

## **PROPOSAL OF APPLICATION NOTICE (PAN)**

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**Reference:** 23/01212/PAN

**Applicant:** Ross McLaughlin – Intelligent Land Investments

**Proposal:** Proposal of Application Notice for proposed pumped storage hydro scheme.

**Site Address:** Land East of Balliemeanoch, Dalmally, Argyll and Bute

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### **1.0 INTRODUCTION**

This report informs the Planning Committee of the submission of a Proposal of Application Notice (PAN). The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 29<sup>th</sup> June 2023. The development which is subject to the PAN is of a scale which will be an application to Scottish Ministers under the Electricity Act 1989. Therefore the submission of this PAN is voluntary and no public events are required under the provisions of the Electricity Act, albeit it is recognised as good practice. Members are asked to note this may form the basis of a subsequent application to Scottish Ministers and Argyll and Bute Council will be a consultee on the application.

The submitted information includes:

- Proposal of Application Notice
- Location Plan
- Copy of newspaper adverts

The applicant has set out in detail their proposals to ensure sufficient opportunity is provided for the community to view and comment on the proposals in advance of the submission of a formal application.

The applicants have confirmed the following consultation steps will be undertaken:

- a) Consultation letters to be sent to:
  - i) Glenorchy & Innishail Community Council,
  - ii) Inveraray Community Council,
  - iii) Avich & Kilchrenan Community Council,
  - iv) Furnace Community Council,
  - v) Dunadd Community Council; and
  - vi) West Lochfyne Community Council.
- b) Two public meetings will be held at Inveraray Inn and Dalmally Community Hall
- c) Online Interactive event on a dedicated website: [www.balliemeanochpsh.co.uk](http://www.balliemeanochpsh.co.uk)
- d) Press notices placed in the Argyllshire Advertiser, Argyll Bute 24 and the Oban Times.

- e) A mail drop containing information on the proposed development and public events is proposed to be undertaken to all landowners involved and properties within the relevant PA32 and PA33 postcode areas.

Officers consider that the steps set out in the PAN are acceptable.

## **2.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

The PAN provides notice of the developer's intention to submit an application under the Electricity Act 1989. The proposal comprises a Pumped Storage Hydro Electric Scheme (PSH) close to Lochan Airigh approximately 4.4 km to the south of the village of Portsonachan and 9 km northwest of Inveraray. Balliemeanoch PSH will have a storage capacity of approximately 45,000 gigawatt hours with approximately 1,500 MW installed electrical generation capacity. The development will comprise a headpond with two embankments with a tailpond at Loch Awe. Upgrades are required to existing tracks together with the creation of new access tracks to construct the development. A temporary pier structure is also required at Inveraray to facilitate large deliveries to the site.

The applicant has sought an Environmental Impact Assessment (EIA) Scoping Opinion for the development from the Scottish Ministers. The Council contributed to this in September 2022 under ref 22/01453/SCOPE. The response provided to the applicant outlined the environmental and technical assessment requirements to help inform the design of the forthcoming proposal.

## **3.0 SITE DESCRIPTION**

The PAN boundary comprises some 3,100 hectares of land and water. The site is currently used for estate purposes. The site would be served from the A819 which links to the strategic trunk roads A85 to the north at Dalmally and A83 to the south of Inveraray. There are a number of tracks in and around the area utilised for recreational access including path SA128.

The proposed development site is generally characterised by upland moorland plateau grazing land with areas of commercial forestry plantations and a significant number of watercourses. Three are a number of sites designated for natural heritage interests in the wider area, with those of Glen Etive and Glen Fyne Special Protection Area and the Upper Loch Fyne and Loch Goil Nature Conservation Marine Protection Area of particular note.

There is a large number of scheduled monuments and listed buildings in proximity of the site, including: Inveraray Castle, Balliemanoch Chapel and Burial Ground, Carn Dubh, Crannog E of Inverinan and Keppochan Cup Marked Stone. There are a number of archaeological records and non-designated features, which exist in the wider proximity of the site.

The site is located within the North Argyll Area of Panoramic Quality as defined by the Local Development Plan. As identified by NatureScot, the proposal would be located around 13km to the south of the Loch Etive Mountains Wild Land Area (WLA09) and around 9km to the west of Ben Lui Wild Land Area (WLA 06). The site predominantly lies within the Craggy Upland Landscape Character Type as identified by NatureScot. Some elements of the scheme also cut across the Plateau Moor and Forests Landscape Character Type and the Rocky Coastland Landscape Character Type around Inveraray.

## **4.0 DEVELOPMENT PLAN POLICY**

This is not a planning application and therefore does not require evaluating and determining in accordance with Section 25 of the Planning Act against the Development Plan and its policies. However, in considering the merits of this PAN, a number of Development Plan Policy considerations are relevant. The policies to be considered include:

### **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 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 DM1 – Development within the Development Management Zones  
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment  
LDP 4 – Supporting the Sustainable Development of our Coastal Zone  
LDP 5 – Supporting the Sustainable Growth of Our Economy  
LDP 6 – Supporting the Sustainable Growth of Renewables  
LDP 8 – Supporting the Strength of our Communities  
LDP 9 – Development Setting, Layout and Design  
LDP 10 – Maximising our Resources and Reducing our Consumption  
LDP 11 – Improving our Connectivity and Infrastructure

#### **Supplementary Guidance**

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)  
SG LDP ENV 2 – Development Impact on European Sites  
SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves  
SG LDP ENV 6 – Development Impact on Trees / Woodland  
SG LDP ENV 7 – Water Quality and the Environment  
SG LDP ENV 11 – Protection of Soil and Peat Resources  
SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)  
SG LDP ENV 14 – Landscape  
SG LDP ENV 16(a) – Development Impact on Listed Buildings  
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance  
SG LDP PG 1 – Planning Gain

SG LDP BAD 1 – Bad Neighbour Development  
SG LDP Sustainable - Sustainable Siting and Design Principles  
SG LDP SERV 5 – Waste Related Development and Waste Management  
SG LDP SERV 6 – Private Water Supplies and Water Conservation  
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development  
SG LDP TRAN 1 – Access to the Outdoors  
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes  
SG LDP TRAN 6 – Vehicle Parking Provision  
SG LDP TRAN 7 – Safeguarding of Airports  
SG LDP TRAN - Piers and Harbours

### **Emerging Local Development Plan (LDP2)**

The emerging Local Development Plan (LDP2) will replace the current Local Development Plan 2015, once adopted. On 13<sup>th</sup> June 2023, the Scottish Government's Planning and Environmental Appeals Divisions issued their Report of Examination on the Council's LDP2. At the time of writing this Pre-application report, the LDP 2015 remains the adopted Local Development Plan, however, the Examination Report of the Draft LDP2 is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 adoption process.

Policy 02 – Outwith Settlement Areas  
Policy 04 – Sustainable Development  
Policy 05 – Design and Placemaking  
Policy 06 – Green Infrastructure  
Policy 08 – Sustainable Siting  
Policy 09 – Sustainable Design  
Policy 10 – Design: All Development  
Policy 14 – Bad Neighbour Development  
Policy 15 – Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment  
Policy 18 – Enabling Development  
Policy 19 – Scheduled Monuments  
Policy 21 – Sites of Archaeological Importance  
Policy 22 – Economic Development  
Policy 28 – Supporting Sustainable Aquatic and Coastal Development  
Policy 30 – The Sustainable Growth of Renewables  
Policy 35 – Design of New and Existing, Public Roads and Private Access  
Policy 36 – New Private Accesses  
Policy 37 – Development Utilising an Existing Private Access or Existing Road  
Policy 38 – Construction Standards for Public Roads  
Policy 39 – Construction Standards for Private Access  
Policy 40 – Vehicle Parking Provision  
Policy 48 – Developer Contributions  
Policy 55 – Flooding  
Policy 58 – Private Water Supplies and Water Conservation  
Policy 59 – Water Quality and the Environment  
Policy 63 – Waste Related Development and Waste Management  
Policy 73 – Development Impact on Habitats, Species and Biodiversity  
Policy 77 – Forestry, Woodland and Trees  
Policy 78 – Woodland Removal  
Policy 79 – Protection of Soil and Peat Resources  
Policy 80 – Geodiversity

## **Other Relevant Policy Considerations:**

- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- 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
- Scotland's Draft Energy Strategy and Just Transition Plan and the accompanying Ministerial statement (Dated 10.1.23)
- The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
- Views of statutory and other consultees;
- Planning history of the site
- Legitimate public concern or support expressed on relevant planning matters
- National Marine Plan

## **5.0 POTENTIAL MATERIAL CONSIDERATIONS**

In respect of this proposal, it is considered that the following matters will be material considerations in the determination of any future planning application:

- a) Development Plan;
- b) National Policy;
- c) Energy and Economic Benefits;
- d) Roads, Transport and Access;
- e) Flood Risk, Water Quality and Drainage;
- f) Peat and Soils;
- g) Access and Recreation;
- h) Natural Heritage and Biodiversity (including impact on designated sites, marine designations and terrestrial, aquatic and marine ecology as well as ornithology);
- i) Impact on Woodland;
- j) Built and Cultural Heritage;
- k) Design and Layout;
- l) Landscape and Visual Impact (including Wild Land Areas and cumulative impacts);
- m) Noise and Vibration;
- n) Telecommunications;
- o) Construction Impacts;
- p) Access, Navigation and Interaction with other Activities (including commercial fisheries); and
- q) Any other material considerations raised within representations.

## **6.0 CONCLUSION**

The report sets out the information submitted to date as part of the PAN. Summarised are the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

## **7.0 RECOMMENDATION**

That Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN to allow these matters to be considered by the applicants in finalising any future application submission.

**Author of Report: Stephanie Wade**

**Date: 06/08/2023**

**Reviewing Officer: Peter Bain**

**Date: 08.08.2023**

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