

**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:** 24/01098/PP  
**Planning Hierarchy:** National Application  
**Applicant:** Scottish Hydro Electric Transmission Plc  
**Proposal:** Section 42 Application for variation of condition 7 relative to planning permission reference 23/00382/PP (Erection of high voltage electricity substation and formation of associated access, landscaping, drainage and means of enclosure and platform extension)  
**Site Address:** Land Adjacent To Crossaig Sub Station, Skipness

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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**

- A substation platform extending approximately to 2.4 ha for the new Crossaig North substation;
- A 275 kV Gas Insulated Switchgear (GIS) Building, maximum height 16m;
- A 132 kV Gas Insulated Switchgear (GIS) Building, maximum height 16m;
- Installation of two 275/132 kV supergrid transformers (SGT), rated at 480 MVA, each located in a ventilated building of maximum height 18m;
- Installation of two gantries and electrical equipment to connect the OHL and the proposed substation;
- A temporary works area (TWA) adjacent to the substation site, of approximately 3 ha and areas for temporary peat storage;
- Diesel Generator and 2 automatic voltage regulators;
- Borehole for water and septic tank;
- Turning and parking areas;
- Use of existing forestry access tracks (those being the existing Cross Kintyre Haul Road and Cour Estate track), approximately 25 km in length to enable access to the existing Crossaig substation. Ongoing maintenance of this track will be required;
- Construction of a section of permanent access track, approximately 660 m in length between the existing Crossaig substation and the proposed Crossaig North substation and for access to the SuDS pond;
- A 2.4 m high security fence of palisade construction around the substation perimeter; and
- Foul and surface water drainage (Sustainable Drainage System (SuDS) pond and outfall pipe);
- An extension to the south of the substation platform at the existing Crossaig substation of approximately 0.13 ha to support electrical equipment and associated access

**(ii) Other specified operations**

- Tree felling and compensatory planting

Works are also required within the existing Crossaig substation platform to which Permitted Development rights apply. Those include:

- construction of a single storey building extension to accommodate expansion of the existing protection room
- Installation of underground 132kv interconnector cables between existing substation and proposed substation.

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**(B) RECOMMENDATION:**

Having due regard to the relevant policies within LDP 2, NPF 4 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:**

SEPA – (Dated 24.07.24) - No objection to rewording of condition 07

Nature Scotland – (Dated 19.07.24) - No comment Offered.

Transport Scotland Dated 26.07.24 - No objection

WoSAS (Dated 22.07.24) – No Comment as archaeology condition submissions on original consent already approved by WoSAS

Area Roads Engineer (Dated 01.08.24) – No comments

Tarbert and Skipness Community Council – No response

Environmental Protection – No Response

Biodiversity Officer – No Response

HESS – No response

Access Manager – No response

(Officer Note\* As all details in respect of approval 23/00382/PP remain the same the critical consultee response in respect of rewording condition 07 relating to peat management proposals is from SEPA who requested the wording used in the condition. They have responded with no objection)

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**(D) HISTORY:**

21/001884/PAN – Proposal of Application Notice for the erection of electricity substation Opinion issued on 17.11.21.

21/01642/SCREEN – Screening opinion for the erection of a 275kV gas insulated switchgear substation. Opinion issued on 21.3.22

23/00382/PP – Erection of high voltage electricity substation and formation of associated access, landscaping, drainage and means of enclosure and platform extension Approve subject to conditions 27.06.23

**(E) PUBLICITY:**

MREG20 – Regulation 20 Major Application Advert, Expired 23<sup>rd</sup> August 2024

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**(F) REPRESENTATIONS: No Representations Received**

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**(G) SUPPORTING INFORMATION:**

- Habitat Management Environmental Plan
- Peat Management Plan

**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
- Peat Management Plan
  - Habitat Management Environmental Plan
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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:**  Yes  No

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- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:**  Yes  No
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- (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 \(Adopted 13<sup>th</sup> February 2023\)](#)

**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**

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

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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 consultee(s) who have offered response have confirmed that they do not wish to be heard, 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 ? / Unclassified Land / Built Up Area

Peatland/Carbon Rich Soils Classification:

- Class 1
- Class 2
- Class 3
- N/A

Class 4 indicated on Council Maps. Further site specific information within submitted Peat Management Plan

Peat Depth Classification:

N/A : Refer to Fig 2.1 of Peat Management Plan

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?

- No

(If yes, detail in summary assessment)

Does the proposal include any replacement or compensatory planting?

- Yes
- No details to be secured by condition
- N/A

**(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) Summary 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 under 23/00382/PP remains live.

**(i) Principle of Development**

Planning Permission (ref. 23/00382/PP), to construct and operate a 132/275 kilovolt (kV) GIS electrical substation and associated infrastructure, was originally granted on 21.06.2023. It should be noted that works have now commenced on site, and these works are progressing in accordance with the original approval and conditions to allow commencement of development have been discharged.

## **(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 amend the wording of condition 07 of the original permission.

Condition 7 was a condition required the submission of a Peat Management Plan to be discharged in consultation with SEPA. SEPA have previously approved the proposed peat management plan and the plan itself remains unchanged from the details that SEPA have already approved. The condition is listed in full below. The wording that SSEN wish to amend by means of this S42 Application **are highlighted in bold and underlined** for ease of reference.

*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 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 proposed revised wording of Condition 07 is to

*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:  
This shall 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 approved peatland management plan. **The restored peatland shall be maintained in accordance with the terms of the approved peat management plan for a period of 15 years, from commencement of works under approved peat management plan.***

*The restored area shall not be subject to any works or operations **for a period of 15 years, from commencement of works under approved peat management plan which would** 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.*

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 amend 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.

Taking account of the above, it is recommended that planning permission be approved subject to the revised condition 07 as per the S42 application.

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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.

All matters directly related to the variation sought are therefore considered to have been properly addressed. Taking account of the above and all relevant material considerations, it is recommended that planning permission be approved subject to the revised condition 07 as per the terms of the submitted S42 application.

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

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

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**Author of Report:** David Moore **Date:**07.10.24

**Reviewing Officer:** Sandra Davies **Date:** 08.10.24

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 24/01098/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 14.12.22; the Environmental Appraisal (December 2022), supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Version	Date Received
Site Location Plan (1:75000)		24.02.23
Red Line Boundary Plan (Fig 1.1)		24.02.23
Revised Site Layout Plan 4534d-DR-P-0017	Rev 5	26.05.23
Existing Substation Layout and proposed Extension Plan 4543d-DR-P-0027		24.02.23
Septic Tank and Borehole Plan ( Fig 13) (1:2500) 31.03.23		
Substation Compound Layout and Electrical Section Locations 4534d-DR-P-0004	Rev.2	24.2.23
275Kv Control Building Layout 4534d-DR-P0005	Rev 2	24.2.23
275kv Control Building Elevations 4534d-DR-P-0006	Rev.2	24.2.23
132kv Control Building Elevations 4534d-DR-P-0023	Rev.1	24.2.23
132kv Control Building Layout 4534d-DR-P-0022	Rev.1	24.2.23
Transformer Building Layout 4534d-DR-P-0020	Rev.1	24.2.23
Transformer Building Elevations 4534d-DR-P-0019	Rev.1	24.2.23
Generator Building Elevations and Floor Plan 4534d-DR-P-0009	Rev.2	24.2.23
Electrical Layout Elevations 01 4534d-DR-P-0011	Rev.1	24.2.23
Typical Deer Fence and Gate 4534d-DR-P-0016 - 2.5m High Security Palisade Fencing		24.2.23
Details CE/34/2015	Rev. E	24.2.23
Site Access Details 4534d-DR-P-0008	Rev.2	24.2.23
Proposed Site Access Profiles 4534d-DR-P-0021	Rev.1	24.2.23
Proposed Site Profiles 4534d-DR-P-0018	Rev.1	24.2.23

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

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

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

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

3. No development shall commence until a Construction Traffic Management Plan (CTMP) and Phased Delivery Plan have been prepared and approved in writing by the Planning Authority and Transport Scotland as the trunk roads Authority. The Plan shall include details of:
- a) Approved access routes,
    - All HGV construction traffic to use the Cross Kintyre Haul Route.
    - The B8001 Redhouse - Skipness Road and the B842 Claonaig - Southend Road must not be used by HGV's.
    - The B8001 Redhouse - Skipness Road and the B842 Claonaig - Southend Road may be used by LGV related to these works
  - b) Agreed operational practises (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, information of wheel cleansing facilities, signage to be installed on the A83 warning of construction traffic, signage or temporary traffic control measures to include for larger or abnormal loads, reporting of verge damage);
  - c) The provision of an appropriate Code of Practice to drivers of construction and delivery vehicles.
  - d) Abnormal load route surveys and finalised plan (including any accommodation measures required including the removal of street furniture, junction widening, traffic management).

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

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

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

Reason: In order to protect archaeological resources

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

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

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

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

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

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

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

This shall 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:

- (i) The written consent of all landowners whose land is to be utilised.
- (ii) Methodology and volume of extraction,
- (iii) Phasing/timing of any works impacting peat.
- (iv) Quality/classification of Peat to be extracted.
- (v) Details of any onsite peat re-instatement and /or enhancement
- (vi) Details of storage and transportation
- (vii) Details of the location, area, and condition of onsite or offsite peatland to be improved.
- (viii) Details of peat enhancement measures on this land
- (ix) Details of peatland restoration outcomes to be achieved.
- (x) Details of ongoing management arrangements of the restored peatland

The restored peatland shall thereafter be maintained in accordance with the terms of approved peatland management plan. The restored peatland shall be maintained in accordance with the terms of the approved peat management plan for a period of 15 years, from commencement of works under approved peat management plan

The restored area shall not be subject to any works or operations for a period of 15 years, from commencement of works under approved peat management plan which would undermine the objectives of the restoration objectives contained in the approved Peat Management Plan.

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

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

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

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

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

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

10. No development shall commence, until a revised Landscape Planting Plan and Maintenance Plan in accordance with BS EN ISO 11091:1999 has been submitted to and approved in writing by the Planning Authority. The revised plans must include:

- a) A plan showing numbers and locations of each tree and shrub species;
- b) Planting schedule to show for each species, the total number, type and size at planting;

- c) Specification for planting to include ground preparation, planting operations and protection from herbivores;
- d) Compensatory planting scheme for tree loss
- e) Schedule of implementation and phasing;

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

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

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

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

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

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

13. No development shall take place outside the following hours:

07.00hrs and 19.00hrs Mon to Friday (inclusive)  
07.00hrs and 18.00hrs Saturday

No construction works shall take place on Sundays or Scottish Bank Holidays unless as otherwise may be agreed in writing with Environmental Protection Officers in advance of the operations

Non-construction work and switching works can be carried out on Sundays and Scottish Bank Holidays between the hours of 08.00 and 13.00.

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

<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>24/01098/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 vary a planning condition (Condition 07) attached to the original consent for an electrical substation, seeking a change to the wording of the condition 07 as set out in the main report.
- 1.2. The Approved Development under 23/00382/PP consists of the substation buildings and electrical infrastructure, and associated works required to accommodate construction and access. The development footprint for the proposed substation site once completed, includes the substation platform, cut/fill embankments, access road, associated culverts, Sustainable Urban Drainage System (SUDS) and OHL connecting down-leads and towers.
- 1.3. The site is located approximately 8 km southwest of the village of Claonaig in Argyll and Bute, West Scotland and is 1 km from the Firth of Clyde. The Project would be accessed from the A83 using existing private tracks known as the Cross Kintyre Haul Road and the Cour Estate track. The Proposed Development is in an area of commercial forestry with low conservation value, as well as an area of semi-natural broadleaved woodland with higher ecological importance. It is situated approximately 1 km from the Firth of Clyde, and approximately 500 m from the B842.
- 1.4. Buildings will comprise steel portal frames with metal cladding and roof. There would be some un-housed electrical switchgear and plant located within the platform area. The substation would not be illuminated at night during normal operational activities. Conditions will be imposed to ensure that appropriate materials and colouring are used in respect of these buildings and other infrastructure. Flood lights would be installed but would only be used in the event of a fault during the hours of darkness; or during the over-run of planning works; or when sensor activated as security lighting for night-time access. Details of any proposed floodlighting are subject to a condition.
- 1.5. No physical or operational aspects of the previous application already approved by Members will be altered by this S42 application which relates only to the wording of condition 07.

## 2. Consideration of Proposal

- 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 or appropriate to revisit whether or not it is compliant with the settlement strategy. This is an application to amend 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 (s) and other planning policy



2. Variation of the wording of condition 07 as proposed; and
3. Any other material considerations

### **3. Compliance with the Development Plan (comprising NPF 4 and LDP 2)**

- 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.
- 3.2. Although NPF 4 was formally adopted in Feb 2023 before the approval of 23/00382/PP for the original scheme, LDP 2 was formally adopted in Feb 2024, since the proposal was approved on 21.06.23. Notwithstanding this, it should be noted that the original application report of handling also considered the application against the policies of the draft LDP 2 document, which have effectively been replicated in the adopted LDP 2 in respect of the relevant policies. 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 NPF 4 and draft LDP 2 policy evaluation, in addition to addressing any relevant matters raised by the S42 application to amend Condition 07 and amend other relevant conditions which the Planning Authority considers is necessary.
- 3.3. As the proposals involve an amendment to an existing live consent, which has been partially implemented at time of writing, 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 revisions to the wording of condition 07 as previously set out at Section P of this report.
- 3.4. The main matters for the Council's consideration are, therefore, whether the development would continue to comply with the Development Plan (NPF 4 and LDP 2 policies) 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 5 – Soils, which includes details on the approach required where development proposals would impact upon peat. The amended application is considered to comply with NPF4 Policy 5. And importantly the statutory consultee who requested the wording of condition 07 have raised no objection to the proposed changes. The proposals therefore continue to comply with NPF 4 policy requirements.

### **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 and conditioned 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, and in particular Policy 79 - Protection of Soil and Peat Resources, it is considered that the amended proposals are acceptable.

- 5.2. The detailed assessment of the S42 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.

## 6.0 **Conclusions**

- 6.1 The proposed development remains exactly the same as that approved and currently under construction under the original Planning Permission, 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: 23/00382/PP and available on the public access system.
- 6.2 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 vary condition 07 attached to planning permission 23/00382/PP is granted, which effectively renews that planning permission for a further three years.