

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS on WEDNESDAY, 15 FEBRUARY 2023**

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

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

**Attending:** David Logan, Head of Legal & Regulatory Support  
Shona Barton Governance Manager  
Peter Bain, Development Manager  
Sandra Davies, Major Applications Team Leader  
Howard Young, Area Team Leader – Helensburgh & Lomond/Bute & Cowal  
Arlene Knox, Senior Planning Officer  
David Moore, Senior Planning Officer  
Stephanie Wade, Senior Planning Officer  
Emma Jane, Planning Officer  
Norman Shewan, Planning Officer

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Graham Hardie and Mark Irvine.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES**

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 18 January 2023 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 18 January 2023 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 18 January 2023 at 2.30 pm was approved as a correct record.

**4. ROSNEATH FARMS LTD: SITE FOR THE ERECTION OF DWELLINGHOUSE:  
PLOT 7, LAND TO THE REAR OF LOCHEWE AND ARDLANISH,  
KILGREGGAN, HELENSBURGH (REF: 21/00349/PPP)**

The Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised of further representations received on 13 February 2023 and the submission of a supporting statement from the Applicant's Agent in response to the issues raised.

The proposed site is situated within the minor settlement boundary for Portkil as designated in the Argyll and Bute Local Development Plan 2015. Subject to appropriate safeguarding conditions to secure the appropriate siting and design of a modest dwellinghouse within the site, the site is considered to represent an appropriate opportunity for development within the defined Rural Opportunity Area (ROA) consistent with the relevant provisions of the Development Plan and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act. Also subject to commensurate improvements to the existing private access road, it is considered that the proposal can be served by an appropriate private and public road regime.

It was recommended that planning permission in principle be approved subject to the conditions and reasons detailed in the report.

## **Decision**

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

### **1. PPP - Standard Condition & Notes 1**

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

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

### **2. PPP - Approved Details & Standard Notes 2**

The development shall be implemented in accordance with the details specified on the application form dated 17<sup>th</sup> February 2021, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	PL-657-00	-	18.02.21
Location Plan and Existing & Proposed Site Plan	PL-657-01	-	18.02.21

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

### **3. Design and Finishes**

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

- (i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- (ii) Taking consideration of the Sustainable Siting and Design Principles set out in the adopted 'Argyll and Bute Local Development Plan' 2015;
- (iii) Single or single storey with accommodation in the roof space;
- (iv) A house siting, scale and plan form that responds clearly to the natural contours of the site in order that the proposed built development 'hunkers down' into the prevailing landform and minimises intrusive cut and fill excavation;
- (v) Building scale, massing and form that reflects, or sympathetic to the existing pattern of built development in the immediate vicinity;
- (vi) Narrow span volumetric form with symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate, unless an alternative roof form/design/materiality can be demonstrated as an acceptable alternative solution to the satisfaction of the planning authority by means of a comprehensive Design Statement;
- (vii) External walls finished in wet dash render, smooth render, natural stone, timber or a mixture of these finishes unless an alternative material cladding strategy can be justified by means of a Design Statement to the satisfaction of the planning authority;
- (viii) Window openings with a vertical emphasis unless alternative opening proportions can be justified as an integral part of a robust design process and justified by means of a Design Statement to the satisfaction of the planning authority.
- (ix) Existing and proposed sections through the site to demonstrate that the dwellinghouse will be sited in a manner sympathetic to the wider landscape impact of the area.
- (x) Existing topographical survey and proposed site plan showing ground levels and finished floor levels (FFLs) relative to an identified fixed datum point located close to but outwith the application site.

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

4. Pursuant to Condition 1, no development shall commence until plans and details showing the following works to the vehicular access, including the existing private access road from the junction of the proposed new access to the proposed site for a dwellinghouse to the junction with the B833 public road, and parking regime to serve the proposed development are submitted to and approved in writing by the Local Planning Authority:

- (i) Access at connection between the development site and the private access track to be constructed in accordance with Council's Roads Standard Detail Drawing SD 08/004a.
- (ii) Commensurate improvements to the existing private access road/track to provide a continuous 5.5 metre adoptable carriageway width between the junction of the Rosneath road (B833) and the private access to the proposed dwellinghouse, including a 2 metre wide service strip/grass verge;

- (iii) Parking provision commensurate with the size of dwellinghouse proposed in accordance with SG LDP TRAN 6 and the Car Parking Standards of the adopted 'Argyll and Bute Local Development Plan' 2015.

Prior to commencement of any works on the application site:

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

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

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

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

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

## **6. PPP – Archaeological Watching Brief**

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

The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

## **7. PPP – Full Landscaping Scheme**

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

- (i) Existing and proposed ground levels in relation to an identified fixed datum;
- (ii) A tree survey including a site plan accurately showing the location and species of existing trees within the site and identifying those to be retained and those to be felled;
- (iii) A proposed scheme for the planting of a substantial tree belt along the south eastern edge of the application site boundary including an appropriate mix of deciduous species, sizes and planting densities;
- (iv) Location design and materials of proposed walls, fences and gates;
- (v) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- (vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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

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

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

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

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

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

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

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

## **9. Sustainable Drainage System**

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

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

(Reference: Report by Head of Development and Economic Growth dated 6 February 2023 and supplementary report number 1 dated 14 February 2023, submitted)

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

The Planning Officer spoke to the terms of supplementary report number 4 and also drew Members' attention to the main report of handling and supplementary reports numbered 1, 2 and 3.

The Committee postponed determination of the application at their meeting on 18 January 2023, pending the submission of further drawings from the Applicant, which were received on 6 February 2023. In light of the most recent submission Planning Officers have re-consulted the Roads Department. A request was before the Members to continue consideration of this application to the March PPSL Committee meeting to allow time for the Roads Officer to respond to this most recent submission and for policy NPF4 to be applied to the application following its adoption on 13 February 2023.

## **Decision**

The Committee agreed to postpone determination of this application to the March meeting of the PPSL Committee.

(Reference: Report by Head of Development and Economic Growth dated 8 November 2022, supplementary report number 1 dated 22 November 2022, supplementary report number 2 dated 10 January 2023, supplementary report number 3 dated 16 January 2023 and supplementary report number 4 dated 8 February 2023, submitted)

**6. THE SCOTTISH GOVERNMENT ON BEHALF OF ENERGIEKONTOR UK LTD: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO ROWAN WIND FARM: LAND APPROXIMATELY 4.5KM NORTH WEST OF TARBERT, ARGYLL & BUTE (REF: 22/00385/S36)**

The Senior Planning Officer spoke to the terms of supplementary reports 3 and 4. This proposal was originally presented to Committee on 28 September 2022. The Committee agreed, on behalf of the Council, as Planning Authority, to object to this proposal for the reasons detailed in the report of handling. The Energy Consents Unit was notified accordingly. The Energy Consents Unit re-consulted the Planning Authority on 14 December 2022 due to the Revised Draft National Planning Framework 4 (NPF4) being laid before Parliament. As NPF4 was subsequently approved by Parliament, and adopted by Scottish Ministers on 13 February 2023, it was now part of the Development Plan. As the Planning Authority's consultation response of 28 September 2022 was provided prior to the NPF4 being laid, the Scottish Government would like to give the Planning Authority the opportunity to provide further comment on NPF4. This report seeks Members' agreement on Officers' further consultation response to the Energy Consents Unit.

Having considered NPF4 it was recommended that the Council as Planning Authority, continues to object to this proposal for the revised reasons detailed in supplementary report number 3, with the inclusion of an additional note attached to these reasons as detailed in supplementary report number 4, and that the Scottish Government be notified accordingly. Members should note that an objection from the Council will instigate the requirement for a Public Local Inquiry to be held.

**Decision**

Having considered NPF4, the Committee, on behalf of the Council as Planning Authority, agreed to continue to object to this proposal for the following reasons:

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

The proposed development site lies within the Knapdale Upland Forest Moor Mosaic Landscape Character Type (LCT) which covers much of the Knapdale area between West Loch Tarbert and the southern edge of the Knapdale National Scenic Area. This landscape has a simpler landform in the south-west but is complex and craggy in the north-east. This proposal, which comprises very large turbines of up to 200m, would be sited in a basin which reduces its prominence and intrusion seen from Loch Fyne and from the settled eastern coastal fringes of this loch. The containment provided by landform is however diminished in views from the south around West Loch Tarbert where turbines would be visible in closer proximity and where their scale would be more appreciated due to greater visual exposure and because they would be seen in close conjunction with the smaller scale settled loch fringes. The proposal would significantly affect the character of West Loch Tarbert and views from the A83, the Islay ferry route, settlement, and recreation routes on the south-eastern shores of the loch. Proposed aviation lighting would increase the duration of these significant adverse effects. While it is acknowledged that the extent of these significant adverse landscape and visual effects is confined to the waters and south-eastern shores of West Loch Tarbert and the proposal is well screened and/or distant from other sensitive locations, there is concern about the effects on the tourist routes of the A83 and the Islay ferry which are regionally important within Argyll and Bute.

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

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

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

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

## **2. Aviation**

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

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

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



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

Argyll & Bute Council therefore object to the proposal due to the adverse impact it would have on Aviation.

The Energy Consents Unit should please note that:

- Should Sheirdrim Renewable Energy Development be refused, then Argyll & Bute Council would no longer object to Rowan wind farm on Landscape & Visual grounds. Should Sheirdrim Renewable Energy Development be approved then the Council's objection would be maintained as per the recommendation in this report.
- If National Air Traffic Services (NATS) and Glasgow Prestwick Airport withdraw their objections, then Argyll & Bute Council would no longer object on aviation grounds. Should these objections not be removed, and the proposal progresses to an Inquiry, Argyll & Bute Council would defer to National Air Traffic Services and Glasgow Prestwick Airport as the Technical Experts on this matter.

(Reference: Supplementary report number 3 by Head of Development and Economic Growth dated 31 January 2023 and supplementary report number 4 dated 14 February 2023, submitted)

**7. SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: TO CONSTRUCT AND OPERATE A 132/275 KILOVOLT (KV) GIS SUBSTATION AND ASSOCIATED INFRASTRUCTURE THAT WILL CONNECT THE EXISTING 132 KV OVERHEAD LINE (OHL) FROM TAYNUILT TO INVERARAY TO A PROPOSED 275 KV OHL TO DALMALLY: LAND APPROXIMATELY 2.5 KM SOUTH WEST OF CLADICH, ARGYLL AND BUTE (REF: 22/00782/PP)**

The Senior Planning Officer spoke to the terms of the report. He drew Members' attention to a typographical error in the report of handling and confirmed that the planning application reference was 22/00782/PP and not 22/00728/PP. Reference was also made to a briefing note prepared and circulated by SSEN to Members in respect of the adoption of National Planning Framework 4 (NPF4) on 13 February 2023 and their network obligations to this.

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

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

It was recommended that planning permission be granted subject to the conditions and reasons detailed in the report.

## 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 13/04/2022, the Environmental Appraisal (April 2022), supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	R170_3673_Fig1_1_RedlineBoundarySite_C		14/04/22
Proposed A819 Site Access Design Location Plan	LT29_CRDH_0804_0010	B	08/08/22
Proposed A819 Site Access Design General Arrangement Plan	LT29_CRDH_0804-001	B	08/08/22
Proposed A819 Site Access Design Construction Details	LT29_CRDH-0804_0013	C	22/08/22
Proposed Substation Electrical Layout	LT29_CRDH_1104_0007	01	08/08/22
Proposed Substation Cross Sections	LT29_CRDH_1104_0008	01	08/08/22
Proposed Storage Buildings-	LT29_CRDH_0805_0005	0C	08/08/22

Elevations			
Proposed Storage Buildings-Floorplans	LT29_CRDH_0805_0006	0A	16/08/22
Proposed 132kV GIS Building Elevations	LT29_CRDH_0805_0003	0D	08/08/22
Proposed 132kV GIS Building Floor Plan and Sections	LT29_CRDH_0805_0001	01	08/08/22
Proposed 257kV GIS Building Elevations	LT29_CRDH_0805_0004	0D	08/08/22
Proposed 257kV GIS Building Floor Plan and Sections	LT29_CRDH_0805_0002	01	08/08/22
Location of septic tank, borehole water supply and SUDS	R170_3673_Fig1_SepticTank_BHWS_SUDS_D		08/08/22
2.5m High Security Palisade Fencing Details	CE/34/2015	E	08/08/22
2.5m High Security Palisade Fencing	CE/34/2016	E	08/08/22

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

2. No construction works shall be commenced until a Finalised Construction Environmental Management Document (CEMD) has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA, and other appropriate consultees as appropriate. The development shall then proceed in accordance with the approved CEMD unless otherwise agreed in writing by the Planning Authority. The CEMD shall include:
  - a) An updated Schedule of Mitigation (SM) highlighting mitigation set out within each chapter of the Environmental Appraisal (EA), and the conditions of this consent;
  - b) Processes to control/ action changes from the agreed SM;

- c) Construction Environment Management Plans (CEMPs) for the construction phase covering:
- (i) Habitat and species protection, including ECoW details, and surveys.
  - (ii) Landscape and Mitigation Restoration Plan
  - (iii) Long Term woodland management and compensatory planting plan (refer to Condition 9)
  - (iv) Pollution prevention and control;
  - (v) Dust management, including construction activity and vehicle movements;
  - (vi) Construction Noise and Vibration (refer to Condition 7)
  - (vii) Temporary Site lighting;
  - (viii) Site Waste Management;
  - (ix) Surface and Ground water management, including: drainage and sediment management measures from all construction areas including access tracks, mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring;
  - (x) Soil Management and Peat Management (refer to Condition 8)
  - (xi) Mapping of borrow pits and associated habitats identified for restoration;
  - (xii) Habitat Management and Restoration Plan;
  - (xiii) Emergency Response Plans;
  - (xiv) Timetable for post construction restoration/ reinstatement of the temporary working areas and construction compound; and
  - (xv) Other relevant environmental management as may be relevant to the development.
- d) A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- e) Methods of monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

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

3. No development shall commence until a Construction Traffic Management Plan (CTMP) and Phased Delivery Plan have been prepared and approved in writing by the Local Authority, in consultation with the Roads Authority, and Transport Scotland as the trunk roads Authority. The Plan shall details approved access routes, agreed operational practises (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, information of wheel cleansing facilities, signage to be installed on the A819 warning of construction traffic. reporting of verge damage) and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. The development shall be implemented in accordance with the duly approved Traffic Management Plan.

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

4. No development or ground breaking works shall commence until a programme of archaeological works in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service.

The scheme shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

*Reason: In order to protect archaeological resources.*

5. Prior to the commencement of development, a strategy for housing incoming construction workers shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

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

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

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

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

7. No development shall commence until a Construction Noise Management Plan (CNMP) which demonstrates how the developer will ensure the best practicable measures are implemented in order to reduce the impact of construction noise and vibration, is submitted to and approved in writing by the Planning Authority. The CNMP shall include, but is not limited to, the following:
  - a) A description of the most significant noise sources in terms of equipment; processes or phases of construction;
  - b) The proposed operating hours and the estimated duration of the works for each phase;

- c) A detailed plan showing the location of noise and vibration sources and noise sensitive receptors; and
- d) A description of noise mitigation methods that will be put in place including the proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified.

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

*Reason: In the interest of safeguarding residential amenity.*

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

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

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

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

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

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

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

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

- 12. Watercourse crossings, hereby permitted, shall be designed to at least the capacity of the existing channel and to the 1 in 200 year plus climate change flow and an allowance for freeboard, unless otherwise agreed in writing by the Planning Authority. This includes the replacement of the existing River Array watercourse crossing with a

new oversized box culvert, or bottomless traditional style bridge to accommodate the 1 in 200 year flood event without constriction.

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

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

*Reason: In the interest of road safety.*

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

*Reason: In the interests of road safety.*

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

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

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

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

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

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

(Reference: Report by Head of Development and Economic Growth dated 31 January 2023, submitted)

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

The Head of Legal & Regulatory Support spoke to the terms of the report. The Committee, at its meeting on 28 September 2022, considered a report of handling in respect of the above proposal. The Members agreed, on behalf of the Council, as Planning Authority, to object to this proposal. The matter is now subject to a Public Local Inquiry (PLI). NPF4 was only available as a consultation draft and not in force at the time this matter was considered by the PPSL Committee in September 2022. Scottish Ministers adopted and published NPF4 on 13 February 2023 meaning that it is now in force and National Planning Framework 3 and Scottish Planning Policy has been superseded from that date and time. The PLI will consider this matter in light of NPF4. As Members were not in a position to consider NPF4 when forming their decision and, due to this material change in circumstances, it is considered appropriate to bring this matter back to Members for their consideration.

**Decision**

The Committee agreed to:

1. note that NPF4 came into force on 13 February 2023;
2. note that this is a material change in circumstances since Members made their decision in September 2022, and it was considered appropriate to bring this matter back to Members for their consideration;
3. note that it is considered the application of NPF4, once assessed, may alter the Council's prospects for success in the Public Local Inquiry; and
4. request the Council's Development Service to provide a report to the next meeting of the PPSL Committee.

(Reference: Report by Head of Legal & Regulatory Support dated February 2023, submitted)

**9. THE SCOTTISH GOVERNMENT ON BEHALF OF DRAX CRUACHAN EXPANSION LIMITED: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO CONSTRUCTION AND OPERATION OF NEW UNDERGROUND POWER STATION AND ASSOCIATED INFRASTRUCTURE ADJACENT TO CRUACHAN 1 TO PROVIDE UP TO 600 MEGAWATTS (MW) OF ADDITIONAL NEW GENERATING CAPACITY: CRUACHAN POWER STATION, LOCHAWA, DALMALLY (REF: 22/01221/S36)**

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which proposed a change to the original recommendation in the main report following receipt of legal advice. Reference was also made to late submissions to the Energy Consents Unit by external consultees. Historic Environment Scotland clarified in a response dated 1 February 2023 that they had no objections to this proposal and they were satisfied that the works impacting the Category A Turbine Hall could be addressed



through the Listed Building Consent Application. SEPA in a response dated 8 February 2023 confirmed the withdrawal of their holding objection as they were content that appropriate conditions could address their concerns.

In Scotland, any proposal to construct, extend, or operate an onshore electricity generating station, in this case, a pump storage hydro, with a capacity of over 50 megawatts (MW), requires the consent of Scottish Ministers under section 36 of the Electricity Act. Such applications are processed on behalf of the Scottish Ministers by the Energy Consents Unit ("ECU") Scottish Government - Energy Consents. Section 57(2) of the Town and Country Planning (Scotland) Act 1997 ("TCP(S)A") also allows the Scottish Ministers, on granting consent under section 36, to direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction. The Council's role in this process is therefore one of a consultee along with various other consultation bodies. It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by Scottish Ministers.

In terms of the Local Development Plan Settlement Strategy, the main site is located within a combination of, Lorn and the Inner Area Very Sensitive Countryside, North Argyll Area of Panoramic Quality (APQ), and Glen Etive and Glen Fyne Special Protected Area.

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

It was recommended that Members agree that the Council Objects to the current proposals, unless the conditions as recommended by the Planning Authority and other consultees are imposed on any consent.

Officers also sought Member's authority to undertake further discussions with the applicants and The Scottish Ministers to determine whether a planning condition, a Section 69 agreement, or a Section 75 agreement between parties would most effectively deliver the Council's requirement for the necessary Housing Strategy.

## **Decision**

The Committee agreed:

1. on behalf of the Council, to object to the current proposals unless the conditions as recommended by the Planning Authority and other consultees are imposed on any consent; and
2. that Officers undertake further discussions with the applicants and The Scottish Ministers to determine whether a planning condition, a Section 69 agreement, or a Section 75 agreement between parties would most effectively deliver the Council's requirement for the necessary Housing Strategy

(Reference: Report by Head of Development and Economic Growth dated 31 January 2023 and supplementary report number 1 dated 14 February 2023, submitted)

## **10. PLANNING PERFORMANCE FRAMEWORK REPORT 2021/2022**

A report containing recent feedback from the Scottish Government in relation to the Council's Planning Performance Framework (PPF) was considered.

### **Decision**

The Committee agreed:

1. to note the content of the report; and
2. to publicise (press, Twitter, Facebook and website release) the positive feedback from the Scottish Government.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth, dated 2 February 2023, submitted)