

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

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

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**Reference No:** 24/00260/PP  
**Planning Hierarchy:** National  
**Applicant:** Scottish Hydro Electric Transmission Plc  
**Proposal:** Section 42 application for the removal of condition 11 relative to planning permission reference 22/00782/PP (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. 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 Approximately 2.5 Km Southwest of Cladich, Argyll And Bute

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**DECISION ROUTE**

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

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

- Deletion of condition 11 relative to planning permission reference 22/00782/PP – to remove the requirement to raise the finished ground floor levels of all buildings to 0.3 metre above the surrounding ground level.
- Construction of substation platform (190m x 225m) to accommodate Gas Insulated Switchgear (GIS)
- Erection of buildings, installation of electrical plant and erection of perimeter security fencing
- Widening of existing forestry tracks (1,895m in length) and upgrading of existing culverted watercourse crossing the River Aray
- Construction of 323m of new access track, comprising 108m connecting the existing forest track to the substation site and 215m of access track continuing around the substation site on the south east and north east aspects
- Landscape planting
- SUDs, comprising four basins to the east of the substation platform

- Peat restoration on-site by way of dressing of substation platform slopes and access tracks, as well as ditches and other cut areas

**(ii) Other specified operations**

- Temporary site laydown area approximately 200m south east of the substation site
- 3.55ha of management felling to the northwest of substation site which forms part of long-term forest plan for the area

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**(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted, in accordance with Section 42 of the Town and Country Planning (Scotland) Act 1997, subject to the conditions and reasons detailed in this report.

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**(C) CONSULTATIONS:**

**Scottish Environmental Protection Agency (SEPA)** (16<sup>th</sup> February 2024) – have no adverse comments or objections to the deletion of the condition, stating in their response that they did not request that the condition to require the applicant to raise the finished floor levels be placed on the original application.

**NatureScot** (15<sup>th</sup> February 2024) – confirm that the proposals continue to fall outwith their consultation threshold and as such have no specific comments.

**Historic Environment Scotland** (22<sup>nd</sup> February 2024) – have no adverse comments or objections to the proposals.

**Transport Scotland** – no response to the consultation request.

**Scottish Rights of Way and Access Society** – no response to the consultation request.

**West of Scotland Archaeological Service (WOSAS)** – no response to the consultation request.

**Glenorchy and Innishail Community Council** – no response to the consultation request.

**ARGYLL AND BUTE COUNCIL INTERNAL CONSULTATION RESPONSES**

**Environmental Health** (9<sup>th</sup> April 2024) – state that they have no remit regarding condition 11.

**Flood Risk Management Advisor** (7<sup>th</sup> March 2024) – refer to their consultation response on the original application, dated 8<sup>th</sup> September 2022, in which they stated “The supplied elevations do not list FFLs to mAOD, though they do appear to be slightly elevated above ground level. Given the pluvial flood risk to the site it is recommended that FFLs be elevated 0.3 metre above surrounding ground level, if practicable”. They further note that no additional info on FFL’s has been submitted

with the current application, however state that as the raising of the FFLs by 0.3 metre was only a recommendation on the original application, have no objections to the removal/deletion of the actual condition.

**Local Biodiversity Officer** – no response to the consultation request.

**Area Roads Oban** – no response to the consultation request.

**Core Paths Officer** – no response to the consultation request.

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.

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**(D) HISTORY:**

Specific to the site:

**21/01230/PAN** - Proposal of Application Notice for the erection of electricity substation comprising platform area, control building, associated plant and infrastructure, ancillary facilities, access track(s), laydown area(s) and landscape works. Land East of Creag Dhubh, Cladich, Argyll and Bute. Opinion Issued 18 August 2021.

**21/02348/SCREEN** - Screening Opinion for the installation of 132/275kV substation and associated works. Creag Dhubh Substation. Screening opinion issued on 16 March 2022.

**22/00782/PP** – The original planning application for the proposed GIS Substation and associated infrastructure on the site. Granted conditional planning permission by the Council on 16 February 2023.

Of relevance:

**21/00286/SCOPE** - Scoping request for proposed Section 37 application for the proposed Creag Dhubh to Dalmally 275 kV connection. Scoping opinion issued on 30 June 2021.

**22/02305/S37** - Section 37 Application for Creag Dhubh to Inveraray 275kV Overhead Line. Creag Dhubh To Inveraray Overhead Line, Inveraray Estate Woodland, Inveraray, Argyll and Bute. Granted conditional approval by the Scottish Government Energy Consent Unit on the 21 August 2024.

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**(E) PUBLICITY:**

MREG20 – Regulation 20 Major Application Advert, Expired 21 March 2024

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**(F) REPRESENTATIONS:**

**(i) Representations received:** None received.

**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No
- (iii) **A Design or Design/Access statement:** Yes No
- (iv) **Sustainability Checklists (with reference to the requirements of LDP2 Policy 04)**
- TN06 Sustainability Checklist Yes No
- TN07 Sustainable Buildings Checklist Yes No
- (v) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No

**(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 11 – Energy

### **Liveable Places**

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

### **Productive Places**

NPF4 Policy 25 – Community Wealth Building

NPF4 Policy 29 – Rural Development

### **Annex B – National Statements of Need**

3. Strategic Renewable Electricity Generation and Transmission Infrastructure

## **Argyll and Bute Local Development Plan 2 (Adopted 2024)**

### **Spatial and Settlement Strategy**

Policy 02 – Outwith Settlement Areas

Policy 04 – Sustainable Development

### **High Quality Places**

Policy 05 – Design and Placemaking

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment

Policy 19 – Scheduled Monuments

Policy 21 – Sites of Archaeological Importance

### **Diverse and Sustainable Economy**

Policy 30 – The Sustainable Growth of Renewables

### **Connected Places**

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

Policy 37 – Development Utilising an Existing Private Access or Existing Private Road

Policy 39 – Construction Standards for Private Accesses

### **Sustainable Communities**

Policy 55 – Flooding

Policy 58 – Private Water Supplies and Water Conservation

### **High Quality Environment**

Policy 71 – Development Impact on Local Landscape Areas (LLA's)

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

## Local Development Plan 2 Schedules

**(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.**

- Planning Advice Notes & Web-based Renewables 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
- Scotland's Draft Energy Strategy and Just Transition Plan: 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

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

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

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

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**(N) 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 consultees have confirmed that they do not wish to be heard, and therefore a Hearing will not be required.

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

- Peat
- Forestry Removal

**(O)(ii) Soils**

[Agricultural Land Classification:](#)

Class 6.3 – Rough Grazing

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

- Class 1  
Class 2

- Class 3
- N/A
- Class 5 indicated on Council Maps.
- N/A

Peat Depth Classification:

- 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

**(O)(iii) Woodland**

- Will the proposal result in loss of trees/woodland? (If yes, detail in summary assessment)  Yes - the development has commenced and the trees have already been removed.
- Does the proposal include any replacement or compensatory planting?  Yes  No details to be secured by condition  N/A

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

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

**ABC LDP2 Settlement Strategy**  
(tick all relevant boxes)

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

**ABC LDP2 Allocations/PDAs/AFAs etc:**

N/A

**(P) Assessment and summary of determining issues and material considerations**

A Section 42 application is an application for a new planning permission for a development, but with different conditions from those attached to a previous permission for that same 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.

**(i) Principle of Development**

Planning Permission (ref. 22/00728/PP), to construct and operate a 132/275 kilovolt (kV) GIS electrical substation and associated infrastructure, with works comprising of cut and fill to tie the compound platform into the existing ground level, landscaping,

Sustainable Drainage Systems (SuDS) basins, new permanent access and upgrades to existing tracks was originally granted on 16<sup>th</sup> February 2023. It should be noted that works have now commenced on site, and these works are progressing in accordance with the original approval.

## **(ii) Proposed Development**

The current application has been made under Section 42 of the Town and Country Planning (Scotland) Act 1997, as the applicant wishes to delete a planning condition (Condition 11) attached to the original consent, 22/00728/PP, requiring that the finished floor levels of all the previously approved buildings on the site are elevated 0.3 metre above the surrounding ground levels.

Condition 11 of 22/00728/PP states:

“Notwithstanding the provisions of condition 1, the finished ground floor levels of the buildings of the development shall be elevated to 0.3 metre above surrounding ground level, unless otherwise agreed in writing by the Planning Authority.”

This requirement was added as a planning condition to the original approval following a consultation response received from the Flood Risk Management Advisor (JBA Consulting, dated 8<sup>th</sup> September 2022), in which they stated “The supplied elevations do not list FFLs to mAOD, though they do appear to be slightly elevated above ground level. Given the pluvial flood risk to the site it is recommended that FFLs be elevated 0.3 metre above surrounding ground level, if practicable”. As stated above, following consultation on the current application, they further note that no additional info on FFL’s has been submitted with the current application, however state that as the raising of the FFLs by 0.3 metre was only a recommendation on the original application, have no objections to the removal/deletion of the actual condition. Prior to submitting the current application, the applicant contacted the flooding consultee direct to discuss the reasoning for the requirement for the 0.3 metre raising of the FFL. In response, the consultee stated that the 0.3 metre increase to FFLs was “more a note to the applicant that it may be a mitigation measure they wish to consider, however did not intend for it to be added as a formal condition.” In response to this statement, the applicant advised that their intention was to follow their standard specifications for such projects, with the substation platform designed and constructed to be free draining, set 0.15 metre above FFL and for an up to a 1 in 1000 year rainfall event. In addition, raising all FFLs to 0.3 metre above ground levels would add further complexities to the construction of the project, including additional ramps and hardstanding areas.

In view of the above, the flooding consultee and the Council concur that it is not practical for the applicant to incorporate raising the FFLs for all buildings proposed within the site by 0.3 metres, noting the applicant’s intention to raise all FFLs by 0.15 metre, and therefore it is considered acceptable to delete condition 11.

As physical works have now commenced on site the Council considers that it is also necessary to reword a number of pre start and enduring planning conditions attached to the original consent for the project, under ref: 22/00782/PP, conditions that required to be discharged or part discharged prior to works commencing on site. The relevant conditions affected that require to be reworded are conditions 2 (CEMP), 3 (CTMP), 4 (WOSAS WSI), 5 (Construction Worker’s Housing Strategy), 6 (Private water supply), 7 (CNMP), 8 (PMP), 9 (CPP and LTFMP) and 10 (Vehicle wheel cleansing facilities). The remaining, enduring planning conditions attached to the original consent, conditions 12 to 17, are proposed to be carried over in their existing worded form.

If successful, the effect of a Section 42 application to modify or delete a planning condition or conditions is to grant a further planning permission for the whole development but with the amended condition or conditions replacing those that were previously issued, or (if appropriate) with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

Following a detailed assessment and noting the responses from the consultees, the proposal is considered to be consistent with policies in both the National Planning Framework 4 (NPF4) and the Argyll and Bute Local Development Plan 2. Therefore, it is recommended that the application to delete condition 11 attached to planning permission 22/00782/PP is granted, which effectively renews that planning permission for a further three years.

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

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

All relevant matters have been taken into account when assessing this further application. It is considered that the proposal accords with the principles and policies contained within both the adopted National Planning Framework 4 and the adopted Argyll and Bute Local Development Plan 2. The Section 42 application to delete the planning condition is considered acceptable, subject to the retention and amendment of the remaining planning conditions in terms of all other applicable material considerations.

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

Not applicable

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

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**Author of Report:** Stuart Ramsay **Date:** 24.09.2024

**Reviewing Officer:** Sandra Davies **Date:** 07.10.2024

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 24/00260/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 09/02/2024, supporting information, including the Environmental Appraisal for application 22/00782/PP (April 2022), 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	C	12/02/24
Proposed A819 Site Access Design Location Plan	LT29_CRDH_0804_0010	B	12/02/24
Location of septic tank, borehole water supply and SUDS	R170_3673_Fig1_SepticTank_BHWS_SUDS_D	D	12/02/24

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

- The development shall proceed in accordance with the approved Finalised Construction Environmental Management Document (CEMD) for the site, as approved under application 22/00782/PP, unless otherwise agreed in writing by the Planning Authority.

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

- The development shall be implemented and proceed in accordance with the approved Construction Traffic Management Plan (CTMP) and Phased Delivery Plan, as approved under application 22/00782/PP.

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. The development shall be implemented in accordance with the duly approved details of the proposed archaeological works contained with the approved written scheme of investigation, 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 end of February 2025, further details of a continuing strategy for housing incoming construction workers shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall continue to be carried out in accordance with the further approved details submitted and approved.

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. The development shall not be brought into use or occupied until the required private water supply system has been installed in accordance with the agreed specification, as approved under application 22/00782/PP, 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. The development shall progress in accordance with the approved Construction Noise Management Plan (CNMP), as approved under application 22/00782/PP, 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. The development shall progress in accordance with the approved Peat Management Plan (PMP), as approved under application 22/00782/PP.

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

9. Prior to the energising of the development hereby approved, a detailed Compensatory Planting Plan (CPP) and Long Term Forestry Management Plan (LTFMP) shall be 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 the vehicle wheel cleansing facilities, as approved under application 22/00782/PP, have been installed and brought into operation on the site.

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

11. Watercourse crossings hereby permitted shall be designed to at least the capacity of the existing channel, and to the 1 in 200 years 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. Any blasting for the development hereby permitted shall not exceed vibration levels at the nearest Noise Sensitive Receptors (NSR) 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.

## **ADDITIONAL NOTES TO APPLICANT**

- Guidance on the submission of a request for a NMA is available online. Guidance Note ([argyll-bute.gov.uk](http://argyll-bute.gov.uk))
- Regard should be had to the advice to the applicant supplied by SEPA in their consultation responses, copies of which can be viewed on the planning pages of the Council's Website. Please note that in respect of condition 2 above SEPA advises that the finalised peat management and restoration proposals should adhere to their advice as included within their part 4 of their consultation comments.
- 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>24/00260/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 under Section 42 of the Town and Country Planning (Scotland) Act 1997 to delete a planning condition (Condition 11) attached to the original consent for an electrical substation, requiring that the finished floor levels of all the previously approved buildings on the site are elevated 0.3 metre above the surrounding ground levels.
- 1.2. The proposed development is located 2.5km south west of Cladich on the eastern slopes of Cruach na Gearchoise within the River Aray catchment. The site is located within a large commercial conifer plantation which is in the process of being harvested. The surrounding land is a mix of regenerating moorland, conifers and a small number of large trees. The application site has been fully harvested and now comprises of a clear felled area of ground, with some mature trees retained along the western boundary. The site selection process for the substation was detailed in the Environmental Appraisal (Section 4.2: Site Selection) submitted with the original planning application, 22/00728/PP. This explained that the aim of the process was to identify a proposed site which is technically feasible and economically efficient, and which causes the least disturbance to the environment; and to those living in it, visiting it or using it for recreation. Of the eight sites originally considered, two were selected as preferred sites, with subsequent investigations identifying the presence of significant volumes of environmentally sensitive and technically challenging peatland at both preferred sites. This resulted in further survey work and micro-siting to determine the site with the least amount of peat disturbance, which in turn became the land occupied by the current application site.
- 1.3. The proposal itself comprises the creation of a substation platform of approximately 4.2ha to accommodate the Gas Insulated Switchgear (GIS) for the proposed substation. This would be created using cut and fill to create a level platform at 208m AOD, cutting some land within the site area down from 220m AOD. One side of the substation will comprise a 275kV double busbar Gas Insulated Switchgear (GIS), housed in the larger of two main buildings (approximately 22m x 14m x 20m) and will include connection of two 275kV overhead line bays. The other side will consist of a 132kV double busbar GIS, housed in the smaller of the two buildings (approximately 22m x 14m x 20m) and will include four 132kV overhead line bays and a possible grid transformer bay. Both sets of GIS will have two bays to connect to the centrally located super grid transformers which sit between the two buildings. The 275/132kV super grid transformers (SGT) will be rated at 480 MVA. The substation includes a single storey building to house the site services and control equipment. A private bore hole is proposed to provide a private water supply to the development with the requirement for toilet facilities, a shower and sink for the maintenance staff as the converter station will not be permanently manned.

## 2. Settlement Strategy

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material planning considerations indicate otherwise. The principle of development has been

established under the original permission and consequently, it is not necessary to revisit whether or not it is compliant with the settlement strategy. This is an application to delete the requirements of the condition on an existing permission. In order to address the determining issues, the key considerations are therefore:

1. Compliance with the adopted Development Plan and other planning policy
2. Deletion of condition 11; and
3. Any other material considerations.

### **3. Compliance with the Development Plan**

3.1 The Development Plan has changed since the determination of the original application. The Development Plan now comprises the adopted National Planning Framework 4 [NPF4], in addition to the adopted Argyll and Bute Council Local Development Plan 2, 2024 [LDP] and all statutory and supplementary guidance. Notwithstanding this, it should be noted that the original application report of handling also considered the application against the policies of the draft NPF4 document, which have effectively been replicated in the adopted NPF4, as set out below. As approval of this current application would grant a fresh planning permission for the proposals, it is necessary to address the relevant policy framework for the application where the framework differs from that of the previous LDP, in addition to addressing any relevant matters raised by the request to delete Condition 11 and amend other relevant conditions.

3.2 As the proposals involve an amendment to an existing live consent, there is no opportunity for the Planning Authority to revisit the principle of the development, or any facets of the original permission that do not form part of the proposed amendments. Therefore, in this instance, the assessment of the proposals relates solely to consideration of any impacts that may arise from the deletion of condition 11, which required all buildings to be constructed 300mm above the adjacent ground levels. The main matters for the Council's consideration are, therefore, whether the development would continue to comply with the Development Plan based on the new suite of conditions.

### **4. National Planning Framework 4**

4.1 National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places. As the proposal continues to seek permission for an electrical substation to facilitate the transmission of existing and future renewable energy projects within this part of Argyll and Bute, helping to tackle issues of climate change, it is considered that the amended proposals continue to accord with the relevant policies of NPF4. Of particular relevance is assessment against NPF4 Policy 22 – Flood Risk and Water Management, which seeks to reduce the vulnerability of existing and future development to flooding. In this respect, noting that the Council's flooding consultee has no objection to the removal of the condition requiring finished floor levels 0.3 metre above the adjacent ground levels, and that the applicant would be seeking to construct all proposed buildings 0.15 metre above existing ground levels, the amended application is considered to comply with NPF4 Policy 22.

### **5. Argyll and Bute Local Development 2**

5.1 The original application was assessed against the policies of the draft Argyll and Bute Local Development Plan 2, in addition to those of the adopted Argyll and Bute Local

Development Plan 2015. In terms of the minor changes to the previously approved scheme, consideration has been given to whether the proposals continue to comply with the provisions of the current adopted Local Development Plan. Following a detailed assessment of the application against the relevant policies of the adopted Argyll and Bute Local Development Plan 2, in particular Policy 55 – Flooding, which requires all development proposals to demonstrate that all risks of flooding are understood and addressed, and that the development would remain safe and operational during floods, and noting the relevant consultee responses advising no objections to the removal of condition 11, it is considered that the amended proposals are acceptable.

- 5.2 The detailed assessment of the application has fully considered impacts on international, national and local designations, impacts on carbon rich soils, deep peat and priority peatland habitat, economic benefits, contributions to renewable energy targets, effects on natural heritage and ecology, landscape and visual impacts, cumulative impacts, public access, the historic environment, tourism and recreation, road safety and traffic, hydrology, water environment and flood risk, and environmental protection.

## **6. Public Representation**

- 6.1 No representations to the amended application have been received.

## **7. Conclusion**

- 7.1 Permission is sought under Section 42 of the Planning Act to delete condition 11 of the original permission, 22/00782/PP, a condition requiring that the finished ground floor levels of all buildings on the site are elevated to 0.3 metre above surrounding ground levels. As stated above, the effect of granting a Section 42 application Permission is such that a new permission exists for the development with different or no conditions attached. Planning Authorities should attach to the new permission all of those conditions from the previous permission, where applicable, and amended/reworded as necessary. All relevant matters have been taken into account when appraising the application, including the likelihood of significant adverse effects likely to occur as a result of not requiring all buildings to incorporate raised finished floor levels of 0.3 metre. The Council is supportive of renewable energy projects in line with National Policy. The impact of a new electrical substation has been deemed acceptable in this location and the development is under way on site. There have been no objections raised in respect of this further application from third parties or statutory consultees. All relevant matters have been taken into account when appraising this application.
- 7.2 The proposed development remains exactly the same as that approved and currently under construction under the original Planning Permission ref. 22/00782/PP with no changes to the site layout, proposed buildings, infrastructure or access arrangements. Full details of the proposed development originally approved are contained in the Report of Handling for permission ref: 22/00782/PP.
- 7.3 On the basis of all of the above, the proposal is considered to be consistent with policies in both the National Planning Framework 4 (NPF4) and the Argyll and Bute Local Development Plan 2. Therefore, it is recommended that the application to delete condition 11 attached to planning permission 22/00782/PP is granted, which effectively renews that planning permission for a further three years.