the proposed development is considered to be actively supported by NPF4 Policy 3 as underpinned by LDP Policy LDP 3 and SG LDP ENV 1.**

#### 5.4. NPF4 Policy 4 – Natural Places

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The development proposed by the current planning application is considered appropriate in terms of its type, location and scale such that it will have no unacceptable impact on the natural environment. The proposed development is not within any designated European site of natural environment conservation or protection, it is not located within a National Park, a National Scenic Area a SSSI or RAMSAR site, or a National Nature

Reserve. Neither is it located within a site designated as a local nature conservation site or within an area identified as wild land. The site is however within the North Argyll APQ.

Part (a) of NPF4 Policy 4 states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported with Part (e) of Policy 4 adopting the precautionary principle in accordance with relevant legislation and Scottish Government guidance.

In this regard, whilst not within any specific nature designation, the application has been accompanied by an Ecological Assessment (EA) which has been undertaken for a wider area within the ownership of the Applicant but which encompasses the extent of the site subject of the current application.

The EA identifies that a Phase 1 Habitat Survey has been undertaken which was extended to include Badgers, Bats, Otters and Red Squirrels over the proposed site. The EA states that there was no suitable habitat within the site for Water Voles and breeding Great Crested Newts.

The EA identifies that the site was surveyed to determine the effects of development of the site by assessing the habitat resource, potential for, or evidence of, Badgers, Bats, Otters and Red Squirrels and potential effects of development on designated sites.

In summary, the EA concludes that the development of the site will result in low grade habitat loss, with the habitat being affected comprising neutral grassland which the EA states has only site value and which is common in the area.

The EA did not identify any evidence of Badgers and small mammals using the land advising that there is little likelihood of the species using the site. In this regard the EA did not require any further inspections or surveys to be undertaken on the site prior to the development commencing but did recommend that a precautionary approach is adopted during the construction period in order to safeguard small mammals that might access the site.

The EA did not identify any significant roost opportunity for Bats within the site and noted that limited forage opportunity would be affected by the proposed development.

The EA detailed that no Otter holt would be affected by the proposed development and that there would be no adverse effect on Red Squirrels.

With regards to birds, the EA identified that there is potential for bird nesting within the semi-natural habitats but does not require any further survey work to be undertaken. The EA does however advise that site clearance works should be undertaken outwith the bird nesting season.

Finally, the EA identified the presence of non-native plant species within the site comprising *Rhododendron ponticum* and Japanese knotweed which the EA advises will require to be controlled and ultimately eradicated from the site.

The Council's Biodiversity Officer (BDO) was consulted for her comments on the findings set out in the EA. In her response the BDO advised that, in summary, she is content with the findings of the EA in terms of Badger, Red Squirrel, Bats and Otter, however, noted the absence of any ornithological surveys and therefore requested that any ground and tree works are undertaken outwith the bird nesting season (March-August). The BDO advised that, if this is not possible, a pre-start check should be carried out by a suitably qualified person prior to works commencing on site and that any appropriate mitigation



measures should be implemented. In terms of non-native plant species, the BDO advised that an Eradication Plan should be sought by condition on the grant of planning permission and submitted for approval prior to works commencing on site.

As the EA recommends that clearance works on site should be undertaken outwith the bird nesting season, and a condition is proposed on the grant of planning permission to ensure that works are undertaken in accordance with the recommendations and mitigation measures set out in the EA, there is no need for a further condition to be imposed.

Part (d) of NPF4 Policy 4 states that development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

- (i) Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
- (ii) Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

In this regard, the site the subject of the application lies within the North Argyll APQ designated within the LDP as an area of regional importance in terms of its landscape quality requiring the provisions of Part (d) of NPF4 as underpinned by LDP Policies LDP 3 and SG LDP ENV 13 to be considered the main thrust of which seeks to ensure that proposed developments do not have a significant adverse impact on the character of this important landscape.

The application has been accompanied by a Landscape and Visual Appraisal (LVA) undertaken for the development of the site.

In summary, the LVA notes that the site benefits from prevailing contextual topography which enables the site to be nestled within its immediate contextual landscape, this being primarily due to the Ancient Woodland running along its northern boundary and the existing mature vegetation to the west and south east of the site. The LVA advises that, other than in close proximity to the site, the site cannot be seen. The LVA identifies that there are limited views towards the upper slopes of the site from longer distance views which the LVA identifies are limited in number and location.

The LVA recognises that the visibility of the development is generally limited to receptors within the immediate close proximity of the site boundaries and acknowledges that there is a significant change to the existing visual experience for the residential properties close by. However, the LVA advises that, with careful siting, design, use of natural materials and the provision of additional landscaping, it is considered that the development will be in keeping with existing development and will be viewed as a natural continuation of the existing characteristics already present.

The LVA identifies that the proposed vehicular access, car parking area and lodges that sit at a lower elevation within the site are screened by the existing mature vegetation running along the northern boundary of the site. The LVA outlines that further enhancement requirements are minimal, comprising the following:

- The planting of a small length of indigenous hedgerow to the northern boundary of the site in order to screen the proposed turning head of the proposed access road and car parking area. The LVA advises that consideration should be given to the TS prepared for the site to use species found within the existing landscape palette as well as enhancing the biodiversity within the area;

- The planting of a small number of individual trees to enhance the tree line along the B840 public road, allowing for partial screening and continuation of landscape character already present;
- Planting of an eco-species rich grass mix to provide seasonal interest and ecological habitat;
- Provision of areas of structural planting within the site to provide semi-enclosure to the proposed lodges and also to continue the native species-based landscape resource within the site;
- Provision of a gravel finish to the internal access road and car parking spaces to achieve a natural and more informal hard landscaping proposal is maintained using a colour material sympathetic to the setting and the aesthetics of the proposed pods; and
- The use of low-level lighting to the timber edged whin dust paths which provide access to the pods.

The LVA concludes, in summary, that the site at Portsonachan does not lead to unacceptable levels of potentially adverse landscape and visual effects.

A detailed soft and hard landscaping plan accompanies the application which shows all of the landscaping works to be undertaken within the site including the tree retention measures set out in the TS and the enhancement measures sought within the LVA. The landscape plan provides a detailed planting schedule for the structured planting areas proposing a simple scheme with limited plant species in order to introduce colour and texture and provide seasonal interest.

It is considered that the sympathetic siting of the pods within the site which use a muted palette of finishing materials, together with the retention of the existing mature trees along the northern boundary of the site, together with the proposed landscaping scheme, will ensure that the proposed development will not result in a significantly visually intrusive development within the site, the wider landscape or the APQ.

**With a condition to ensure that the development is undertaken in accordance with the recommendations and mitigation measures set out in the EA the proposal is considered to be acceptable in terms of NPF4 Policy 4 as underpinned by LDP Policies LDP 3, SG LDP ENV 1, SG LDP ENV 2 and SG LDP ENV 13 which collectively seek to protect habitats and species within development proposals and ensure that the scale, location and design of proposed developments do not have a significant adverse impact on the site and wider landscape within which they are proposed.**

#### 5.5. NPF4 Policy 6 – Forestry, Woodland and Trees

NPF4 Policy 6 seeks to protect and expand forests, woodland and trees.

Whilst the site is not covered by any specific natural environment designations, the woodland which runs along the northern side of the B840 public road extending down towards the shoreline of Loch Awe, and which covers part of the northern boundary of the application site, has been designated as Ancient Woodland by NatureScot. Ancient

Woodlands are categorised as areas of ancient and semi-natural woodland which are important and irreplaceable national resources which should be protected and enhanced.

The Ancient Woodland on the shore side of the public road is also covered by Tree Preservation Order (TPO 10/09) but the extent of the TPO is outwith the confines of the application site.

The application indicates that all proposed development has been kept outwith the extent of the Ancient Woodland in order to preserve and protect the trees.

A Tree Survey (TS) has been submitted in support of the application which assesses 17 trees within and directly adjacent to the site together with areas of willow scrub.

Of the 17 trees surveyed the TS recommends the felling of one Cherry-gean specimen situated along the boundary of the site with the B840 public road. The TS classifies this tree within Category U as set out in BS 5837(2012) being trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. The TS identifies that this tree has movement/instability in its root plate and is suffering from root heave and therefore should be removed.

The TS also identifies the potential felling of a young Ash tree on the edge of the woodland strip of Goat willow and Sycamore in order to accommodate pod number 4. This tree falls within Category C of BS 5837(2012) classified as trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.

No other trees are proposed to be felled in order to accommodate the proposed development but the TS identifies that an area of the roadside vegetation, including an area of Goat willow scrub, will require to be removed in order to facilitate the proposed vehicular access and visibility splays to serve the proposed development. The TS details that the Ancient Woodland along the northern boundary of the site will not be affected by the proposed development.

The TS provides detailed recommendations for the protection of trees during the construction period of the development.

The proposed development will not result in the loss of any woodland ('woodland' being defined within NPF4), nor will it result in the loss of any ancient or veteran trees or any trees of high biodiversity value. Furthermore, the limited loss of trees proposed within the development is more than compensated for by the robust planting and biodiversity enhancement measures proposed within the development.

In this regard, it is not considered that this very limited tree loss to facilitate the proposed development will conflict with the overarching policy aims of NPF4 Policy 6.

**With a condition to ensure that the proposed development is undertaken in accordance with the recommendations and mitigation measures set out in the TS the proposal is considered to be acceptable in terms of NPF4 Policy 6 as underpinned by LDP Policies LDP 3 and SG LDP ENV 6 which seek to resist the loss of trees within development proposals.**

## 5.6. NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Whilst the development proposed by this planning application is on a greenfield site it is within a defined Minor Settlement Zone within the LDP where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development on appropriate sites including infill, rounding off and redevelopment. These main policy considerations are underpinned by the SG contained within SG LDP TOUR 1, SG LDP ENV 13 and SG LDP ENV 14 which offer further support to appropriate scales of development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

**Policy 9(b) of NPF4 aligns with the settlement strategy of the LDP and the current development proposal raises no issue of conflict.**

### 5.7. NPF4 Policy 12 – Zero Waste

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The proposed development subject of the application would generate waste when operational, accordingly, a detailed statement addressing the requirements of NPF4 Policy 12 has been submitted with the application.

The statement provides a comprehensive scheme for the treatment of operational waste from the proposed development.

In summary, the statement outlines that, in order to successfully encourage waste segregation and minimise cross-contamination of materials, individual colour coded bags alongside custom bag containers will be supplied within each pod to encourage occupants to grade their waste which will be collected daily by site management. The development will include a communal bin store area within easy reach of each of the pods which will be colour coordinated to encourage both waste segregation and further reduce the possibility of littering.

The statement further outlines that other waste anticipated to be generated by the proposals is likely to be limited to the use of BBQs and outdoor cooking. However, in order to manage this aspect, the statement outlines that it will be made clear at the point of booking that disposable BBQs and open fires are not permitted anywhere on the site at any time. To further discourage the use of disposable BBQs each pod will be provided with access to a reusable BBQ, thereby further reducing the potential use of a single use product as well as reducing the risk of fire on site.

The statement identifies that the proposed vehicular entrance to the site has been designed to accommodate safe and convenient access and egress by appropriate refuse collection vehicles.

**With a condition to ensure that the proposed development is undertaken in accordance with the proposed waste management strategy, the proposed development is considered to be in compliance with NPF 4 Policy 12(c) as underpinned by LDP Policies LDP 10 and SG LDP SERV 5(b).**

### 5.8. NPF4 13 – Sustainable Transport

NPF4 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The development the subject of this planning application seeks to secure permission for a development of 10 pods for holiday letting purposes. The application proposes to construct a new vehicular access spurring from the B840 East Lochawe Public Road to serve the proposed development.

The access is proposed to the west of the application site comprising a central spur within the site with a parking area for 10 pods at its western end and a turning head to the east.

Part (b) of Policy 13 gives support to development where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.

In this regard a 'Vehicle Trip Briefing Note' (VTBN) has been submitted in support of the proposed development. The VTBN comprises an assessment of anticipated trip generation using TRICS which is the system of trip generation and analysis for the UK and Ireland. The VTBN considers trip rates for the 'traditional' weekday morning (AM) and evening (PM) commuter peak hour periods with consideration also given to the development peak traffic levels which TRICS demonstrates for the holiday accommodation land use has a peak hour period between 13:00 – 14:00. The VTBN further details that, in order to conduct a robust assessment, it was considered appropriate to also consider the traditional network peaks of 08:00 – 09:00 and 17:00 – 18:00.

The VTBN undertook a detailed assessment of the anticipated vehicular movements associated with the proposed development including arrivals, departures, two-way trip rates with the data forecasting the number of trips including all vehicles i.e. visitors, staff and servicing.

The VTBN demonstrates that the anticipated trips generated as a result of the proposed development would be at a low level such that there would not be any material impact on the operation of the road network nor would it attract any requirement for off-site mitigation to accommodate the proposals.

In addition to the VTBN, the Agent submitted the following statement in support of the application.

*'There are no bus stops on the B840 within Portsonachan, however, there is an existing bus service that operates along the A819 which is approximately 3.5 miles from the site and therefore within cycling distance. Scottish Citylink operates from Glasgow to Oban, providing several services per day along the A819.*

*The nature of rural hotels and holiday lodges in scenic areas is such that visitors generally arrive by car as part of a series of short stays on a circuitous journey. The hotel complex already benefits from 2x electric vehicle charging points to encourage more sustainable travel and will also be offered for use by guests of the current proposals. In order to further enhance the accessibility of the proposed development, it is proposed that cycle parking will be made available for each pod.*

*Furthermore, the hotel complex already offers a cycle hire facility which will extend to those staying at the pods. All of which will positively contribute to encouraging additional sustainable trips as part of their stay within the area.*

*In order to further boost connectivity to the site, a pick-up and drop-off service could be offered for guests to/from the bus stops on the A819 and to the nearest train station at Dalmany. This will ensure that the development benefits from accessibility by way of public transport insofar as possible and encourages guests to consider alternative sustainable modes of travel to and from the site'.*

It is considered that it has been successfully demonstrated that the proposed development is not a significant travel generating use or a proposal where it is considered important to monitor travel patterns resulting from the development. In addition, the Agent has indicated a range of sustainable transport measures including cycle hire; drop off and pick up facility; and access to vehicle charting points.

Furthermore, in their response to the application, the Council's Roads Engineer raised no objection to the proposed development subject to conditions being imposed on the grant of planning permission to secure the appropriate construction of the access at the junction with the public road; the clearance of visibility splays; provision of one parking space per pod; and the provision, or formalisation, of 6 additional passing places between the site and the junction with the A819 public road.

**With conditions to secure the requirements of the Roads Engineer, the proposal is considered to be acceptable in terms of NPF4 Policy 13 as underpinned by LDP Policies LDP 11, SSG LDP TRAN 2, SG LDP TRAN 4, SG LDP TRAN 5 and SG LDP TRAN 6 which collectively seek to ensure that proposed developments are served by a safe means of vehicular access and have an appropriate parking and turning area within the site.**

#### 5.9. NPF4 Policy 18 – Infrastructure First

NPF4 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

Due to the lack of public infrastructure within the vicinity of the site the application proposes a private drainage system and private water supply as follows.

##### Drainage

The application proposes the installation of a 'BioRock' sewage treatment system which is gravity operated and requires no power source.

The waste water system is proposed within the western periphery of the site. The Council's Building Standards Service will apply sufficient control over the detailed arrangements of the proposed private drainage system at Building Warrant stage.

##### Water Supply

A new private water supply is proposed to serve the development with the application indicating a dedicated purification plant taking water from a burn within the control of the applicants positioned underground on the higher ground to the south of the site.

In order to inform in the assessment of the application comments were sought from the Council's Private Water Supply Team (PWS). In their response to the application the PWS team advise that as the application does not provide any detailed information on the source, capacity or quality of the proposed private water supply, it is considered appropriate to impose a safe-guarding condition on the grant of planning permission to secure a report on the proposed private water supply to ensure that the site is adequately

serviced for water provision and does not have a detrimental effect on the water supplies of surrounding properties.

In this regard a condition is proposed on the grant of planning permission to the submission of an appraisal of the proposed water supply, details of which will require to be submitted and agreed in writing with the Planning Authority in consultation with the PWS team in advance of works starting on site.

**With a condition to secure the submission of a report on the proposed private water supply the proposal is considered consistent with the broad aims of NPF4 Policy 18 as underpinned by LDP Policies LDP DM 11, SG LDP SERV 1 and SG LDP SERV 6 which give support to private drainage systems and water supplies where connection to the public infrastructure is not available.**

## 5.10. NPF4 Policy 22 – Flood Risk and Water Management

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

The development the subject of this planning application proposes a private sewage treatment system and private water supply.

In order to inform in the assessment of the proposal, specifically the impact of the proposed waste water infrastructure on adjacent water courses and Loch Awe, and the treatment of surface water runoff from the site, comments were sought from the Council's Flooding Advisors JBA Consulting Ltd (JBA).

In their initial report JBA deferred their decision until such time as drainage details were supplied, such as surface water drainage calculations. JBA advised that all surface water drainage should be designed according to CIRIA C753 and Sewers for Scotland 4<sup>th</sup> Edition and post development runoff should not exceed the greenfield runoff rate. As a result of the initial comments from JBA, the Agent liaised with JBA submitting a revised drainage plan for their proposed development.

In their response to the updated drainage plan, JBA confirmed that the proposed drainage calculations are acceptable and provided a number of comments for the Applicant with an advisory regarding the diameter of the proposed outlet pipe.

With a condition to ensure that the proposed development is undertaken in accordance with the drainage details submitted, and an advisory note for the Applicant with JBAs recommendations, the proposed development is considered to be consistent with the broad aims of NPF4 Policy 22 as underpinned by LDP Policies LDP 10, SG LDP SERV 2, SG LDP SERV 3 and SG LDP SERV 6.

## 5.11 NPF4 Policy 23 – Health and Safety

NPF4 Policy 23 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.

Part (e) of Policy 30 states that development proposals that are likely to raise unacceptable noise issues will not be supported with a requirement for a Noise Impact Assessment where the nature of the proposal or its location suggests that significant effects are likely.

Accordingly, as the application site is in close proximity to a number of residential dwellinghouses, in order to inform in the assessment of the application, a consultation was undertaken with the Council's EHS.

In their response to the application the EHS advised that the site is in close proximity to a number of residential dwellinghouses with the development proposed having the potential to give rise to adverse amenity issues. Accordingly, whilst not objecting to the proposal, the EHS requested that a Noise Management Plan (NMP) be submitted which should outline how noise from guests utilising the premises can be managed including rules for the use of the development.

As a result of these comments the Agent liaised with the EHS to agree a mutually acceptable NMP for the operation of the proposed development. The NMP outlines a number of measures to be incorporated into the proposed development to ensure a development which will not have any significant adverse impact on the established amenity levels of the area or neighbouring residential dwellinghouses. The NMP outlined that the key objectives to mitigate against noise from the proposed development are as follows:

- Reduction in anticipated noise levels through the construction, orientation and positioning of the pods;
- Making customers evidently aware of the rules that are implemented on the site through the booking system;
- Installation of a noise management system that can be remotely accessed and will warn staff when the noise levels move beyond the acceptable limit;
- The use of generous landscaping and planting on all boundaries, which, as well as minimising the visual impact of the development, also acts as a further barrier to reduce noise from travelling outwith the site.

The NMP provides details as to how the proposed noise mitigation measures will be implemented and enforced within the proposed development.

The EHS confirmed their acceptance of the submitted NMP subject to a condition being imposed on the grant of permission to ensure that the development is operated in accordance with the measures set out within the NMP.

The EHS further advise that details of the proposed external lighting to serve the proposed development should be submitted in order to ensure that it will not give rise to any significant adverse impact on the amenity of the neighbouring properties and wider area.

The EHS provide further comments with regards to the requirements for a Site Licence for the proposed development, however, this is a matter separate from the planning process.

A condition is proposed to ensure that the development is undertaken in accordance with the submitted NMP for the operation of the site, together with a condition to secure details of the proposed external lighting, which will require to be submitted to and agreed in writing with the Planning Authority in consultation with the EHS prior to any works starting on site.

**With conditions it is not considered that the proposal will give rise to any significant adverse impact on the amenity of the area or neighbouring properties consistent with the provisions of NPF4 Policy 23 (e) as underpinned by LDP Policy SG LDP BAD 1 which seeks to ensure that potential 'bad neighbour' developments**



**do not result in an unacceptable adverse impact on the amenity of neighbouring residents and include appropriate measures to reduce any potential impact.**

#### 5.11. NPF4 Policy 30 – Tourism

NPF4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

Part (b i- vii) of Policy 30 provides a number of criteria which require to be considered in proposed tourism ventures. The Agent has submitted a statement addressing each of the criteria set out in Policy 30(b) as follows.

- i. The contribution made to the local economy;

*'The applicant intends to invest circa. £2.1m in bringing forward the development proposals and associated infrastructure. This represents a significant investment in the local area and will positively contribute to the policy intent and outcomes of NPF4, particularly those relating to tourism. For example, as well as being a significant investment in the development itself, the proposals would generate at least 2 additional full time equivalent jobs within the area. Although modest in scale and difficult to accurately quantify, the proposals will provide additional choice and attract additional visitors and associated spend to the region, thereby providing additional knock-on benefits to local suppliers, businesses, tourist attractions and amenities, including: Loch Awe Boats, Loch Awe Raptors, Adbrecknish Bar and the Portsonachan Hotel, all of which are within walking or a short cycle distance from the proposal site. Of course, the proposals would also benefit the wider locale, as visitors make day trips and visitations to other local attractions and features.'*

- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;

*'As well as being clearly supported by way of a positive site allocation within the Portsonachan settlement boundary and tourism-related strategies of the adopted LDP, the proposals site and pods are designed to be of a reduced scale and footprint with a natural timber lining to provide an authentic natural appearance nestled within the natural rural setting, and, critically between existing development of a similar use, nature and scale.*

*Furthermore, the nearby Portsonachan Hotel and lodges comprises 19 rooms within the hotel and further 10 luxury Lochside apartments; renovated Coach House comprising 12 units; and, 9 traditional wood lodges. The complex also benefits from associated amenities such as a bar, restaurant, car parking and associated facilities. The proposed addition of an additional 10 accommodation pods would therefore represent a modest uplift in visitors and development within the village and would clearly be wholly compatible with the surrounding area without compromising the established character and nature of the area.'*

- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;

*'The proposal site is not included within any housing land supply designations or identified for the delivery of local services or facilities. The proposals would clearly not therefore result in the loss of or hinder the provision of any planned housing or services to local people. Indeed, as set out earlier, the modest increase in visitors to*

*the area as a result of the development would provide for additional knock-on benefits to other businesses and attractions within the region by way of increased footfall and associated economic spend.*

*In addition, as considered as part of Policy 13, as a gesture of goodwill the applicant has agreed to contribute towards the delivery of a selection of passing places on the B840 from the A819 junction at Portsonachan. This will improve access to Portsonachan to the benefit of the local community as well as the proposed development’.*

- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;

*‘As set out within the consideration of Policy 13: Sustainable transport, the development proposal is modest in scale and is not anticipated to generate a significant amount of additional vehicle trips. This is highlighted within the ‘Vehicle Trip Briefing Note’ prepared by Blyth & Blyth Consulting Engineers which accompanied the application submission. The findings of the ‘Vehicle Trip Briefing Note’ were subsequently accepted by A&BC Roads officers whereby they also confirmed that the proposed means of access and levels of parking were also appropriate for the proposed development.*

*In order to further enhance the sustainability credentials of the proposed development, it is proposed that cycle parking will be made available for each pod. Furthermore, the hotel complex already offers a cycle hire facility which will extend to those staying at the pods. In addition, the hotel benefits from 2x electric vehicle charging points, which will also be offered for use by guests of the development. All of which will positively contribute to encouraging additional sustainable trips as part of their stay within the area.*

*Whilst Portsonachan does not currently benefit from direct access to a public transport service, a pick-up and drop-off service could be offered to guests in order to travel to/from the bus stops on the A819 and to the nearest train station at Dalmally at request. This will further boost connectivity to the site and will ensure that the development benefits from accessibility by way of public transport insofar as possible and encourages guests to consider alternative and more sustainable modes of transport’.*

- v. Accessibility for disabled people;

*‘The proposals have been designed within accessibility in mind. They are single storey and will benefit from accessible level entrances. It is also anticipated that paths from the site entrance and car parking area will also be wheelchair friendly. A selection of the units will also include enhanced accessibility aids in line with DDA compliance requirements. The development proposals therefore have clearly considered and implemented measures to support accessibility for disabled people in line with the requirements of this criterion’.*

- vi. Measures taken to minimise carbon emissions;

*‘The pods are designed to be highly efficient in terms of energy performance and they are proposed to be equipped with a ‘Sunamp’ PV battery storage system and augmented by a grid connection as a backup system. Grey water / sewage processing is proposed to be provided by a ‘BioRock’ system which is gravity*

*operated and requires no power source. This system enables all units to be fitted with conventional flush toilets and either fitted as an individual system to each unit or where possible a grouping of units. All of which seek to further minimise energy consumption and associated on-site utility requirements for the development. This, when coupled with proposed measures taken to increase sustainable travel options and waste management ensures that carbon emissions are reduced insofar as reasonably possible, particularly given the modest scope of the development proposals’.*

- vii. Opportunities to provide access to the natural environment.

*‘The development proposals by their very nature as accommodation pods are intended to provide additional choice and opportunities for people to access and experience the immediate surrounding natural environment. Furthermore, as demonstrated earlier in consideration of NPF4 Policy 3 and the supporting Biodiversity Statement, the proposals will result in enhanced local biodiversity by way of the various proposed measures.*

*In addition to being within the existing settlement boundary of Portsonachan directly adjacent to the B840 and the banks of Loch Awe, the proposals will also provide additional choice and subsequent opportunities to provide visitors with access to the surrounding natural environment, including the water environment of Loch Awe and the wider 150-acre estate of the Portsonachan Hotel, which is freely accessible to visitors to the area’.*

Policy 30 gives direct support to tourism development provided that the criteria set out in part (b) of the policy is taken into account. It is considered that the information submitted in support of the criteria set out in part b fully and satisfactorily addresses each of the individual criteria and the Planning Authority is satisfied that all aspects of Policy 30(b) have been taken into account. In this regard the proposal is considered to be supported by NPF4 Policy 30 as underpinned by LDP Policies LDP 5, SG LDP TOUR 1 and SG LDP TOUR 3.

## **6. Public Representations**

Whilst the proposed development has been subject to 37 objections, it is not considered that the objections raise any complex or technical issues that have not been addressed in the current Report of Handling.

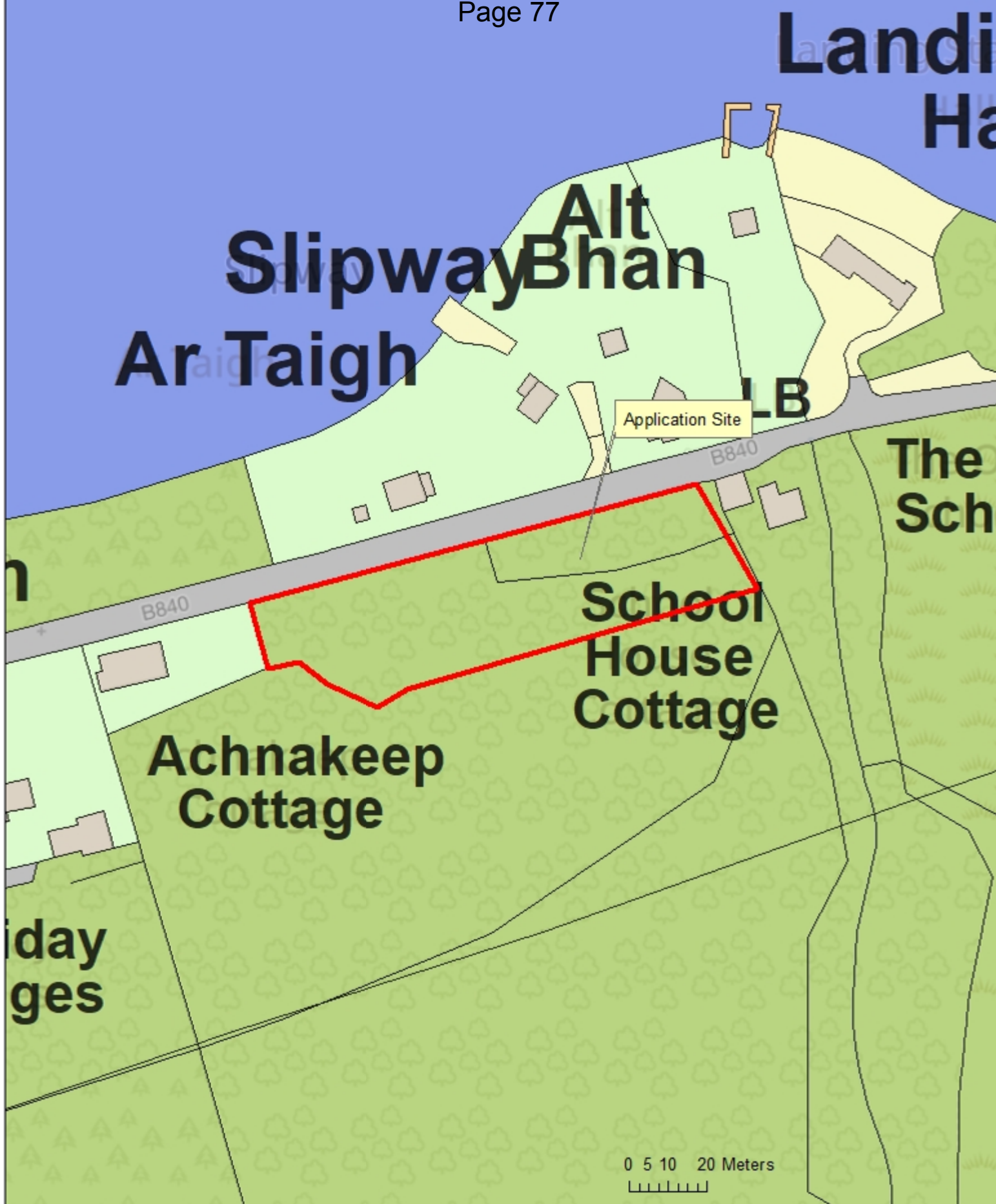
The determining factor in the assessment of this application is whether the proposed holiday pod development is consistent with the provisions of the adopted National Planning Policy as underpinned by the LDP and whether the issues raised by third parties raise material considerations of sufficient significant to withhold planning permission.

In this instance the proposed development is considered to be wholly consistent with the provisions of the adopted National Policy as underpinned by the LDP with the issues raised by third parties not amounting to material planning considerations that have not been addressed through the processing of the planning application.

## **7. Conclusion**

- 7.1. It is considered that the proposal for the change of use of land for the siting of 10 holiday pods, along with the associated infrastructure and landscaping, is a suitable proposal which accords with the principles and policies contained within NPF4 as underpinned by the LDP and one which will benefit the local economy in accordance with one of the central challenges for Argyll and Bute, that of delivering sustainable economic growth.

Accordingly the application is recommended for approval subject to conditions.



**Location Plan Relative to Planning Application:22/00625/PP**



1:1,250

This page is intentionally left blank

**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**

---

**Reference No:** 22/01611/PP  
**Planning hierarchy:** Local  
**Applicant:** Mr Colin Campbell  
**Development:** Erection of Decking and Fencing (retrospective)  
**Site Address:** 3 Academy Terrace, Academy Road, Rothesay, Isle of Bute

---

**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**

- Erection of decking and fencing in rear curtilage (retrospective)
- Erection of fencing in front curtilage (retrospective)

**(ii) Other specified operations**

- Not applicable
- 

**(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission be **refused** for the reasons set out below.

---

**(C) CONSULTATIONS:**

None

---

**(D) HISTORY:**

There is none pertaining to the property that is the subject of the current application.

---

**(E) PUBLICITY:**

Subject of Neighbour Notification (closing date 14<sup>th</sup> March 2023) and advertised as development affecting the setting of a Listed Building (closing date: 24<sup>th</sup> March 2023).

---

**(F) REPRESENTATIONS:**

Objections have been received from the following four sources:

Mrs Alison Johnston, Upper Flat, Ian Villa, Academy Road, Rothesay, Isle of Bute (received 05.03.2023)

Mr Alexander Johnston, Upper Flat, Ian Villa, Academy Road, Rothesay, Isle of Bute (received 05.03.2023)

Mr Alan Senior, 2 Academy Terrace, Academy Road, Rothesay, Isle of Bute (received 05.03.2023 & 08.03.2023)

Ann Fielding, 4 Academy Terrace, Academy Road, Rothesay, Isle of Bute (received 17.03.2023)

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.

The points raised can be summarised as follows:

- a. Argyle Terrace is within the Conservation Area and concern is expressed that the decking structure is not in keeping with the rest of the properties, which mimic a Tudor style.

**Comment:** The site is not located within the Rothesay Conservation Area; however, Academy Terrace is a Listed Building and Section (P) and Appendix A below contain an assessment of the effect of the development on the setting of the property.

- b. There is another area of decking to the north west of the application structure but it is considered that this does not have as great an impact as it is not directly adjacent to the properties.

**Comment:** This point is noted and the deck that is referred to is also mentioned in the assessments below.

- c. Ms Fielding has pointed out that the decking has been built just outside of her back door and it is very large and high. She has expressed concern that it is quite intimidating in comparison with the other five gardens on the terrace, all of which are at ground level. She is of the opinion that, if the decking was at ground level, it would not be out of place and would be much more acceptable in appearance.

**Comment:** This issue is assessed in Section (P) and Appendix A below.



- d. Ms Fielding has expressed concern that, if she was to put her property on the market, the size and height of the decking would deter potential buyers.

**Comment:** This issue does not have a material bearing upon the Planning aspects of the application.

- e. Mr Senior has commented that the fences and decking at No. 3 are an eyesore that have been built with the structural elements facing outwards and in a generally unfinished looking state. Fences in the surrounding gardens are built with wire netting and movable trellis, making them mostly see-through and unobtrusive.

**Comment:** This issue is assessed in Section (P) and Appendix A below.

- f. Mr Senior states that the title deeds for numbers 1-6 Academy Terrace identify that there is a right of common use of the stairs at the front of the property, which provides access to Argyle Street. He has expressed concern that the fencing permanently blocks access to the communal stairs and that travelling down the hillside to get around the fence is not an option as this route is extremely steep and is slippery and treacherous when damp.

**Comment:** This is essentially a civil matter between the parties concerned and does not have a material bearing upon the Planning aspects of the application.

- g. Mr Senior has expressed concern that the fencing permanently damaged the communal stairs without permission.

**Comment:** This is essentially a civil matter between the parties concerned and does not have a material bearing upon the Planning aspects of the application.

- h. Mr Senior has expressed concern that the fencing blocks access to drainage pipes at the front of No. 2.

**Comment:** This is essentially a civil matter between the parties concerned and does not have a material bearing upon the Planning aspects of the application.

- i. Mr Senior has stated that the fence at the front of building is erected on property belonging to No. 2 and the construction resulted in permanent damage to concrete & patio slabs belonging to his property.

**Comment:** This is essentially a civil matter between the parties concerned and does not have a material bearing upon the Planning aspects of the application.

- j. Mr Senior has expressed concern that the decking area severely overlooks the kitchen of No. 2. It looks directly into the window of No. 2 from an elevation of 2-3 metres above and from less than 4.5 metres away. He states that this causes extreme discomfort due to the loss of privacy in his home.

**Comment:** This issue is assessed in Section (P) and Appendix A below.

- k. Mr Senior has expressed concern that the fencing is more than 3 metres high and, as a result, is blocking light into the kitchen and utility room of No. 2.

**Comment:** It is considered that the fencing is of a sufficient distance from the windows of the kitchen and utility room to avoid resulting in the loss of daylight and sunlight to a significantly adverse degree.

- l. Mr Senior has stated that badly-performed installation work has undermined an already weak retaining wall and, when this collapses, it may cause injury and will block access to Nos. 1 and 2.

**Comment:** This is essentially a civil matter between the parties concerned and does not have a material bearing upon the Planning aspects of the application.

- m. Mr Senior has stated that a shed at the front of the building was rebuilt sometime around 2018 and that this was done without Planning Permission. He states that it is constructed partially on property belonging to No. 2 and has pointed out that the current application only appears to address the fencing and decking.

**Comment:** Based on information to hand, the passage of time since the existing shed was installed is very likely to preclude the Planning Authority from taking any action. Its potential encroachment onto land belonging to No. 2 is essentially a civil matter between the parties concerned and does not have a material bearing upon the Planning aspects of the application.

**(G) SUPPORTING INFORMATION**

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

- |  |  |
|--|--|
| <b>(i) Environmental Impact Assessment Report:</b>   | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b>(ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:</b>  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b>(iii) A Design or Design/Access statement:</b>  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b>(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b>(v) Applicant's Supporting Information</b>  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    |

The applicant has submitted a response to the points of objection, which can be summarised as follows:

- The site is not within the Rothesay Conservation Area

- The gardens slope upwards from the rear of the building towards Academy Road so these are all higher areas in comparison with the main doorways
- No. 4 Academy Terrace has a raised seating area which is the same distance from the back door of No. 3 as the applicant's decking is from No. 4's back door
- The applicant's estate agent commented that the decking had significantly improved what had previously been waste ground
- The decking that was erected in the garden of No. 5 Academy Terrace is now overgrown and unattended and, as such, has an impact on the look of the area
- The applicant has stopped work on the decking until the current application has been determined but it is his intention to have it stained
- In response to the fencing at the front not being finished, both the staining and concreting will be carried out should Planning Permission be granted
- The erection of the fence has had nothing to do with the condition of the access stairs at the front of the building
- The two fences at the top of the garden belonging to No. 4 are both higher than the ones that have been erected at No. 3. It is contended that the reason given by the owner of No. 4 for the fences being erected was that the occupants of No. 2 were allowing their guests to gather at this location, which was annoying the owner's dogs

---

**(H) PLANNING OBLIGATIONS**

**Is a Section 75 obligation 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**

**Sustainable Places**

NPF4 Policy 1 – Tackling the Climate and Nature Crises  
NPF4 Policy 2 – Climate Mitigation and Adaption  
NPF4 Policy 4 – Natural Places  
NPF4 Policy 7 – Historic Assets and Places  
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings  
(includes provisions relevant to Greenfield Sites)

**Liveable Places**

NPF4 Policy 14 – Design, Quality and Place  
NPF4 Policy 16 – Quality Homes

**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 9 – Development Setting, Layout and Design

**Supplementary Guidance to the Argyll and Bute Local Plan 2015 (Adopted March 2016 & December 2016)**

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)  
SG LDP ENV 16(a) – Development Impact on Listed Buildings  
SG LDP Sustainable Siting and Design Principles

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

Argyll and Bute Sustainable Design Guidance 2006  
Historic Environment Policy Statement 2019  
HES - Managing Change in the Historic Environment

**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 development 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

---

**(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 approved Hearing protocol advocates less emphasis than previously on the numbers of representations threshold as a '*trigger*' for a Hearing and more reliance on a criteria based approach in order to '*add value*' to the determination process.

The criteria to be used are:

- Whether the proposal constitutes a justified departure to the local development plan, and/or is a Council Interest Application and the degree of local interest and controversy
- The complexity of technical/material considerations raised
- 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 (ie. within the 5 year life of the Plan) been considered through the development plan process
- The volume of representations and degree of conflict within the local community
- The degree of local interest and controversy on material considerations e.g. the relative size of community affected set against the relative number of representations, and their provenance
- Whether there has been any previous decisions or pre-determination hearing held covering similar issues/material considerations

In this case, objections have been received from four sources; the issues associated with the application are not complex; and National Planning Framework 4 has recently been published.

In view of the above, it is not considered that a Pre-Determination Hearing would add value to the decision-making process and, as such, is not required.

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

- Category C Listed Building
- Area of Panoramic Quality

**(P)(ii) Soils**

Agricultural Land Classification: Unclassified Land

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  N/A

Would the development result in fragmentation of croft / better quality agricultural land?  Yes  No  N/A

**(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  N/A

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

Status of Land within the Application  Brownfield  Brownfield Reclaimed  Greenfield

ABC LDP 2015 Settlement Strategy  Main Town Settlement Area  
 LDP DM 1  Key Rural Settlement Area

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

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

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

Planning Permission is sought for the retention of works that have been carried out within the curtilage of No. 3 Academy Terrace, Rothesay, Isle of Bute. These are:

- The erection of raised timber decking measuring 4.6 metres in length by 3.5 metres in breadth within part of the rear garden
- The erection of timber balustrading along the north-eastern and north-western edges of the decking
- The erection of timber close-boarded fencing partly enclosing the existing patio area; the south-eastern edge of the decking; and the boundary of the property at ground level
- The erection of fencing enclosing part of the front garden

Academy Terrace is a Category C Listed Building that dates from the early 20<sup>th</sup> century and is a symmetrical gabled terrace set on a sloping site comprising six, two and three-storey, 2-bay dwellinghouses.

Development Plan Policies and Supplementary Guidance and Historic Environment Scotland's publications seek to ensure that developments affecting the setting of a Listed Building should preserve its character, and its special architectural or historic interest

Academy Road runs along the south western boundary of Academy Terrace's curtilage and is at a higher level. The road looks on to the building's rear elevation and there is a set of steps that runs centrally through the back gardens down to the property. Two footpaths branch off diagonally from the steps to either end of the building.

The decking and fencing that have been erected within the rear garden area of No. 3 have a significantly adverse impact on the setting of Academy Terrace by virtue of their relatively close proximity to the main building; their central position in relation to the south western facade of the main building; and their substantial vertical and horizontal scale. These result in the diminution in one of the key views towards the building from Academy Road and the visual intrusion into the relatively open and undeveloped character of the rear garden areas.

The front elevation of Academy Terrace faces in the direction of the water and it occupies an elevated position above Argyle Street approximately 70 metres from the rear of the buildings at street level. Pedestrian access from Argyle Street

(which was already relatively steep) looks to have diminished considerably over the years, with the path and set of steps becoming overgrown.

The fencing to the front that is the subject of the current application is not visible to the general public and it has been stained in a forest green colour since it was initially erected, which has mitigated its appearance to a certain degree. However, it represents a solid form of boundary treatment that is visually incongruous in the context of the relatively open front gardens at Academy Terrace and, therefore, is considered to detract from the setting of the building.

Development Plan Policies and Supplementary Guidance seek to ensure that householder developments do not have a detrimental effect on neighbouring properties in terms of physical impact, overshadowing or overlooking

The decking that has been erected is 3 metres closer to the building than the patio area that has been in existence for some time. The decking detracts from the privacy and amenity of No. 2 Academy Terrace to a significantly adverse degree as it constitutes an elevated external living space in association with No. 3 Academy Terrace that would allow the congregation of people for prolonged periods with a relatively direct view into the ground floor kitchen window and the upper floor bedroom window of the neighbouring dwellinghouse at a distance of approximately 5 metres.

For the above reasons, the application is contrary to the relevant Policies and Supplementary Guidance contained in National Planning Framework 4 and the Argyll and Bute Local Development Plan 2015 and the guidance provided by Historic Environment Scotland in its publication 'Managing Change in the Historic Environment: Setting'.

---

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

---

**(R) Reasons why Planning Permission Should be Refused:**

Academy Terrace is a Category C Listed Building that dates from the early 20<sup>th</sup> century and is a symmetrical gabled terrace set on a sloping site comprising six, two and three-storey, 2-bay dwellinghouses.

Academy Road looks on to the building's rear elevation and there is a set of steps that runs centrally through the back gardens down to the property. Two footpaths branch off diagonally from the steps to either end of the building.

The decking and fencing that have been erected within the rear garden area of No. 3 have a significantly adverse impact on the setting of Academy Terrace by virtue of their relatively close proximity to the main building; their central position in relation to the south western facade of the main building; and their substantial vertical and horizontal scale. These result in the diminution in one of the key views towards the building from Academy Road and the visual intrusion into the relatively open and undeveloped character of the rear garden areas.

The front elevation of Academy Terrace faces in a north easterly direction towards the water and it occupies an elevated position above Argyle Street approximately 70 metres from the rear of the buildings at street level. Pedestrian access from



Argyle Street (which was already relatively steep) looks to have diminished considerably over the years, with the path and set of steps becoming overgrown.

The fencing that has been erected around part of the north-eastern curtilage of No. 3 is considered to be unacceptable as it has a significantly adverse impact on the setting of Academy Terrace by virtue of its solid form and appearance that detracts from one of the key characteristics of the property, which is the relatively open nature of its front garden areas.

The decking that has been erected is 3 metres closer to the building than the patio area that has been in existence for some time. The decking detracts from the privacy and amenity of No. 2 Academy Terrace to a significantly adverse degree as it constitutes an elevated external living space in association with No. 3 Academy Terrace that would allow the congregation of people for prolonged periods with a relatively direct view into the ground floor kitchen window and the upper floor bedroom window of the neighbouring dwellinghouse at a distance of approximately 5 metres.

For the above reasons, the application is contrary to the relevant Policies and Supplementary Guidance contained in National Planning Framework 4 and the Argyll and Bute Local Development Plan 2015 and the guidance provided by Historic Environment Scotland in its publication 'Managing Change in the Historic Environment: Setting'.

---

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

N/A

---

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

Yes  No

---

**Author of Report:** Steven Gove      **Date:** 01.06.2023

**Reviewing Officer:** Howard Young      **Date:** 06.06.2023

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

**GROUNDS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 22/01611/PP**

1. Academy Terrace is a Category C Listed Building in Rothesay that is a symmetrical gabled terrace set on a sloping site comprising six, two and three-storey, 2-bay dwellinghouses.

Academy Road looks on to the building's rear elevation and there is a set of steps that runs centrally through the back gardens down to the property. Two footpaths branch off diagonally from the steps to either end of the building.

The decking and fencing that have been erected within the rear garden area of No. 3 have a significantly adverse impact on the setting of Academy Terrace by virtue of their relatively close proximity to the main building; their central position in relation to the south western facade of the main building; and their substantial vertical and horizontal scale. These result in the diminution in one of the key views towards the building from Academy Road and the visual intrusion into the relatively open and undeveloped character of the rear garden areas.

The front elevation of Academy Terrace faces in a north easterly direction towards the water and it occupies an elevated position above Argyle Street approximately 70 metres from the rear of the buildings at street level. Pedestrian access from Argyle Street (which was already relatively steep) looks to have diminished considerably over the years, with the path and set of steps becoming overgrown.

The fencing that has been erected around part of the north-eastern curtilage of No. 3 is considered to be unacceptable as it has a significantly adverse impact on the setting of Academy Terrace by virtue of its solid form and appearance that detracts from one of the key characteristics of the property, which is the relatively open nature of its front garden areas.

In view of the foregoing, the application is considered to be contrary to the provisions of the following:

National Planning Framework 4 (2023)

NPF4 Policy 7 – Historic Assets and Places

NPF4 Policy 14 – Design, Quality and Place

NPF 4 Policy 16 – Quality Homes

Argyll and Bute Local Plan 2015

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

Policy LDP 9 – Development Setting, Layout and Design

Supplementary Guidance policy SG LDP ENV 16(a) – Development Impact on Listed Buildings

Supplementary Guidance policy SG LDP Sustainable Siting and Design Principles

## Historic Environment Scotland Published Guidance

'Managing Change in the Historic Environment: Setting' (2020)

2. The decking that has been erected is 3 metres closer to the building than the patio area that has been in existence for some time. The decking detracts from the privacy and amenity of No. 2 Academy Terrace to a significantly adverse degree as it constitutes an elevated external living space in association with No. 3 Academy Terrace that would allow the congregation of people for prolonged periods with a relatively direct view into the ground floor kitchen window and the upper floor bedroom window of the neighbouring dwellinghouse at a distance of approximately 5 metres.

In view of the foregoing, the application is considered to be contrary to the provisions of the following:

### National Planning Framework 4 (2023)

NPF 4 Policy 16 – Quality Homes

### Argyll and Bute Local Plan 2015

Policy LDP 9 – Development Setting, Layout and Design

Supplementary Guidance policy SG LDP Sustainable Siting and Design Principles

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 22/01611/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

**Development Plan**

**NPF4 Policy 1** seeks to prioritise the climate and nature crises in all decisions and it requires to be applied together with other policies in NPF4. Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance for or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

**NPF4 Policy 2** seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change. Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions.

**NPF4 Policy 9** seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

For the purposes of the Argyll and Bute Local Development Plan (LDP) 2015, the application site is located within Rothesay (which is one of Argyll and Bute's Main Towns) and Policies LDP STRAT 1 and LDP DM 1 both promote sustainable levels of growth by steering a wide range of scales of development to this type of settlement.

**Assessment**

The application relates to small-scale, householder development located in the residential curtilage of a dwellinghouse (a brownfield site) that is within the main settlement on the Isle of Bute.

In this regard, the development is considered to accord with the relevant Development Plan Policies and Supplementary Guidance relative to settlement strategy.

**B. Location, Nature and Design of Proposed Development (Including Impact upon Natural and Built Environment and Residential Privacy and Amenity)**

**Development Plan**

**NPF4 Policy 4** seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

**Policy 4(a)** does not support developments that, by virtue of type, location or scale, would have an unacceptable impact on the natural environment.

**NPF4 Policy 7** seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

**Policy 7(c)** requires that developments affecting the setting of a Listed Building should preserve its character, and its special architectural or historic interest.

**NPF4 Policy 14** seeks to encourage, promote and facilitate well-designed development that makes successful places by taking a design-led approach and applying the Place Principle.

**Policies 14(a) and 14(b)** seek to improve the quality of an area irrespective of location and advocate the adoption of the six qualities of successful places in the formulation of developments.

**NPF4 Policy 16** seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

**Policy 16(g)** states that householder developments will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials, and they do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

The above NPF4 Policies are underpinned in the Argyll and Bute Local Development Plan 2015 by Policy LDP 3 (protection, conservation and, where possible, enhancement of the built, human and natural environment); Policy LDP 9 (appropriate siting, positioning, layout, density and design of new development); SG LDP ENV 13 (impact on Area of Panoramic Quality); SG LDP ENV 16(a) (impact on setting of Listed Building); and the ‘*Sustainable Siting and Design Principles*’.

### **Site and Surroundings**

Academy Terrace is a Category C Listed Building and, based on the information contained in the listing record from Historic Environment Scotland (HES), it dates from the early 20<sup>th</sup> century and is a symmetrical gabled terrace set on a sloping site comprising six, two and three-storey, 2-bay dwellinghouses. The principal external finish is a whitewashed harl with half-timbering at first floor level on the front (north east-facing) elevation.

The ‘*Statement of Special Interest*’ part of the HES record states:

*“Despite replacement glazing, Academy Terrace remains a complete entity. An unusual architectural style for Rothesay, its presence is only enhanced by its commanding hillside position. A central stair leads directly from the terrace through a pend to Argyle Street below.”*

Academy Road runs along the south western boundary of Academy Terrace’s curtilage and is at a higher level. This road looks on to the building’s rear elevation and there is a set of steps that runs centrally through the back gardens down to the property. Two footpaths branch off diagonally from the steps to either end of the building.

The front elevation of Academy Terrace faces in a north easterly direction towards the water and, as mentioned in the HES record, it occupies an elevated position above Argyle Street approximately 70 metres from the rear of the buildings at street level. Pedestrian access from Argyle Street (which was already relatively steep) looks to have diminished considerably over the years, with the path and set of steps becoming overgrown.

### **Development**

The current application seeks retrospective Planning Permission for the following works:

- The erection of raised timber decking measuring 4.6 metres in length by 3.5 metres in breadth within part of the rear garden of No. 3
- The erection of timber balustrading along the north-eastern and north-western edges of the decking
- The erection of timber close-boarded fencing partly enclosing the existing patio area; the south-eastern edge of the decking; and the boundary of the property at ground level
- The erection of fencing enclosing part of the front garden of No. 3

## **Assessment**

The site is located within the Bute Area of Panoramic Quality; however, given the scale and location of the householder development, it is not considered that there is any substantial impact on the wider landscape.

### Impact of Decking and Fencing on the Setting of Academy Terrace (Category C Listed Building)

As set out above, the policies and guidance in NPF4 and the LDP principally seek to ensure that any developments affecting the setting of a Listed Building should preserve its character and its special architectural or historic interest.

Historic Environment Scotland (HES) has also produced guidance on how to assess the impact of a development on the setting of a Listed Building (*Managing Change in the Historic Environment: Setting*) and they advocate a three-stage approach: identify the historic assets that might be affected by the development; define and analyse the setting by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced; and evaluate the potential impact of the works on the setting, and the extent to which any negative impacts can be mitigated.

Some of the effects they refer to include:

- Whether key views to or from the historic asset or place are interrupted
- Whether the development would dominate or detract in a way that affects an appreciation of the Listed Building
- The visual impact of the development relative to the scale of the Listed Building and its setting
- The ability of the setting to absorb new development without eroding its key characteristics

In terms of the decking and fencing within the rear garden, the applicant and some of the objectors have mentioned that a deck already exists. Planning Permission (ref: 17/02592/PP) was approved in 2017 for works that had been carried out in relation to No. 5 Academy Terrace, including the erection of timber decking, balustrading and fencing in the rear garden.

Whilst it was acknowledged in the Report of Handling on application 17/02592/PP that the rear decking and associated fencing were in full view from Academy Road, it was considered that they did not detract from the quality and character of the Listed Building as they were a sufficient distance from the main property and weren't located directly in front of it. The decking and fencing remain but have now become relatively overgrown.

The decking and fencing that have been erected within the rear garden area of No. 3 have a significantly adverse impact on the setting of Academy Terrace by virtue of their relatively close proximity to the main building; their central position in relation to the south western facade of the main building; and their substantial vertical and horizontal scale. These result in the diminution in one of the key views towards the building from Academy Road and the visual intrusion into the relatively open and undeveloped character of the rear garden areas.

In respect of the fencing within part of the front garden of No. 3, the application referred to above from 2017 (ref: 17/02592/PP) included the erection of timber post and wire fencing in the front garden of No.5.

The Report of Handling on this application explained that the *“fencing to the front garden is not visible to the general public and is a subtle addition to the property. Although the curtilage to these types of properties have been generally left open in recent years, it has become more desirable to fence off areas for security, privacy etc. In this instance, the fence cannot be seen and it provides a reasonable addition to the property.”*

The fencing that is the subject of the current application is also not visible to the general public and it has been stained in a forest green colour since it was initially erected, which has mitigated its appearance to a certain degree. However, unlike the post and wire fencing approved at No. 5, it is considered to have a significantly adverse impact on the setting of Academy Terrace by virtue of its solid form and appearance that detracts from one of the key characteristics of the property, which is the relatively open nature of its front garden areas.

The applicant has mentioned that there are other fences in properties 4, 5 and 6 but, other than the post and wire fence approved in 2017, there is no record of approval having been sought for these and, as such, it is not considered that they represent a compelling precedent for accepting the fencing at No. 3.

#### Impact of Decking on Privacy and Amenity of Adjoining Properties

As mentioned above, NPF4 Policy 16(g) seeks to ensure that householder developments do not have a detrimental effect on neighbouring properties in terms of physical impact, overshadowing or overlooking

This is underpinned in the Argyll and Bute Local Development Plan 2015 where the *‘Sustainable Siting and Design Principles’* state that alterations and extensions to buildings will not be approved where they *“significantly affect the amenity enjoyed by the occupants of adjoining properties, taking into account sunlight, daylight and privacy”*.

Part of the assessment of the effect on privacy and amenity is taking into account the historical situation that was in place prior to the present works commencing and No. 3 has a patio area that appears to have been in existence for some time.

The decking that has been erected is 3 metres closer to the building and there is now an elevated external living space in association with No. 3 that would allow the congregation of people for prolonged periods with a relatively direct view into the ground floor kitchen window and the upper floor bedroom window of No. 2 Academy Terrace at a distance of

approximately 5 metres. The owner of No. 2 has stated in his objection that the height and proximity of the decking causes “*extreme discomfort due to loss of privacy*” in his home.

Ms Fielding in No. 4 has also referred to the decking as “*intimidating*” in comparison with the other rear garden areas. While acknowledging her concern, it is not considered that the position of the decking in relation to her property causes such a significantly adverse effect in terms of looking directly into windows serving habitable rooms as is the case with No. 2.

## **Conclusion**

In bringing together all of the above, the decking and fencing within the rear garden area are considered to be unacceptable for the following reasons:

- i. They have a significantly adverse impact on the setting of Academy Terrace (a Category C Listed Building) by virtue of their relatively close proximity to the main building; their central position in relation to the elevation of the main building; and their substantial vertical and horizontal scale. These result in the diminution in one of the key views towards the building from Academy Road and the visual intrusion into the relatively open and undeveloped character of the rear garden areas
- ii. The decking detracts from the privacy and amenity of No. 2 Academy Terrace to a significantly adverse degree as it constitutes an elevated external living space in association with No. 3 Academy Terrace that would allow the congregation of people for prolonged periods with a relatively direct view into the ground floor kitchen window and the upper floor bedroom window of the neighbouring dwellinghouse at a distance of approximately 5 metres

The fencing that has been erected around part of the north-eastern curtilage of No. 3 is considered to be unacceptable as it has a significantly adverse impact on the setting of Academy Terrace (a Category C Listed Building) by virtue of its solid form and appearance that detracts from one of the key characteristics of the property, which is the relatively open nature of its front garden areas.

For these reasons, the application is contrary to the relevant Policies and Supplementary Guidance contained in National Planning Framework 4 and the Argyll and Bute Local Development Plan 2015 and the guidance provided by Historic Environment Scotland in its publication ‘*Managing Change in the Historic Environment: Setting*’.





**Location Plan Relative to Planning Application: 22/01611/PP**



1:1,250

This page is intentionally left blank

**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**

---

**Reference No:** 22/02376/PP  
**Planning Hierarchy:** National  
**Applicant:** Scottish Hydro Electric Transmission Plc  
**Proposal:** To construct and operate a 275 kilovolt (kV) Electricity Substation and associated infrastructure. The works will comprise cut and fill to tie the platform into the existing ground level landscaping, Sustainable Drainage Systems (SuDS) basins, new permanent access and upgrades to existing tracks  
**Site Address:** Land Approx 1.6km North West of Minard and Upslope of the existing Crarae Substation, Minard

---

**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 1.43ha
- 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 4.7km long forestry track for access
- Construction of new access tracks, 350m 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 0.67ha
- Undergrounding of the 33kV interconnector cable to existing substation

---

**(B) RECOMMENDATION:**

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

---

**(C) CONSULTATIONS:**

**Scottish Environmental Protection Agency [SEPA] (17.02.23) Holding Objection**

Holding objection requiring more detail in respect of peat management and mitigation measures.

**Transport Scotland:(06.02.23) No objection subject to conditions**

*1. Prior to commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. In particular, the CTMP shall identify measures to control the use of any direct access onto the trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed Plan.*

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

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

*REASON(S) for Conditions (numbered as above):-*

*1 & 2 To minimise interference with the safety and free flow of the traffic on the trunk road.*

*2 & 3 To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.*

**NatureScot** : (20.01.23)- confirm the proposal falls outwith their consultation threshold and have no comments.

**Historic Environment Scotland** (26.01.23) - no objection.

**Strachur and District Community Council**;(16.2.23) No comments to make.

## **ARGYLL & BUTE COUNCIL INTERNAL CONSULTATION RESPONSES**

**Local Biodiversity Officer:** (21.02.23 & 25.04.23) No Objection

*I am content with the contents of Peatland Management Plan as it follows accepted practice and fits with NPF4 Policy 5 where the policy states that: 'Development proposals on peatland, carbon[1]rich soils and priority peatland habitat will only be supported for:*

- i. Essential infrastructure and there is a specific locational need and no other suitable site;*
- ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;*

**Area Roads Officer:** (19.01.23) No objection.

- 1. The site takes direct access from the A83 Tarbet - Campbeltown Trunk Road, Transport Scotland should be notified.*
- 2. The site is remote from the public road.*

**Environmental Health Officer:** (24.01.23) No objection subject to conditions

*Given the proximity of the neighbouring residential properties to the site address, the hours of these proposed works should be restricted to 0800 – 1800 hours Monday to Friday, 0800 – 1300 hours Saturday and not at all on Sunday, Bank or Scottish Public Holidays.*

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

*I would also wish to see a limit placed on road deliveries to the site, in order to ensure that they do not occur during anti-social hours. This should be included in the Construction Management Plan.*

*Any identified measures for noise mitigation measures for rock breaking should also be included in the Construction Management Plan.*

Other matters referenced in relation to lighting and Private water supplies are subject to conditions to ensure these matters are properly addressed.

**West of Scotland Archaeological Service:** (03.02.23) No Objection subject to condition.

*"No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service."*

**Flood Risk Advisor:** (19.01.23 & 10.05.23)) No Objection subject to condition

*It is recommended that planning conditions to the effect of the following be attached to any consent granted for this application:*

*1. Watercourse crossings not to reduce the existing capacity of the burns and ideally should be designed to convey the 1:200 year flow with freeboard allowance.*

In respect of comment 1c of this response on finished floor levels and asset/equipment protection, additional information provided by the applicant on the permeability of the compound area has addressed these matters as confirmed by response dated 10.05.23.

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

---

**(D) HISTORY:**

Specific to the site:

**21/01886/PAN** – Proposal of Application Notice for the erection of electricity substation Opinion issued on 17.11.21.

**21/01641/SCREEN** – Screening opinion for the erection of a 275kV gas insulated switchgear substation. Opinion issued on 21.3.22

Vicinity of Site

**23/00543/S37** – Erection of OHL connection between proposed substation and Creag Dhubh to Inveraray transmission line (Construction of two terminal lattice towers and one angle lattice steel tower with five temporary towers).

---

**(E) PUBLICITY:**

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

---

**(F) REPRESENTATIONS:**

**(i) Representations received from:**

At the time of writing, one “Objection/Representation” has been received from the following party:

- Raymond Mundie of the Forest Enterprise (2<sup>nd</sup> March 2023), confirm they are the landowner at present and share the concerns of SEPA over potential impacts on deep Peat. Confirms they are working with SSEN to identify candidate peatland sites for improvement through peat restoration works to re-use peat displaced through construction activities. Details have yet to be confirmed.

Officer Comment: These matters are addressed in the Officer Report.

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.

**(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 (Updated  
 Pre-application Consultation Report

The Environmental Appraisal Report covers the following matters:

1. Introduction and Scope
2. Project Description
3. Landscape and Visual Appraisal
4. Ecology and Ornithology
5. Forestry
6. Geology, Hydrology and Hydrogeology
7. Archaeology and Cultural Heritage
8. Noise Assessment
9. Traffic and Transport
10. Mitigation Proposals

The supporting Technical Annexes include:

Annex A: General Environmental Management Plans  
 Annex B: EIA Screening Letter  
 Annex C: Landscape Assessment Methodology  
 Annex D: Landscape Character Sensitivity Table  
 Annex E: Photomontages and Landscape Figures  
 Annex F: Ornithology Consultation  
 Annex G: Extended Ecology Phase 1 Habitat Survey  
 Annex H: Species Protection Plans  
 Annex I: Forestry  
 Annex J: Drainage Strategy and Drainage Plans  
 Annex K: Hydrology Methodology  
 Annex L: Private Water Supply Risk Assessment  
 Annex M: Water Construction Management Plan  
 Annex N: Peat Management Plan

Annex O: Peat Slide Risk Assessment  
Annex P: Transformer Delivery Route Report  
Annex Q: Cultural Heritage Appraisal and Site Gazetteer  
Annex R: Noise and Vibration

---

**(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 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 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 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.**
- 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

Energy Policy Framework

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

More recently the publication of Scotland's Draft Energy Strategy and Just Transition Plan and the accompanying Ministerial statement (Dated 10.1.23) further reinforces the importance of achieving net zero and addressing the Climate Emergency reinforcing and complimenting the objectives of NPF4 policy 1 in particular.

---

**(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

The PAC Report submitted with the application confirms the public consultation undertaken in accordance with approved PAN requirements.

---

**(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 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. The applicant and consultee(s) have confirmed that they do not wish to be heard, therefore a Hearing will not be required.

---

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

- Peat
- Forestry
- Archaeology

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

Class 6.3

Peatland/Carbon Rich Soils Classification:

- Class 1  
 Class 2  
 Class 3  
 N/A

Class 4 indicated on Council Maps but peat survey information submitted with application CH 6 EA Report which comprises a site specific survey identifying deep peat.

Peat Depth Classification:

N/A – See CH 6 EA Report

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

(If yes, detail in summary assessment)

 No

Refer CH 5 of EA

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 as 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 is identified in NPF4 as a National Development under NAD3 “Strategic Renewable Electricity Generation and Transmission Infrastructure” which recognises that “*the electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity.*” The designation of classes of development that qualify as ND3 includes “*(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132 kV or more.*”

The Proposed Development will contribute to security of supply and provide increased and more resilient infrastructure capacity to facilitate renewable energy connections in the wider area – all of which forms vital elements to deliver reinforced network and grid infrastructure required to deliver the Government’s legally binding targets for net zero emissions and renewable energy electricity generation objectives and address the climate change emergency as defined in NPF 4.

The Proposed Development consists of the substation buildings and electrical infrastructure, and associated works required to accommodate construction 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.

Statutory and other consultees responding to this application are supportive with the exception of SEPA who have maintained a holding objection based upon more detail being required in respect of offsite peat restoration proposals. Officers are of the opinion that these matters can be properly addressed through the use of a condition.

A comprehensive Environmental Assessment has been submitted with proposed mitigation set out in detail at Chapter 10 of this document (Updated on 24.01.23). The approach taken to site identification and the mitigation proposed is considered to be acceptable.

All matters are therefore considered to have been properly addressed. Taking account of the above, it is recommended that planning permission be approved subject to conditions. A full report is included in the appendix of this report.

---

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

---

**(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 policy 11 justifies the need for such investment highlighting such development as of national importance. The electricity grid infrastructure is identified as essential to transporting renewable energy from point of generation and a vital element of the Scottish Governments goal of achieving net zero,

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 supportive with the exception of SEPA who have maintained a holding objection based upon more detail being required in respect of offsite peat restoration proposals. Officers are of the opinion that these matters can be properly addressed through the use of a condition.

Other impacts during construction 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.

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.

---

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

N/A

---

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

Yes  No

---

**Author of Report:** David Moore **Date:** 06/06/2023

**Reviewing Officer:** Sandra Davies **Date:** 07/06/2023

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/02376/PP****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 23.11.22; the Environmental Appraisal (November 2022), supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

Transformer Building Elevations	4534c-DR-P-0019	Rev.1	24.11.22
Transformer Building Layout	4534c-DR-P-0020	Rev.1	24.11.22
Septic Tank and Private Water Supply Location	A01( Dated 16.12.22)	A0!	23.12.22

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

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

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

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

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

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

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

*Reason: In order to protect archaeological resources*

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

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

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

The appraisal shall be carried out by a qualified hydrologist/ hydrogeologist or other suitably competent person and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006



or Part 3 of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as appropriate) which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

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

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

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

This shall include details of :

- Methodology and volume of extraction,
- Phasing/timing of any works impacting peat
- Quality/classification of Peat to be extracted
- Details of any onsite peat re-instatement and /or enhancement
- Details of storage and transportation
- Details of the location, area and condition of onsite or offsite peatland to be improved
- Details of peat enhancement measures on this land
- Details of peatland restoration outcomes to be achieved
- Details of ongoing management arrangements of the restored peatland

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 13 No development/works shall take place outside the following hours;

0800 – 1800 hours Monday to Friday,

0800 – 1300 hours Saturday

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

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

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

*Reason: To safeguard residential amenity*

**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>22/02376/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. 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 Applicant has a statutory duty under Schedule 9 of the Electricity Act 1989 to develop and maintain an efficient co-ordinated and economical electrical transmission system in its licence area.
- 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 as forming part of National Grid Infrastructure associated with the transmission of electricity. 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 if necessary 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 ‘Countryside’ and “Very Sensitive Countryside” development management zones, 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 ‘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. (This proposal is currently subject to a PLI and is with the DPEA for determination)
  - 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. The substation will also connect into the recently completed overhead line between Inveraray and Crossaig which is capable of operation at 275kV but at present is routed into the existing substation, so the overhead line requires to be realigned to connect into the new substation. The project will support the export of renewable energy from the Argyll area
- 2.3. The proposed substation is located approximately 1.6 km north west of Minard and upslope of the existing Crarae substation. The Project is located wholly within the ABC Local Authority and would be accessed from the A83 using existing tracks to the current Crarae substation. The Project, including the entire extent of the substation, is located within an area of mature coniferous plantation with a small area of marshy grassland in the west. There is open moorland further up the slope to the north. The Project is also surrounded by mountainous landscapes. The river 'Abhainn Bheag and Tunns' is adjacent to the north and west of the Project with many minor rivers that meander off the main river. Crarae Burn is also located approximately 175 m from the red line boundary.
- 2.4. Ancient woodland is located to the south and the east of the site boundary and there are no other statutory or non-statutory ecology, heritage or landscape designations within the Project. The Project is located 1.6 km west of a locally designated landscape, West Loch Fyne (Coast) Area of Panoramic Quality (APQ) and 4 km west of the East Loch Fyne

(Coast) APQ. There are no ecological sites within 5 km designated for habitat, although Craignure mine SSSI is located approximately 4.2 km to the northeast of the Project. The nearest Listed Building and Scheduled Monument is located approximately 3 km south and 1.4 km south west respectively. The Crarae Inventory Garden and Designed Landscape is also located 1 km to the east of the Project.

- 2.5. 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).
- 2.6. The wider surrounding area is sparsely populated with the nearest residential receptor being Strone Farm, located approximately 450 m south east of the Project. Access to the Project would be via the A83, approximately 2.1 km south west of Minard coming onto an unnamed road, leading to the existing Crarae substation. This existing substation will be retained for operational reasons and will be linked to the new substation by a short cable run.
- 2.7. Buildings will comprise steel portal frames with metal cladding and roof. There would be some un-housed electrical switchgear and plant located within the platform area. The substation would not be illuminated at night during normal operational activities. Conditions will be imposed to ensure that appropriate materials and colouring are used in respect of these buildings and other infrastructure. Flood lights would be installed but would only be used in the event of a fault during the hours of darkness; or during the over-run of planning works; or when sensor activated as security lighting for night-time access. Details of any proposed floodlighting are subject to a condition.
- 2.8. 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.
- 2.9. The main noise source within the substation during operation would be the single 120 MVA grid transformer. A noise assessment has been carried out to estimate the noise levels emitted from the Proposed Development and to understand the future operational impacts at noise sensitive receptors (NSRs). Environmental Protection Officers are content with the information submitted and raise no objection.
- 2.10. 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.
- 2.11. 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. No widespread views of the site will be available, and although the overall site extent and

structures would be of considerable scale, officers are of the opinion that both the landscape setting and the localised characteristics and screening would allow the proposals to successfully integrate into the landscape in accordance with Policy LDP ENV 14 and NPF 4 Policy 4 Objectives.

### 3. Natural Environment

- 3.1. 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.
- 3.2. No sites designated for their nature conservation importance lie within site identified for the Project. Eleven sites lie within 10 km of the Project. The nearest designated sites to the Project are Moine Mhor Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), which at their nearest point are located 5 km west of the western end of the main access road.
- 3.3. Habitats within the Project and much of the immediate surrounds are dominated by continuous and scattered sections of bracken and different forms of grassland as well as dense commercial conifer plantations of varying ages. No invasive non-native flora species were recorded within the Survey Area. Full details of the habitats found within the survey area associated with the application are set out at chapter 4 of the EA and associated Annex G.
- 3.4. The only field signs of protected species recorded within the phase 1 Survey Area were suspected pine marten scats identified within the plantation woodland ride which is located approximately 100 m from the Project access track. The findings of the EP1HS mirror the findings from the Inveraray to Crossaig 275 kV OHL Reinforcement Project 2018 EIA which also found no evidence of protected species within their area of survey with the exception of pine marten.
- 3.5. No field signs of protected species were identified within the habitat to be lost under the footprint of the Project, however, the coniferous plantation to be lost due to the Project has the potential to support pine marten, red squirrel, badgers and possibly wildcat. Additionally, oak trees to the east of the project area neighbouring the access track entering the Crarae Survey Area from the Craig Murrail Project were deemed potentially suitable to support suitable roosting features for bats. Moreover, although not clearly identifiable, potential otter footprints were observed under a bridge to the west of the area along the access track towards the location of the proposed Craig Murrail substation. Full details of the protected species findings from the EP1HS are provided in Annex G.
- 3.6. The EA at paragraph 4.4.1 concludes that:

*The Proposed Development*

*No sites designated for their nature conservation importance, or woodlands listed on the Ancient Woodland inventory will be affected by the proposals. The nearest site is Moine Mhor SAC/SSSI that lies approximately 5 km west of the eastern end of the main access road. One Ancient Woodland lies adjacent to the existing main access*



*track; however, this woodland is Long-Established (of plantation origin) (LEPO). LEPO woodlands are not considered to be irreplaceable habitat as per the SSEN Transmission's Biodiversity Net Gain metric guidance. The access track is also likely to remain in its existing form with no long term change in use by vehicular traffic. The Proposed Development will not result in any impact on designated sites. Construction best practice measures will be implemented (these will be included with the Construction Environment Management Plan (CEMP) and General Environmental Management Plan (GEMP)) to prevent indirect/accidental damage and this embedded mitigation will result in no significant effects.*

*The Associated Development*

*No sites designated for their nature conservation importance, or woodlands listed on the ancient woodland inventory will be affected by the Associated Development. The nearest designated site is Moine Mhor SAC/SSSI, which at its nearest point is located 5 km east of the eastern end of the Project area and approximately 6 km east of the closest area of habitat to be lost for the Associated Development. The Associated Development will not result in any impact on designated sites, therefore, no significant effects on designated sites are predicted.*

- 3.7. Officers are in agreement with this conclusion. Importantly the Council's biodiversity advisor has raised no objection to the proposals and considers that the proposed mitigation set out in Chapter 10 of the EA, and through the use of conditions biodiversity and nature interests can be properly safeguarded.
- 3.8. 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 of NPF4.

#### **4. Historic Environment**

- 4.1. 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.
- 4.2. There are no World Heritage Sites, Inventoried Historic Battlefields, or Conservation Areas located within 2 km of the Proposed Development. Details of other heritage assets and their relationship to the substation site and associated development is set out in detail at Chapter 7 of the EA. Figure 7.1 maps out the location of these identified assets.
- 4.3. The EA acknowledges that Standing stone (CE\_019) will be directly impacted by track construction of the permanent access track. With the implementation of the proposed mitigation key direct impacts listed in Section 7.5, the magnitude of direct impacts is predicted to be low and that there is low potential for impacts to Feorlin: Sheiling (CE\_005), Feorlin: Farmstead (CE\_011), A'Churach: Dyke (CE\_015), and A'Churach: Dyke (CE\_016) due to the Proposed Development.
- 4.4. The applicants propose that for the standing stone (CE\_019) which lies within the permanent access tracks, it is recommended that a buffer zone of 10 m is demarcated around the asset if works are to be carried out in the vicinity. It is also recommended

that an archaeological watching brief is deployed during all ground-breaking works. This is considered acceptable and should ensure no damage to this heritage asset. This can be incorporated into the necessary CEMP as a specific and required mitigation approach.

- 4.5. It is also acknowledged at Paras 7.4 and 7.5 of the EA that there is potential for unknown buried Archaeology. This is reinforced by the views of WOSAS which require further investigative works to be undertaken prior to works commencing through the use of a suspensive condition. Officers are in agreement that this is necessary and the EA also fairly acknowledges this is a requirement of any permission.
- 4.6. In respect of *Crarae - GDL00118 (CE\_001)*. This Garden and Designed Landscape lies c.1.3 km east of the Proposed Development. It comprises 126 acres of designed woodland gardens and meadows laid out in the 20th century around the existing 19th century designed landscape of Crarae Lodge. It is considered that there is both sufficient separation (distance and topography) to ensure no significant adverse impacts upon this asset will occur.
- 4.7. An appraisal of potential impacts is set out at table 7.1 of the EA. Officers are in general agreement with this evaluation and its conclusions.
- 4.8. 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.

## **5. Hydrology, Flood Risk, Drainage**

- 5.1. Policy 11 (E-viii) and Policy 5 of NPF4 requires development proposals to demonstrate how they have mitigated against potential impacts on hydrology, the water environment and flood risk. In respect of potential impacts upon peat. These matters are addressed at Chapter 6 of the EA (and also at Annexes, K ,L, M& N) of the submissions.
- 5.2. As the potential impact upon peat and the requirement for detailed management and mitigation details to be provided by SEPA, this has been given its own section within this report although clearly flooding/hydrology/Drainage all have potential interactions with peat on and surrounding the site. Further detailed evaluation of potential impacts on peat are set out at Section 6 of this report.
- 5.3. Chapter 6 of the EA relates to surveys and evaluations of 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 to ensure no unacceptable impacts occur due to the development.
- 5.4. A private water supply risk assessment (PWSRA) was carried out for the EIA for Inveraray to Crossaig overhead line (OHL) project published in July 2018, which was reviewed in order to inform the assessment. No additional PWS were identified as part of the PWSRA surrounding the Proposed Development. This PWSRA did confirm a PWS to be present at Garvachy Farm.

5.5. The EA at 6.5 confirms that :

*The Project has been designed to reduce potential impacts as far as reasonably practicable. This includes mitigation that is embedded into the design of the project in accordance with industry standard methods and procedures, which will reduce impacts from construction and operation. The following mitigation measures relating to the hydrological environment are embedded into the design and construction of the Proposed Development:....A Water Construction Environmental Management Plan (WCEMP) accompanies this EA Report (**Annex N**) and will form part of the embedded development design. Relevant sections of the SSEN General Environmental Management Plans (GEMPs) will inform a CEMP to be implemented by the Project's selected contractor post submission. GEMPS are included as **Annex A** to this report and relevant GEMPS include the following.*

- *Private water supplies;*
- *Working in or near Water;*
- *Soil Management;*
- *Contaminated Land;*
- *Oil Storage and Refuelling;*
- *Bad Weather; and*
- *Working with concrete.*

*As consultation with Scottish Water confirms there are assets at the existing access track entrance, precautionary mitigation will be embedded. This includes fencing off the hydrant at the side of the road to prevent potential slippage of machinery.*

5.6. 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.

5.7. In summary, the applicants have confirmed that 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.

5.8. Neither the Council's Environmental Protection Officer or Flooding and drainage advisor raises objection to the proposals subject to the imposition of appropriate conditions in respect of flooding, drainage and private water supply matters.

5.9. Having due regard to the above it is concluded that effects on hydrology, the water environment 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.

## **6. Impact on Peat**

6.1 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.

6.2. Members will note that this has proved to be one of the main considerations in respect of the current proposals where SEPA in their initial response raised a holding objection to the proposals, requiring that additional information in respect of the proposed management of extracted peat and details of the areas of land where peat enhancement work would be undertaken to compensate for impacts caused by construction activities be provided. This is notwithstanding the information submitted at time of application including the proposed peat management plan set out at Appendix O of the EA.

6.3. In response to the holding objection the applicant provided updated information in respect of the proposed extraction and management of peat on 16.5.23 to SEPA. This was forwarded to the Planning Authority on 05.06.23. No further response has been received from SEPA and therefore their holding objection remains the position at time of writing.

6.4. The need for this additional information stems from the requirement of NPF 4 for such matter to be addressed as a material planning issue in balancing whether permission can be granted.

6.5. The applicants and SEPA have been in discussions with respect to providing additional information on the extraction of peat, its management and storage, and its transportation off site to an area of degraded peatland which will be improved as a consequence of these works. It has not, at time of writing, proved possible to agree all details with SEPA to allow them to formally withdraw their holding objection. Progress is actively being made and Officers are reassured through current endeavours and discussions between SEPA and the applicant that SSEN will provide the details required to properly address this matter.

6.6. SEPA have clarified to Officers that they have evaluated the proposal against NPF Policy 5 (c) in respect of potential impact on peat, but not against the wider policy objectives set out in NPF4. The Planning Authority is however required to consider the proposal against NPF 4 as a whole, not any single policy, and come to a balanced judgement in forming a recommendation and in making a determination.

6.7. In this instance substantial progress has been made by the applicants to seek to satisfy the detailed requirements of SEPA and secure the removal of the holding objection, and although constructive discussions are ongoing, and the applicants are in agreement with providing the detail, it has not proved possible to agree all matters at time of writing.

6.8. Officers consider that in coming to a decision in respect of impact on peat in this instance that the following matters are material considerations:

- The proposals relate to essential grid infrastructure of national importance as set out (NPF 4 National Priorities Appendix B Part 3 )
- The Proposal supports the delivery of the Regional Spatial Strategy for The North and West coast and the Islands as set out at Part 1: P24 of NPF 4 to provide Strategic Renewable Electricity Generation and Transmission Infrastructure for the area.
- The proposal is supported by Policy 1 which seeks to “*encourage, promote and facilitate development that addresses the global climate emergency and nature crisis*”.

- The proposal is supported by Policy 11 ( Energy) relating to the delivery of essential grid infrastructure improvements related to renewable energy transmission
- The proposals meet the requirements of Policy 5 (c)(i) to be regarded as essential infrastructure

6.9. Officers are of the opinion in this instance permission can be granted subject to a suspensive condition which will fully address the concerns of SEPA, address the matters required under policy 5 (c) of NPF4 ,yet not delay the determination of this Nationally important and essential grid improvement where timescales for delivery are important.

6.10. In respect of timescales Officers note that it has been clarified by SSEN that;

*Last year we submitted our Initial Needs Case (INC) to Ofgem, and this was approved in December 2022. The initial Needs Case was around the need for robust proposals to reinforce the Argyll transmission network from 132kV to 275kV operation. At an estimated cost of around £400m, this investment is being taken forward as part of the SSE Group's Net Zero Acceleration Programme, which will see £12.5bn invested in the five years to 2026, or £7m every day. SSEN Transmission alone expects to invest around £4bn over this period as it delivers a network for net zero emissions. On the back of the INC being approved in December 2022, we submitted our Final Needs Case to Ofgem in May 2023. The Argyll 275kV strategy is required to support the connection of several new renewable electricity generation schemes across Argyll and to transport that power to areas of demand across Scotland and beyond. It will support the connection of at least 560MW of new renewable electricity generation, enough to power more than 500,000 homes.*

*.... In terms of the need to get the projects (that is Craig Murrail, Crarae and Crossaig North substations) to June PPSL, this comes down to the need to secure the substation consents enabling Ofgem to finalise, approve and issue their Final Needs Case decision in August. Any delay to the issuing of the Final Needs Case will have a knock-on effect to SSENT internal governance to release funding which will delay the start on site in late 2023 which is critical in ensuring we are able to meet our obligations to provide connected generation.*

6.11. Officers consider that timescales associated with achieving NPF 4 Policy 1 Climate change objectives can also be considered a material consideration in determining the current proposals.

## **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. The submission clarifies that the proposed development is located within a commercial conifer plantation with a red line boundary (RLB) area of 18.75 ha of mainly conifer thicket and recent restock with integrated open ground. The EA provides detailed commentary in respect of Felling and forestry matters at Chapter 5 and updated Appendix J submitted on 12.12.22 (the original submission of 24.11.22 being superseded).

7.3. In total, 8.03 ha of the 18.75 ha of the RLB is classified as woodland, which requires clear-felling to facilitate the construction of the Proposed and Associated Development. The applicants confirm that:

*In-line with the Applicant's commitment to achieve no net loss of woodland for new Development Projects, the total area of woodland removal being 8.03 ha for the Project will be replanted through the application of this Woodland Planting Management Strategy.*

7.4. The felling areas and compensatory planting to be provided through a conditioned Woodland Planting Management Scheme achieved through condition are considered to adequately 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. This accords with the Scottish Government's Control of Woodland Removal Policy, to achieve no net loss of woodland.

7.5. The compensatory planting 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 for those trees which do not require to be felled to undertake construction work.

7.6. 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. (The distance from such assets is clarified at Paragraph 3.5.2 of the EA and Figure E.3)..

8.2. Officers consider that 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. (Members are requested to note that an evaluation of the potential impact on Crarae - Garden and Designed Landscape which lies c.1.3 km east of the proposed development been evaluated previously at Section 4 of this report with reference to the corresponding policies and evaluation submitted in the EA on Historic Environment and Cultural Heritage matters).
- 9.3. The Environmental Appraisal at Chapter 3 of the EA and Annex E (Parts 1 & 2) considers both landscape and visual impacts of the proposed development with photomontages provided from a range of viewpoints.
- 9.4. The LVIA assessment is focused on a study area of 5km. The applicants confirm that this has been informed by analysis of Zone of Theoretical Visibility (ZTV) maps and an early appraisal of potential effects for a development of this scale. It is accepted that any notable landscape or visual effects would be confined within this geographical area owing to the reduction in relative scale and visibility of the proposal with distance within its landscape context.
- 9.5. Figure E.2 clarifies that the substation itself and the vast majority of the access track are contained within Landscape character area LCT 39 Plateau Moor and Forest. This character area is generally accepted as being capable of accommodating larger infrastructure. Figure E.3 clarifies that the substation itself is not located within an APQ but the lower part of the access track is located within West Loch Fine APQ. Annex E Part 2 provides photomontages of the appearance of the proposal within its landscape context.
- 9.6. The local landscape consists of a patchwork of commercial forestry, pastoral farmland and open moorland. The commercial plantation forms part of the wider Kilmichael Forest, which covers extensive areas of the surrounding landscape. These include Beinn Ghlas (420 m AOD) to the north east, A'Cruach (254 m AOD), Cnoc Buidhe (270 m AOD) and Creag Chaise (303 m AOD) to the south west, and Fiargall (272 m AOD) to the south. The Proposed Development Site is located at an elevation of 170 – 200 m AOD.
- 9.7. The surrounding landscape is very sparsely settled, particularly across more elevated areas to the north where there are no built forms or settlements. The closest residential receptors include the isolated farmsteads of Strone and Garvachy, which are located approximately 500 m to the south east of the Project Site. Settlements found within the

wider context include Minard, 1.8 km to the southeast, Crarae, 2.2 km to the east, and Tullichgorm, 2.3 km to the south.

9.8. The EA confirms that:

*The location of the Project has been chosen to avoid any notable ridgelines or visually prominent sections of skyline. The Project Site is located within an area of commercial forestry, with limited receptors in the immediate vicinity. The surrounding areas of forestry, in combination with undulations in the local landform would notably restrict views of the Project across wider parts of the Study Area....Furthermore, the Proposed Development Site and Associated Development are located in close proximity to existing electricity infrastructure, comprising the existing Crarae Substation to the east, and nearby overhead lines (OHLs) to the east and north. As such, the Project would exert its primary influence over a local landscape already partially characterised by existing development, and avoids the spread of infrastructure into wider parts of the surrounding landscape.*

9.9. In terms of design, the proposals seek to incorporate a comprehensive mitigation strategy to effectively integrate the Project into the surrounding landscape. This involves consideration of the most appropriate methods of lessening its potential influence on landscape and visual amenity. To this end, the EA confirms that the project has been designed to achieve the following landscape objectives embedded design mitigation:

- *Land clearance and occupation would be limited to necessary areas only to minimise the geographic spread of the infrastructure and limit the potential impact on the local landscape fabric.*
- *The Proposed Development and Associated Development access tracks would utilise existing forestry tracks to minimise effects associated with peripheral parts of the Project;*
- *The number of new permanent towers comprising the Associated Development has been limited as far as possible (three towers in total) to minimise the effects resulting from this component of the Project;*
- *Temporary tracks and temporary OHL diversions (for construction purposes) would be reinstated at the end of the construction phase, thereby further limiting the geographic extent of potential residual effects;*
- *In terms of colour and materials, the AIS building would be painted with a recessive colour (dark-brown, such as RAL 8014: Sepia Brown or similar approved) to assist blending in with the surrounding landscape context comprising plantation forestry; and*
- *Proposed landscape works would focus on the reinstatement of ground cover within the Site to native bog / mire habitat (see Figure E.4). This approach reflects the local ground conditions, ensures a natural context to the proposed built form, and also provides additional habitat type within the locality.*

9.10. The visual effects of the activities during the construction phase would be temporary and limited to localised areas in the vicinity of the project due to the containing effect of the underlying landform and surrounding tree cover, in combination with the low-lying nature of activities associated with site clearance / excavation. As such, views would be predominantly limited to hill walkers on non-promoted sections of forestry tracks in the surrounding area.

9.11. The Proposed Development would result in the permanent loss of a small area of forestry and rough grassland and its replacement with the proposed AIS building, site services and control equipment, electrical switchgear and associated infrastructure. The Associated Development would also result in localised loss of ground cover along the permanent access tracks and the introduction of the proposed towers. In both cases, the proposed infrastructure would account for a relatively small parcel of land within an



expansive area of surrounding forestry. Officers agree with the summary evaluation within the EA that:

*Visual effects would also be extremely restricted based on the geographic location of the Project, which exhibits a high degree of visual enclosure due to the surrounding forestry and the undulating nature of the local topography, and is spatially separate from any major settlements, recreational attractions or transport routes. As such, the Proposed Development and Associated Development would be fully screened from the vast majority of receptors, and represent very minor elements within more open vantage points. On balance, there would be no notable effects on the views experienced by residents, recreational receptors or road users.*

9.12. It is evidenced and accepted by officers that the proposed development will result in some localised adverse visual impacts in the immediate vicinity of the site, and that due to the overall proportions of the development at close range the magnitude of change will be large/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 a relatively small area of existing commercial forestry there will be an acceptable visual integration of this development and medium and long range views are extremely limited. The proposal is therefore 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. Details of the anticipated volume and type of construction traffic are provided within Chapter 9: Transport Appraisal. A Traffic Management Plan (TMP) will be developed by SSEN Transmission, which will require to be agreed with the Area Roads Engineer in advance of construction, as part of the CEMP.

10.3. The CEMP will require to include traffic management measures to ensure that the project will not have an unacceptable impact on the public road network or nearby road users. Details of potential abnormal load routing has been provided at Annex Q of the submissions.

10.4. 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, 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]. The nearest residential premises are approximately 450 m to the

southeast of the site. Other properties are located at further distance to the east (approximately 800 m from the site), southeast (dwellings in Minard), and east (dwellings in Crarae). A site location plan, the locations of NSR are provided in Annex S of the EA.

- 11.3. 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. 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.
- 11.4. To assist in evaluating whether Construction noise would create nuisance a baseline noise survey was undertaken at the nearest NSR to the Project. Full data and analysis of the baseline noise surveys are included at Appendix A of the submitted noise report. In respect of construction noise the report concludes at sections 8.8.3 & 8.8.4 that;
- 11.5. *...no noise mitigation is required for the construction activities. However, in any case, any mitigation required for noise generated by rock breaking will be agreed with ABC, for inclusion in the Construction Noise Management Plan.... No construction works are proposed to take place during the night-time period without prior written agreement from ABC in exceptional circumstances.*
- 11.6. In respect of operational noise characteristics (day and night) the report evaluated these in some detail. Concluding that:
- 8.9.2 An assessment of construction noise and vibration from the Project has been undertaken. The results show that as the worst-case construction noise level is below the lower threshold of 65 dB day and 55 dB evening, the potential impact to the nearest NSR is negligible during these periods. Given the long distance from the Project to the nearest NSR, construction vibration activities will not be perceptible (negligible adverse impact).*
- 8.9.3 An assessment of noise emissions from the proposed substation has been undertaken based on specification and assumed library noise emission data and a computer-based noise model. The results of this modelling exercise were compared against the existing noise environment on the site in accordance with BS 4142, BS8233 and against the requirements of ABC. The assessment indicates that the proposed substation would not cause an adverse impact at nearby receptors....*
- 8.9.4... In light of the findings of the assessment, it is considered that no specific mitigation measures are required above those which are embedded within the proposed development. However, it is recommended the impact is reassessed by acoustic consultants as manufacturers' data become available.*
- 11.7. The Council's Environmental Health Officer has raised no objection on the grounds of noise impacts arising from the proposal subject to the imposition of an appropriate condition on hours of construction activity and that the CEMP address potential hours of HGV movements associated with construction. The proposal is therefore considered to comply with the provisions of Policy 11 of NPF4 subject to the imposition of recommended conditions.

11.8. 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.

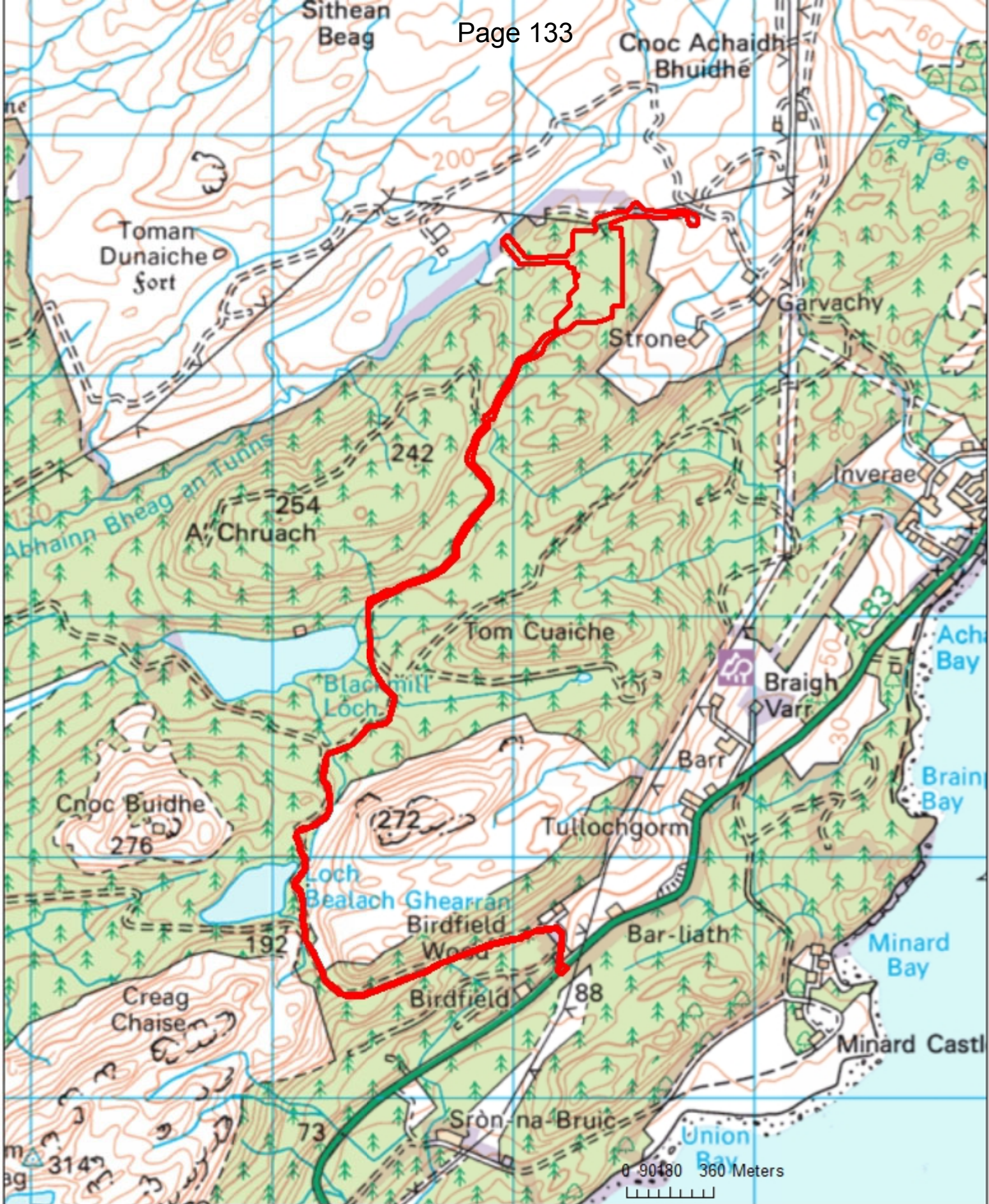
12.6. Having due regard to the above the proposals net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities has been assessed and it is concluded that the proposal is consistent with the provisions of Policies 11 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 repowering 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.
- 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.



**Location Plan Relative to Planning Application:22/02376/PP**



1:20,000

This page is intentionally left blank

**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**

---

**Reference No:** 22/02578/PP  
**Planning Hierarchy:** National  
**Applicant:** Scottish Hydro Electric Transmission Plc  
**Proposal:** Erection of high voltage electricity substation and formation of associated access, landscaping, drainage and means of enclosure (Craig Murrail substation)  
**Site Address:** Achnabreck Forest - Land Approximately 2.5 Km North East Of Lochgilphead And 4 Km South West Of Loch Glashan Lochgilphead.

---

**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**

- A substation platform approximately 2.93 ha at a height of 115 m AOD;
- Gas insulated Switchgear (GIS) building, maximum height 22 m and single storey control building annex;
- Two 275/33 kV grid transformers (GT), rated at 120 MVA, each located in a ventilated building of maximum height 16 m;
- 33kV Switchroom;
- Two gantries and electrical equipment to connect the OHL and the proposed substation;
- Three temporary work areas, one adjacent to the substation platform and two areas south west of the Proposed Development, adjacent to the existing access track and temporary peat storage;
- Diesel generator;
- Borehole for water;
- Turning and parking areas;
- Use of existing forestry access track with some upgrades, approximately 5 km in length;
- A permanent access track approximately 153m long connecting the proposed substation to the existing forestry track;
- A permanent access track approximately 285m long providing access to the existing track to the north east of the site;

- A 2.4 m high security fence of palisade construction around the substation platform perimeter;
- Designation of the area around the substation site as bog/mire to provide biodiversity enhancement;
- Foul and surface water drainage (Sustainable Drainage System (SuDS) pond and outfall pipe).

**(ii) Other specified operations**

- Tree felling and compensatory planting
- Small scale alterations to the existing FLS access track off the A816 may be required. Subject to survey, and to satisfy the requirements of ABC Roads Department, works may include widening of the existing bellmouth, increasing turning radii and improving visibility splays. Between the access point and the Proposed Development site, works may include widening at bends/road strengthening to accommodate the long and heavy construction vehicles.

---

**(B) RECOMMENDATION:**

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

---

**(C) CONSULTATIONS:**

**Scottish Environmental Protection Agency [SEPA] (01.03.23) Holding Objection**

Holding objection requiring more detail in respect of peat impact, management and mitigation measures.

**Transport Scotland:(20.02.23) No objection subject to conditions**

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

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

*3. Prior to commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed Plan.*

**NatureScot** : (09.02.23)- confirm the proposal falls outwith their consultation threshold and have no comments.

**Historic Environment Scotland** (21.02.23) - no objection.

**West Loch Fyne Community Council**; No response at time of writing.



## **ARGYLL & BUTE COUNCIL INTERNAL CONSULTATION RESPONSES**

**Local Biodiversity Officer:** (01.03.23) No Objection

*Summary:*

*I look forward to receiving the latest reports on Pine Marten, Red Squirrel and Wildcat and any updates on bird species.*

*In relation to Peat, I request further information on the following:*

- 1. Were alternative sites considered that would have less of an impact on peat?*
- 2. The treatment of deep peat on the development site and how will this be achieved?*
- 3. An indicative map of the potential restoration areas.*

*I welcome the draft CEMP and the employment of an ECoW, however, I ask that the relevant Species Protection Plans and the associated Toolbox talks are included too. I also request that a habitat and species Monitoring Protocol is put in place to so as to record actions and any changes.*

*Finally in relation to biodiversity enhancement measures, I require further details on enhancements in relation to the species used and the location for screening, treatment of track edges and species rich ground cover.*

**Area Roads Officer:** (23.02.23) No objection subject to condition.

*Comment:*

*As this is a private access, the road marking should be a broken line, not Give Way markings*

*Condition:*

- 1. Existing public road junction to be patched or resurfaced using a hot bituminous material, for a minimum distance of 15.00 metres.*

**Environmental Health Officer:** (10.02.23) No objection subject to conditions

*In view of the size of the scheme and the distance to the nearest dwellings, I do not anticipate that noise would be a significant issue.*

*The Project Description report states that "construction activities would in general be undertaken during daytime periods. This would involve work between approximately 07:00 to 19:00 on week days and 07:00 to 18:00 on Saturdays. Construction works will only take place during these agreed hours and in planning the works, our contractors will look to minimise the impact of construction noise on neighbours and the public. There may be times that construction works require to take place outwith these agreed hours due to time critical activities, this would only be done with the prior agreement of ABC."*

*We would agree with the above restriction on permitted hours for operation of machinery (including vehicles to and from the site) and other noise generating work during the construction phase.*

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

*Any identified measures for noise mitigation for blasting of bedrock should also be included in the Construction Management Plan.*

Other matters referenced in relation to lighting and Private water supplies are subject to conditions to ensure these matters are properly addressed.

**West of Scotland Archaeological Service:** (22.02.23) No Objection subject to condition.

*“No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.”*

**Flood Risk Advisor:** (03.03.23) No Objection subject to condition

*It is recommended that a planning condition to the effect of the following be attached to any consent granted for this application:*

*1. No reduction in channel capacity through development of watercourse crossings.*

*Note recommendation in 1c regarding relocating the platform to the 'Temporary Works Area' with reference to the proposed site plan*

In respect of comment 1c of this response on finished floor levels and asset/equipment protection, additional information provided by the applicant on the permeability of the compound area has addressed these matters to the satisfaction of the flooding advisor.

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

---

**(D) HISTORY:**

Specific to the site:

**21/01885/PAN** – Proposal of Application Notice for the erection of electricity substation Opinion issued on 17.11.21.

**21/01888/SCREEN** – Screening opinion for the erection of a 275kV gas insulated switchgear substation. Opinion issued on 21.3.22

---

**(E) PUBLICITY:**

MREG20- Regulation 20 Major Application Advert – Expired on 10.03.23.

---

**(F) REPRESENTATIONS:****(i) Representations received from:**

At the time of writing, one “Objection/Representation” has been received from the following party:

- Raymond Mundie of the Forest Enterprise (2<sup>nd</sup> March 2023), confirm they are the landowner at present and share the concerns of SEPA over potential impacts on deep Peat. Confirms they are working with SSEN to identify candidate peatland sites for improvement through peat restoration works to re-use peat displaced through construction activities. Details have yet to be confirmed.

Officer Comment: These matters are addressed in the Officer Report.

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.

**(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 (Updated  
 Pre-application Consultation Report

The Environmental Appraisal Report covers the following matters:

1. Introduction and Scope
2. Project Description
3. Landscape and Visual Appraisal
4. Ecology and Ornithology
5. Forestry
6. Geology, Hydrology and Hydrogeology
7. Archaeology and Cultural Heritage
8. Noise Assessment
9. Traffic and Transport
10. Mitigation Proposals

The supporting Technical Annexes include:

- Annex A: General Environmental Management Plans
- Annex B: EIA Screening Opinion
- Annex C: Landscape Assessment Methodology
- Annex D: Landscape Character Sensitivity Table
- Annex E: Photomontages and Landscape Figures
- Annex F: Ornithology Consultation
- Annex G: Extended Ecology Phase 1 Habitat Survey
- Annex H: Species Protection Plans
- Annex I: Habitats Regulations Assessment (HRA)
- Annex J: Forestry Assessment
- Annex K: Drainage Strategy and Drainage Plans
- Annex L: Hydrology Methodology
- Annex M: Private Water Supply Risk Assessment
- Annex N: Water Construction Management Plan
- Annex O: Peat Management Plan
- Annex P: Peat Slide Risk Assessment
- Annex Q: Routeing Report
- Annex R: Cultural Heritage Survey Report and Site Gazetteer
- Annex S: Noise and Vibration

---

**(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 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 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

### Energy Policy Framework

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

More recently the publication of Scotland's Draft Energy Strategy and Just Transition Plan and the accompanying Ministerial statement (Dated 10.1.23) further reinforces the importance of achieving net zero and addressing the Climate Emergency reinforcing and complementing the objectives of NPF4 policy 1 in particular.

---

**(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

The PAC Report submitted with the application confirms the public consultation undertaken in accordance with approved PAN requirements.

---

**(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 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. The applicant and consultee(s) have confirmed that they do not wish to be heard, therefore a Hearing will not be required.

---

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

- Peat
- Forestry
- Archaeology

**(P)(ii) Soils**

Agricultural Land Classification:

Class 6.3

Peatland/Carbon Rich Soils Classification:

- Class 1  
 Class 2  
 Class 3  
 N/A

Class 4 indicated on Council Maps but peat survey information submitted with application CH 6 EA Report which comprises a site specific survey identifying peat and Annex O Peat Management Plan.

Peat Depth Classification:

N/A – See CH 6 EA Report

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

(If yes, detail in summary assessment)

No

Refer CH 5 of EA

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 as 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 is identified in NPF4 as a National Development under NAD3 “Strategic Renewable Electricity Generation and Transmission Infrastructure” which recognises that “*the electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity.*” The designation of classes of development that qualify as ND3 includes “*(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132 kV or more.*”

The Proposed Development will contribute to security of supply and provide increased and more resilient infrastructure capacity to facilitate renewable energy connections in the wider area – all of which forms vital elements to deliver reinforced network and grid infrastructure required to deliver the Government’s legally binding targets for net zero emissions and renewable energy electricity generation objectives and address the climate change emergency as defined in NPF 4.

The Proposed Development consists of the substation buildings and electrical infrastructure, and associated works required to accommodate construction 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.

Statutory and other consultees responding to this application are supportive with the exception of SEPA who have maintained a holding objection based upon more detail being required in respect of offsite peat restoration proposals. Officers are of the opinion that these matters can be properly addressed through the use of a condition.



A comprehensive Environmental Assessment has been submitted with proposed mitigation set out in detail at Chapter 10 of this document. The approach taken to site identification and the mitigation proposed is considered to be acceptable.

All matters are therefore considered to have been properly addressed. Taking account of the above, it is recommended that planning permission be approved subject to conditions. A full report is included in the appendix of this report.

---

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

---

**(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 policy 11 justifies the need for such investment highlighting such development as of national importance. The electricity grid infrastructure is identified as essential to transporting renewable energy from point of generation and a vital element of the Scottish Governments goal of achieving net zero,

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 supportive with the exception of SEPA who have maintained a holding objection based upon more detail being required in respect of offsite peat restoration proposals. Officers are of the opinion that these matters can be properly addressed through the use of a condition.

Other impacts during construction 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.

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.

---

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

N/A

---

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

---

**Author of Report:** David Moore **Date:** 25/05/2023

**Reviewing Officer:** Sandra Davies **Date:** 08/06/2023

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/02578/PP****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 14.12.22; the Environmental Appraisal (December 2022), supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

Transformer Building Elevations	4534b-DR-P-0019	-	19.12.22
Transformer Building Layout	4534b-DR-P-0020	-	19.12.22
Switch Room Elevations	4534b-DR-P-0013		19.12.22
Switch Room Floor Plans	4534b-DR-P-0010	Rev.1	19.12.22
Septic Tank and Private Water Supply Location (15.12.22)	A01	A01	08.02.23

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

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

- d) A statement of responsibility to 'stop the job/ activity' if a breach or potential breach of mitigation or legislation occurs; and
- e) Methods of monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority, and other relevant parties.

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

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

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

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

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

*Reason: In order to protect archaeological resources*

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

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

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

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

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

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

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

This shall include details of :

- Methodology and volume of extraction,
- Phasing/timing of any works impacting peat
- Quality/classification of Peat to be extracted
- Details of any onsite peat re-instatement and /or enhancement
- Details of storage and transportation
- Details of the location, area and condition of onsite or offsite peatland to be improved
- Details of peat enhancement measures on this land
- Details of peatland restoration outcomes to be achieved
- Details of ongoing management arrangements of the restored peatland

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

07.00hrs and 19.00hrs Mon to Friday (inclusive)  
07.00hrs and 18.00hrs Saturday

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

*Reason: To safeguard residential amenity*



**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>22/02578/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. 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 Applicant has a statutory duty under Schedule 9 of the Electricity Act 1989 to develop and maintain an efficient co-ordinated and economical electrical transmission system in its licence area.
- 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 as forming part of National Grid Infrastructure associated with the transmission of electricity. 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 if necessary 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. The site for the Project is located approximately 2.5 kilometres (km) north east of Lochgilphead and 2.9 km southwest of Loch Glashan, and would be accessed from the A816 using an existing Forestry Land Scotland (FLS) track.
- 1.7. In terms of the Local Development Plan Settlement Strategy, the application lies within the ‘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 ‘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. (This proposal is currently subject to a PLI and is with the DPEA for determination)

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 substation will also connect into the recently completed overhead line between Inveraray and Crossaig which is capable of operation at 275kV and the project will support the export of renewable energy from the Argyll area

2.3. The site for the Project is located approximately 2.5 kilometres (km) north east of Lochgilphead and 2.9 km south west of Loch Glashan, at National Grid Reference (NGR) 187708, 691000. The Project is located wholly within the Argyll and Bute Council Local Authority and would be accessed from the A816 using an existing Forestry Land Scotland (FLS) track.

2.4. The Project's topography is relatively flat, approximately 110 m Above Ordnance Datum (AOD) to the south of the Project site, sloping upwards to the highest point of 120 m AOD at the centre and gently returning to 130 m AOD towards the north. The surrounding land comprises mixed and coniferous woodland plantations, with some areas also having been recently felled. The Project is underlain by class 5 peat and does not support peatland habitats. The Project is approximately 200 metres south east of a tributary river and approximately 2.9 km south west of Loch Glashan. Ancient woodland is located along the access to the south of the Project, however there are no other statutory or non-statutory

ecology or landscape designations are located within the Project. The nearest designations are Moine Mhor Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Local Nature Conservation Sites (LNCS), located 4 km to the east of the Proposed Development. Lochgilphead LNCS is 3.5 km to the south. Knapdale National Scenic Area (NSA) is approximately 1.8 km to the north west. The nearest residential receptor to the Project is Auchoish, located approximately 1.27 km southwest of proposed substation platform.

- 2.5. The Proposal comprises the creation of a substation platform in the region of 2.93ha to accommodate the Gas-Insulated Switchgear [GIS]. This would be created using cut and fill to create a level platform at 115 AOD. All buildings as shown in Chapter 2 (fig 2.4) of the EA are proposed to be painted in a recessive colour of Olive brown Ral: 8008.
- 2.6. Buildings will comprise steel portal frames with metal cladding and roof. There would be some un-housed electrical switchgear and plant located within the platform area. The substation would not be illuminated at night during normal operational activities. Conditions will be imposed to ensure that appropriate materials and colouring are used in respect of these buildings and other infrastructure. Flood lights would be installed but would only be used in the event of a fault during the hours of darkness; or during the over-run of planning works; or when sensor activated as security lighting for night-time access. Details of any proposed floodlighting are subject to a condition.
- 2.7. 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.
- 2.8. A noise assessment has been carried out to estimate the noise levels emitted from the Proposed Development and to understand the future operational impacts at noise sensitive receptors (NSRs). Environmental Protection Officers are content with the information submitted and raise no objection.
- 2.9. 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.
- 2.10. 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. No widespread views of the site will be available, and although the overall site extent and structures would be of considerable scale, officers are of the opinion that both the landscape setting and the localised characteristics and screening would allow the proposals to successfully integrate into the landscape in accordance with Policy LDP ENV 14 and NPF 4 Policy 4 Objectives.

### **3. Natural Environment**

- 3.1. 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.

- 3.2. No sites designated for their nature conservation importance lie within the Project Site. Four areas of Ancient Woodlands lie adjacent to the existing access track. A further Ancient Woodland (Coille Mhor) lies approximately 1.5 km north west of the Project. Details of the habitats identified during the Ecological surveys are detailed in Annex G.
- 3.3. The only field signs of protected species recorded within the Project footprint were suspected pine marten (*Martes martes*) scats identified on a single bridge located along the existing access track, approximately 1 km west of the substation platform. The findings of the EP1HS mirror the findings from the OHL EIA which also found no evidence of protected species within the area of the Project Site that they surveyed.
- 3.4. There are no waterbodies in the Project Site to support breeding amphibian species, and no field signs of amphibians were identified during the EP1HS. No field signs of reptiles were identified during the EP1HS, however, the areas of continuous bracken and felled coniferous woodland on the higher ground west of the proposed substation footprint where the dry shrub heath could offer good foraging and basking habitat for reptile species. Full details of the protected species findings from the EP1HS are provided in Annex G.
- 3.5. The EA confirms that no field signs of protected species were identified within the habitat to be lost under the footprint of the proposed substation, however, the coniferous plantation to be felled to accommodate to the project has the potential to support pine marten, red squirrel (*Sciurus vulgaris*) and possibly wildcat (*Felis silvestris*). The underlying boggy ground conditions in the areas likely to be directly affected by the project and in the immediate surrounds, suggest it is unlikely that they will be used by badgers (*Meles meles*) or otters to build setts/holts. Due to the young age and uniformity of the coniferous plantation trees to be lost, there is considered to be negligible potential to support roosting bats.
- 3.6. The EA states that ;

*The Proposed Development will not result in any impact on designated sites. There is a potential for minor impacts to occur on Ancient Woodland adjacent to the existing access track associated with vehicle movement. However, following the implementation of the embedded mitigation discussed above and additional mitigation detailed in **Section 4.6, no significant effects** are predicted. The Associated Development will not result in any impact on designated sites, therefore, **no effects** on designated sites are predicted.*

- 3.7. Table 4.1 sets out an assessment of the scale and type of habitat impact associated with the permanent and temporary habitat impacts associated with the proposals in some detail with specific area measurements provided. Temporary loss habitats will be restored to wet meadow which will consist of a 'Wet Meadow Mix' by Scotia Seeds or similar (20% wildflower, 80% grass mix, of Scottish provenance). The planting scheme surrounding the Project will consist of native wet woodland and native scrub which is considered a more appropriate biodiversity and peat habitat related approach than replanting with conifers.
- 3.8. In respect of protected species the EA confirms that embedded mitigation measures will be implemented during the construction work, including the timing of installation and careful siting of permanent and temporary structures to avoid or minimise interaction with

sensitive receptors and that further surveys and ECoW supervision of construction will occur in accordance with best practice.

3.9. The applicants have confirmed that embedded measures to protect biodiversity will also include a pre-construction site walkover survey of the project by a suitably qualified ECoW, focussing on habitats to be directly and indirectly impacted by the Project. The purpose of the survey would be to confirm any changes in use of the site by protected species, as many of the species are highly mobile. Should a species be identified, the appropriate Species Protection Plans (SPPs) (included within the CEMP) would be followed during construction of the project.

3.10. The applicants conclude at 4.3.9 that:

*Given the generally low ecological value of the habitats that will be permanently lost, the relatively small footprint of the Project and abundance of similar habitat in the surrounding area, as well as the embedded and additional mitigation that will be implemented, the magnitude of the effect is predicted to be negligible. As such, significant effects on protected species due to the Project are predicted to be negligible and no significant effects are predicted.*

3.11. Officers are in agreement with this conclusion. Importantly the Council's biodiversity advisor has raised no objection to the proposals and considers that the proposed mitigation set out in Chapter 10 of the EA, and through the use of conditions biodiversity and nature interests can be properly safeguarded. No cumulative impacts of significance have been identified and the proposed mitigation Set out at Section 1.3 and Para 4.5.1 of the EA. A summary of both habitat and protected species evaluations is contained at Table 4.4. The overall conclusion being that;

*Following the implementation of the proposed embedded and additional mitigation measures outlined throughout this chapter, there are **no significant** residual impacts on sensitive receptors predicted as a result of the Project.*

3.12. The Council's Biodiversity Officer has raised no objections to the proposals and is content with the approach being promoted to address habitat and protected species matters. Nature Scot determined that the proposal did not meet their response threshold for providing comment on planning applications, and therefore no comments were received from them.

3.13. 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 of NPF4.

#### **4. Historic Environment**

4.1. 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.

4.2. There are no designated assets within the Proposed Development area. There are no World Heritage Sites, Inventoried Historic Battlefields, Inventoried Gardens and Designed

Landscapes, or Conservation Areas located within 2 km of the Proposed Development. There are no Listed buildings within 2km of the proposed development. There is one Category C Listed Building (Firgrove Lodge) just outside 2 km of the Proposed Development area.

- 4.3. There are five Scheduled Monuments within or immediately adjacent to 2km of the Proposed Development area. The location of these assets is set out at Figure 7.1 of the EA. The EA accepts that there is potential for temporary minor direct impacts to cup marked stone (CM\_013), which lies alongside the access track, during access track improvements. Avoidance mitigations through ensuring a demarcation of 20 m from works activity is maintained and a watching brief during ground-breaking activity is considered satisfactory to provide safeguarding.
- 4.4. The archaeological character of the area primarily dates to the Prehistoric through the 19th centuries. It is acknowledged by the applicants that there is potential for unknown buried Archaeology. This is reinforced by the views of WOSAS which require further investigative works to be undertaken prior to works commencing. Officers are in agreement that this is necessary and the EA also fairly acknowledges this is a requirement of any permission. In accordance with the views of WOSAS a suspensive condition to address this matter is proposed.
- 4.5. Table 7.1 of the EA provides a summary of the evaluation undertaken in respect to potential impacts upon Cultural Heritage. Officers are in agreement with its conclusions.
- 4.6. 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.

## **5. Hydrology, Flood Risk, Drainage**

- 5.1. Policy 11 (E-viii) and Policy 5 of NPF4 requires development proposals to demonstrate how they have mitigated against potential impacts on hydrology, the water environment and flood risk. In respect of potential impacts upon peat. These matters are addressed at Chapter 6 of the EA (and also at Annexes, K , L, M & N) of the submissions.
- 5.2. As the potential impact upon peat and the requirement for detailed management and mitigation details to be provided by SEPA, this has been given its own section within this report although clearly flooding/hydrology/drainage all have potential interactions with peat on and surrounding the site. Further detailed evaluation of potential impacts on peat are set out at Section 6 of this report.
- 5.3. Chapter 6 of the EA relates to surveys and evaluations of surface water features that 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 to ensure no unacceptable impacts occur due to the development.
- 5.4. The EA at Para 6.4 confirms that :

*The Project has been designed to reduce potential impacts as far as reasonably practicable. This includes mitigation that is embedded into the design of the project in accordance with industry standard methods and procedures, which will reduce impacts from construction and operation. The following mitigation measures relating to the*

hydrological environment are embedded into the design and construction of the Proposed Development:....A Water Construction Environmental Management Plan (WCEMP) accompanies this EA Report (**Annex N**) and will form part of the embedded development design. Relevant sections of the SSEN General Environmental Management Plans (GEMPs) will inform a CEMP to be implemented by the Project's selected contractor post submission. GEMPS are included as **Annex A** to this report and relevant GEMPS include the following.

- Private water supplies;
- Working in or near Water;
- Soil Management;
- Contaminated Land;
- Oil Storage and Refuelling;
- Bad Weather; and
- Working with concrete.

The construction phase of the works will be undertaken in accordance with good practice guidance within the following documents.

- Control of Water Pollution from Construction Sites - Guide to Good Practice, CIRIA 2002;
- Environmental Good Practice on Site C650, CIRIA 2005;
- The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) – A Practical Guide (Version 8.4), SEPA, October 2019; and
- Regulatory Method (WAT-RM-04) Indirect Sewage Discharges to Groundwater (Version 8.0), SEPA, April 2022.

- 5.5. 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.
- 5.6. Tables 6.5, 6.6, 6.7 and 6.8 provide an evaluation of the potential impacts upon the water environment associated with construction works. Although control of such matters is primarily the responsibility of SEPA, Officers are content that through embedded design and stated construction practice these matters have been satisfactorily addressed by the applicants. Member will note the Council's Flooding advisor has requested a condition to ensure that the flow capacity of any watercourses is maintained both during and after any construction activity which may impact upon it.
- 5.7. An evaluation of potential cumulative impacts is set out at table 6.9. Officers are in agreement that subject to best practice and proposed mitigation being implemented, particularly at construction phase, that no significant residual cumulative effects on the water environment are likely.
- 5.8. In respect of private water supplies, a condition be placed upon any grant of consent to safeguard any, as yet unidentified private supplies in consultation with Environmental Protection to ensure that this matter is addressed prior to construction works commencing.
- 5.9. In summary, the applicants have confirmed in submission that 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.



- 5.10. Neither the Council's Environmental Protection Officer or Flooding and drainage advisor raises objection to the proposals subject to the imposition of appropriate conditions in respect of flooding, drainage and private water supply matters.
- 5.11. Having due regard to the above it is concluded that effects on hydrology, the water environment 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.

## **6. Impact on Peat**

- 6.1. Policy 5 (c) of NPF4 confirms that developments that would potentially have an 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.
- 6.2. Members will note that this has proved to be one of the main considerations in respect of the current proposals where SEPA in their initial response raised a holding objection to the proposals, requiring that additional information in respect of the proposed management of extracted peat and details of the areas of land where peat enhancement work would be undertaken to compensate for impacts caused by construction activities be provided. This is notwithstanding the information submitted at time of application including the proposed peat management plan set out at Appendix O of the EA.
- 6.3. In response to the holding objection the applicant provided updated information in respect of the proposed extraction and management of peat on 16.5.23 to SEPA. This was forwarded to the Planning Authority on 05.06.23. No further response has been received from SEPA and therefore their holding objection remains the position at time of writing.
- 6.4. The need for this additional information stems from the requirement of NPF 4 for such matter to be addressed in as a material planning issue in balancing whether permission can be granted.
- 6.5. The applicants and SEPA have been in lengthy and detailed discussions in respect of providing additional information in respect of the extraction of peat, its management and storage, and its transportation off site to an areas of degraded peatland which will be improved as a consequence of these works. It has not at time of writing proved possible to agree all details with SEPA to allow them to formally withdraw their holding objection. Progress is actively being made and Officers are reassured through current endeavours and discussions between SEPA and the applicant, that SSEN will provide the details required and properly address this matter.
- 6.6. SEPA have clarified to Officers that they have evaluated the proposal against NPF Policy 5 in respect of potential impact on peat and not the wider objectives and policies of NPF 4. The Planning Authority is however required to consider the proposal against NPF 4 as a whole and come to a balanced and informed judgement in forming a recommendation and in making a determination.
- 6.7. In this instance substantial progress has been made by the applicants to seek to satisfy the detailed requirements of SEPA and secure the removal of the holding Objection, and although constructive discussions are ongoing it has not proved possible to agree all matters in advance of the PPSL.

6.8. Officers consider that in coming to a decision in respect of impact on peat in this instance that the following matters are material considerations:

- The proposals relate to essential grid infrastructure of national importance as set out (NPF 4 National Priorities Appendix B Part 3 )
- The Proposal supports the delivery of the Regional Spatial Strategy for The North and West coast and the Islands as set out at Part 1: P24 of NPF 4 to provide Strategic Renewable Electricity Generation and Transmission Infrastructure for the area.
- The proposal is supported by Policy 1 which seeks to “*encourage, promote and facilitate development that addresses the global climate emergency and nature crisis*”.
- The proposal is supported by Policy 11 ( Energy) relating to the delivery of essential grid infrastructure improvements related to renewable energy transmission
- The proposals meet the requirements of Policy 5 (c)(i) to be regarded as essential infrastructure

6.9. Officers are of the opinion in this instance permission can be granted subject to a suspensive condition which will fully address the concerns of SEPA, address the matters required under policy 5 (c) of NPF4 ,yet not delay the determination of this Nationally important and essential grid improvement where timescales for delivery are important.

6.10. In respect of timescales Officers note that it has been clarified by SSEN that;

*Last year we submitted our Initial Needs Case (INC) to Ofgem, and this was approved in December 2022. The initial Needs Case was around the need for robust proposals to reinforce the Argyll transmission network from 132kV to 275kV operation. At an estimated cost of around £400m, this investment is being taken forward as part of the SSE Group's Net Zero Acceleration Programme, which will see £12.5bn invested in the five years to 2026, or £7m every day. SSEN Transmission alone expects to invest around £4bn over this period as it delivers a network for net zero emissions. On the back of the INC being approved in December 2022, we submitted our Final Needs Case to Ofgem in May 2023. The Argyll 275kV strategy is required to support the connection of several new renewable electricity generation schemes across Argyll and to transport that power to areas of demand across Scotland and beyond. It will support the connection of at least 560MW of new renewable electricity generation, enough to power more than 500,000 homes.*

*.... In terms of the need to get the projects (that is Craig Murrail, Crarae and Crossaig North substations) to June PPSL, this comes down to the need to secure the substation consents enabling Ofgem to finalise, approve and issue their Final Needs Case decision in August. Any delay to the issuing of the Final Needs Case will have a knock-on effect to SSENT internal governance to release funding which will delay the start on site in late 2023 which is critical in ensuring we are able to meet our obligations to provide connected generation.*

6.11. Officers consider that timescales associated with achieving NPF 4 Policy 1 Climate change objectives can also be considered a material consideration in determining the current proposals.

## 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. The submission clarifies that the proposed development is located within a commercial conifer plantation with a red line boundary (RLB) area of 26.8 ha of mainly conifer thicket and recent restock with integrated open ground. The EA at Chapter 5 and Appendix J provides information in respect forestry matters.
- 7.3. In total 10.23 ha of the RLB is classified as woodland, which requires clear-felling to facilitate the construction of the proposed substation and associated development. If broadleaf felling of 0.48ha is not required then the felling figure is 9.75ha and this will be the necessary replanting amount.
- 7.4. The site has 0.48 ha of self-seeded native broadleaves of varying age classes mainly adjacent to the existing access track which will be retained if possible. The remaining 0.09 ha of broadleaved woodland (adjacent to the bellmouth) and all other loss of woodland should be fully compensated through a Compensatory Planting Scheme.
- 7.5. In order to address the potential significant effect on forest land-use management, the Applicant has produced a Woodland Report (Craig Murrail Woodland Report, see **Annex J**) which identifies all areas of felling required for the Proposed and Associated Developments. The application submissions confirm that:

*The Applicant is fully committed to meeting the Control of Woodland Removal Policy (CoWRP) objectives set out by the Scottish Government. The primary objective of this is no net loss of woodland resulting from the development. This will be achieved through a Compensatory Planting Scheme which will involve agreements with landowners within the Argyll and Bute local authority area. Similarly, the Applicant is prepared to work with landowners as set out in the Woodland Report for the property, to address the potential effect on LMPs or management systems.*

- 7.6. The felling areas and compensatory planting to be provided through a Woodland Planting Management Scheme achieved through condition are considered to adequately 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. This accords with the Scottish Government's Control of Woodland Removal Policy, to achieve no net loss of woodland.
- 7.7. The compensatory planting 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 for those trees which do not require to be felled to undertake construction work.

- 7.8. 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.
- 8.2. The Craig Murrail Woodland Report (Annex J) identifies a core path network situated 500m south of the proposed development, which for 3 km follows the main access road which would also be utilised by construction traffic. Timber extraction and haulage will be required and the applicant, and/or construction contractor will need a traffic management plan which effectively mitigates interface between core path users and construction traffic. This is a matter that can be adequately addressed through the CEMP as the use of these haul roads by HGV traffic is already being undertaken as part of normal felling operations in the area.
- 8.3. Officers consider that 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. (The distance from such assets is clarified at Paragraph 3.5.2 of the EA and Figure E.3).

## **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 at Chapter 3 of the EA and Annex D, Annex E (Parts 1,2 & 3) considers both landscape and visual impacts of the proposed development with reference to landscape character areas and photomontages provided from a range of viewpoints.
- 9.4. The LVIA assessment is focused on a study area of 5km. The applicants confirm that this has been informed by analysis of Zone of Theoretical Visibility (ZTV) maps and an early appraisal of potential effects for a development of this scale. It is accepted that any notable landscape or visual effects would be confined within this geographical area owing to the reduction in relative scale and visibility of the proposal with distance within its landscape context.
- 9.5. The local landscape comprises a dense and geographically extensive spread of coniferous commercial forestry that encompasses extensive areas of the more elevated inland areas around Loch Fyne. This contrasts with the lower lying landscapes associated with the coastal areas and inland valleys, which comprise mixed uses including agriculture, parcels of broadleaved woodland / shelterbelt and residential settlement.
- 9.6. Topography within the Project Site ranges from 100-150 m AOD. The surrounding landform is gently undulating, rising to 220 m AOD at the summit of Craig Murrail to the north. To the south and east, the undulating landform gradually slopes downwards towards the coast of Loch Fyne.
- 9.7. Overall, the locality is sparsely settled with Lochgilphead and Ardrishaig representing the closest settlements to the Project Site that are of notable size. However, the landscape is traversed by a network of roads and footways that link the villages, hamlets and farm steadings scattered throughout other parts of the locality. These include the A816 and A83, which represent the primary transport corridors in the locality (located to the south / south west of the Project Site). In addition, the Crinan Canal extends in a broadly north-south direction approximately 1.9 km to the south west.
- 9.8. Figure E.2 illustrates the Landscape Character Types (LCTs) within the Study Area, as defined within the National Landscape Character Assessment, which represents the most up-to-date assessment of landscape character across the Study Area. The Proposed Development Site and Associated Development are located within the Plateau Moor and Forest LCT. The Proposed Development Site and Associated Development are not located within a landscape designation. However, within the wider parts of the Study Area the Knapdale National Scenic Area (NSA) is located 1.1 km to the north-west. In addition, the West Loch Fyne Area of Panoramic Quality (APQ) is located 3.2 km to the east. There are no other landscape designations or Gardens and Designed Landscapes (GDLs) within the Study Area.
- 9.9. Settlements within the Study Area from which there may be views of the Project would be limited to Lochgilphead, which is located 2.5 km to the south west and Cairnbaan, located 3.2 km to the west. With reference to the ZTV, there would be no views from the small scale villages of Bridgend or Kilmichael, Glassary, located 2.2 km and 2.4 km to the north west of the Proposed Development Site respectively, or from the village of Lochgair, located 4.1 km to the east.
- 9.10. In terms of site selection the applicants clarify that;

*The location of the project has been chosen to avoid any notable ridgelines or visually prominent sections of skyline. The undulating landform in the locality in combination with extensive areas of forestry would restrict views of the Project across wider parts of the Study Area. From the higher summits in the wider surrounding areas, the Proposed Development and Associated Development would typically be back-clothed by the distant landscape and experienced below the skyline. In this way, the surrounding landform restricts potential effects on the surrounding landscape and visual amenity.....Furthermore, the Proposed Development Site and Associated Development are located in close proximity to existing electricity infrastructure, comprising nearby overhead lines extending north east to south west. As such, the Project would exert its primary influence over a local landscape already partially characterised by existing development, and avoids the spread of infrastructure into wider parts of the surrounding landscape*

9.11. Table 3.1 of the LVIA set out at chapter 3 contains more detailed evaluation of the visibility and potential impacts of the proposals from a number of identified viewpoints. The conclusions set out in this table are agreed by officers.

9.12. The visual effects of the activities during the construction phase would be temporary and limited to localised areas due to the containing influence of surrounding forestry in combination with the underlying landform. As such, potential views would predominantly be experienced intermittently by hillwalkers on Core Path 125, and road users on the A816 as they pass the Proposed Development Site access.

9.13. Within more open views the project would represent a new element of built form within the landscape. This contrasts with the rural characteristics of the LCT as a whole, which is described as having 'very few buildings' other than 'isolated dwellings on edges of the moor'. However, the local landscape is influenced by existing electricity infrastructure. The influence of the Project would be confined to the same geographic area, and therefore contain the potential effects of larger scale built objects to a particular location within the landscape. As a result, the Project would reinforce the presence of electrical infrastructure as a characteristic within the locality and exert extremely limited influence across wider parts of the LCT (thereby reducing the potential cumulative spread of development upon the surrounding landscape).

9.14. The submission concludes that:

*In summary, based on the addition of the Proposed Development, the main effects would be focused within approximately 300-400 m to the south / east, and within approximately 100 m to the north / west (where visibility drops off more sharply). Across these localised areas, the magnitude of change would be Medium and the level of effect would be Moderate. At greater distances, views would be predominantly screened by surrounding forestry in combination with the undulating landform. As a result, across the wider LCT the magnitude of change based on the Proposed Development would be Negligible and the level of effect would be Minor.*

9.15. Table 3.2 of Chapter 3 provides a summary of the appraisal of Landscape and Visual Impact. Officers are in agreement with these conclusions. Photomontages of the development are provided at Annex E parts 2 and 3 to assist in considering landscape impacts.

9.16. It is evidenced and accepted by officers that the proposed development will result in some localised adverse visual impacts in the immediate vicinity of the site, and that due to the overall proportions of the development at close range the magnitude of change will be large/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 a relatively small area of existing commercial forestry there will be an acceptable visual integration of this development, and medium and long range views are extremely limited and contextualised against existing electricity infrastructure. The proposal is therefore 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. Details in respect of construction and operational traffic generation are set out at Chapter 9 of the submissions. This sets out the proposed routing of vehicles and the anticipated volume of vehicles associated with mainly the construction phase of the development as operational traffic will be minimal. Tables 9.3 and 9.4 provide projected volumes of light and heavy vehicles. The applicants submit at 9.8 that *"with the implementation of the proposed mitigation the traffic and transport effects arising from the construction and operation of the Project will be minor or less"*.
- 10.3. 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, 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] (January 2023 version). Further information is provided in Annex S (January 2023 version). Both of the original documents were superseded by these more recent versions.
- 11.3. The nearest residential premises has been identified as a dwelling at Auchoish approximately 1.3 km to the southwest of the site. Other properties are located at a further distance to the southwest (dwellings in Lochgilphead), northwest (dwelling in Achnashelloch), and south (dwellings in Kilmory). A plan indicating the location of these premises has been provided in Appendix A of Annex S.
- 11.4. The applicants confirm that pre-application consultation was undertaken with Environmental Protection Officers to agree the survey and assessment methodology to be adopted for this noise impact assessment and at Para 8.6.3 confirm that;

*"no noise mitigation is required for the construction activities. However, in any case, any mitigation required for noise generated by rock breaking will be agreed with Argyll and Bute Council, for inclusion in the Construction Noise Management Plan."*

- 11.5. It is also confirmed that no construction works are proposed to take place during the night-time period, without prior written agreement from ABC in exceptional circumstances. Similarly, the distance to the nearest noise sensitive receptor and the low level of operational noise associated with the substation does not indicate any adverse impacts.
- 11.6. The noise assessment evaluation concludes at 8.7.5 that no adverse impacts are expected in respect of either construction or operation of the substation to residential properties and therefore no specific mitigation measures are proposed as part of the submission and that embedded best practice contained within the EA will be sufficient.
- 11.7. The Council's Environmental Health Officer has raised no objection on the grounds of noise impacts arising from the proposal and is in agreement with the suggested hours of operation set out in the application submission. A condition reflecting these requested hours of operation has been imposed. The proposal is therefore considered to comply with the provisions of Policy 11 of NPF4 subject to the imposition of recommended conditions to protect sensitive receptors from noise.

## **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. Officers are aware that Argyll and Bute Council has very recently declared a “Housing Emergency”

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 repowering and decommissioning are therefore not considered.

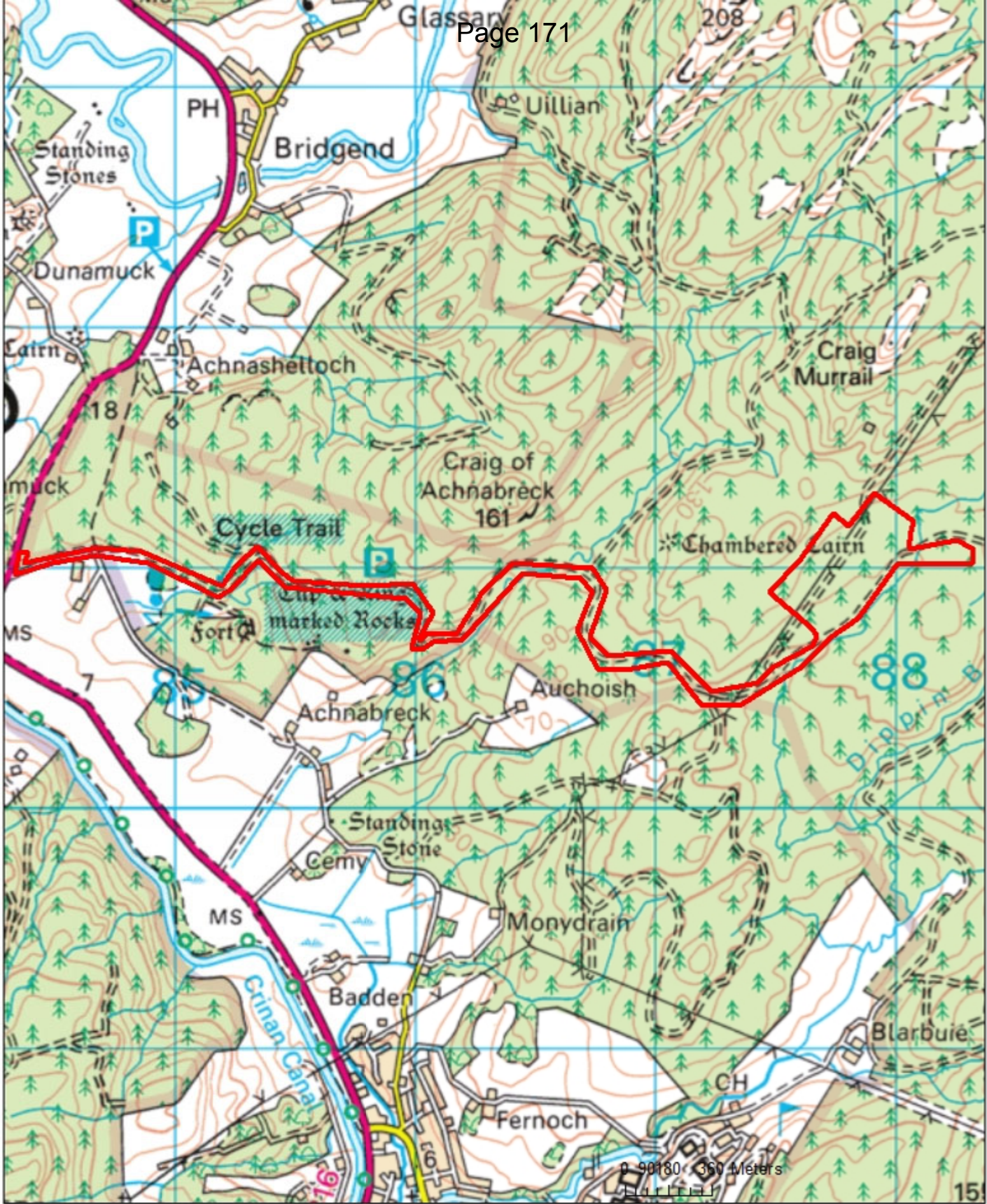
13.2. On a project with this projected lifespan, where the substantive new build elements are judged by officers not to be causing substantive harm in terms of landscape or localised impacts, this is considered by officers to be a reasonable approach. Having due regard to the above it is concluded that 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.

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.

This page is intentionally left blank



**Location Plan Relative to Planning Application:22/02578/PP**



1:20,000

This page is intentionally left blank

**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**

---

**Reference No:** 23/00382/PP  
**Planning Hierarchy:** National  
**Applicant:** Scottish Hydro Electric Transmission Plc  
**Proposal:** Erection of high voltage electricity substation and formation of associated access, landscaping, drainage and means of enclosure (Crossaig ( North) Substation))  
**Site Address:** Land Adjacent To Crossaig Sub Station, Skipness

---

**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**

- A substation platform extending approximately to 2.4 ha for the new Crossaig North substation;
- A 275 kV Gas Insulated Switchgear (GIS) Building, maximum height 16m;
- A 132 kV Gas Insulated Switchgear (GIS) Building, maximum height 16m;
- Installation of two 275/132 kV supergrid transformers (SGT), rated at 480 MVA, each located in a ventilated building of maximum height 18m;
- Installation of two gantries and electrical equipment to connect the OHL and the proposed substation;
- A temporary works area (TWA) adjacent to the substation site, of approximately 3 ha and areas for temporary peat storage;
- Diesel Generator and 2 automatic voltage regulators;
- Borehole for water and septic tank;
- Turning and parking areas;
- Use of existing forestry access tracks (those being the existing Cross Kintyre Haul Road and Cour Estate track), approximately 25 km in length to enable access to the existing Crossaig substation. Ongoing maintenance of this track will be required;
- Construction of a section of permanent access track, approximately 660 m in length between the existing Crossaig substation and the proposed Crossaig North substation and for access to the SuDS pond;
- A 2.4 m high security fence of palisade construction around the substation perimeter; and
- Foul and surface water drainage (Sustainable Drainage System (SuDS) pond and outfall pipe);

- An extension to the south of the substation platform at the existing Crossaig substation of approximately 0.13 ha to support electrical equipment and associated access

**(ii) Other specified operations**

- Tree felling and compensatory planting

Works are also required within the existing Crossaig substation platform to which Permitted Development rights apply. Those include:

- construction of a single storey building extension to accommodate expansion of the existing protection room
- Installation of underground 132kv interconnector cables between existing substation and proposed substation.

---

**(B) RECOMMENDATION:**

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

---

**(C) CONSULTATIONS:**

**Scottish Environmental Protection Agency [SEPA] (04.05.23)**

Holding objection requiring more detail in respect of peat impact, management and mitigation measures.

**Transport Scotland:(13.04.23)** No objection subject to conditions

- 1. The proposed route for any abnormal loads on the trunk road network must be approved by Transport Scotland prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.*
- 2. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by Transport Scotland before delivery commences.*
- 3. Prior to commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed Plan.*

**NatureScot :(03.03.23)** confirm the proposal falls outwith their consultation threshold and have no comments.

**Historic Environment Scotland (13.04.23)** – No remit as there are no scheduled monuments, category A-listed buildings or Inventory gardens and designed landscapes within the boundary of the above development or in the vicinity and therefore we have no locus regarding this consultation

**Tarbert and Skipness Community Council;** No response at time of writing.

## **ARGYLL & BUTE COUNCIL INTERNAL CONSULTATION RESPONSES**

### **Local Biodiversity Officer: (15.05.23) No Objection**

*In summary, the proposal to upgrade the existing along with additional construction components for the erection of high voltage electricity substation and formation of associated access, landscaping, drainage and means of enclosure and platform extension; the applicant has provided information relating to biodiversity interest in terms of habitats, species (including ornithological) and reinstatement of bog/mire and additional tree planting. The proposal includes additional species surveys (Pre-start) carried out by an ECoW. I have requested the following that the applicant includes:*

- 1. Signage alerting users of the presence of species along the access route.*
- 2. That the appropriate SAP's are included in the CEMP along with Toolbox Talks and Monitoring documents;*
- 3. Peat Probe Maps overlaid with the buildings and access route in order to assess where the deep peat is and to enable understanding of the impact, amount of excavated peat and its use to restore other peatland areas within the proposed development- a Restoration Method Statement is required and should include monitoring for successful establish and any measures required in terms of deer management.*
- 4. Clarification on what type and where additional mitigation is to be implemented.*
- 5. An indicative map of where the additional planting (as mentioned in 2.0 – 2) is to take place informed by the Peat Probe map, I ask that areas selected for planting do not compromise deep peat >0.50m.*

### **Area Roads Officer: (23.02.23) No objection subject to restrictions and conditions.**

- 1. All HGV construction traffic to use the Cross Kintyre Haul Route.*
- 2. The B8001 Redhouse - Skipness Road and the B842 Claonaig - Southend Road must not be used by HGV's.*
- 3. The B8001 Redhouse - Skipness Road and the B842 Claonaig - Southend Road may be used by LGV related to these works.*
- 4. A code of practice for drivers both on and off the site and for delivery drivers. The code of practice will detail how drivers should proceed at passing places, how they should allow following traffic to pass, avoid running in convoy, keep away from verges, locations where turning is possible, report verge damage they have caused so that it can be repaired, no parking on verges which cause obstructions; these are the minimum contents of the code of practice, further development will be required. All deliveries to the site will have instruction provided to the drivers relating to the Code of Practice, specific routes to follow etc.*
- 5. Traffic Management Plan to be submitted for approval by Roads & Infrastructure Services, prior to any work starting on site. The Traffic Management plan should include details of all materials, plant, equipment, components and labour required during demolition and construction.*
- 6. Traffic impact assessment of the project on the public road network and proposals to mitigate against the adverse effects identified in the impact assessment.*
- 7. Should any Argyll & Bute Council road suffer unacceptable damage, the Council will consider imposing restrictions to preserve the route.*

### **Environmental Health Officer: (06.06.23) No Objection subject to conditions**

*The Project Description report also states that "Construction activities would in general be undertaken during daytime periods. This would involve work between approximately 07:00 to 19:00 on week days, 07:00 to 18:00 on Saturdays and for short periods (for non-construction work, for example commissioning and switching works) on Sundays 08.00 to 13.00. Construction works will only take place during these agreed hours and in planning the works, our contractors will look to minimise*

*the impact of construction noise on neighbours and the public. There may be times we need to undertake construction out of these agreed hours due to time critical activities, this would only be done with the prior agreement of ABC. Works outside of daylight hours requiring illumination would be undertaken in accordance with relevant guidance to avoid light spill.*

*The Principal Contractor will develop a construction noise management plan as part of the Construction Environmental Management Plan (CEMP)."*

*We would agree with the above restriction on permitted hours for operation of machinery (including vehicles to and from the site) and other noise generating work during the construction phase.*

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

Other matters raised in response in relation to lighting and private water supplies are subject to conditions to ensure these matters are properly addressed.

**West of Scotland Archaeological Service:** (13.4.23) No Objection subject to condition.

*"No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service."*

**Flood Risk Advisor:** (30.05.23) No Objection subject to condition

*1. Any proposed or upgraded watercourse crossings should not reduce channel capacity and ideally be designed to convey the 1 in 200 year (plus climate change allowance) flood event.*

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

---

**(D) HISTORY:**

Specific to the site:

**21/001884/PAN** – Proposal of Application Notice for the erection of electricity substation Opinion issued on 17.11.21.

**21/01642/SCREEN** – Screening opinion for the erection of a 275kV gas insulated switchgear substation. Opinion issued on 21.3.22

---



**(E) PUBLICITY:**

MREG20- Regulation 20 Major Application Advert – Expired on 04.05.23

---

**(F) REPRESENTATIONS:** None at time of writing

**(i) Representations received from:**

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.

---

**(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 (Updated  
Pre-application Consultation Report

The Environmental Appraisal Report covers the following matters:

1. Introduction and Scope
2. Project Description
3. Landscape and Visual Appraisal
4. Ecology and Ornithology
5. Forestry
6. Geology, Hydrology and Hydrogeology
7. Archaeology and Cultural Heritage
8. Noise Assessment
9. Traffic and Transport
10. Mitigation Proposals

The supporting Technical Annexes include:

Annex A: General Environmental Management Plans  
Annex B: EIA Screening Opinion  
Annex C: Landscape Assessment Methodology  
Annex D: Landscape Character Sensitivity Table  
Annex E: Photomontages and Landscape Figures  
Annex F: Ornithology Consultation  
Annex G: Extended Ecology Phase 1 Habitat Survey  
Annex H: Species Protection Plans  
Annex I: Habitats Regulations Assessment (HRA)  
Annex J: Forestry Assessment  
Annex K: Drainage Strategy and Drainage Plans  
Annex L: Hydrology Methodology  
Annex M: Private Water Supply Risk Assessment  
Annex N: Water Construction Management Plan  
Annex O: Peat Management Plan  
Annex P: Peat Slide Risk Assessment  
Annex Q: Routeing Report  
Annex R: Cultural Heritage Survey Report and Site Gazetteer  
Annex S: Noise Assessment Report

---

**(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 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 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 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.

- 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

### Energy Policy Framework

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

More recently the publication of Scotland's Draft Energy Strategy and Just Transition Plan and the accompanying Ministerial statement (Dated 10.1.23) further reinforces the importance of achieving net zero and addressing the Climate Emergency reinforcing and complimenting the objectives of NPF4 policy 1 in particular.

---

**(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

The PAC Report submitted with the application confirms the public consultation undertaken in accordance with approved PAN requirements.

---

**(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 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. The applicant and consultee(s) have confirmed that they do not wish to be heard, therefore a Hearing will not be required.

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

- Peat
- Forestry

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

Class 6.3

Peatland/Carbon Rich Soils Classification:

- Class 1  
 Class 2  
 Class 3  
 N/A

Class 4 indicated on Council Maps but peat survey information submitted with application CH 6 EA Report which comprises a site specific survey identifying peat and Annex O Peat Management Plan.

Peat Depth Classification:

N/A – See CH 6 EA Report

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

(If yes, detail in summary assessment)

 No

Refer CH 5 of EA

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*(tick all relevant boxes)* 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  
 ROA NK001

ABC LDP 2015 Allocations/PDAs/AFAs etc:

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

The proposal is for the erection of a 275kV substation as 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 is identified in NPF4 as a National Development under NAD3 “Strategic Renewable Electricity Generation and Transmission Infrastructure” which recognises that “*the electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity.*” The designation of classes of development that qualify as ND3 includes “*(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132 kV or more.*”

The Proposed Development will contribute to security of supply and provide increased and more resilient infrastructure capacity to facilitate renewable energy connections in the wider area – all of which forms vital elements to deliver reinforced network and grid infrastructure required to deliver the Government’s legally binding targets for net zero emissions and renewable energy electricity generation objectives and address the climate change emergency as defined in NPF 4.

The Proposed Development consists of the substation buildings and electrical infrastructure, and associated works required to accommodate construction 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.

Statutory and other consultees responding to this application are supportive with the exception of SEPA who have maintained a holding objection based upon more detail being required in respect of offsite peat restoration proposals. Officers are of the opinion that these matters can be properly addressed through the use of a condition.

A comprehensive Environmental Assessment has been submitted with proposed mitigation set out in detail at Chapter 10 of this document. The approach taken to site identification and the mitigation proposed is considered to be acceptable.

All matters are therefore considered to have been properly addressed. Taking account of the above, it is recommended that planning permission be approved subject to conditions. A full report is included in the appendix of this report.

---

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

---

**(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 policy 11 justifies the need for such investment highlighting such development as of national importance. The electricity grid infrastructure is identified as essential to transporting renewable energy from point of generation and a vital element of the Scottish Governments goal of achieving net zero,

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 supportive with the exception of SEPA who have maintained a holding objection based upon more detail being required in respect of offsite peat restoration proposals. Officers are of the opinion that these matters can be properly addressed through the use of a condition.

Other impacts during construction 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.

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.

---

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

N/A

---

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

Yes  No

---

**Author of Report:** David Moore **Date:** 02/06/2023

**Reviewing Officer:** Sandra Davies **Date:** 08/06/2023

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



**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/00382/PP****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 14.12.22; the Environmental Appraisal (December 2022), supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

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

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

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

3. No development shall commence until a Construction Traffic Management Plan (CTMP) and Phased Delivery Plan have been prepared and approved in writing by the Planning Authority and Transport Scotland as the trunk roads Authority. The Plan shall include details of:
- a) Approved access routes,
    - All HGV construction traffic to use the Cross Kintyre Haul Route.
    - The B8001 Redhouse - Skipness Road and the B842 Claonaig - Southend Road must not be used by HGV's.

- The B8001 Redhouse - Skipness Road and the B842 Claonaig - Southend Road may be used by LGV related to these works
- b) Agreed operational practises (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, information of wheel cleansing facilities, signage to be installed on the A83 warning of construction traffic, signage or temporary traffic control measures to include for larger or abnormal loads, reporting of verge damage);
- c) The provision of an appropriate Code of Practice to drivers of construction and delivery vehicles.
- d) Abnormal load route surveys and finalised plan (including any accommodation measures required including the removal of street furniture, junction widening, traffic management).

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

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

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

*Reason: In order to protect archaeological resources*

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

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

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

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

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

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

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

This shall include details of :

- Methodology and volume of extraction,
- Phasing/timing of any works impacting peat
- Quality/classification of Peat to be extracted
- Details of any onsite peat re-instatement and /or enhancement
- Details of storage and transportation
- Details of the location, area and condition of onsite or offsite peatland to be improved
- Details of peat enhancement measures on this land
- Details of peatland restoration outcomes to be achieved
- Details of ongoing management arrangements of the restored peatland

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

07.00hrs and 19.00hrs Mon to Friday (inclusive)

07.00hrs and 18.00hrs Saturday

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

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

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

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

**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>23/00382/PP</b>
<b>PLANNING LAND USE AND POLICY ASSESSMENT</b>	

## 1. Settlement Strategy

- 1.1. The Development Plan comprises National Planning Framework4 [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. 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 Applicant has a statutory duty under Schedule 9 of the Electricity Act 1989 to develop and maintain an efficient co-ordinated and economical electrical transmission system in its licence area.
- 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 as forming part of National Grid Infrastructure associated with the transmission of electricity. 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 if necessary 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. The site is located approximately 8 km southwest of the village of Claonaig, and is 1 km from the Firth of Clyde. The elevation of the site ranges from around 80 metres (m) Above Ordnance Survey Datum (AOD) to around 96 m AOD in the area of the proposed substation.
- 1.7. In terms of the Local Development Plan Settlement Strategy, the application lies within the ‘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 ‘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. (This proposal is currently subject to a PLI and is with the DPEA for determination)

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 substation will also connect into the recently completed overhead line between Inveraray and Crossaig which is capable of operation at 275kV and the project will support the export of renewable energy from the Argyll area. There is an existing 132 kV substation at Crossaig. However, this substation is of insufficient size and capacity to accommodate the works required to connect the contracted generation and therefore a new substation will be required which will operate at 275kV. There are a number of new renewable generator connections which are key drivers for the project, and are listed below;

- Sheirdrim – Wind Farm
- Blarghour – Wind Farm
- Earraghail – Wind Farm
- Tangy 4 – Wind Farm
- West Torrisdale – Wind Farm
- Cnoc Buidhe – Wind Farm
- Narachan – Wind Farm
- Eredine – Wind Farm
- Auchnasavil – Battery Storage
- Balliemanoach – Pumped Storage Hydro



- 2.3. The site is located approximately 8 km southwest of the village of Claonaig in Argyll and Bute, West Scotland and is 1 km from the Firth of Clyde. The Project would be accessed from the A83 using existing private tracks known as the Cross Kintyre Haul Road and the Cour Estate track. The Proposed Development is in an area of commercial forestry with low conservation value, as well as an area of semi-natural broadleaved woodland with higher ecological importance. It is situated approximately 1 km from the Firth of Clyde, and approximately 500 m from the B842.
- 2.4. The existing private access tracks runs from the west coast of the Kintyre peninsula, starting at the A83 near Killean, heading east across the peninsula and then in a northerly direction before finishing south of the existing Crossaig substation. The nearest designated site to the existing access track is the Sound of Gigha SPA which is located approximately 0.67 km west. Eight woodlands listed on the Ancient Woodland Inventory also lie adjacent to the existing access track. There are no designated heritage assets within the Proposed Development area. There is one Category A Listed Building, Cour House, within 1.8 km of the Proposed Development; one group of Category A Listed Buildings; North Wing, North Range, The Doll's Houses, Killean approximately 40 m from the existing works access track and there is one Scheduled Monument, Fort NE of Killean approximately 45 m from the existing works access track. The nearest residential receptor to the Project is South Crossaig, located approximately 800 m north of the proposed development.
- 2.5. The Proposal comprises the creation of a substation platform in the region of 2.4ha to accommodate the Gas-Insulated Switchgear building and 13[GIS]. All buildings are proposed to be painted in a recessive colour of Olive brown Ral: 8008.
- 2.6. Buildings will comprise steel portal frames with metal cladding and roof. There would be some un-housed electrical switchgear and plant located within the platform area. The substation would not be illuminated at night during normal operational activities. Conditions will be imposed to ensure that appropriate materials and colouring are used in respect of these buildings and other infrastructure. Flood lights would be installed but would only be used in the event of a fault during the hours of darkness; or during the over-run of planning works; or when sensor activated as security lighting for night-time access. Details of any proposed floodlighting are subject to a condition.
- 2.7. 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.
- 2.8. 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.
- 2.9. 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. No widespread views of the site will be available, and although the overall site extent and structures would be of considerable scale, officers are of the opinion that both the landscape setting and the localised characteristics and screening would allow the proposals to successfully integrate into the wider landscape in accordance with Policy LDP ENV 14 and NPF 4 Policy 4 Objectives.

### 3. Natural Environment

- 3.1. 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.
- 3.2. The survey area is located in a rural part of Argyll that is dominated by commercial forestry (that is felled on a rotational basis) and associated access roads/tracks. The habitat in and around the footprint of the survey area is dominated by mature conifer plantation woodland which has a boggy understory in places that are associated with natural watercourses or compromised drainage. Other habitats occur to the east of the survey area, with marshy and neutral grassland and areas of broadleaved woodland and continuous scrub being the most frequent. An existing wayleave for the existing Inveraray to Crossaig 275 kV OHL is present to the north east of the Project site. (These habitat areas are shown on Figure 4-2).
- 3.3. No sites designated for their nature conservation importance lie within the Project boundary. Those that exist within 10km are detailed in Table 4-1 and shown in Figure 4-1. Eight woodlands listed on the Ancient Woodland Inventory (AWI) also lie adjacent to the existing access track. A detailed description of the surrounding habitats and flora species survey results is set out at Para 4.3.3 of the submissions. Commentary on Fauna and protected species is set out in detail at Para 4.3.4.
- 3.4. The EA confirms that the proposed development will not result in any impacts on designated sites as outlined. There is a potential for minor impacts to occur on individual trees within ancient woodlands adjacent to the existing access track. However, following the implementation of the embedded mitigation discussed above, no significant effects are predicted.
- 3.5. Embedded mitigation measures, including the timing of installation and careful siting of permanent and temporary structures to avoid or minimise interaction with sensitive receptors, SSEN's Transmission General Environmental Management Plans (GEMPs) and a post-submission CEMP and Construction Traffic Management Plan (CTMP) will be in place to avoid / manage effects on habitats in the surrounds of the areas to be directly affected, for example to prevent spillages, discharges, incursion into habitats not required for the footprint and to allow construction, control.
- 3.6. Given the generally low botanical value of the habitats affected by both the proposed development, and the relatively small area of their respective footprints, significant effects on habitats or flora are predicted in the EA to be negligible; following the implementation of the proposed embedded mitigation, and no significant effects are predicted. A small area of GWDTE will be impacted for a temporary period and a very small area lost (0.02ha). There will also be the temporary loss of 0,8ha of marshy grassland habitat. This will however be minimised through undertaking works when the grounds will be driest. This level of impact is considered to be acceptable when weighed against the wider benefits of the scheme in respect of the climate emergency and NPF 4 overall objectives.

- 3.7. Previous surveys associated with the OHL identified Golden Eagles in the area. However, given the area of habitat to be directly impacted (both permanently and temporarily) will occur in unsuitable conifer plantation, which represents a very small area of the total habitat available to the golden eagles and hen harriers, the unmitigated effect would be predicted to be negligible, and no significant effects are predicted. Officers are in agreement with this conclusion.
- 3.8. Measures to protect biodiversity will include a pre-construction site walkover survey of the Project by a suitably qualified ECoW, focussing on habitats to be directly and indirectly impacted by the Project. The purpose of the survey would be to confirm any changes in use of the site by protected species, as many of the species are highly mobile. Should a species be identified, the appropriate Species Protection Plans (SPPs) (included within the CEMP) would be followed during construction of the Project. As well as embedded the applicants have confirmed that the following additional mitigation will be undertaken as part of condition compliance:

*As detailed in **Section 4.4.6**, to avoid effects on nesting birds, habitat removal will be undertaken outside the breeding season (March to August inclusive)<sup>17</sup>. If this is not possible, a pre-construction site walkover survey focussing on the habitat to be lost within the Project will be undertaken to determine if any nesting birds are present. If nesting birds are identified, the SSEN Transmission's Bird SPP will be implemented by a suitably experienced Ecological Clerk of Works (ECoW). If there is a delay to commencing construction following habitat removal, further mitigation may be necessary to deter birds using the site (e.g., regular human presence, tapes across the site, other scaring devices)*

- Habitat in the smaller more open areas will be removed in a manner that allows any reptiles using it to move to other suitable habitat the remains nearby.*
- Night-time working will be avoided where possible, and the site will not be permanently lit overnight, to avoid any effects on nocturnal species (e.g., otters, bats, badger) should they pass through / forage in the affected area. Hours of work is detailed within Chapter 2: Project Description, Section 2.5.6.*

**To avoid effects on black grouse:**

- ECoW should undertake a preconstruction walkover survey in the area of Lek ID12 and its surrounds and up to 2 km<sup>18</sup> from the Project to identify if any leks are present.*
- Should any leks be identified within the footprint of the Project or with the black grouse Protection Zone as stipulated in the SSEN Transmission SPP, a 300 m to 500 m disturbance buffer will be established (as stipulated in the bird SPP). No activity will occur within these buffer areas two hours after sunrise and two hours before sunset within the main black grouse lekking season (April to May).*
- Any maintenance activity along the existing access track, such as tree limbing, should take place outside of the black grouse breeding season (April to July) where possible, or if not, at least 300 m from lek sites and/or outside of the daily lekking period as stipulated in the SSEN Transmission SPP.*
- Where possible, gates within 300 m of lek sites will remain open after first arrival, avoiding the need for every subsequent entry to open and close the gate and the associated potential disturbance to the lek due to pedestrian activity.*

**To avoid effects on Greenland white-fronted geese:**

- In order to avoid disturbance to SPA qualifying interest features (Greenland white-fronted geese), at Loch na Naich within the wintering period (October – March), no vehicle movements will take place past Loch na Naich or within 600 m<sup>19</sup> either side of*

*the Loch during the one hour period either side of sunrise or the one hour period either side of sunset.*

***To avoid effects on irreplaceable ancient woodlands:***

- Signs should be installed along the existing access track to highlight the start / end of areas of ancient woodland and a maximum speed limit of 20 mph should be enforced.*
- Heras fencing should be installed along the length of each section of ancient woodland located adjacent to the existing access track.*

- 3.9. The applicant at para 4.7 summarises the overall loss of habitats associated with the project and concludes that as these are small and the habitats involved widespread in the area, these are not considered significant. Officers are in agreement with this conclusion. Table 4-5 provides an overview of the Ecological/biodiversity evaluations undertaken and the estimated significance of impacts based upon proposed embedded and additional mitigation measures set out in the EA. Officers are in agreement with these conclusions.
- 3.10. The Councils Biodiversity Officer has raised no objections to the proposals and is content with the approach being promoted to address habitat and protected species matters. NatureScot determined that the proposal did not meet their response threshold for providing comment on planning applications, and therefore no comments were received from them.
- 3.11. Having due regard to the above it is concluded that the proposal will not have any adverse significant 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 of NPF4.

#### **4. Historic Environment**

- 4.1. 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.
- 4.2. There are no designated assets within the Proposed Development area. There are no World Heritage Sites, Inventoried Historic Battlefields, Inventoried Gardens and Designed Landscapes, or Conservation Areas located within 2 km of the Proposed Development. There is one category A Listed Building (Cour House - LB18360) within 2km of the proposed development.(1.8km from proposal). There is one group of Category A Listed Buildings within 50 m of the existing access track (North Wing, North Range, The Doll's Houses, Killean - LB43266) and there is one Scheduled Monument within 50 m of the existing access track: Fort NE of Killean - SM3179 c.
- 4.3. Full details of all designated and no-designated historic/cultural assets are set out in Chapter 7 of the EA at paragraphs 7.3.1 and 7.3.2. These are also set out on a Map at Figure 7-1 which gives a spatial representation of their locations relative to the substation site and access track from the A83 which will be used during construction of the substation and associated works.

- 4.4. No previously unknown archaeological features were identified as a result of the archaeological walkover, however, the majority of the area was noted as being inaccessible due to dense tree cover. While the general ground conditions of the area have low potential for the survival of buried archaeological remains, there remains the potential for unknown buried archaeology. This is reinforced by the views of WOSAS which require further investigative works to be undertaken prior to works commencing. Officers are in agreement that this is necessary and a suspensive condition to address this matter is proposed.
- 4.5. HES have provided no comment to make based upon the facts that *“there are no scheduled monuments, category A-listed buildings or Inventory gardens and designed landscapes within the boundary of the above development or in the vicinity and therefore we have no locus regarding this consultation”*
- 4.6. Table 7.1 of the EA provides a summary of the evaluation undertaken in respect to potential impacts upon Cultural Heritage. Officers are in agreement with its conclusions.
- 4.7. 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.

## 5. Hydrology, Flood Risk, Drainage

- 5.1. Policy 11 (E-viii) and Policy 5 of NPF4 requires development proposals to demonstrate how they have mitigated against potential impacts on hydrology, the water environment and flood risk. In respect of potential impacts upon peat. These matters are addressed at Chapter 6 of the EA (and also at Anexes, K ,L, M& N) of the submissions.
- 5.2. As the potential impact upon peat and the requirement for detailed management and mitigation details to be provided by SEPA, this has been given its own section within this report although clearly flooding/hydrology/drainage all have potential interactions with peat on and surrounding the site. Further detailed evaluation of potential impacts on peat are set out at Section 6 of this report.
- 5.3. Chapter 6 of the EA and all relates to surveys and evaluations of 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 to ensure no unacceptable impacts occur due to the development.
- 5.4. It is worth noting that the surface water from the Development drains into the Kilbrannan Sound coastal waterbody. It has an overall condition of ‘Good’. The southern aspect of the Kilbrannan Sound, along the south coast of Arran, is classed as a Marine Protection Area (MPA) and therefore it will be essential that proposed mitigation to avoid pollution is properly implemented.(The primary control over any impacts will be by SEPA as the statutory body responsible for water quality and works that could impact watercourses of sensitivity)
- 5.5. Also related to the sensitivity of the water environment is the fact that Scottish Water confirmed that the Proposed Development is located within a Drinking Water Catchment Area and that this may have various impacts on their assets. No abstraction points were identified within the Proposed Development boundary.

5.6. In respect of private water supplies the applicants confirm at 6.3.9 that;

*Consultation with Argyll and Bute Council was undertaken on the 12 November 2021, to determine if any private water supplies (PWS) were recorded within 2 km of the Proposed Development boundary. Eight PWS were recorded within 2 km of the Proposed Development, as shown in Figure 6.5 and Table 6.2.*

5.7. The SEPA flood map shows that no river flooding is likely within the Proposed Development. There are small isolated areas within the substation platform area of medium to high risk of annual flooding from surface water, with surface water flooding also present at Cnoc an t-Seann-talaimh and Allt na Buaille Salaich near to the access track to the south of the site. The Proposed Development is not at risk from coastal flooding.

5.8. The EA at Para 6.4 confirms that :

*The Project has been designed to reduce potential impacts as far as reasonably practicable. This includes mitigation that is embedded into the design of the project in accordance with industry standard methods and procedures, which will reduce impacts from construction and operation. The following mitigation measures relating to the hydrological environment are embedded into the design and construction of the Proposed Development:....A Water Construction Environmental Management Plan (WCEMP) accompanies this EA Report (**Annex N**) and will form part of the embedded development design. Relevant sections of the SSEN General Environmental Management Plans (GEMPs) will inform a CEMP to be implemented by the Project's selected contractor post submission. GEMPS are included as **Annex A** to this report and relevant GEMPS include the following.*

- *Private water supplies;*
- *Working in or near Water;*
- *Soil Management;*
- *Contaminated Land;*
- *Oil Storage and Refuelling;*
- *Bad Weather; and*
- *Working with concrete.*

*.....The construction phase of the works will be undertaken in accordance with good practice guidance within the following documents.*

- *Control of Water Pollution from Construction Sites - Guide to Good Practice, CIRIA 2002;*
- *Environmental Good Practice on Site C650, CIRIA 2005;*
- *The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) – A Practical Guide (Version 8.4), SEPA, October 2019; and*
- *Regulatory Method (WAT-RM-04) Indirect Sewage Discharges to Groundwater (Version 8.0), SEPA, April 2022.*

5.9. Tables 6.5, 6.6, 6.7 and 6.8 provide an evaluation of the potential impacts upon the water environment associated with construction works. Although control of such matters is primarily the responsibility of SEPA, Officers are content that through embedded design and stated construction practice these matters have been satisfactorily addressed by the applicants. Members will note the Councils Flooding advisor has requested a condition to ensure that the flow capacity of any watercourses is maintained both during and after any construction activity which may impact upon it.

5.10. An evaluation of potential cumulative impacts is set out at table 6.9. Officers are in agreement that subject to best practice and proposed embedded and additional

mitigation being implemented, particularly at construction phase, that no significant residual cumulative effects on the water environment are likely associated with the current proposals.

- 5.11. In respect of private water supplies, a condition be placed upon any grant of consent to safeguard any, as yet unidentified private supplies in consultation with Environmental Protection to ensure that this matter is addressed prior to construction works commencing.
- 5.12. In summary, the applicants have confirmed in submission that 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.
- 5.13. Neither the Councils Environmental Protection Officer or Flooding and drainage advisor raises objection to the proposals subject to the imposition of appropriate conditions in respect of flooding, drainage and private water supply matters.
- 5.14. Having due regard to the above it is concluded that effects on hydrology, the water environment 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.

## **6. Impact on Peat**

- 6.1. Policy 5 (c) of NPF4 confirms that developments that would potentially have an 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.
- 6.2. Members will note that this has proved to be one of the main considerations in respect of the current proposals where SEPA in their initial response raised a holding objection to the proposals, requiring that additional information in respect of the proposed management of extracted peat and details of the areas of land where peat enhancement work would be undertaken to compensate for impacts caused by construction activities be provided. This is notwithstanding the information submitted at time of application including the proposed peat management plan set out at Appendix O of the EA.
- 6.3. In response to the holding objection the applicant provided updated information in respect of the proposed extraction and management of peat on 06.05.23 to SEPA. This was forwarded to the Planning Authority on 06.06.23. No further response at time of writing has been received from SEPA and therefore their holding objection remains the position.
- 6.4. The need for this additional information stems from the requirement of NPF 4 for such matter to be addressed in sufficient detail as a material issue in balancing whether permission can be granted.
- 6.5. The applicants and SEPA have been in discussions in respect of providing additional information on the extraction of peat, its management and storage, and its transportation

off site to an areas of degraded peatland which will be improved as a consequence of these works. It has not at time of writing proved possible to agree all details with SEPA to allow them to formally withdraw their holding objection. Progress is actively being made and Officers are reassured through current endeavours and discussions between SEPA and the applicant, that SSEN will provide the details required and properly address this matter.

6.6. SEPA have clarified to Officers that they have evaluated the proposal against NPF Policy 5 (c) in respect of potential impact on peat, but not against the wider policy objectives set out in NPF4. The Planning Authority is however required to consider the proposal against NPF 4 as a whole, not any single policy, and come to a balanced judgement in forming a recommendation and in making a determination.

6.7. In this instance substantial progress has been made by the applicants to seek to satisfy the detailed requirements of SEPA and secure the removal of the holding objection, and although constructive discussions are ongoing, and the applicants are in agreement with providing the detail, it has not proved possible to agree all matters at time of writing.

6.8. Officers consider that in coming to a decision in respect of impact on peat in this instance that the following matters are material considerations:

- The proposals relate to essential grid infrastructure of national importance as set out (NPF 4 National Priorities Appendix B Part 3 )
- The Proposal supports the delivery of the Regional Spatial Strategy for The North and West coast and the Islands as set out at Part 1: P24 of NPF 4 to provide Strategic Renewable Electricity Generation and Transmission Infrastructure for the area.
- The proposal is supported by Policy 1 which seeks to “*encourage, promote and facilitate development that addresses the global climate emergency and nature crisis*”.
- The proposal is supported by Policy 11 ( Energy) relating to the delivery of essential grid infrastructure improvements related to renewable energy transmission
- The proposals meet the requirements of Policy 5 (c)(i) to be regarded as essential infrastructure

6.9. Officers are of the opinion in this instance permission can be granted subject to a suspensive condition which will fully address the concerns of SEPA, address the matters required under policy 5 (c) of NPF4 ,yet not delay the determination of this Nationally important and essential grid improvement where timescales for delivery are important.

6.10. In respect of timescales Officers note that it has been clarified by SSEN that;

*Last year we submitted our Initial Needs Case (INC) to Ofgem, and this was approved in December 2022. The initial Needs Case was around the need for robust proposals to reinforce the Argyll transmission network from 132kV to 275kV operation. At an estimated cost of around £400m, this investment is being taken forward as part of the SSE Group’s Net Zero Acceleration Programme, which will see £12.5bn invested in the five years to 2026, or £7m every day. SSEN Transmission alone expects to invest*



*around £4bn over this period as it delivers a network for net zero emissions. On the back of the INC being approved in December 2022, we submitted our Final Needs Case to Ofgem in May 2023.*

*The Argyll 275kV strategy is required to support the connection of several new renewable electricity generation schemes across Argyll and to transport that power to areas of demand across Scotland and beyond. It will support the connection of at least 560MW of new renewable electricity generation, enough to power more than 500,000 homes.*

*.... In terms of the need to get the projects (that is Craig Murrail, Crarae and Crossaig North substations) to June PPSL, this comes down to the need to secure the substation consents enabling Ofgem to finalise, approve and issue their Final Needs Case decision in August. Any delay to the issuing of the Final Needs Case will have a knock-on effect to SSENT internal governance to release funding which will delay the start on site in late 2023 which is critical in ensuring we are able to meet our obligations to provide connected generation.*

6.11. Officers consider that timescales associated with achieving NPF 4 Policy 1 Climate change objectives can also be considered a material consideration in determining the current proposals.

## **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. The submissions confirm that forest walkover and mapping surveys were undertaken in April and May 2022, to confirm the extent of the woodland areas affected by the Project and to further assess the current woodland characteristics and the wider impacts the proposed developments would have on the woodland resource. Photographic records were captured (see the Crossaig North Woodland Report in Annex J).
- 7.3. The total loss of woodland resulting from the Proposed Development has been calculated using the project Geographic Information System (GIS) and equates to 11.13 ha. A total of 4.01 ha on-site and 7.12 ha of off-site compensatory planting will be required to take the total net loss of woodland area to 0.0 ha. The woodland removal for the proposed development consists of mature commercial conifer plantation. Details of the areas to be felled are set out in Table 4. Overall, the adverse effect during operation of the proposed Development is assessed as none and not significant in the EA. Officers are in agreement with this conclusion.
- 7.4. In order to address the potential significant effect on forest land-use management, the Applicant has produced a Woodland Report (Crossaig North Woodland Report, see

Annex J) which identifies all areas of felling required for the proposed Development. The applicants confirm by submission that loss of woodland will be fully compensated by a Compensatory Planting Scheme through a combination of on-site and off-site planting (this is set out in Annex J at tables 8.2 & 8.3).

- 7.5. The compensatory planting 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 for those trees which do not require to be felled to undertake construction work.
- 7.6. 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.
- 8.2. The following core paths and other recreational routes are located within the vicinity of the site

Core Path network;

- C088 – Campbeltown to Cloanaig, which is located 100 m to the east at the closest point;
- C303 – Cloanaig to Clachan, 4.6 km to the north at the closest point;

Sustrans Cycle Route:

- Caledonia Way (NCR 78), which extends along the route of the B842, 100 m to the east;

The Kintyre Way, which follows the same route as Core Path C303 within the Study Area, 4.6 km to the north at the closest point.

- 8.3. Officers consider that the proposal will not have any adverse 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. (The distance from such assets is clarified at Paragraph 3.5.2 of the EA and Figure E.3).

## **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 submitted LVIA (Chapter 3) is augmented by supporting text and graphics within the following annexes.

- Annex C – Landscape Assessment Methodology
- Annex D – Landscape Character Sensitivity Table
- Annex E – Photomontages and figures
- Figure E.1 – Zone of Theoretical Visibility and Viewpoints;
- Figure E.2 – Landscape Character;
- Figure E.3 – Landscape Designations and Recreational Routes;
- Figure E.4 – Future Felling; and
- Figure E.5 – Landscape Mitigation Plan.

9.4. The LVIA assessment is focused on a study area of 5km. The applicants confirm that this has been informed by analysis of Zone of Theoretical Visibility (ZTV) maps and an early appraisal of potential effects for a development of this scale. It is accepted that any notable landscape or visual effects would be confined within this geographical area owing to the reduction in relative scale and visibility of the proposal with distance within its landscape context. However it is clarified that the Study Area is extended outwards in an easterly direction over the Kilbrannan Sound, to a distance of 6.5 km. This encompasses receptors on the coast of Arran. This widened evaluation is agreed as appropriate by officers to ensure open water views, and views from the North Aran National Scenic Area (NSA) are properly considered.

9.5. The local landscape consists of a dense, almost-continuous expanse of commercial forestry that extends across the upland areas to the west, north and south of the Project. This is contrast to the landscape to the east, where the land coverage is characterised by semi-improved grassland, sparsely scattered large shrubs and small-scale tree belts, all of which are situated upon a continually undulating series of landforms. The Kilbrannan Sound is situated further east, and there are open, expansive views across this towards the Isle of Arran in the distance.

9.6. The Project Site is located at approximately 85 m AOD. The local landscape rises steadily to the west, reaching 210 m AOD at the summit of Cnoc an Fhithich. To the east, the land slopes downwards towards the coast at the Kilbrannan Sound. The Project Site and its immediate environs are influenced by existing infrastructure in the form of the existing Crossaig Substation located approximately 120 m to the east. Other existing infrastructure in the form of overhead electricity transmission lines extend outwards from the existing substation and extend broadly north-south along the lower lying coastal hills. In addition, Cour Wind Farm is located 3.5 km to the south west of the Project Site.

- 9.7. The wider landscape is very sparsely settled. The hamlets of Crossaig and Cour represent the closest settlements. Both of these settlements are connected to the wider area by the B842, the only road within the Study Area. This route links Campbeltown and Rockfield on the eastern side of Kintyre. Dry stone walls and post-and-wire fencing are situated on both sides of the carriageway, along with heathland species and species-rich hedgerows. Other buildings are primarily restricted to isolated farmsteads and dwellings. This road undulates along its length and has substantial roadside screening in the form of trees and bushes along its length.
- 9.8. Figure E.2 illustrates the Landscape Character Types (LCTs) within the Study Area, as defined within the National Landscape Character Assessment, which represents the most up-to-date assessment of landscape character across the Study Area. The Proposed Development Site and Associated Development are located within the Plateau Moor and Forest LCT. The Rocky Coastland LCT is located to the east of the Plateau Moor and Forest LCT, and extends along the coast of the Kilbrannan Sound. Further afield, the Raised Beach Coast and Cliffs LCT extends along the coastal edge of Arran, approximately 6.2 km to the east of the Project.
- 9.9. The Proposed Development Site and Associated Development are not located within a landscape designation. However, within the wider Study Area the North Arran National Scenic Area (NSA) is located on the opposite side of the Kilbrannan Sound, approximately 6.2 km to the east of the Project.(Refer to Figure E.3).
- 9.10. With reference to Figure E.1, settlements within the Study Area from which there may be views of the Project are limited to small-scale hamlets:
- Crossaig, located 700 m to the north; and
  - Cour, located 1.5 km away to the south.
- 9.11. Other residents within the Study Area are limited to dispersed dwellings and farmsteads, comprising:
- Ravensbay, 2.0 km to the north east;
  - Allt Romain, 3.2 km to the north east;
  - Escart Farm, 3.6 km to the north east;
  - Oragaig, 5.0 km to the north east; and
  - Sunadal Cottage, 5.0 km to the south.
- 9.12. The Study Area is accessible from one road, the B842, which runs north-south along the Kintyre coastline. It is located 100 m to the east of the Proposed Development Site at the closest point. There are no other roads or any railway lines within the Study Area.
- 9.13. Table 3.1 provides viewpoints and photomontages of the proposal as set out in Figures E.5a, E.5b, E.5c and E.6c. Table 3.1 contains an evaluation of potential landscape impacts associated with these views towards the site of varying distances and locations. Officers are in agreement with the evaluation conclusions in this table.
- 9.14. The applicants accept that the proposed Development would result in the permanent loss of a localised area of forestry and its replacement with the proposed buildings, site services and control equipment, electrical switchgear and associated infrastructure.
- 9.15. However it is accepted that the proposed infrastructure would account for a small parcel of land within an expansive area of surrounding forestry, adjacent to the existing Crossaig Substation and that upon completion of the works, any areas of disturbed ground within the Site would be reinstated with new areas of native wet woodland,

incorporating understorey / scrub species, and new areas of native bog / mire at the first available season (see Figure E.5: Landscape Mitigation).

- 9.16. It is submitted and accepted that these elements would represent the addition of beneficial landscape and biodiversity features to the locality that would exert increasing influence over time as they become more established. The native bog habitat in particular would establish quickly, and return areas of disturbed ground to condition that is characteristic of the local landscape.
- 9.17. The applicants submit that by its nature, the project would result in landscape and visual effects that it would not be feasible to fully mitigate but that the location of the project has been chosen to avoid any notable ridgelines or visually prominent sections of skyline, and that the undulating landform in the locality in combination with extensive areas of forestry would restrict views of the project across wider parts of the Study Area. They also submit that:

*the Proposed Development and Associated Development would be located adjacent to existing electricity infrastructure, comprising the existing Crossaig Substation and associated overhead electricity transmission lines to the east. As noted above, the section of this OHL to the north of Crossaig Substation will be replaced by the new 275 kV OHL that is currently under construction. As such, the Project would exert its primary influence over a local landscape already partially characterised by existing electricity infrastructure development, and avoids the spread of such infrastructure into wider parts of the surrounding landscape.*

- 9.18. Officers are in general agreement with this evaluation, and accept that the limited views of the new substation, combined with the fact that it will be seen in localised and longer range views in close association with the existing substation reduce the significance of any perceived landscape impacts.
- 9.19. It is evidenced and accepted by officers that the proposed development will result in some localised adverse visual impacts in the immediate vicinity of the site, and that due to the overall proportions of the development at close range the magnitude of change will be large/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 a relatively small area of existing commercial forestry there will be an acceptable visual integration of this development, and medium and long range views are extremely limited and contextualised against existing electricity infrastructure. The proposal is therefore 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. The applicant has submitted an evaluation of traffic and transport matters as Chapter 9 of the EA submissions.
- 10.2. The traffic impacts of the project have been appraised regarding existing road users, pedestrians, cyclists and other sensitive receptors. The following types of impacts have been assessed:
- Changes in traffic conditions and the potential for delays and congestion;
  - Changes to conditions for pedestrians and cyclists;

- Severance, fear and intimidation; and
- Accidents and safety.

- 10.3. The Transportation submission confirms that during the construction phase, there will be a requirement for access to, and egress from the Project by heavy goods vehicles (HGVs) and light traffic.
- 10.4. Transportation of the transformer will be from Campbeltown Harbour where it will have arrived by sea. It will then follow the A83 before taking the Cross Kintyre Haul Road (CKHR) to the project Site. Maintenance work will be required to facilitate use of the haul road and this will be confirmed once a Contractor is selected. Any widening or upgrades will be subject of a separate planning application.
- 10.5. An initial routeing report has been commissioned by SSEN Transmission, (refer to Annex Q). Further information on routeing will be considered once the transformer supplier and haulier are selected by SSEN Transmission.
- 10.6. Cars and LGVs will follow the A83 and then turn east onto the B8001 then the B842. Access for all other construction vehicles for the works will be via the 23.5 km long Cross Kintyre Haul Road (CKHR) which starts at the hamlet of Killean on the A83. Vehicles will remain on the CKHR until they reach the Cour Estate access track, which was built for the existing Crossaig substation.
- 10.7. The applicants accept that there will be a requirement to submit a construction traffic plan and details of any abnormal loads for approval in consultation with both Transport Scotland and the Area Roads Engineer. The Area Roads Engineer and Transport Scotland have no objections to the proposal on transport and road safety grounds. Subject to the inclusion of the planning conditions, 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 nearest residential premises has been identified as a dwelling at Auchoish approximately 1.3 km to the southwest of the site. Other properties are located at a further distance to the southwest (dwellings in Lochgilphead), northwest (dwelling in Achnashelloch), and south (dwellings in Kilmory). A site location plan indicating the location of these premises has been is provided in Appendix A of Annex S.
- 11.3. The applicants confirm that pre-application consultation was undertaken with Environmental Protection Officers to agree the survey and assessment methodology to be adopted for this noise impact assessment and at Para 8.6.3 confirm that;
- “no noise mitigation is required for the construction activities. However, in any case, any mitigation required for noise generated by rock breaking will be agreed with Argyll and Bute Council, for inclusion in the Construction Noise Management Plan.”*
- 11.4. It is also confirmed that no construction works are proposed to take place during the night-time period, without prior written agreement from ABC in exceptional circumstances. Similarly, the distance to the nearest noise sensitive receptor and the

low level of operational noise associated with the substation does not indicate any adverse impacts.

11.5. The noise assessment evaluation concludes at 8.7.5 that no adverse impacts are expected in respect of either construction or operation of the substation to residential properties and therefore no specific mitigation measures are proposed as part of the submission and that embedded best practice contained within the EA will be sufficient.

11.6. The Council's Environmental Health Officer has commented that:

*The applicant has stated that the proposed development would be constructed over a 30-month period. The Project Description report states that the "Contractor will share a CTMP with Argyll and Bute Council (ABC) and Transport Scotland (where appropriate) identifying appropriate and safe routes for construction traffic)."*

*The Project Description report also states that "Construction activities would in general be undertaken during daytime periods. This would involve work between approximately 07:00 to 19:00 on week days, 07:00 to 18:00 on Saturdays and for short periods (for non-construction work, for example commissioning and switching works) on Sundays 08.00 to 13:00. Construction works will only take place during these agreed hours and in planning the works, our contractors will look to minimise the impact of construction noise on neighbours and the public. There may be times we need to undertake construction out of these agreed hours due to time critical activities, this would only be done with the prior agreement of ABC. Works outside of daylight hours requiring illumination would be undertaken in accordance with relevant guidance to avoid light spill.*

*The Principal Contractor will develop a construction noise management plan as part of the Construction Environmental Management Plan (CEMP)."*

*We would agree with the above restriction on permitted hours for operation of machinery (including vehicles to and from the site) and other noise generating work during the construction phase.*

*Any identified measures for noise mitigation for blasting of bedrock should also be included in the Construction Management Plan.*

11.7. The councils noise advisor is therefore content that subject to appropriate controls no objection on the grounds of noise impacts arising from the proposal and is in agreement with the suggested hours of operation set out in the application submission. A condition reflecting these requested hours of operation has been imposed. The proposal is therefore considered to comply with the provisions of Policy 11 of NPF4 subject to the imposition of recommended conditions to protect sensitive receptors from noise.

## **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. Officers are aware that Argyll and Bute Council has very recently declared a “Housing Emergency”
- 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 repowering 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.
- 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.

This page is intentionally left blank



**Location Plan Relative to Planning Application:23/00382/PP**



1:72,000

This page is intentionally left blank

**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**

---

**Reference No:** 22/02523/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr D Higgins  
**Proposal:** Erection of dwellinghouse, formation of vehicular access and associated works  
**Site Address:** Garden Ground of Torwood House, Torwoodhill Road, Rhu, Helensburgh, Argyll And Bute

---

**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**

- Sub-division of curtilage of single residential development to create a site for erection of a new separate dwellinghouse
- Erection of a dwellinghouse
- Formation of access and driveway
- Associated land engineering works/re-profiling existing ground levels
- Installation of surface water drainage system

**(ii) Other specified operations**

- Connection to existing public water supply network
  - Connection to existing public drainage network
- 

**(B) RECOMMENDATION:**

It is recommended that planning permission be refused.

---

**(C) CONSULTATIONS:**

ABC Roads (08.03.2023):

Torwoodhill Road, in its current layout is considered unsuitable to serve the existing properties and the proposed new development.

It is recommended that determination of the application be deferred until details of commensurate improvements to Torwoodhill Road are submitted for assessment.

Commensurate improvements should include the creation of 2No. intervisible passing places between the Upper Torwoodhill Road junction and the access to the proposed. This could include the creation of a 'Service Bay' access arrangement at the access to the proposed development.

ABC Local Biodiversity Officer (21.02.2023):

- 1) The submitted Tree Report does not provide advice on the timing for opening up the site for foundation construction with reference to impact on birds.
- 2) Requests a planning condition requiring a pre-start ecological survey to be carried out in advance of excavation works, if it is proposed to commence during the bird nesting season.
- 3) Advises that good practice measures e.g. pipe end capping and escape ramps from foundation/services trenches should be implemented during construction to avoid trapping animals.
- 4) Advises that submission, assessment and approval of a Landscape Design Planting Plan be required by planning condition.

ABC Built Heritage & Conservation Officer (22.02.2023):

Planning Permission Ref 16/03045/PP was granted for the sub division of the plot and proposed new dwellinghouse. Whilst the same LDP is currently in place, there has been a material change in that the NPF4 has now been adopted which requires to be taken into account as part of a proper assessment of the current application. It is not considered that the supporting information submitted as part of the Planning Statement provides sufficient assessment of the character of the conservation area and the properties (both listed and un-listed within it) to allow a full assessment against the provisions of NPF4 Policy 7.

Notwithstanding the above required information, initial concern is expressed that:

- 1) the proposed development is at odds with the existing pattern of development/urban grain; and,
- 2) there is a lack of justification for the architectural style of the proposed house in relation to the mixture of distinct architectural styles for existing houses within the area.

It is suggested that the applicant submits a more comprehensive assessment of the historic assets and the likely impacts of the proposal which may help to address these concerns.

Scottish Water (03.02.2023):

No objection. This does not confirm that the proposed development can currently be serviced. Further investigation regarding Water Capacity Assessment may be required when a formal application is submitted to Scottish Water. Suggest that the applicant submits a Pre-Development Enquiry to Scottish Water to allow a full assessment of waste Water Capacity. Scottish Water will not accept any surface water connections into their combined sewer system.

---

**(D) HISTORY:**

20/01190/PP - Conversion of garage into dwellinghouse, erection of two storey extension and installation of air source heat pump at Garden Ground Of Torwood House – Approved 18.10.2020.

16/03045/PP – Erection of dwellinghouse at Garden Ground Of Torwood House, Torwoodhill Road, Rhu – Approved 01.12.2017

---

**(E) PUBLICITY:**

Site Notice - Conservation Area – Expired 22.02.2023

Site Notice - Setting Listed Building – Expired 22.02.2023

Listed Building/Conservation Advert – Expired 02.03.2023

Neighbour Consultation – Expired 22.02.2023

---

**(F) REPRESENTATIONS:**

**(i) Representations received from:**

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.

A total of thirteen representations have been received from third parties. Twelve of these are objections to the proposal and the remaining one does not object in principle subject to concerns regarding drainage being satisfied prior to determination of the application.

It is noted that whilst the status of several third party submissions has been expressed as an "objection" - their concerns may be satisfied by resolution of these identified concerns ((primarily relating to drainage and roads/access.)

Objection:

- Hilary Stuart – Dunaivon, Armadale Road, Rhu Helensburgh, Argyll and Bute G84 8LG
- Dr. Florence Watt - Acorn Cottage, Invergare Cottages, Glenarn Road, Rhu, Helensburgh, Argyll and Bute G84 8LL
- Miss Kim Maclean - The Cottage, Invergare, Glenarn Road, Rhu
- Mrs. Jill Wadge - 5 Torwoodhill, Torwoodhill Road, Rhu, Helensburgh, Argyll and Bute G84 8LE
- Ms. Carolan Dobson – Auchenlea, Torwoodhill Road, Rhu, Helensburgh, Argyll and Bute G84 8LF
- Frazer King – Hazelwood, Torwoodhill Road, Rhu, Helensburgh, Argyll and Bute G84 8LF
- Nick Barton – Dunrowan, Armadale Road, Rhu, Helensburgh, Argyll and Bute G84 8LG
- Mrs. Celia Taylor - Rowan House, Armadale Road, Rhu, Helensburgh, Argyll and Bute G84 8LG
- Jane Nicholson - Torwood Cottage, Armadale Road, Rhu
- Albert Barclay - Carbeth House, Torwoodhill Road, Rhu
- Michael Thornley - Glenarn House, Glenarn Road, Rhu, Helensburgh
- Sue Thornley - Glenarn House, Glenarn Road, Rhu, Helensburgh
- Mrs. Norma Bennie – Oakdene, Armadale Road, Rhu, Helensburgh, Argyll and Bute G84 8LG

Representation:

- Tim Esson - Melsetter ,Torwoodhill Road, Rhu, Helensburgh, Argyll and Bute G84 8LF

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

- Drainage Infrastructure/Surface Water Flood Risk:

Sewage system does not have capacity to serve an additional house. Anecdotal evidence of recent sewer blockages on Torwoodhill Road is submitted in support the above.

Anecdotal evidence is submitted with regard to regular flooding on the local road network and adjacent residential properties. It is submitted that this has significantly worsened after clearance of vegetation from the application site.

The application does not include details of a specific drainage plan. The drawings indicate "Aco" type drains at the bottom of the driveway with no information on where these discharge to.

Proposal is likely to exacerbate surface water flooding on public adopted road and nearby properties on lower ground to the south, and the integrity of the existing retaining wall may be threatened.

Planning permission should not be approved until a full drainage impact survey has been carried out, and an effective and comprehensive surface water drainage system agreed.

(It is understood (by an objector) that soakaways are proposed however this is unlikely to be achievable due to underlying ground conditions).

*Comment: - It is noted that planning permission has previously been approved for the erection of a house on this site in December 2017 subject to a planning condition that the development incorporate a Sustainable Urban Drainage System (SuDS). The current application submission has been revised to show further detail with regard to the proposed surface water drainage design. Officers accept that further details are required to demonstrate to the satisfaction of the local planning authority that adequate surface water drainage can be provided to serve the propose development particularly with regard to the suitability of a soakaway; however Officers are satisfied that the current information available provide sufficient assurance that the site is capable of development, and that the exact technical design, based on a geological survey, if required, can be satisfactorily dealt with by means of a suspensive planning condition. The Council's Flood Risk Consultant will be consulted as part of that process.*

- Access and Road Safety:

The proposal will result in further intensification of traffic using a sub-standard access (Torwoodhill Road) and will increase safety hazards to drivers and pedestrians.

Size of the site results in "less than adequate" arrangements for access and egress.

*Comment: - Noted. The consultation response from Area Roads will be given significant material weight as part of this assessment. Area Roads consider that Torwoodhill Road is unsuitable, in its current layout, to service a further intensification of use generated by the proposed*



development. Area Roads recommend deferral of the application pending submission of details of commensurate improvements to Torwoodhill Road, to comprise 2 no. intervisible passing spaces to the west of its junction with Upper Torwoodhill Road. Following further clarification of the requirement for commensurate off-site access improvement works, this requirement has been confirmed to the applicant with request that the applicant confirm that he has ownership/control over sufficient land (if required outside of the public road corridor) to provide the passing spaces and whether he is willing to provide the required improvement works.

**A response is awaited.**

- Historic Environment

Objection to “yet another property being built in the garden of a conservation village.”

The layout/siting; development density and design style of the house does not reflect the character (inc. historic grain) of the conservation area.

*Comment: - These issues are assessed in full within Section (P) below.*

- Residential/Visual Amenity

Screening onto Torwoodhill Road needs to be carefully considered to maintain privacy of residents in existing houses (and preserve the ambience of the local area.)

Replacement tree planting should be addressed to reflect the character of the area.

*Comment: - Having regard to Policy LDP 9 and SG LDP – Sustainable Guidance and Design principles - it is considered that the proposed development, by reason of its siting and orientation relative to nearby residential properties; and the visual screening provided by existing and proposed natural planting along the site boundaries, will not have a materially adverse impact upon residential amenities of the occupiers of nearby properties by reason of loss of privacy through overlooking between windows to habitable rooms.*

- Miscellaneous

Construction related activity/parking etc. may cause temporary blockages to Torwoodhill Road to the detriment of the amenities of existing residents, including potential obstruction of emergency vehicles.

*Comment: - Whilst the concerns of local residents are noted, this is not a material consideration that can form part of this assessment. Any obstruction of the public road system by contractors would be a matter for parking enforcement or police Scotland.*

The application should not be determined until an up-to-date Tree Report has been submitted.

*Comment: - Officers consider that the Tree Report dated October 2016 is adequate to allow a full and professional assessment of the proposed development impact upon trees within the application site.*

**(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

Planning Design Statement

- This application is for minor changes to a proposal for a single dwellinghouse previously approved under ref: 16/03045/PP (since expired.)
- Site description, context and history is set out.
- The design incorporates traditional features evident in neighbouring properties, particularly Torwood House and high quality materials are proposed to ensure that the building will respect and enhance the area and preserve the listed building and its setting in accordance with relevant planning policy.
- An existing access onto Torwoodhill Road will be widened and otherwise improved.
- Parking and turning for 3 cars will be provided within the site.
- Drainage channels to be installed across the access junction and the driveway to mitigate any water run-off from the development.
- The site will be served by a connection to mains water and sewage systems.
- Landscape design proposes retention of mature trees where recommended by an accompanying Tree Survey Report, and additional planting where trees are to be removed. The North West of the site is to be retained to maintain existing screening between the site and the neighbouring property, Carbeth.
- The proposal is sustainable development with reference to siting/orientation and there is an aim to meet high technical standards e.g energy efficient build; energy efficient

heating; enhanced natural lighting; home office space; etc.

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

Tree Report

- Sets out the legal position with regard to trees and wildlife, specifically in relation to bats and birds.
- Details of the tree survey and analysis methodology and tree categorisation.
- None of the 34 trees surveyed are classed as Category A trees. 14 no. trees are Category B and 16 are Category C. Five trees are Category U (either already dead or in such poor condition that they should be removed regardless of development.)
- Recommended management includes removal of overgrown laurel and rhododendron which has suppressed the surrounding trees; and remedial tree work operations including felling of 27 no. trees. 8 no. trees are proposed *“to accommodate the development”*.
- Recommends Tree Protection Measures during construction in accordance with BS standards – Trees and Construction.

**(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**

**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 5 – Soils  
NPF4 Policy 6 – Forestry, Woodland and Trees  
NPF4 Policy 7 – Historic Assets and Places  
NPF4 Policy 13 – Sustainable Transport

**Liveable Places**

NPF4 Policy 14 – Design, Quality and Place  
NPF4 Policy 16 – Quality Homes  
NPF4 Policy 22 – Flood Risk and Water Management

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

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

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

**Natural Environment**

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

**Historic Environment and Archaeology**

SG LDP ENV 16(a) – Impact on Listed Buildings  
SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)

**General Housing Development**

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

**Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

**Resources and Consumption**

SG LDP SERV 2 – Incorporation of Natural Features / SuDS  
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

**Transport (Including Core Paths)**

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes  
 SG LDP TRAN 5 – Off-site Highway Improvements  
 SG LDP TRAN 6 – Vehicle Parking Provision

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

- Historic Environment Scotland - HEPS
- Historic Environment Scotland – Managing Change in The Historic Environment

[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.](#)

---

(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

---

(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

---

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

- Setting of a Listed Building
- Conservation Area
- Existing trees

(P)(ii) **Soils**

[Agricultural Land Classification:](#)

Built Up Area

Peatland/Carbon Rich Soils Classification:

- Class 1  
 Class 2  
 Class 3  
 N/A  
N/A

Peat Depth Classification:

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

**(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  
 N/A

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

- Status of Land within the Application *(tick all relevant boxes)*  
 Brownfield  
 Brownfield Reclaimed by Nature  
 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 proposed development comprises the sub-division of a residential curtilage, and the erection of a new detached 4-bedroom house with new access; land engineering works; and installation of a private surface water drainage system.

The site is located within the Village/Minor Settlement Zone of Rhu as identified in the Argyll and Bute Local Development Plan 2015 (LDP) wherein Policy LDP DM 1 gives encouragement to sustainable forms of small scale development on appropriate sites.

The proposal lies within the Rhu Village Conservation Area and both the 'donor property' "Torwood house", and the residential property adjacent to the north, "Carbeth House" are both Category "C" listed buildings. As such, the impact of the proposed development on the historic environment will be a determining factor. In

addition, the proposed development has been assessed more generally with regard to siting, scale, massing form, and detailed design in relation to the aim of respecting and reflecting the visual character of the existing built development pattern; and protecting local residential amenity in terms of loss of privacy by reason of direct over-looking of nearby houses.

The site is not located within or in proximity to any nature conservation designation and existing trees are not specifically protected by a Tree Preservation Order, nor do they lie within NatureScot Ancient Woodland Inventory. However, any impact upon the natural environment in relation to biodiversity and impact on trees/woodland falls to be assessed in connection with the proposal.

The proposal has also been assessed with regard to the satisfactory provision of services infrastructure provision.

A fully detailed assessment with reference to the above determining factors, and all other material considerations, including planning history and material planning issues raised by third party representations are set out in the Appendix A to this report.

Having regard to all material considerations it is considered that the proposal cannot be supported on the basis of the information currently available. It is considered that existing public approach road, "Torwoodhill Road", is unsuitable to accommodate the intensification of traffic that will be generated by this additional house without detriment to road safety and the free flow of traffic. The applicant has been unable to demonstrate to the satisfaction of the planning authority that commensurate improvements can be implemented as part of the development in order to address current road access constraints. It is therefore recommended that the application be refused on road safety grounds.

---

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

---

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

N/A

---

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

Not applicable.

---

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

---

**Author of Report:** Norman Shewan **Date:** 02.06.2023

**Reviewing Officer:** Sandra Davies **Date:** 13.06.2023

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



**REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 22/02523/PP**

1. It is considered that the proposed public road access regime is unsuitable, in terms of width and alignment, to accommodate the resultant intensification of traffic movements generated by the proposed development and would result in an increase in road traffic hazards to the detriment of highway safety and the free flow of traffic contrary to the provisions of Policy LDP 11; SG TRAN 4 and NPF 13. On the basis of the submitted information, the applicant is unable to demonstrate that the design issues relating to this substandard access approach road can be addressed by commensurate improvements to the satisfaction by the Council as Roads Authority to a level that can serve the additional vehicular and pedestrian movements that will result from the proposed development.

<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>22/02523/PP</b>
<b>PLANNING LAND USE AND POLICY ASSESSMENT</b>	

## 1. Settlement Strategy

- 1.1. The site is located within the Village/Minor Settlement Zone of Rhu as identified in the Argyll and Bute Local Development Plan 2015 (LDP) wherein Policy LDP DM 1 gives encouragement to sustainable forms of small scale development on appropriate sites.
- 1.2. The proposed residential development is considered to be “small-scale” with reference to SG LDP HOU 1 – “General Housing Development Including Affordable Housing.” Policy LDP 8 and SG LDP HOU 1 serve to operate a presumption in favour of housing development in accordance with the nature and scale of development set out in Policy LDP DM 1, and advises that such development “will be supported unless there is an unacceptable environmental, servicing or access impact.”
- 1.3. NPF 4 Policy 1 requires that significant weight be given the global climate and nature crises when considering new development. Policy 2 seeks to encourage, promote and facilitate development that minimises emissions and adapts to impacts on climate change. NPF 4 Policy 5 aims to protect locally, regionally, national and internationally valued soils.
- 1.4. The development is located within an identified settlement with access to community facilities and public transport networks, consistent with the LDP Settlement Strategy, and as such complies with the Sustainability criteria established by Policy LDP STRAT 1, and is compatible with the provisions of NPF 4 Policy 1 in terms of addressing the Climate Crisis in principle. The site is located within an established residential area and will not impact upon soil that has material value. It is recommended that any planning permission will be subject to a model planning condition
- 1.5. On the above basis, it is considered that there is a general presumption in favour of the principle of this proposed development in terms of its location, nature and scale when assessed against the policy provisions relating to the LDP Settlement Strategy and relevant NPF 4 Policy.

## 2. Location, Nature and Design of Proposed Development

- 2.1. Torwood House is a large, detached Category B listed traditional villa set in a very large curtilage characterised by mature trees, hedgerows and large shrubs that bound the site. It is accessed off Torwoodhill Road. Torwood House is sited towards the upper north west of the grounds and overlooks the Gareloch.
- 2.2. The proposal is to subdivide this site to create a plot of some 1040m<sup>2</sup> within the south west corner of the grounds for a new dwellinghouse. The application site is bounded to the east and north by the remaining curtilage of Torwood House and the west by an adjoining dwellinghouse known as Carbeth House. This latter property is also a Category B listed building. There is an established natural belt of trees and large shrubs along the western site boundary separating it from the grounds of Carbeth House. Lastly, the site is bounded to the south by a public adopted road known as Torwoodhill Road. The level of

the site slopes downwards towards the road and the boundary is demarcated by a stone retaining wall.

- 2.3. Evidence suggests that there was an original pedestrian gated access to the grounds of Torwood House within the site frontage of the current application site. This gate has been removed; perimeter trees removed; the small opening in the stone boundary wall significantly enlarged; and ground engineering works carried out to form an access track from the level of Torwoodhill Road up the central part of the application site. The application site has been fenced off from the rest of the curtilage to Toward House and the central area cleared of vegetation.
- 2.4. The site slopes reasonably steeply upwards from south to north. The houses to the south of Torwoodhill Road sit much lower than the proposed plot.
- 2.5. The proposed house is to be sited towards the north west corner of the site. A level 'plateau' for the siting of the house, and a driveway at the southern edge of the site will be formed by ground engineering works. The level of the proposed house will sit significantly above the level of Torwoodhill Road. It will be set back some 17.3 metres from the southern boundary with the public road and set in approximately 2.16 metres from the western boundary (with Carbeth House). The proposed dwellinghouse will have 4 bedrooms with a floor area of approximately 130 square metres and a maximum ridge height of 8.5 metres. It will be traditional in design to reflect the architectural character of Torwood House. Two projecting gable forms at either end of the principal (south) elevation serve to visually 'break up' the massing of the new building; and in conjunction with traditional chimneys and finial, this will provide an attractive, well-considered form and 'animated' roofscape. External wall finishes are to be off-white coloured render with stone detailing, a natural slate roof and timber framed windows.
- 2.6. The site previously had a wooded character however a number of trees and shrubs have been removed as recommended in a Tree Survey Report submitted as part of this application. The removed trees and clearance relates mostly to the southern site boundary with the road and the central area of the site. Trees and large shrubs remain along the north, east and west boundaries to maintain the privacy of neighbouring properties. New trees will be planted to the front of the site to further protect privacy and to help the development to integrate into its surroundings.
- 2.7. NPF4 Policy 14 requires that development proposals be designed to improve the quality of an area; and, offers support to development that achieve the six qualities of Health; Pleasant; Connected; Distinctive; Sustainable; and, Adaptable. Development that is poorly designed, detrimental to the amenities of surrounding areas or inconsistent with the aforementioned six qualities will not be supported.
- 2.8. NPF Policy 14 is closely aligned with the provisions of Policy LDP 9 and SG LDP Sustainable Siting and Design Principles which requires that new development be assessed against identified sustainability criteria and identified design criteria relating to the Design of New Housing in Settlements. The Supplementary Guidance also establishes design criteria that seeks to protect the residential amenities and daylight enjoyed by the occupiers of neighbouring properties.
- 2.9. Having regard to the built development pattern and densities of the local area, it is noted that there is a range of scale and design of houses, and whilst the overall pattern of built development is very spacious, there is a range of site densities; and that the ratio of built development to open curtilage in the case of this proposal is similar to some other existing development. The scale of the house is comparatively small and it is considered that the siting, form, massing and material finishes will respect and reflect the existing character

of built development and compliment the visual character of the area in accordance with the relevant provisions of NPF4; LDP 9 and SG on Sustainable Siting and Design Principles.

- 2.10. The proposed house will be screened from Carbeth and Torwood House by existing natural boundary features and this screening, in conjunction with the relative orientation of windows and separation distances will mean that there will be no material loss of residential amenities to the occupiers of these properties by reason of overlooking. The properties to the south of the site, "Dunrowan" and "Hazelwood" are set at a significantly lower level than the proposed development due to the prevailing slope. However, the windows on the south elevation of the proposed house is in excess of the minimum 18 metres guideline (SG – Sustainable) from windows on the rear elevations of these properties. Additionally the windows in the proposed house do not directly face the rear windows at Hazelwood. There is an existing natural boundary along the rear of "Dunrowan" and supplementary planting proposed along the southern edge of the application site will mitigate any issue of loss of privacy to an acceptable level. On this basis, Officers are satisfied that the proposed development will not have a material impact upon the residential amenities of nearby properties in accordance with the provisions of NPF4 Policy 14 and Policy LDP 9/SG – Sustainable Siting and Design Principles.

### **3. Natural Environment**

- 3.1. NPF4 Policy 3 generally seeks to protect biodiversity, reverse biodiversity loss and to deliver positive benefits from development that strengthens nature networks. Policy 3(c) requires that proposals for local development will include appropriate biodiversity measures proportionate to the scale and nature of the proposal. Policy 3(d) requires any potential adverse impacts on biodiversity/nature networks/natural environment to be minimised by planning and design. NPF 4 Policy 3 is generally aligned with LDP Policy, although NPF 4 Policy 3(c) goes beyond the LDP requirements in relation to current biodiversity interests of the site.
- 3.2. NPF 4 Policy 4 generally confirms that development that will have an unacceptable impact on the natural environment will not be supported. Outside of European, national and local designations, development is expected to meet the relevant statutory tests in terms of protected species legislation; and potential impacts must be fully considered prior to determination of planning applications. NPF 4 Policy 4 (insofar as it relates to the location, nature and scale of the current proposal) largely aligns with the provisions of LDP policy.
- 3.3. Policy LDP 3 (the Argyll and Bute Local Development Plan – 2015) generally serves to support the protection, conservation and enhancement of the environment. SG LDP ENV 1 ensures that other legislation relating to biodiversity habitats are fully considered in relation to development proposals; and generally that development does not have an adverse impact on habitat or species, particularly in relation to habitat or species designated as being of European, national or local significance.
- 3.4. The site is not located within or in proximity to any nature conservation designation.
- 3.5. The site was previously a small 'pocket' of woodland and ground cover vegetation within the corner of the extensive grounds to Torwood House, however this wooded area is not overlain by a Tree Preservation Order, nor does it form part of any woodland within the NatureScot Ancient Woodland Inventory.

- 3.6. The Council's Local Biodiversity Officer has been consulted on the basis of potential impact upon wildlife habitat with particular regard to the felling of trees and scrub clearance (although a large part of this has been implemented.)
- 3.7. The consultation response from the Council's Local Biodiversity Officer has noted that the submitted Tree Report has provided the applicant information on Bats, the law and licencing, along with Birds and the law, although it does not provide advice on the timing for opening up the site for foundation construction with reference to impact on birds. On this basis, it is considered that adequate information has been submitted to allow an assessment on impact on species and habitats in accordance with the provisions of NPF 4 Policy 3(c).
- 3.8. However, it is recommended that any permission be subject to a planning condition requiring a pre-start ecological survey to be carried out in advance of excavation works, if it is proposed to commence during the bird nesting season.
- 3.9. It is also advised that submission, assessment and approval of a Landscape Design Planting Plan be required by planning condition. (With regard to the latter, additional information relating to new planting has been submitted on the revised Site Plan – Proposed drawing showing the SUDS design, and the Council's Local Biodiversity Officer has not had the opportunity to assess this.) It is recommended that planning permission be subject to a condition requiring the submission of further information, should the Council not be satisfied with the level of information already submitted.
- 3.10. Good practice measures e.g. pipe end capping and escape ramps from foundation/services trenches should be implemented during construction to avoid trapping animals. It is recommended that any permission be accompanied by an advisory in relation to the above.

#### **4. Built / Historic Environment**

- 4.1. The application site forms part of the original grounds of a Category B listed building, "Torwood House." Additionally, the western site boundary is shared with an adjoining Category B listed building, "Carbeth House."
- 4.2. The site is located within the Rhu Conservation Area.
- 4.3. NPF4 Policy 7 generally seeks to protect and enhance the historic environment, assets and places, and to enable positive change as a catalyst for the regeneration of places. Policy 7(a) requires that development proposals with a potentially significant impact on historic assets or places be accompanied by an assessment based on an understanding of the cultural significance of the asset and/or place. Development will only be supported where the character and appearance of the conservation area is preserved or enhanced; and where the existing natural and built features which contribute to the character of the conservation area (including boundary walls, trees and hedges) are retained.
- 4.4. The provisions of NPF 4 Policy 7 (as it applies to the current proposal) are LDP 3 and SG LDP ENV 16(a) and SG LDP ENV 17, however NPF 4 Policy 7(a) imposes an additional requirement for a detailed assessment as summarised above.
- 4.5. The Council's Design and Conservation Officer makes reference to NPF 4 Policy 7(a) and the requirement for an assessment of the historic assets and the likely impacts of the proposed development and advises that such an assessment could demonstrate that the sub-division of the curtilage to provide a house plot is appropriate; as well as demonstrating the most appropriate siting, scale and detailed design for the proposal. The

assessment could be used to address two initial concerns expressed by the Design and Conservation Area:

- 1) How the proposal addresses the urban grain in the area; and,
- 2) The architectural style (which has been designed to reflect the architectural character of Torwood House.)

4.6. Whilst the 'new' requirements for an assessment under the provisions of NPF 4 Policy 7(a) are acknowledged, it is also considered that significant material weight should be given to planning history, specifically planning permission reference 16/03045/PP for an identical house design (but handed), in a similar siting to the current proposal, that has been approved in late 2017. The Case Officer's Report of Handling clearly set out the policy context relating to the siting within the Rhu Conservation Area and the consequential requirement for both a high quality design and for it to be of a scale that respects the character and appearance of the (conservation) area and the surrounding listed properties. During the processing of this (16/03045/PP) application, the originally submitted scale and design style was assessed as being inappropriate to the historic environment. In response, a revised design was submitted as a non-material amendment that effectively reduced the scale of the building and adopted a more traditional architectural style. The Report of Handling concluded that *"the scale and design of the proposed new house (as amended) is acceptable and in accordance with Development Plan policies."* As such, a favourable assessment has been relatively recently carried out with reference to Policy 3 and SG LDP 16(a) - SG LDP ENV 17 – Development in Conservation Areas.

4.7. It is noted that the policy context has changed since that favourable assessment only in that NPF 4 Policy 7(a) would now normally require a more substantial Assessment to support the design process. Specifically, there are no changes to policy with regard to the 'tests' for assessing whether the proposal will have an acceptable impact on historic assets. On the basis that a favourable assessment has previously been carried out by the planning authority, and that the Policy 'tests' for assessment have not changed since then, it is considered that the submission of an Assessment under the provisions of NPF 4 Policy 7(a) would unnecessarily delay determination whilst not adding any value to the quality of the decision making process, notwithstanding the consultation response from the Council's Design and Conservation Officer.

4.8. Whilst there may be a 'technical' conflict with NPF 4 Policy 7(a) in relation to the level of supporting information submitted, having regard to the relative weight of material considerations including the previous favourable assessment in late 2017, Officers are satisfied that the proposed development, by reason of siting, scale, form and architectural style is of a sufficiently high standard and will otherwise at least preserve the character and appearance of this part of the Rhu Conservation Area in accordance with NPF 4 Policy 7, Policy LDP 3, SG LDP 16(a), and relevant HES guidance on development impact on historic assets.

## **5. Impact on Woodland**

5.1. The site previously comprised a large corner of a garden characterised by unmanaged woodland with dense undergrowth.

5.2. None of the trees on the site are protected by a Tree Preservation Order; nor are they within the NatureScot Ancient Woodland Inventory/Sem-natural ancient woodland.

- 5.3. None of the 34 trees surveyed are classed as Category A trees. 14 no. trees are Category B and 16 are Category C. Five trees are Category U (either already dead or in such poor condition that they should be removed regardless of development).
- 5.4. The Tree Report recommends management including removal of overgrown laurel and rhododendron which has suppressed the surrounding trees; and remedial tree work operations including felling of 27 no. trees. 8 no. trees are proposed “to accommodate the development”. It is noted from a recent site inspection that a significant number of these trees have already been felled, particularly towards the central and frontage areas of the site.
- 5.5. The submitted Tree Inspection Report also sets out the legal position with regard to trees and wildlife, specifically in relation to bats and birds. The consultation response from the Council’s Local Biodiversity Officer acknowledges this, but advises that the Report does not provide advice on the timing for opening up the site for foundation construction with reference to impact on birds. In order to address this issue, a planning condition is recommended to require a pre-start ecological survey to be carried out in advance of excavation works, if it is proposed to commence during the bird nesting season.
- 5.6. In other respects, it is not considered that the individual trees to be removed are of high biodiversity value and that removal of the trees proposed in the report will have an adverse impact on the ecological condition of the area, based on the Tree Survey and Officers inspection of the site.
- 5.7. It is recommended that the Tree Protection Measures set out in the submission are appropriate, and that any planning permission be subject to a condition requiring the works to be carried out in accordance with these agreed protection measures during construction in accordance with BS standards – Trees and Construction.
- 5.8. On the above basis it is considered that the proposal is in accordance with the provisions of NPF4 Policy 6; Policy LDP 3; and SG LDP ENV 6.

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

- 6.1. Access to the site is directly from a cul-de-sac forming the upper end of Torwoodhill Road at a point some 125 metres from the junction with Upper Torwoodhill Road.
- 6.2. This cul-de-sac currently serves 5 houses. In addition, planning permission reference 20/01190/PP has been approved for a new detached 4-bedroom house within the grounds of Torwood House (on a site adjacent to the west of the main access to Torwood house) to the east of the current application site. This latter development has been implemented and appears to be nearing completion. When occupied, this section of Torwoodhill Road will therefore serve 6 no. existing dwellinghouses.
- 6.3. From the access junction a private driveway will bend to the east and run up a steep bank to the central part of the application site to a parking and turning area laid out in front of the proposed house. Three car parking spaces are identified on the application drawings on the paved parking/turning area and the top of the driveway.
- 6.4. NPF4 Policy 13 generally aims to encourage, promote and facilitate developments that prioritise alternative means of transport to car journeys and reduce the need to travel unsustainably. The requirement to submit a Transport Assessment is introduced for some developments however this relates to larger scale developments than the current proposal for a single house.

- 6.5. The elements of NPF 4 Policy 13 that are relative to the scale and nature of this development are largely aligned with the provisions of Policy LDP 11 and associated SG LDP TRAN 1 – 6.
- 6.6. SG LDP TRAN 4 advises that acceptance of development using existing public and private access regimes is subject to road safety and street design issues being addressed.
- 6.7. Where development proposals will significantly increase vehicular or pedestrian traffic on substandard public approach roads, then SG LDP TRAN 5 requires that developments contribute proportionally to improvements to an agreed section of the public network.
- 6.8. The consultation response from Council Area Roads notes that Torwoodhill Road (past its junction with Upper Torwoodhill Rd.) currently serves 6 no. properties and that it is substandard to service an intensification of the existing level of use without an adverse impact on road safety and the free-flow of traffic contrary to the provisions of Policy LDP 11 and SG LDP TRAN 4.
- 6.9. Under the provisions of SG LDP TRAN 5, it is considered that improvement works to this section of the public road network, commensurate to the scale and nature of the proposed development, could improve the access road to a level where it can satisfactorily accommodate the resultant intensification in traffic movements. It is advised that the commensurate improvements should include the provision of 2 no. intervisible passing spaces between the Upper Torwoodhill Road junction and the proposed new private access to the application site. It is also noted that the formation of a 'Service Bay' access arrangement at the junction of proposed private driveway and the public road could be accepted as one of these two required passing spaces.
- 6.10. The applicant has challenged the validity of this requirement on the basis that the Council's Area Roads did not consider that commensurate improvements to Torwoodhill Road were required by the proposed development of 1 no. house as part of the assessment of previous planning permission ref: 16/03045/PP. It is confirmed that this planning permission was approved without any requirement for off-site improvements.
- 6.11. Area Roads has responded that all previous relevant planning history has been taken into account, including planning permission ref. 16/03045/PP, however any new assessment of this proposal should give due consideration to up-dated guidance including the National Roads Development Guidance (NRDG) and the Highway Code; and in doing so, acknowledge the proposed intensification of use, the limited pedestrian step-off available, the number of dwellings accessed from Torwoodhill Road and the available carriageway width for bi-directional traffic.
- 6.12. The agent has responded further that the applicant can create a large pull in area next to the entrance to the right to allow vehicles to pull in including vans to allow passing for vehicles.
- 6.13. On the basis of all of the information currently available, this fails to demonstrate that the applicant can provide the off-site road improvements considered by the Area Roads Engineer to be required in order to increase the capacity of the public approach road to serve the proposed house. It is considered that the required improvements to comprise 2 no. intervisible passing spaces (one of which can be provided by means of a service bay access) is commensurate with the scale and nature of the proposed development.
- 6.14. On the basis that the applicant is unable to demonstrate that commensurate off-site road improvements can be implemented under the provisions of Policy LDP 11 and SG



LDP TRAN 5, it is recommended that this application be refused on the basis that the public approach road is unsuitable to accommodate a further intensification of traffic without an adverse impact upon road traffic safety and the free flow of traffic contrary to the provisions of Policy LDP 11; SG LDP TRAN 4 and NPF 13.

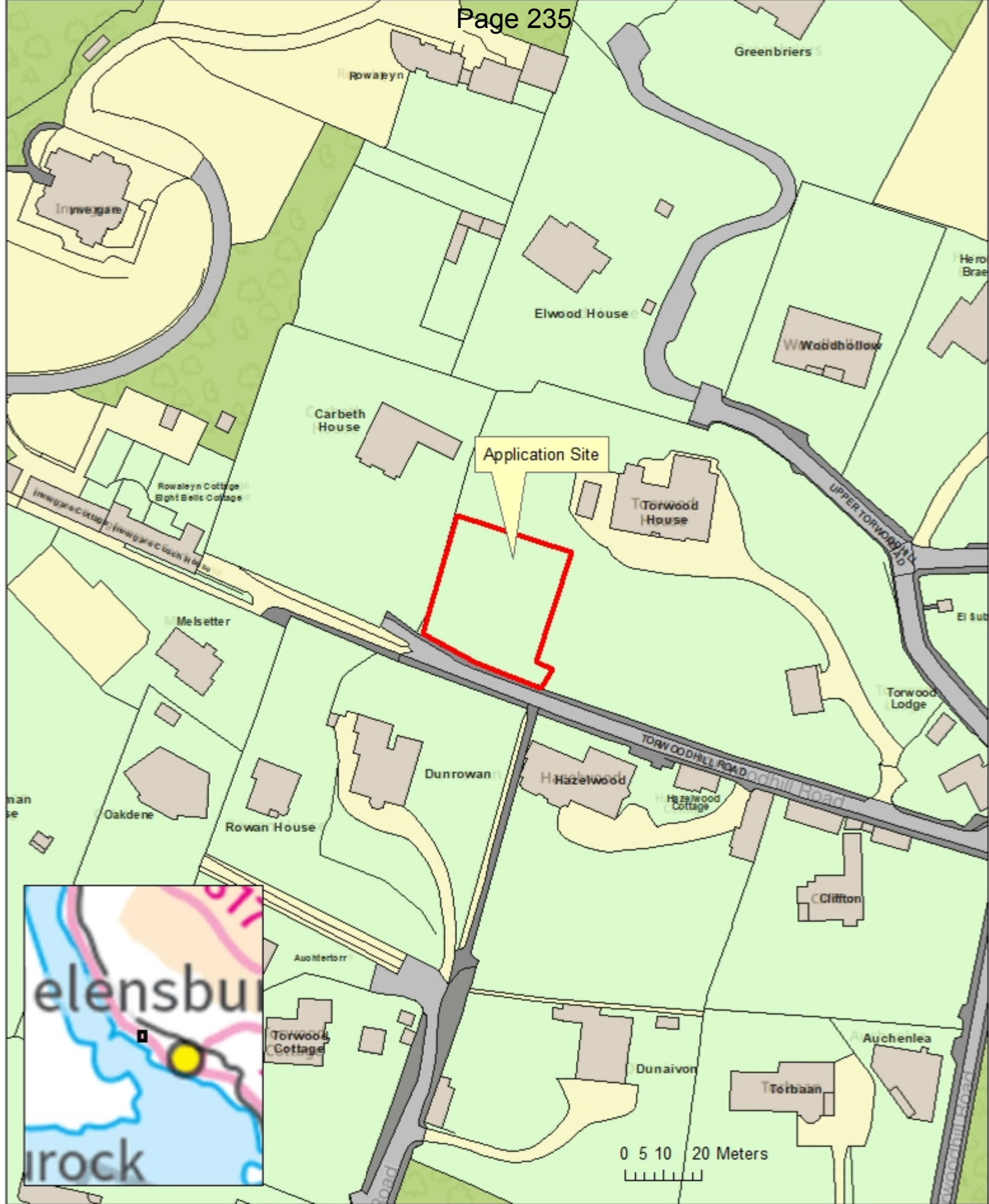
- 6.15. SG LDP TRAN 6 generally serves to require that new development makes on-site provision for parking and turning of vehicles in accordance with the adopted *“Access and Parking Standards.”*
- 6.16. The site layout drawing shows 3 no. car parking spaces, however Officers have concerns that a vehicle parked in the space indicated at the top of the driveway could block any other cars from turning within the site to ensure that vehicles can enter and egress the site in a forward gear. It is considered however that the site has adequate space to allow for adequate turning and parking, and if this application had been assessed as acceptable with regard to all other material considerations, then this issue may be addressed by means of a suspensive planning condition requiring submission and approval of further layout details.

## 7. Infrastructure

- 7.1. Water supply and foul drainage is proposed to be by means of a connection to the existing Scottish Water network. Notwithstanding objections relating to the capacity of the sewer system, the consultation response from Scottish Water does not indicate any over-riding capacity constraints to the system that would warrant an objection to the proposal, but advises that further investigation may be required upon submission of a Pre-Development Enquiry (PDE) by the applicant. On this basis, officers are satisfied in principle that there are no known constraints in respect of public water and sewage infrastructure.
- 7.2. The application forms state that the site is not within an area of known risk of flooding; and advises that the applicant does not think that the proposal will increase flood risk elsewhere. The curtilage of Torwood House, including the application site, is not overlain by any recorded areas at risk to coastal, fluvial or surface water flooding with reference to the SEPA Flood Map.
- 7.3. The consultation response from Scottish Water specifically advises that a surface water connection into its combined drainage system will not be accepted. The proposal is for rainwater run-off from the proposed house to be by means of a soakaway indicated to the east of the house. Aco drains are shown at various locations across and adjacent to the driveway to void surface water discharge onto the public road adjacent to the south of the site.
- 7.4. It is proposed to manage surface water drainage by the installation of soakaway crates wrapped with a permeable membrane allowing the rainwater and surface water run-off to be collected and slowly soak back into the ground through an infiltration process in line with the natural rate to avoid excessive water run-off. The driveway surfaces will be permeable to allow natural run off into the ground; and four no aco drains to deal with any excess water. SuDS to be designed and installed in accordance to BRE Digest 365 Soakaway Design and BSEN - 752-4.
- 7.5. A significant number of local residents have submitted anecdotal accounts that surface water currently runs off of the site onto falling levels of land adjacent to the south, including Torwoodhill Road and Lovers Lane as well as existing residential properties on the southern side of Torwoodhill Road. Third party representations submit that surface water run-off from the site has increased as a result of the clearance of vegetation over the site.

It has also been submitted that the underlying ground conditions are not suitable for a soakaway.

- 7.6. Whilst the concerns raised by objectors are acknowledged, it is considered that the revisions to the proposal gives sufficient information relating to the proposed surface water drainage to demonstrate that this is not an over-riding constraint to development, but a technical matter. It is further considered that these concerns can be properly addressed by means of a suspensive planning condition requiring submission of full details of the surface water drainage scheme design for assessment and written approval prior to commencement of any development. This should include a geological site survey and report demonstrating to the satisfaction of the planning authority that a soakaway/ground filtration system is appropriate. The Council's Flood Risk Assessor will be consulted as part of this process.
- 7.7. Subject to the above, it is considered that the proposal makes adequate provision for services infrastructure in accordance with the provisions of NPF4 Policies 18, 20, 22, 23 and 24. LDP 10 and SG LDP SERV 1 – 7.



**Location Plan Relative to Planning Application:22/02523/PP**



1:1,250

This page is intentionally left blank

ARGYLL &amp; BUTE COUNCIL

Planning, Protective Services and Licensing  
CommitteeDEVELOPMENT AND ECONOMIC  
GROWTH21<sup>st</sup> June 2023

---

**PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS**


---

**1. INTRODUCTION**

Over the past 10 years a series of short training sessions or occasionally workshops/site visits have been delivered for all elected Members with an aim to improve knowledge of the planning system on a wide range of issues. The training has usually taken place in the hour before the Planning, Protective Services and Licensing Committee (PPSLC), although in the past workshops and site visits have also been organised.

This report seeks endorsement of the training programme from August 2023 to June 2024. Further suggestions on any additional topics from Members would also be most welcome. With this in mind slots been left vacant in order to accommodate any additional training requirements identified through the course of the year.

It is intended to continue to deliver the majority of the training by way of virtual sessions associated with the PPSL calendar of meetings unless workshops are proposed which would need to be on a separate date.

As before, it would not be intended to restrict the availability of training to the PPSL Committee membership and there would be an open invitation to all Council Members to attend any of the sessions.

**2. SUGGESTED PROGRAMME FOR 2023/24**

<b>Date</b>	<b>Training Proposed</b>
August 2023	Local Review Body Training to be facilitated by Legal and Regulatory Services – <b>Half Day Workshop</b>
September 2023	Landscape and Visual Impact Assessment - Mark Lodge / Kim de Buiteleir - <b>Committee Day Training</b>
October 2023	Enforcement – Peter Bain – <b>Committee Day Training</b>

November 2023	Biodiversity Net Gain – Marina Curran-Colthart - <b>Committee Day Training</b>
December 2023	Section 36 and 37 Consultation Procedures David Moore and Arlene Knox / ECU - <b>Committee Day Training</b>
January 2024	Housing Land Audit – Matt Watkiss - <b>Committee Day Training</b>
February 2024	NatureScot – Role in the Planning Process – <b>Committee Day Training</b>
March 2024	Historic Environment Scotland - Role in the Planning Process – <b>Committee Day Training</b>
April 2024	Framing competent motions – Peter Bain - <b>Committee Day Training</b>
May 2024	To be advised by Members
June 2024	To be advised by Members

### 3. RECOMMENDATION

It is recommended that Members:

- i) Agree to continuing an ongoing programme of planning related training for Members of the PPSL Committee, which should also be open to any other Members not currently involved in planning decision-making;
- ii) Endorse the initial subject areas for training and the provisional dates for delivery, on the understanding that the programme may be varied to take account of any additional training requirements Members may wish to identify, along with any other particular training needs identified by officers as a consequence of matters emerging during the course of the year.

### 3. IMPLICATIONS

**3.1 Policy:** None

**3.2 Financial:** It is considered that the level of training required can be delivered internally from existing resources without recourse to having to buy in training from external providers.

**3.3 Legal:** None

**3.4 HR :** None

**3.5 Fairer Scotland Duty:**

**3.5.1 Equalities Protected Characteristics:** None

**3.5.2 Socio-Economic Duty:** None

**3.5.3 Islands:** None

**3.6 Risk:** None

**3.7 Customer Service:** None

**3.8 Climate Change:** None

**Author of Report:** Sandra Davies

**Date:** 5/6/23

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

This page is intentionally left blank



---

**REGULATORY SERVICES- SERVICE PLAN 2023-25**

---

**1.0 HEADLINES**

- 1.1 This paper presents to members of the Planning, Protective Services and Licensing Committee the Regulatory Services Service Plan 2023-25. This provides details of service, achievements and performance in 2022-23 together with service priorities for 23/25.
- 1.2 Regulatory Services consists of the multifaceted areas of environmental health, animal health and welfare, licensing standards and short-term let licensing. These statutory services aim to protect public health and public safety and secure compliance with legislation and standards. Environmental Health is the branch of public health which deals with all aspects of the natural and built environment that may affect public health, together with animal welfare and licensing duties.
- 1.3 The Service Plan is detailed in **Appendix 1**.

**2.0 RECOMMENDATIONS**

- 2.1 It is recommended that members of the Planning, Protective Services and Licensing Committee consider and approve the Regulatory Services Service Plan 2023-25.

**3.0 REGULATORY SERVICES WORKPLAN 2023-25**

- 3.1 **Regulatory Services** is a unit located within Development and Economic Growth comprises of three distinct professional services- Environmental Health (including Licensing Standards-alcohol), Animal Health and Welfare and the Short-term let Licensing. Our aim is to take measures to protect public health and safety and ensure a good environment for residents, consumers and businesses
- 3.2 Regulatory Services is an enforcement service aimed at ensuring that the standards defined in a wide range of legislation are met by businesses and the public, as appropriate. Our enforcement ethos is to work with others to secure these improvements through the provision of advice and information. Any enforcement is risk-based and proportionate to the risk to public health or safety, the risk of consumer detriment, non-compliance with statutory notices or where there is evidence of non-cooperation in meeting statutory requirements.
- 3.3 The Regulatory Service Workplan 2023-25 details the wide remit of the service, performance and achievements in 22/23, and concludes with service challenges and priorities for 2023-25.

Delivery of this overarching plan is dependent upon available resource and the plan, together with the statutory plans which fall to be approved by Committee (Joint Health protection Plan, Food Law Enforcement Plan, Health and Safety Law Enforcement Plan and the Animal Health and Welfare Plan).

3.4 Achievements in 2022-23 include:

- i. Reinstated all services post Covid
- ii. Restarted our official food control program post Covid. This involved risk rating all 2493 food businesses against a new national risk rating system and developing and implementing a formal interventions program. This has been successful although adjustments were made to focus on the high risk manufacturing sector, as a result of 2 FTE Environmental Health Officer vacancies.
- iii. The team continues to perform well and in a professional manner, despite depleted resources due to vacancies and ill-health absence. Performance figures are detailed in section 6 of the work plan
- iv. Completed a demand reduction exercise to evaluate alternative ways of responding to an increasing number of service requests and to release resource to focus on planned and other activities
- v. The UK outbreak of avian influenza in 2022/23 resulted in large number of outbreaks across the UK and measures to control the spread of diseases from wild birds to commercial/domestic poultry, and in the event of outbreaks, to other premises keeping poultry. Whilst there were no confirmed outbreak in Argyll and Bute, a significant amount of work was undertaken to support and inform poultry keepers, enforce the national restrictions and minimise the risks from a significant amount of wild bird carcasses which were being washed onto the shorelines of Argyll, and Bute.
- vi. Supported a wide range of safe and successful events which were organised post pandemic, including the Tiree Music Festival, to ensure that they were managed safely
- vii. Successful prosecution relating to an investigation into a fatality at Loch Awe involving a boat hire company and offences under the Health and Safety etc Act 1974. The company pled guilty and fined a total of £10,000.
- viii. Introduced support to users of private water supplies experiencing water scarcity, as required by Scottish Government.
- ix. Councils had a statutory duty to introduce a new short term let licensing regime by the 1 October 2022. This was very challenging and required the development of a scheme, public consultation, and formal approval within a 5 month period. This was achieved and on the 29 September 2022, Argyll and Bute Council formally approved its short term let licensing regime and policy. This work included the development of an in-house information management system to receive on-line applications from hosts.
- x. Established a Short-term let licensing team within Regulatory Services to deliver the licensing regime. The team was not fully recruited until March 2023 and in the interim, work was carried out by the existing environmental health team, focusing on provision of advice for all and processing of new host applications.

**Challenges and issues.**

3.5 The key challenges facing Regulatory Services in 2023-25 are detailed:

- i. Recruitment is an ongoing difficulty and attempts to recruit qualified professional officers in environmental health is proving very difficult. We have been unsuccessful in recruiting to a vacant Environmental Health Officer four times, and the post has been vacant since July 2022. There is a national staff shortage and a high risk to the ongoing provision of Environmental Health services. In response we are developing a workforce plan to mitigate the risks to the service. Therefore, in addition to attempting to fill current vacancies, a key focus of the environmental health work plan this year is to improve resilience and efficiency to minimise the impact of any further reduction in resource.

- ii. Managing the service resource is challenging as reactive workload is met by reallocating resources from planned activity. Professional Officers manage these conflicts on a daily basis, but the increase in reactive work allied with a depleted resources due recruitment difficulties and higher customer expectations, results in less time being allocated to planned activities. To combat this, a demand reduction exercise was undertaken in an attempt to find new ways of responding to reactive work and release more time to planned activities. Whilst beneficial, reactive work continues to divert resources from planned activities.
- iii. Food safety. The environmental health service is, like many other local authorities, unable to meet the full statutory requirements of the national Food Safety Code of Practice (COP). This situation was identified in the Food Standards Scotland audit in 2016 and which improvements were achieved through the Audit Action Plan, resourcing and recruitment remains an issue. The team are currently 0.7 FTE down in food resource due to vacancies and there is a resource gap between current establishment and the level required to deliver the COP of 5.3 FTE.

Recognising this, service resources are allocated on a risk-based, proportionate approach with priority given to high risk activities in the first instance, at the expense of other lower risk work. This approach is replicated across local authorities and ensures that the issues which pose the greater risk to public health are addressed and regulated. This approach is consistent with the Scottish Governments Strategic Regulators Code.

- iv. Scottish Authority Food Enforcement Re-Build (SAFER). Food Standards Scotland (FSS) conducts an annual audit of council resources involved in food law enforcement. In 2021, the annual audit included an exercise to quantify the resource gap across local authorities in Scotland to enable full compliance with the Food Law Code of Practice (Scotland) (hereafter referred to as COP). This audit identified an estimated shortfall of 178 FTE officers across Scotland to enable food law interventions to be fully delivered. The estimated deficit and the consequences for the Scottish food industry, particularly for export trade, prompted FSS to initiate the SAFER project. The aim of SAFER is to develop a new approach to food law enforcement which will deliver public health protection and assurance, focus on risk and non-compliance, better use of digital technologies, identify alternative qualification pathways and allow local authorities to seek relaxations from the current COP requirements and target its food resource more effectively without the sanction which currently exists from the FSS. Argyll and Bute are actively participating in this project, whilst continuing to deliver our food priorities, and will be seeking to agree a relaxation from the COP as part of this project.
- v. Service redesign. The current service arrangements were implemented in 2011 and much has changed since then, including workload, digital technology and new ways of work post pandemic. A service preview is ongoing and this will be delivered in 2023/24 to deliver a range of outcomes identified by management, staff and customers. This will seek to improve efficiency, systems and make better use of digital technology.
- vi. Short-term lets. This is a new licensing scheme and a team is in place to deliver this work. Existing hosts have until the 1 October to submit applications for licence and the Council have until July 2024 to determine these. Managing this workload will be significant as we anticipate in the region of 3500-4500 applications to process. Lessons learned from the work to date include delays caused by hosts not providing all the necessary applications to validate their application, delays in responses from consultees. This situation is being closely managed and temporary resources may be required to enable the Council to process all applications.
- vii. Financial: The budget relies on income from export health certificate and as result of business adapting this operating models and using the commercial hubs established as part of the national EU Exit response, demand for export health certificates from the Council has reduced by 55%. This situation is being monitored and further information

is pending in respect of the impact of third country agreements and the pending import arrangements to the Councils environmental health service.

## **Service priorities 2023-25**

- 3.6** The service priorities are detailed in Section 8 of the Service Plan (Appendix 1) and include performance targets for key measures. Consistent with the new corporate performance framework, the intention is that reports will be brought forward to Committee on a six monthly basis reporting on service performance and progress against service priorities.

## **4.0 CONCLUSIONS**

- 4.1 The Councils Regulatory Services deliver a wide range of statutory services to protect public health. The team have worked hard in 2022/23 and despite resourcing difficulties, have performed well.
- 4.2 The Regulatory Services Service Plan 23-25 details services priorities and targets and members are asked to endorse this document. Progress and performance against the plan will be reported to the appropriate Committee six-monthly.

## **5.0 IMPLICATIONS**

- 5.1 Policy – consistent with Council policies
- 5.2 Financial – proposals based on current budget
- 5.3 Legal – statutory service under the wide range of statute placed on the Council.
- 5.4 HR – delivered within existing workforce plan
- 5.5 Fairer Scotland Duty - the Fairer Scotland Duty, Part 1 of the Equality Act 2010, came into force in April 2018. The duty places a legal responsibility on particular public bodies in Scotland, such as Argyll and Bute Council, to pay due regard to (actively consider) how they can reduce inequalities of outcome, caused by socio-economic disadvantage, when making strategic decisions and how this has been implemented.
- 5.5.1 Equalities - all activities comply with all Equal Opportunities/Fairer Scotland Duty policies and obligations.
- 5.5.2 Socio-economic Duty - all activities have complied with the council's socio-economic duty.
- 5.5.3 Islands – interventions have been delivered across the Argyll and Bute area, including island communities.
- 5.6 Climate Change – work of service supports climate change and net zero.
- 5.7 Risk –
- (i) inadequate resources to deliver the plan and statutory duties and recruitment issues.
- (ii) New duties or workload placed on the service without addition resource or budget
- 5.8 Customer Service – supports customer service model

### **Executive Director with overall responsibility for Development and Economic Growth:**

Kirsty Flanagan

### **Policy Leads for Building Standards:** Councillor Green.

12 June 2023

**For further information contact:** Alan Morrison, Regulatory Services and Building Standards Manager  
alan.morrison@argyll-bute.gov.uk.

Appendix 1

**ARGYLL AND BUTE COUNCIL**

**REGULATORY SERVICES**

**SERVICE PLAN 2023-2025**



## Background and Context

### Purpose, Timeframe and monitoring

- 1.1 The Councils Regulatory Services provides regulatory and advice functions within Argyll and Bute Council and delivers a range of statutory duties placed on the Council. This Operational Plan outlines the wide range of services provided within the Regulatory Services banner, our achievements, performance and priorities for the period 2023-25. The plan forms an important part of the Service's processes to deliver national and local priorities and standards within available resources and working with our partners, stakeholders and customers.
- 1.2 The plan aligns with the Council's vision of being ambitious, sustainable and connected, the Council's Corporate Plan and the Communities and Place Directorate Service Plan.

### Structure and resources

- 2.1 Regulatory Services has an full-time establishment of 40.6 Full Time Equivalent (FTE) with a revenue budget of £1,803,198 .The service operates from four geographical areas although staff operate as a virtual team targeting resources to the public health and service priorities
- 2.2 The different component part of Regulatory Services are environmental health, animal health and welfare, licensing standards and short-term let licensing.

### Roles and responsibilities

- 3.1 Regulatory Services consists of the multifaceted areas of environmental health, animal health and welfare, licensing standards and short-term let licensing. These statutory services aim to protect public health and public safety and secure compliance with legislation and standards. Environmental Health is the branch of public health which deals with all aspects of the natural and built environment that may affect public health, together with animal welfare and licensing duties. The main functions include:
  - **Public Health Protection** which includes Water supplies (private supplies and mains water issues e.g. lead), Nuisances, Smoking in Public Places, Port Health, Communicable disease investigation e.g. Food-borne / Waterborne disease, Covid 19, Legionnaires Disease;
  - **Food Safety/Control** covering enforcement and advisory roles for food hygiene, food standards, labelling, export certification, and imported food checks;
  - **Health and Safety at work** including enforcement role in Local Authority enforced premises, topic based projects, accident at work investigations, business advice and complaint investigations;
  - **Pollution Control** which includes Noise Control and Local Air Quality management;
  - **Contaminated Land** covering the regulatory role for contaminated land prevention through development control, advisory role to other council services on asset transfer and development;
  - **Private Water Supplies** –the monitoring and improvement of private water supplies, together with providing improvement grants to improve the quality of drinking water;
  - **Private Landlord Registration** – the registration of properties and landlords who provide accommodation to the private let sector;

- **Environmental Health Licensing** – the determination and enforcement of activities/businesses which fall within a statutory licensing regime. These include the licensing of caravan sites, venison dealers, animal boarding establishments, zoos, cinemas, riding establishments, dangerous wild animals, pet selling, operating certain animal welfare establishments (including rehoming centres and animal sanctuaries), engaging in other animal rehoming activities and dog, cat and rabbit breeding; and houses in multiple occupation;
- **Animal Health & Welfare** which the inspection of markets and farms from an animal health and welfare perspective, the investigation of animal disease including avian influenza, rabies, & Mouth disease, Anthrax, Avian Flu, Bluetongue and Imported Pets; and the enforcement of the Animal Health (Scotland) Act and associated legislation. of animal by-products.
- **Licensing Standards** role is to provide guidance, ensure compliance with the Licensing (Scotland) Act 2025 and offer mediation in licensing disputes.
- **Short-term Let Licensing** is a new statutory licensing regime which came into effect on the 1 October 2022 with the aim of licensing accommodation which is available for short-term let, principally for holiday purposes.
- **Assisting with Civil contingencies** and emergency planning, with specific responsibilities regarding recovery from incidents.

3.2 Much of the work is preventative and the team has an important role in ensuring a safe and healthy place in which to live, work and holiday. We aim to support local businesses by providing advice on appropriate regulations and ensuring any regulatory activity follows the five principles of better regulation: Proportionate, Consistent, Accountable, Transparent and Targeted.

Our 4E's enforcement policy, comprising of Engage, Educate, Encourage and Enforcement, was very effective in our response to the Covid pandemic. This secures compliance through a range of measures with formal enforcement used for issues where there is major non-compliance, lack of cooperation or where there are significant risks to public health or safety.

## **Demands**

- 4.1 Service workload can be categorised as proactive (programmable) work and reactive work (unplanned). Proactive work includes interventions and inspections of businesses for food safety, health and safety, environmental protection and licensing functions. Reactive work includes service requests from the public, businesses, responding to incidents or outbreaks, initiating formal enforcement action following planned interventions, new duties or demands from national regulators (Food Standards Scotland, Health and Safety Executive, Scottish Government etc) and consultations from other services (e.g. planning, civic government etc).
- 4.2 Managing the service resource is challenging as reactive workload is met by reallocating resources from planned activity. Professional Officers manage these conflicts on a daily basis, but the increase in reactive work allied with depleted resources due to recruitment difficulties and higher customer expectations, results in less time being allocated to planned activities. To combat this, a demand reduction exercise was undertaken in an attempt to find new ways of responding to reactive work and release more time to planned activities. Whilst helpful, insufficient time is allocated to planned activities.

#### 4.3 Proactive work

The team carry out proactive/programmable work under certain legislation. The work is risk based and intelligence driven. Often specific proactive work is carried out in Partnership with other agencies such as Police Scotland, Scottish Fire and Rescue Service, HSE, SEPA, and Home Office Immigration Enforcement.

A summary of the some of the **proactive** demands is provided below.

##### **Food Safety**

Responsible as statutory Food Authority for approximately 2493 food businesses in Argyll and Bute which includes a very significant (3<sup>rd</sup> highest in Scotland) approved food businesses which manufacturing premises and exporters. There are insufficient resources to meet the Food Code of Practice and resources are allocated to the highest risk sector and on an intelligence, and incident focussed basis.

##### **Private Water Supplies**

In Argyll and Bute, there are 3,322 private water supplies serving a population of 28,034. There are currently 522 "Regulated" supplies (commercial or large private water supplies) that are registered and subject to mandatory risk assessment and monitoring and intervention by the Council, and a further 233 have been identified. The regulated supplies and subject to a proactive monitoring program to ensure each supply is visited annually, or more frequently as required by statute, to monitoring drinking water quality against required standards. Where they fail, advice is issued to protect public health (e.g. boil water notices, alternative bottled water) and specific advice on improvements. New treatment can be supported through the Councils private water supply improvement grant which is delivered by the team.

There are also 2800 domestic smaller private water supplies registered whereby our duty is to offer advice and assistance and discretionary powers in respect of sampling. These supplies serve an estimated population of 12,212.

##### **Health & Safety at Work**

Enforcement of health and safety at work legislation is divided between the Health and Safety Executive and local authorities. HSE is responsible for workplaces including factories, farms, building sites, schools, hospitals and offshore installations. The Council cover businesses including offices, shops, hotels, leisure premises, caterers, nurseries and clubs. In Argyll and Bute the Environmental Health team have responsibility for enforcement in over 3500 businesses.

In line with national guidance proactive work is carried out based on the HSE identified priorities for targeted interventions. These are focussed on those sectors and activities with the most serious risks or where the risks are least well-controlled based on national statistics and local intelligence. Initiatives have looked at gas safety in commercial catering premises, swimming pools and spas, risk of infection at animal petting farms, and nail bars.

##### **Public Health**

The Joint Health Protection Plan 2023/25 outlines a range of national and local priorities designed to protect public health and the effective management and control of public health incidents or diseases. This work largely goes unnoticed, other than during a major outbreak



or incident where the investigation and control of disease is paramount, and came to the forefront during the Covid pandemic. Day-to-day work is undertaken principally by Environmental Health in the Local Authorities and with colleagues in partner agencies including the Health Protection team in NHS Highland. The Plan seeks to ensure that the standards defined by statute, or expected by society are met, namely that food is safe to eat from commercial premises, that water is safe to drink, that air is safe to breathe, that workplaces and other facilities/attractions (e.g. leisure facilities etc.) are safe to use and that we have a good and healthy environment.

### **Animal Health and Welfare**

Officers carry out proactive inspections of animal markets and other sales, and Assembly Centres to ensure compliance, in particular with biosecurity (vehicles, premises and people), livestock identification, welfare, transport, licensing and record keeping. Around 140 inspections are carried out per year. The team also investigate allegations of illegally imported pets from both the EU and third countries and respond to animal disease incidents, including avian influenza

### **Local Air Quality Management**

Officers fulfil the Councils duties in terms of the requirements of Local Air Quality Management (LAQM) as set out in Part IV of the Environment Act 1995 and the relevant Policy and Technical Guidance documents. The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. An Annual Progress Report (APR) is prepared and submitted to Scottish Government. Local air quality in Argyll and Bute is good and there are no Local Air Quality Action Areas in place.

## **4.4 Reactive work**

4.4.1 The team deal with significant number of incidents and major investigations in addition to the more routine service requests from the public and businesses.

The numbers of requests have been generally increasing year on year, with an unusually high number of service requests in 21/22 being associated with Covid related workload. Customer expectations are increasing and there is also an increase in formal Stage and stage 2 corporate complaints

Year	2020/21	2021/22	2022/23
Total requests	3195	3909	3110

The table below provides examples of the range of service requests received by the team in a year (based on 2022/23 data).

Category	count	Category	count
Animal Health & Welfare	158	Noise complaint	220
Food related complaints and enquiries	311	Public Health complaints	340
Health and safety at Work enquiries/complaints	90	Ukraine Refugee enquiry/Property Check	55

Health and safety reported accidents, injuries and disease	36	Approval/Licence/Authorisations application	7
Drinking water related enquiries/complaints, requests for assistance	290	Food safety Alert/FSS reports	54
Export Health Certificates	587	Pests	70
EH licensing enquiries and complaints	64	FOI requests	123
Licensing Standards - consultations	860	Consultations- planning, civil government/liquor licencing	956
NEW (not included in total service requests)			
Short-term let enquiries	743	Short-term let applications	334

4.4.2 Significant incidents can take considerable time to investigate and conclude as often complex issues involved. For example, a prosecution can take the equivalent of 4-6 weeks of one officer's time to investigate including interviewing witnesses and then to prepare a detailed case for the Procurator Fiscal.

In the last year, number of cases were reported to the Procurator Fiscal for offences under animal health, and health & safety legislation. The health & safety cases have followed investigations of fatalities or serious accidents. Of highlight are:

- Successful prosecution relating to an investigation into a fatality at Loch Awe involving a boat hire company and offences under the Health and Safety etc Act 1974. The company pled guilty and fined a total of £10,000.
- A fiscal warning was issued relating to a case within a food business where an employee received severe burns whilst working with equipment.
- Case submitted relating to offences under the Animal Health and Welfare (Scotland) Act 2006 for keeping animals in a way likely to cause unnecessary suffering and causing unnecessary suffering. Accused pled guilty.

## 5 Risk Management

5.1 The team manages significant risks in relation to the consequences of serious communicable, foodborne or waterborne disease outbreak. This is identified in the Service Risk Register.

## 6 Reporting and performance

6.1 Regulatory Services require to provide a range of statutory performance reports to arrange of statutory regulators detailing the work undertaken in the previous year. These include the Health and Safety Executive, Drinking Water Quality Regulator, Food Standards Scotland and Scottish Government. In addition there are two key performance measures which are reported corporately. Performance for 2022/23 compared to previous years is as follows:

Measure	Target (%)	2020/21	2021/22	2022/23	Comments
Percentage of service requests resolved within 20 working days.	80%	87%	80%	76%	Performance affected by vacancies in team
Percentage of high risk inspections/interventions completed	95%	N/A	N/A	85%	Performance affected by vacancies in team

## 7 Achievements in 2022/23

7.1 It's been a challenging year in 2022/23 restarting services post Covid, dealing with recruitment difficulties where at one point, the team were without 6FTE posts, and with new duties. Key achievements to highlight are:

- Restarted our official food control program post Covid. This involved risk rating all 2493 food businesses against a new national risk rating system developing and implementing a formal interventions program. This has been successful although adjustments were made to focus on the high risk manufacturing sector, as a result of 2 FTE Environmental Health Officer vacancies
- Reinstated all services post Covid
- Completed a demand reduction exercise to evaluate alternative ways of responding to an increasing number of service requests and to release resource to focus on planned and other activities
- The UK outbreak of avian influenza in 2022/23 resulted in large number of outbreaks across the UK and measures to control the spread of diseases from wild birds to commercial/domestic poultry, and in the event of outbreaks, to other premises keeping poultry. Whilst there were no confirmed outbreak in Argyll and Bute, a significant amount of work was undertaken to support and inform poultry keepers, enforce the national restrictions and minimise the risks from a significant amount of wild bird carcasses which were being washed onto the shorelines of Argyll, and Bute.
- Supported a wide range of safe and successful events which were organised post pandemic, including the Tiree Music Festival , to ensure that they were managed safely
- Successful prosecution relating to an investigation into a fatality at Loch Awe involving a boat hire company and offences under the Health and Safety etc Act 1974. The company pled guilty and fined a total of £10,000.
- Introduced support to users of private water supplies experiencing water scarcity, as required by Scottish Government
- Councils had a statutory duty to introduce a new short term let licensing regime by the 1 October 2022. This was very challenging and required the development of a scheme, public consultation, and formal approval within a 5 month period. This was achieved and on the 29 September 2022, Argyll and Bute Council formally approved its short term let licensing regime and policy. This work also included the development of an in-house information management system which was able to receive on-line applications from hosts

- A Short-term let licensing team was established within Regulatory Services to deliver the licensing regime. The team was not fully recruited until March 2023 and in the interim, work was carried out by the existing environmental health team, focusing on provision of advice for all and processing of new host applications
- Working with Housing Services, responded to the challenges of the Ukrainian Resettlement program and undertook the inspection of properties which were intending to host Ukrainians to ensure that the accommodation was safe with adequate facilities.

## **8 Priorities and Objectives 23/25**

8.1 The period of this plan, 2023-25, will be particularly difficult with increasing and new demands, allied with the financial challenges facing local authorities and the national recruitment issues affecting environmental health and other local government professions. Notwithstanding this, service priorities have been identified for 2023-25 (see Appendix 1) to be delivered, subject to available resource. Progress will be reviewed and reported on.

Regulatory Services and Building Standards Manager

12 June 2023

### **APPENDIX 1: REGULATORY SERVICES PRIORITIES 2023-25**

#### **Argyll and Bute Council**

#### **Regulatory Services Plan 2023-24/25**

##### **1. General management**

- 1.1 Continue general review of approach to work to improve effectiveness and efficiency (redesign). Including:
  - a. Service Management: To recruit an Environmental Health Manager (West) and build a new management team.
  - b. Workforce planning: Continued focus on workforce planning and how to recruit, retain and develop our own workforce to combat the national shortage of environmental health and other regulatory professional staff
  - c. Service redesign. Complete the redesign of regulatory services to provide a service reflecting available resources, support succession planning, workforce development; demand management, and appropriate to meet future challenges
  - d. Performance: Review and develop improved methods of monitoring performance across all areas of work as part of the development of the performance framework, linked to resources;
  - e. Supporting Procedures: Clear & consistent work procedures to improve efficiency and avoid duplication of effort;
  - f. ICT & Business Support: Continual improvement in use of digital technology to reduce administrative burdens and free up officer resources (e.g. MS365; remote inspections will reduce travelling etc) through better use of digital technology. Specific projects include the migration of electronic document management system, better use of MS365, continued transfer from paper-based or site-specific files to electronic documents;

- g. Officer Development: build capacity by improving learning and development process for officers; and the successful training of graduate environmental health officers and authorised food safety officers
- h. Outcomes: Continue to demonstrate benefits and improve profile of work undertaken with greater use of opportunities of case management system reporting.
- i. Savings & Income: Increase income & identify further commercial opportunities and savings as part of Councils financial strategy
- j. Where resource permits, work with other Council teams and external housing organisations/partners (e.g. Under One Roof, Shelter, Building Standards, Housing etc) to provide opportunities to engage with homeowners and landlords on housing standards and signpost to available support

## **2. Health & Safety at work**

- 2.1 To develop and deliver our Health and Safety Law Enforcement Workplan 2023-25.
- 2.2 To devise and deliver a programme of health and safety interventions based upon Local Authority Circular (LAC67/2) (rev12), and the list of national priorities published by the HSE. The programme shall consist of work to deliver those national priorities set by HSE, work to deliver local priorities and an inspection programme that meets the requirements of the National Local Authority Enforcement Code. All pro-active health and safety work is targeted in accordance with the HSE priorities or where local intelligence identifies any health and safety related issue.
- 2.3 To resource and provide an effective response to serious work-related incidents, including, where necessary, preparing and submitting reports to the Crown Office Procurator Fiscal Service.
- 2.4 To provide appropriate advice and information to employers and other duty-holders on securing the health, safety and welfare at work of their employees and the health and safety of other persons affected by the conduct of their undertakings.
- 2.5 To maintain the competence of the appointed health and safety inspectors to identify and intervene on matters of evident concern when undertaking other regulatory visits to premises.
- 2.6 Key projects include:
  - Building safety hazards arising from fragile roofs and unsafe shop signs;
  - Infection hazards from animal contact in the commercial leisure sector;
  - Safety of inflatable amusement devices;
  - Gas safety in catering premises;
  - Carbon monoxide from solid fuel catering appliances; and
  - *Legionella* control in spa pools in commercial use.

## **3. Licensing enforcement and administration**

- 3.1 To deliver the licensing scheme for short term let accommodation.
- 3.2 To review the arrangements for maintain a public register for all licences administered by Regulatory Services and develop a new suite of on-line public registers for all such licences
- 3.3 To complete the review of all Council licensing functions with the aim of improving their effectiveness and identify any efficiencies.

## **4. Private Water Supplies**

- 4.1 Review the charging fees for private water supply related work.
- 4.2 Continue to use a risk-based system approach to the prioritising of the PWS monitoring and refocusing our risk assessment programme on regulated/commercial supplies

- 4.3 Deliver the PWS Improvement Action plan which was developed to address the outcomes of the DWQR Supervisory visit in 2022
- 4.4 The impact of legislative changes in 2017 and statutory obligations on the Council to monitor and regulate private water supplies in its area has placed additional workload and resource requirements on the team. A review of workload and resources to be completed in 2023 to identify the resources needed to meet our obligations and provide a sustainable workforce going forward.
- 4.5 Continue to work in partnership with NHS Highlands concerning reports of illness with links to PWS.
- 4.6 Advise, educate and promote the private water supply grant funding scheme so that supplies are improved to provide safer drinking water.
- 4.7 Review the Council's PWS Grant Policy to look at the eligibility criteria for hardship and consider enhanced funding for supplies that experience prolonged water scarcity and/or lead contamination
- 4.8 Complete digitisation of all PWS paper files onto the environmental health electronic document management system. Review the existing PWS registers to enable production of a single Register, and update PWS layers on GIS to reflect properties served and NGR types.
- 4.9 Review and refresh understanding of lead in PWS failure protocol

## **5. Food Control**

- 5.1 To secure Committee approval for our Food Law Enforcement Workplan for 2023-2025 and implement measures to deliver it.
- 5.2 Continue to work with Food Standards Scotland on the review of the approach to Food Control following the pandemic. The Service is also engaged in an emergent national Scottish Authorities Food Enforcement Rebuild (SAFER) project to redesign the approach to Food Control applying limited resources to maximum effect and in the longer term to provide assurance in public health protection, with sufficient and sustainable resources to deliver the required work. The review may include a new approach to publication of inspection information.
- 5.3 Review demand from export food business for export health certification and attestations to identify resourcing requirements and the financial implications from new business trading models which are focussing on commercial hubs established post EU Exit.

### **5.4 Food Control – Inspection Priorities**

It must be noted that investigations, or enforcement action, significant to public health will take priority over the targets specified below.

#### **Priority 1: High Risk Food Program**

To undertake Official Control Verification completing verification of all \*Critical Control Points, \*Operational Prerequisite Programmes, \*Traceability, \*Authenticity and \*Integrity arrangements within all Approved and other High-Risk Food Business Operators. (Target 95%)

#### **Priority 2: Mid-range Risk Food Program (Intelligence Informed)**

To establish on the basis of intelligence an inspection programme applied to medium risk Food Business operators which may require a formal intervention and integrate them into an inspection program to be carried out by authorised officers of the Council or appointed contractor.

#### **Priority 3 Mid-Range Food Programme (Assurance Informed)**

To establish based on representative and randomised sampling an inspection programme applied to medium risk Food Business Operators which may require a formal intervention and to integrate them into an inspection program to be carried out by authorised officers of the Council or appointed contractors and which will provide on the

basis of a sample of FBOs an indication of the state of compliance of all FBOs under the Council's jurisdiction.

**Priority 4: Low Risk & Unrated Food Business Operators (Intelligence Driven)**

Ensure that all low risk and unrated or new food hygiene premises are allocated with an appropriate risk and intervention.

- 5.5 Continue to engage with partners in Scottish Government and Industry to ensure EH Service is structured and financed to best facilitate the needs of the export market and appropriate arrangements are in place for imported food..
- 5.6 Deliver a Food Sampling plan focussed upon the Official verification of High Risk FBOs.

**6. General Public Health Protection**

- 6.1 Implement and deliver the priorities defined in the Joint Health Protection Plan 23/25, working in conjunction with other partners and through our statutory work.
- 6.2 Assess the adequacy of public health controls at airports and ports across Argyll and Bute
- 6.3 Review the Councils temporary mortuary arrangements in Tiree to identify whether there is a continued need to provide this facility
- 6.4 Review and update of all risk assessments in regard of Blue Green Algae (BGA) affected water bodies and update as appropriate. Review of effectiveness of the 2022 project that used semi-permanent signage as a route to inform the public more widely of issues relating to BGA

**7. Environmental Protection**

- 7.1 **Local Air Quality Management:** Continue to monitor and review nitrogen dioxide levels at locations where members of the public might be regularly exposed and where there is the potential for poor air quality as a result of traffic emissions
  - a. Prepare and submit the Annual Progress Report to the Scottish Government
  - b. Establish a strategic approach to LAQM
  - c. Respond to concerns and enquiries regarding local air quality impacts
  - d. Continue to highlight potential air quality impact within Planning and Development control
  - e. Review Air Quality impact reports submitted to support planning applications
  - f. Participate in National initiatives to improve air quality
- 7.2 Land Contamination
  - a. Continue to liaise within Development Management to ensure land contamination issues are appropriately considered
  - b. Review weekly planning lists for developments with potential land contamination issues
  - c. Review land contamination investigation and assessment reports submitted to support redevelopment
  - d. Update and improve information on historic land use; creation of a potentially contaminated land database (GIS layer)
  - e. Liaise with developers or their agents regarding potential land contamination as early in the development process as possible
  - f. Continue to liaise with SEPA regarding water environment impact and assessment
  - g. Respond to concerns and enquiries regarding land contamination
  - h. Consider potential land contamination concerns in terms of formal Part IIA investigation
  - i. Review the Council's Contaminated Land Strategy

- j. Maintain the Council's Contaminated Land Register
- k. Participate in National initiatives to address historic land contamination

7.3 General Environmental Protection

- a. Liaise with and support environmental health on issues such as burning, environmental noise, vibration, dust, vapours
- b. Support Service Management Team on National environmental issues such as relevant National consultations and preparation of briefing notes on National initiatives (e.g. Deposit return scheme)
- c. Support Service Management Team on local environmental issues such as Health Protection, Energy and Renewables, Pollution incidents
- d. Liaise with GSS and SEPA on the investigation and monitoring of pollution incidents and complaints (e.g. vapour, fumes and fuel leaks)

**8. Short-term let licencing**

- a. Deliver and promote the short-term let licensing scheme across Argyll and Bute Council and determine all applications for licence
- b. Review and develop procedures and systems relating to the licensing scheme
- c. Effective engagement with hosts, consultee, stakeholders and other agencies (e.g. Association of Scottish Self Caterers, Wild Argyll etc.)
- d. Support the work of the Council and Loch Lomond and the Trossachs National Park to consider the need for Short Term Let Planning Control Areas.

**9. Private landlord registration**

- a. To determine applications for renewal or new private landlord registration applications
- b. To provide advice and assistance to landlords seeking to register, and tenants raising concerns, in respect of the operation of the scheme and signpost to additional assistance as appropriate.
- c. Develop a procedure for ensuring complaints regarding private lets are investigated and actioned appropriately including the ability to make reports to the first-tier tribunal and design of a tenant's information pack/leaflet for circumstances where our direct intervention isn't appropriate
- d. Investigate unregistered landlords and those with incomplete registrations in order to ensure compliance. Take enforcement action as appropriate against those who are noncompliant, including refusal of registration application referrals to Housing and Property Chamber.

**10. Licensing Standards (Liquor)**

- a. To deliver the Argyll and Bute Councils Licensing Standards Workplan for 23-25
- b. Take appropriate action(s) in response of service requests and applications for new licences, renewals and for occasion and extended hours.
- c. Support the work of Safety Advisory Groups to secure safe and successful events.

**11. Animal Health and Welfare**

- a. The proportionate and effectiveness enforcement of animal health and welfare across Argyll and Bute to secure compliance.
- b. Working with stakeholders, deliver the Councils Animal Health and Welfare Framework Service Plan for 23-25
- c. Continue to maintain an overview of the potential impact of the proposed new Scottish Veterinary Service on animal health and welfare services within local



authorities.

- d. Provide support, through advice and enforcement, to agricultural industry and wider communities on animal disease issues, including avian influenza
- e. Review the Councils animal health disease outbreak plans and arrangements to improve our level of preparedness.

### Performance targets

	Performance measure	Target 2023/24
Measure 1	Percentage of service requests resolved within 20 working days.	75%
Measure 2	Percentage of high risk inspections/interventions completed	90%

This page is intentionally left blank

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE SERVICES AND  
LICENSING COMMITTEE

DEVELOPMENT AND ECONOMIC GROWTH

21 JUNE 2023

---

**BUILDING STANDARDS BALANCED SCORECARD 2023-25**

---

**1.0 HEADLINES**

- 1.1 This paper presents to members of the Planning, Protective Services and Licensing Committee the Building Standards Balanced Scorecard provides details of achievements and performance in 2022-23 together with service priorities for 23/24.
- 1.2 Building Standards is a statutory service with its duties and powers detailed in the Building (Scotland) Act 2003 and relevant legislation. The purpose of the building standards is primarily to secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings; further the conservation of fuel and power; and further the achievement of sustainable development. We also ensure that the service operates in a customer focused manner which facilitates development and assists the local economy.
- 1.3 The Balance Scorecard is detailed in **Appendix 1**.

**2.0 RECOMMENDATIONS**

- 2.1 It is recommended that members of the Planning, Protective Services and Licensing Committee consider and approve the Building Standards Balanced Scorecard.

**3.0 BUILDING STANDARDS BALANCED SCORECARD**

- 3.1 The Building (Scotland) Act 2003 and associated regulations, sets out the essential standards required to be met for works to existing buildings or to new construction. Building Standards assess detailed applications for proposals to ensure that building work meets these standards; and inspections of works on site, although these are limited to a minimal necessary to ensure that compliance with statutory requirements and the approved building warrant consent. The control of work on site is a matter for contracts and arrangements in place between a builder and client. Verifiers, appointed by Scottish Ministers are responsible for the independent check
- 3.2 This work is primarily achieved through the processing of Building Warrant applications and the acceptance of Completion Certificates to verify compliance with the Building (Scotland) Act 2003 and Building (Procedure) (Scotland) Regulations 2004. This is further supported through the provision of inclusive access to services and information at local level, delivered within available staff resources.
- 3.3 Building Standards also has other responsibilities, which while not directly part of the verifier's functions. The non-verifier work accounts for approximately 19% of surveyor workload averaged over the authority area and is currently increasing. These include responding to dangerous buildings and structures, unauthorised works, document searches, maintaining the building standards register and working with partners across a range of issues including licensing, events and the built environment. Further details are within the Balanced Scorecard in **Appendix 1**.

3.4 Achievements in 2022-23. Section 3 of the Balanced Scorecard details a number of services achievements of 2022-23 and members’ attention are drawn to the following key achievements:

- i. Met and exceeded all targets for key performance measures in 2022-23;
- ii. Exceeding budget income targets for 2022/23 budget, with total income of £1,175,743, securing commercial work from two other local authorities;
- iii. Processed a total of 1139 building warrants;
- iv. Received the national “Outstanding Service and Customer Award” for customer focus from Local Authority Building Standards Scotland in 2022;
- v. The service was reaccredited with the Customer Services Excellence (CSE) Award in 2022, increasing the number of compliance-plus criteria to 23, with the auditor stating “at the forefront of excellence and a remarkable achievement”.
- vi. The Scottish Government has categorised the Councils Building Standards as a “strong-performing local authority” and reissued its verifiers licence for a six year period from May 2023.

**Challenges and issues.**

3.5 The key challenges facing building standards service are:

- i. Recruitment is an ongoing issue with attempts to recruit qualified Building Standards Surveyors being unsuccessful. This position is reflected nationally. Our “Growing our Own” Initiative has been successful in previous years and with the national shortage of qualified building surveyors, we will continue to participate in national workforce discussions, whilst continuing with this strategy. However, the negative aspect of this is that this places additional pressure on existing officers and reduces capacity across the team.
- ii. Our reliance on commercial income from other local authorities is unsustainable as there has been a downturn in building warrant numbers across Scotland. This creates an additional budget pressure and need for action going forward.
- iii. Buildings in disrepair. There is an ever increasing workload associated with action being required by Building Standards in relation to non-maintained buildings in disrepair to assess whether they pose an imminent risk to public safety. Argyll and Bute Council have a statutory obligation as dictated by the Building (Scotland) Act 2003 to require urgent works to remove danger posed by a building, which could include work to the building or preventing access to specific areas. General building maintenance is the responsibility of the property owner(s) and a campaign is required to re-emphasise this with the aim of reducing demands on the building standard service and for property owners to take actions before public safety is compromised.

**Service priorities 2023-25**

3.6 The service priorities are detailed in Section 4 of the Balanced Scorecard and includes the following key performance targets.

<b>Key National Performance measure</b>	<b>2023-25 Target</b>
The percentage of requests for a building warrant responded to within 20 days	80%
The average time taken to respond to a requests for completion certificate	3 days
The percentage of building warrants issues (or otherwise determined) within six days	90%
The percentage of completion certificates issued/accepted (or otherwise determined) within 3 days	80%
The percentage of applicants providing feedback who were either satisfied or very satisfied with our service	90%

## 4.0 CONCLUSION

- 4.1 The Council's Building Standards service continues to deliver its statutory duties with a focus on providing quality services that are performance and customer focussed. The team have worked hard in 2022/23 with a new management team and their professionalism is recognised through achieving the **Scottish Award for Best Performing Local Authority** in the customer focused category.
- 4.2 The Building Standards Balanced Scorecard 2023-25 details the service priorities and targets and members are asked to endorse this document. Consistent with the new corporate performance framework, the intention is that reports will be brought forward to Committee on a six monthly basis reporting on service performance and progress against service priorities.

## 5.0 IMPLICATIONS

- 5.1 Policy – consistent with Council policies for built environment and public safety
- 5.2 Financial – Service is self-financed through income generated from building warrant verification activity.
- 5.3 Legal – statutory service under the Building (Scotland) Act 2003 and associated legislation.
- 5.4 HR – none.
- 5.5 Fairer Scotland Duty - the Fairer Scotland Duty, Part 1 of the Equality Act 2010, came into force in April 2018. The duty places a legal responsibility on particular public bodies in Scotland, such as Argyll and Bute Council, to pay due regard to (actively consider) how they can reduce inequalities of outcome, caused by socio-economic disadvantage, when making strategic decisions and how this has been implemented.
  - 5.5.1 Equalities - all activities comply with all Equal Opportunities/Fairer Scotland Duty policies and obligations.
  - 5.5.2 Socio-economic Duty - all activities have complied with the council's socio-economic duty.
  - 5.5.3 Islands – interventions have been delivered across the Argyll and Bute area, including island communities.
- 5.6 Climate Change – work of service supports climate change and net zero through the implementation and enforcement of building standards.
- 5.7 Risk – sustainability of securing commercial work from other local authorities together with increasing demand from dangerous buildings work and Scottish Governments drive for increased pre-completion inspections, reduces capacity and creates additional resilience issue.
- 5.8 Customer Service – service achieved Customer Standards Excellence

### **Executive Director with overall responsibility for Development and Economic Growth:**

Kirsty Flanagan

**Policy Leads for Building Standards:** Councillor Green.

12 June 2023

**For further information contact:** Alan Morrison, Regulatory Services and Building Standards Manager  
[alan.morrison@argyll-bute.gov.uk](mailto:alan.morrison@argyll-bute.gov.uk).

# Argyll and Bute Council

Comhairle Earra-Ghàidheal agus Bhòid

## Building Standards

### Service Plan 2023 - 2025

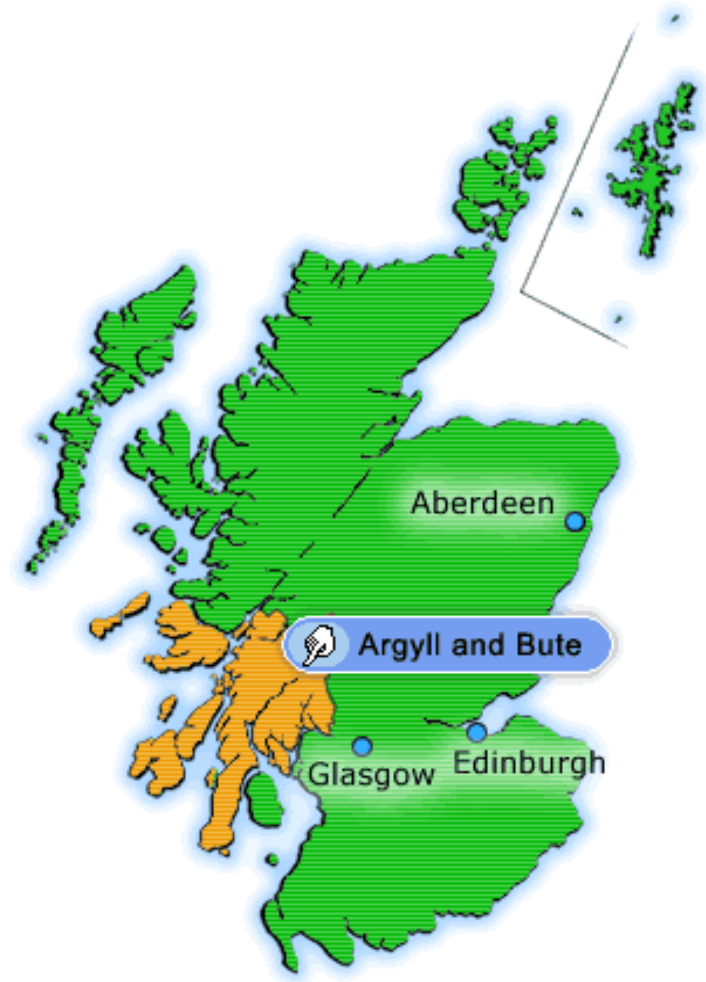


## 1.0 - Introduction

The Building Standards Section is part of Planning and Regulatory Services within the Development and Infrastructure Services Directorate of Argyll and Bute Council.

[Argyll and Bute Council](#) area comprises a large mixed urban, rural and island communities. Created in April 1996 it was formed by combining the former Argyll and Bute District Council area and the Helensburgh and Lomond area of the former Dumbarton District Council to form the second largest geographical area of any Scottish Local Authority at 7,000 square kilometres (8.77% of Scotland's total land area) and third sparsest population density of the 32 Scottish local authorities, with an average density of just 0.13 persons per hectare. From Helensburgh, west to the Atlantic islands of Tiree and Coll, and from the Mull of Kintyre, north to the edge of Glencoe. Argyll and Bute is an area of contrast and diversity with 6 main towns, 48 small towns and villages, and 151 minor settlements across the mainland and 25 inhabited islands.

With a coastline of 3,723km, and a declining and ageing population ([currently 86,220](#)) covering a large dispersed geographical area particular service delivery arrangements have been formulated to meet the needs of the diverse communities we serve. Forty- five per cent of Argyll and Bute's population live in settlements smaller than 3,000 people, or outwith settlements altogether, of which seventeen per cent live on Islands.



Because of the rural nature of the area, the pattern of employment in Argyll and Bute is different to the Scottish average. Argyll and Bute's economy has a high dependency on industries, such as public sector, construction, tourism, agriculture, forestry and fishing, which are facing considerable economic and environmental challenges

## 2.0 – Building Standards Verification Service

The Building Standards Section is part of Development and Economic Growth within the Development and Infrastructure Services Directorate and has an important role to play in the aims, values and priorities, either directly or indirectly, of the Directorate and the Council as a whole.

The purpose of the building standards is primarily to secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings; further the conservation of fuel and power; and further the achievement of sustainable development. We also ensure that the service operates in a customer focused manner which facilitates development and assists the local economy.

The Building (Scotland) Act 2003 and associated regulations, sets out the essential standards required to be met for works to existing buildings or to new construction. Building Standards assess detailed applications for proposals to ensure that building work meets these standards; and inspections of works on site, although these are limited to a minimal necessary to ensure that compliance with statutory requirements and the approved building warrant consent. The control of work on site is a matter for contracts and arrangements in place between a builder and client. Verifiers, appointed by Scottish Ministers are responsible for the independent checking of applications for Building Warrants to construct or demolish buildings, to provide services, fittings or equipment in buildings, or conversions.



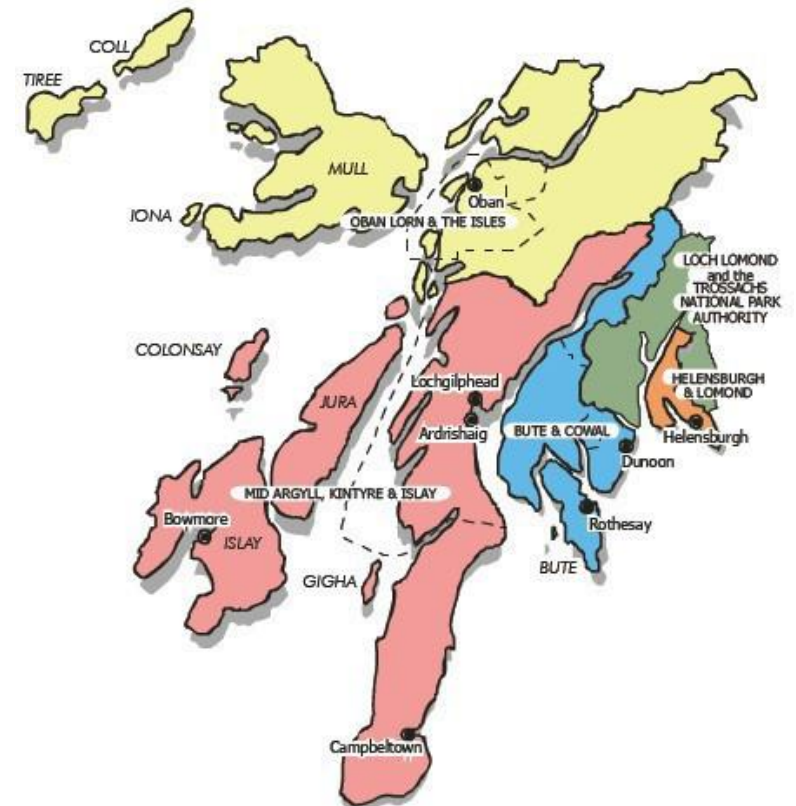
This is primarily achieved through the processing of Building Warrant applications and the acceptance of Completion Certificates to verify compliance with the Building Regulations as required by the Building (Scotland) Act and associated legislation. This is further supported through the provision of inclusive access to services and information at local level, delivered within available resources and the application of “best value principles”.

The Building Standards Service provides a devolved service from four areas offices strategically located throughout Argyll and Bute, with officers working a hybrid model involving home working, from offices and onsite visits, as appropriate.

These being:

- Bute and Cowal area office located in Dunoon town centre with a sub-area office located in Rothesay on the Isle of Bute
- Helensburgh and Lomond area office located in the Helensburgh and Lomond Civic Centre in Helensburgh.
- Mid Argyll, Kintyre and Islay area office located in Lochgilphead
- Oban, Lorn and the Isles area office located in Oban town centre

Area teams generally comprise a team leader, qualified and experienced surveyors, and assistant/trainee surveyors, with shared area administration support staff, from within Development and Infrastructure Services. The Principal Team Lead - Building Standards Manager is the professional service lead.



Building Standards also has other responsibilities, which while not directly part of the verifier's functions. This work accounts for approximately 19% of all officer time, averaged over the authority. However due to the continuing lack of property maintenance within the urban landscape, there is an increasing trend towards additional officer time, in these areas, being occupied by responding to and dealing with dangerous/defective buildings or structures.

- **Dangerous Structures**

There are occasions when risks to public safety may arise due to the condition of buildings. If action is required to safeguard the occupants or general public, Building Standards will take whatever action is necessary to remove the danger by enforcing the requirements of the Building (Scotland) Act 2003. Building Standards responds to numerous reports of Dangerous Buildings every year.



- **Unauthorised Works**

Building Standards is responsible for enforcing the requirements of the Building (Scotland) Act 2003 on buildings constructed without warrant or in contravention of conditions of warrant, and buildings whose limited life has expired.



- **Licensing**

Building Standards advises the independent Licensing Board and other Council services on suitability of premises such as public houses, restaurants, cinemas, theatres, entertainment venues, Houses in Multiple Occupation and other licenses. Building Standards gives consideration to various areas including means of escape, emergency lighting, disabled access, occupant capacity and structural suitability.

- **Built Environment Regeneration**

Building Standards plays a key role in the Council's physical regeneration projects and are a member of the project team providing advice, legislative interventions and monitoring work as necessary.



- **Public Events**

Building Standards has a considerable input into major events outdoor venues, particularly in relation to crowd capacity, means of escape, raised structures, crowd control barriers and general safety matters. Such events include the annual Cowal Highland Gathering, Dunoon and numerous Music Festivals throughout the area.

### **Document Searches**

Building Standards can provide information about properties where Building Warrants, Completion Certificates or 'Letters of Comfort' have been issued. Building Standards records (25 years for domestic and 50 years for large non-domestic applications) date from 1964 and information can be viewed or copied on request.



### 3.0– Achievements and Highlights of 2022

- Argyll and Bute Building Standards service has a strong commitment to managing performance which forms the basis of our Service and team plans with regular internal and external audits and reviews.
- The Building Standards Service has consistently performed well, meeting or exceeding targets for performance over which it has control. This has been achieved despite new ways of working post-Covid, a reduction in available budgets and continued need for significant change instigated through the Scottish Government’s Building Standards Performance Improvement agenda and Council priorities.
- Post pandemic, the on-going economic downturn, high costs of living and availability of building materials and consequential reduction in both private and public finance are continued challenges the service continues to face. There is also a shortage of qualified building standards surveyors across Scotland which poses recruitments and workforce planning issues, emphasising the importance of developing and retaining a skilled and competent workforce with sufficient capability to embrace new working practices and increased workloads is also recognised.
- The service was awarded the Local Authority Building Standards Scotland Award for best local authority in Scotland for the “customer focus” category
- The Scottish Government has categorised the Councils Building Standards as a “strong-performing local authority” and reissued its verifiers licence for a six year period from May 2023

Key highlights and achievements are highlighted in the table below

<p>Management</p>	<p>a. Fully re-instated building standards service post pandemic</p> <p>b. Met all targets for the key service performance measures for 2022-23</p> <p>c. During financial year 2022/23, Building Warrant applications (including amendment of Building Warrants) have increased but are not yet a pre-pandemic levels. Commercial work from other local authorities is necessary to provide a balanced budget but this is becoming increasingly challenging, as warrant numbers fall across Scotland. The value of works lodged with Argyll and Bute Council in 22/23 was £ 154,228,288.00 across the 1139 warrants received across Argyll and Bute.</p> <p>d. Exceeding budget income targets for 2022/23 budget, with total income of £1,175,743</p> <p>e. Secured commercial income from two other Scottish local authorities, where the team 557 warrants from these authorities, which accounted for £135,543 of our income.</p> <p>Received the national “Outstanding Service and Customer Award” for customer focus from Local Authority Building Standards Scotland in 2022</p>																												
	 <table border="1" data-bbox="548 925 2083 1109"> <thead> <tr> <th></th> <th>No of BW Issued - ABC</th> <th>No of BW Issued within 6 Day's</th> <th>No of BW responded to - ABC</th> <th>No of BW responded within 20 Day's</th> <th>No of CC's Issued</th> <th>No of CC's issued within 3 day's</th> </tr> </thead> <tbody> <tr> <td>2020/2021</td> <td>812</td> <td>764</td> <td>999</td> <td>963</td> <td>473</td> <td>472</td> </tr> <tr> <td>2021/2022</td> <td>753</td> <td>710</td> <td>1008</td> <td>996</td> <td>700</td> <td>700</td> </tr> <tr> <td>2022/2023</td> <td>827</td> <td>810</td> <td>1004</td> <td>1083</td> <td>718</td> <td>717</td> </tr> </tbody> </table> <p style="text-align: center;"> <span style="color: orange;">■</span> 2020/2021            <span style="color: maroon;">■</span> 2021/2022            <span style="color: blue;">■</span> 2022/2023     </p> <p><b>Key: BW = Building Warrant applications; CC= completion certificates</b></p>		No of BW Issued - ABC	No of BW Issued within 6 Day's	No of BW responded to - ABC	No of BW responded within 20 Day's	No of CC's Issued	No of CC's issued within 3 day's	2020/2021	812	764	999	963	473	472	2021/2022	753	710	1008	996	700	700	2022/2023	827	810	1004	1083	718	717
	No of BW Issued - ABC	No of BW Issued within 6 Day's	No of BW responded to - ABC	No of BW responded within 20 Day's	No of CC's Issued	No of CC's issued within 3 day's																							
2020/2021	812	764	999	963	473	472																							
2021/2022	753	710	1008	996	700	700																							
2022/2023	827	810	1004	1083	718	717																							
<p>Better use of digital technology</p>	<p>a. Continued to embrace the opportunities created by digital technology with the aim of delivering greater efficiency, transparency, consistency in decision making together with better outcomes to our customers and stakeholders</p> <p>b. Initiatives such as e-building standards, remote verification inspections, migration of our electronic document management system and the development of an on-line User Forum.</p>																												

Customer focus	<p>a. Maintained high customer satisfaction levels</p> <p>b. The service was reaccredited with the Customer Services Excellence (CSE) Award in 2022, increasing the number of compliance-plus criteria to 23, with the auditor stating “at the forefront of excellence and a remarkable achievement.”</p> <p>c. The Scottish Government has categorised the Councils Building Standards as a “strong-performing local authority” and reissued its verifiers licence for a six year period from May 2023</p>																		
Workforce development	<p>a. Implemented the national Building Standards/LSABSS Competency Framework across all building standards professional staff</p> <p>b. Continued support to Assistant Building Surveyors and other staff in working towards a professional qualification</p>																		
Performance	<p>Building Standards continued to meet and exceed targets for all of the Scottish Key Performance Indicators and are regarded by the Scottish Government as a “strong performing local authority”.</p> <table border="1" data-bbox="595 627 2056 1090"> <thead> <tr> <th data-bbox="595 627 1077 659">Key National Performance measure</th> <th data-bbox="1088 627 1565 659">Target</th> <th data-bbox="1576 627 2056 659">Actual</th> </tr> </thead> <tbody> <tr> <td data-bbox="595 663 1077 727">The percentage of requests for a building warrant responded to within 20 days</td> <td data-bbox="1088 663 1565 727">80%</td> <td data-bbox="1576 663 2056 727">98.2%</td> </tr> <tr> <td data-bbox="595 732 1077 796">The average time taken to respond to a requests for completion certificate</td> <td data-bbox="1088 732 1565 796">3 days</td> <td data-bbox="1576 732 2056 796">2 days</td> </tr> <tr> <td data-bbox="595 801 1077 896">The percentage of building warrants issues (or otherwise determined) within six days</td> <td data-bbox="1088 801 1565 896">90%</td> <td data-bbox="1576 801 2056 896">97.4%</td> </tr> <tr> <td data-bbox="595 901 1077 997">The percentage of completion certificates issued/accepted (or otherwise determined) within 3 days</td> <td data-bbox="1088 901 1565 997">80%</td> <td data-bbox="1576 901 2056 997">99.8%</td> </tr> <tr> <td data-bbox="595 1002 1077 1090">The percentage of applicants providing feedback who were either satisfied or very satisfied with our service</td> <td data-bbox="1088 1002 1565 1090">90%</td> <td data-bbox="1576 1002 2056 1090">100%</td> </tr> </tbody> </table>	Key National Performance measure	Target	Actual	The percentage of requests for a building warrant responded to within 20 days	80%	98.2%	The average time taken to respond to a requests for completion certificate	3 days	2 days	The percentage of building warrants issues (or otherwise determined) within six days	90%	97.4%	The percentage of completion certificates issued/accepted (or otherwise determined) within 3 days	80%	99.8%	The percentage of applicants providing feedback who were either satisfied or very satisfied with our service	90%	100%
Key National Performance measure	Target	Actual																	
The percentage of requests for a building warrant responded to within 20 days	80%	98.2%																	
The average time taken to respond to a requests for completion certificate	3 days	2 days																	
The percentage of building warrants issues (or otherwise determined) within six days	90%	97.4%																	
The percentage of completion certificates issued/accepted (or otherwise determined) within 3 days	80%	99.8%																	
The percentage of applicants providing feedback who were either satisfied or very satisfied with our service	90%	100%																	

#### 4.0- Challenges

- Recruitment is an ongoing issue with attempts to recruit qualified Building Standards Surveyor being unsuccessful. This position is reflected nationally. Our “Growing our Own” Initiative has been successful in previous years and with the national shortage of qualified building surveyors, we will continue to participate in national workforce discussions, whilst continuing with this strategy. However the negative is that this places additional pressure on existing officers and reduces capacity across the team.

- Our reliance on commercial income from other local authorities is unsustainable as there has been a downturn in building warrant numbers across Scotland. This creates an additional budget pressure and action.
- Due to budget savings measures, Building Standards have also lost a 0.5 FTE Building Standards Surveyor post.
- Buildings in disrepair. There is an increasing workload associated with the assessment of buildings in disrepair and whether they pose a risk to public safety. Building Standards have powers under the Building (Scotland) Act to require urgent works to remove the danger which could include work to the building or preventing access to specific areas. General building maintenance is the responsibility of the property owner(s), and this message requires to be re-emphasised through a communications strategy, with the aim of reducing demands on the building standard service and for property owners to take actions before public safety is compromised.

## 5.0 – Service Planning Priorities 2023 - 2025

The key priorities in the 2023-25 service plan are :

1. Managing performance and workload against available resources and in the Councils finance outlook 2024-27.
2. Continue to provide a verification service to our customers and deliver our statutory duties under the Building (Scotland) Act 2003
3. Monitor the external environment and the impact of the Scottish Building Standards Hub and Scottish Governments Construction Compliance and Notification Plan (CCNP)
4. Ensuring compliance with the new updates to the Technical Handbooks post February 2023 and further changes in June 2023.
5. Tackle the pressures on Building Warrant fee income due to the economic downturn.
6. Workforce planning and the replacement of experienced officers due to retire over the next 3-5 years
7. Continuing to grow and develop our team in meeting the national building standards competency framework
8. Maximising our use of digital technology and new ways of working including remote verification and improvements to software information management systems
9. Migration of Document Management System in line with e-Building Standards.
10. Make preparations for assessment in respect of Customer Service Excellence.
11. Working and supporting our customers and stakeholders
12. Working with service partners as part of Argyll Property Action Group (APAG) in tackling non-maintained properties prior to any potential enforcement action

13. Maintain performance focus and meet key performance targets
14. Retention and improvement on CSE award criteria
15. Effective budget management and exploring opportunities for improving efficiencies and to maximising income.
16. Work corporately to address the Councils financial challenges
17. Achieving performance targets (see appendix I) and reporting performance corporately and nationally.
18. Continue to engage with customer and stakeholders to develop the Building Standards User Forum , provide regular newsletters and complete our customer service improvement plans
19. Deliver the Action Plan relating to the Councils internal audit of building standards 2023 report

## 6.0– Conclusions/Summary

### Conclusions/Summary

Building Standards continues to play a critical role in protecting the built environment and public safety. The Building Standards Service Plan 2023-25 plan ensures that this work continues

### Appendix A: Key performance measures and targets for 2023-25

Key National Performance measure	2023-25 Target
The percentage of requests for a building warrant responded to within 20 days	80%
The average time taken to respond to a requests for completion certificate	3 days
The percentage of building warrants issues (or otherwise determined) within six days	90%
The percentage of completion certificates issued/accepted (or otherwise determined) within 3 days	80%
The percentage of applicants providing feedback who were either satisfied or very satisfied with our service	90%



NOT FOR PUBLICATION by virtue of paragraph(s) 13  
of Schedule 7A of the Local Government(Scotland) Act 1973

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank