ARGYLL AND BUTE COUNCIL
DEVELOPMENT AND ECONOMIC GROWTH

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

UPDATE ON RECENT SCOTTISH MINISTERS SECTION 37 DECISION RELATED TO
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2. RECOMMENDATION

2.1 Members are asked to note the contents of the report.

3. REPORTERS CONCLUSIONS AND RECOMMENDATION TO SCOTTISH MINISTERS

Reporterôs Conclusions (Extracts from Public Inquiry Report)

3.1

3.7 My conclusion is that the proposed biodiversity enhancement measures would, in the long term, be likely to benefit the nature crisis. However, as it would have a temporary (but long term) adverse effect on biodiversity, this undermines some of the positive weight that the proposal would otherwise draw from its positive contribution to the climate crisis.

3.8 Transmission infrastructure's National Development status, recognises the national significance of such development and its importance in delivering NPF4's spatial strategy. NPF4 confirms that such designation means the principle of development does not need to be agreed in later consenting processes such as a section 37 application.

3.9 I concluded in the "other matters" section of this report that, due to separation distances and screening, the only historic asset that could have its setting materially affected by the proposal is the Duncan Ban Monument, a category B listed building. Having considered the likely effect on its setting, I concluded that this would not be significantly affected. My conclusion in respect of policy 7 is that the proposal would comply with its requirements.

3.10 My conclusion is that significant effects on the character of this landscape type would be limited to the immediate vicinity of the proposal, where the greater scale of the proposed towers when compared with mature trees and other existing landscape features, and their engineered appearance, could be fully appreciated. Beyond a distance of around 800 metres (and less in some locations due to screening) I predict that, existing human influences within the landscape and its large scale would enable the development to be accommodated without significant change to its character.

3.11 The North Argyll Area of Panoramic Quality (the APQ) is a local landscape designation in the LDP which covers two extensive land areas separated by Loch Etive. The LDP confirms that the aim of APQ designation is to protect locally important landscapes within Argyll and Bute from damaging development that would diminish their very high scenic value. According to the LDP, these areas are important not only for their physical landforms and scenic value, but also for the environmental assets that they represent, which could potentially be destroyed or damaged by even a relatively small, insensitive development.

3.12 In locations very close to the proposed OHL, anyone walking or mountain / gravel biking would certainly have their experience impaired by the development's adverse visual effect. However, there is no evidence to suggest that the line of the proposal runs close to any routes of particular importance for such activities. Indeed, I found it difficult to access the immediate vicinity of much of the proposed OHL by mountain bike due to the absence of suitable tracks.

3.13 I appreciate that there is a risk that adding additional large-scale infrastructure to a locality where that is already present, could breach a tipping point beyond which there was harm to the qualities that are particularly valued by recreational users. However, the evidence does not persuade me that the effect of this proposal would come close to such a tipping point. On the contrary, I am satisfied that the overall recreational attractiveness of this location would be minimally affected by what is now proposed. ….Consequently, I predict no significant effect on this special quality.

3.14 In accordance with Schedule 9 of the 1989 Act, in preparing my advice and recommendations to Ministers (and as related in this report) I have had regard to the desirability of preserving natural beauty of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and

objects of architectural, historic or archaeological interest. I have also had regard to the requirement to avoid, as far as possible, to causing injuries to fisheries or to the stock of fish in any waters.

3.15 I have also considered whether the applicant has satisfied the further requirement of Schedule 9 to do what it reasonably can to mitigate any effect on any such flora, fauna, features, sites, buildings or objects. 481. For the reasons I have set out in this report, I am satisfied that the applicant has satisfied these Schedule 9 requirements. I am also satisfied that what is proposed is consistent with the applicant's duty under section 9 of the Act to develop and maintain an efficient, co-ordinated and economical system of electricity transmission.

Reporters Recommendation to the