

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

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**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

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## **SUPPLEMENTARY REPORT NO. 1**

### **1.0 INTRODUCTION**

The purpose of this report is to:

a) Update Members that the holding Objection by SEPA in respect of the proposals has now been withdrawn subject to the imposition of the following condition which would replace conditions 7 set out in the main report.

#### New Condition 7

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

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

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

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

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

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

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

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

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

## **2.0 RELEVANT PLDP2 POLICIES**

Policy 02 – Outwith Settlement Areas

Policy 04 – Sustainable Development

Policy 06 – Green Infrastructure

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 30 - The Sustainable Growth of Renewables

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

Policy 36 – New Private Accesses

Policy 61 – Sustainable Drainage Systems (SUDS)

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

Policy 77 – Forestry, Woodland and Trees

Policy 79 – Protection of Soil and Peat Resources

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **4.0 CONCLUSION**

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

#### **5.0 RECOMMENDATION**

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

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

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

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

## Appendix 1

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

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

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

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

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

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

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

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

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

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

*Reason: In order to protect archaeological resources*

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

0800 – 1300 hours Saturday

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

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

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

*Reason: To safeguard residential amenity*