

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Customer Services  
Executive Director: Douglas Hendry



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16 September 2013

**ARGYLL AND BUTE LOCAL REVIEW BODY – RECONVENED MEETING**

**MONDAY 23 SEPTEMBER 2013 AT 2.00 PM IN COMMITTEE ROOM 2,  
KILMORY, LOCHGILPHEAD**

I enclose herewith further written submissions that were requested by the Argyll and Bute Local Review Body at their meeting on 26 June 2013 along with comments made by the Applicants' Agent.

Douglas Hendry  
Executive Director - Customer Services

**BUSINESS**

3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND SOUTH WEST OF ALDER HOUSE, KILMICHAEL, LOCHGILPHEAD, PA31 8QA**
  - (d) Further Written Submissions (Pages 1 - 14)
  - (e) Comments on Further Written Submissions (Pages 15 - 18)

**ARGYLL AND BUTE LOCAL REVIEW BODY**

Councillor Gordon Blair  
Councillor Fred Hall

Councillor Mary-Jean Devon (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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Report of Head of Planning to Local Review Board

**Additional Report in relation to planning decision 12/02588/PPP application**

**Site for Erection of Dwellinghouse and installation of septic tank at land south west of Alder House, near Bridgend, Kilmichael Glassary, Lochgilphead.**

Members of the Local Review Board when they last met to review the Planning Authorities' decision which led to the refusal of this planning application deferred their review of the case, and asked that the Head of Planning undertake an Area Capacity Evaluation (ACE) in relation to the area of the application site.

Two relevant papers are now appended to this report which provides the :

- A) Area Capacity Evaluation and
- B) Important Notes to be read in conjunction with that evaluation.

**Conclusion.** Upon reading the attachments it will be appreciated that it is objectively concluded that there is no capacity for any further development in the defined ACE compartment. Members will also note as background information under Section B that the area is subject to development pressure and if this refusal decision is overturned it will lead to a plethora of other application from neighbouring land owners to this site who have so far been dissuaded from applying based on advice so far offered to them from the Planning Authority.

## APPENDIX A – AREA CAPACITY EVALUATION (ACE)

### LAND SOUTH OF RIVER ADD, BRIDGEND, BETWEEN RIVER AND ACHNASHELLOCH

#### a) Purpose of the assessment

This assessment has been undertaken at the request of the Local Review Board (LRB) which met a few weeks ago, when they deferred their review, to further consider the delegated officer decision which refused planning permission for the dwelling on land west of Alder House, near Bridgend, Kilmichael Glassary (ref 12/02588/PPP).

Area Capacity Evaluations are normally undertaken in accordance with the Supplementary Planning Guidance approved by the Council on 19th February 2009. This sets out the situations in which an assessment may be triggered, either when :

- (i) a development as submitted is demonstrating an operational/locational case to be within a Sensitive Countryside Development Control Zone or
- (ii) a development is being considered in a Rural Opportunity Area (ROA) which because of previous planning permissions/pending decisions is now considered to be in a Rural Opportunity Area considered to be at capacity necessitating the closing down of the ROA by transferring it into the policy status of Sensitive Countryside.

This request for the Area Capacity Evaluation does not accord with the purpose of them, the site lying in Sensitive Countryside not triggered by a planning application with a demonstrated operational/locational case. The preparation of the ACE in this case is triggered by the request of the LRB not in compliance with the normal rules.

The Council guidance none-the-less requires when an Area Capacity Evaluation is prepared that the findings should be made available to applicants and/or agents and to Members in advance of the determination of any related planning application(s) (*and presumably in this instance the review of that decision*) in order that, if necessary, there is an opportunity to prepare a response to the findings for consideration by Committee (*in this instance the Local review Board*) at the time the application is determined (*being reviewed*) and the ACE is given consideration as part of that determination process.

The guidance states an area to be assessed should be identified as **a wider ‘area of common landscape character’ within which the prospective development site is located. ACE’s will be considered by Members at the same time as the related development proposal is being determined, and once endorsed will become a material consideration in respect of any future applications within that ACE compartment.**

This assessment has been generated by the current application reference 12/02588/PPP for development in principle of a single dwelling-house within an area of deciduous woodland south of the settlement of Bridgend within the ‘sensitive countryside’ development control zone.

The assessment has been undertaken in respect of an area of common landscape character as detailed below and shown in the accompanying map.

#### b) Area of Common Landscape Character

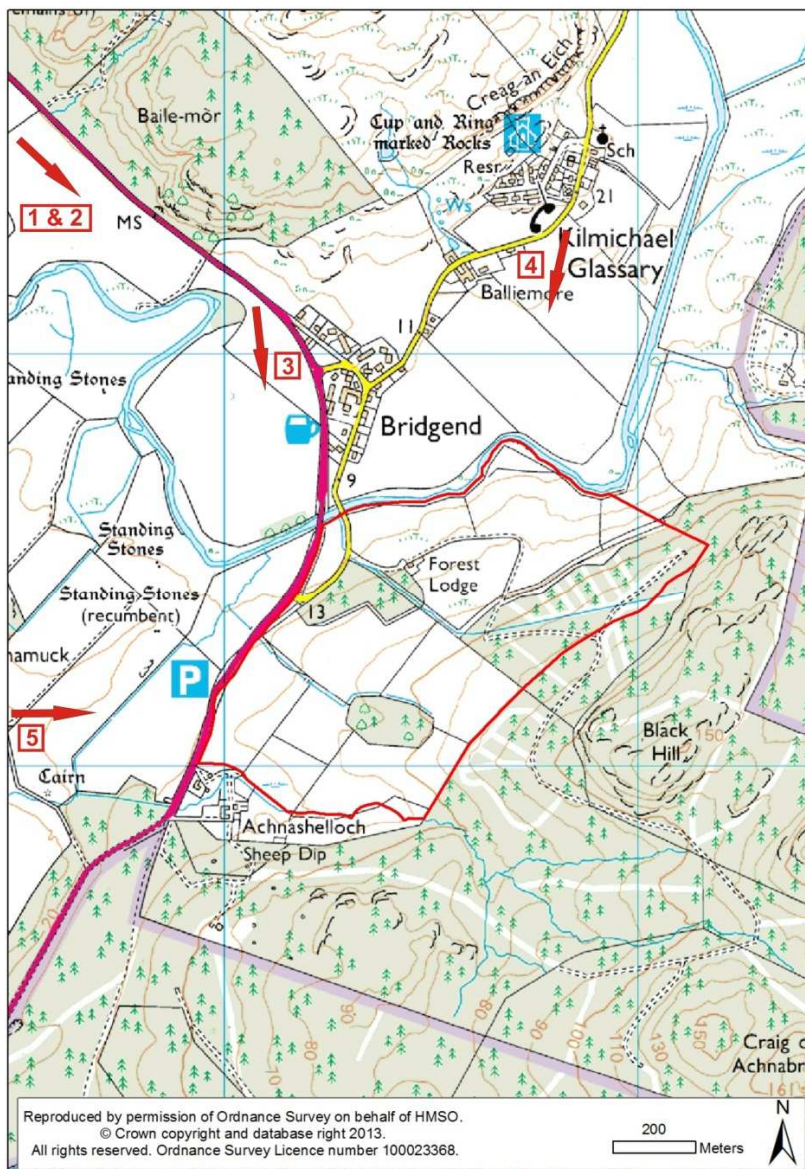
The area of common landscape character comprises of a mixed area of gently rising pasture land with significant ‘*islands*’ of woodland within, all seen as rising up from the river Add and the southern floor of Kilmartin Glen, framed within its’ higher reaches by the edges of the area of almost blanket afforestation, such conifer afforestation growing on the higher hill above this particular area of ‘common landscape character’

the neighbouring higher area having different character and attributes. The neighbouring floor of Kilmartin Glen to the north and the floor of Kilmichael Glen to the north east also have different character and attributes and as such are excluded from this particular parcel of land, as identified on the plan within this report, being concerned about the relevant area of localised land which has a particular 'common' landscape character.

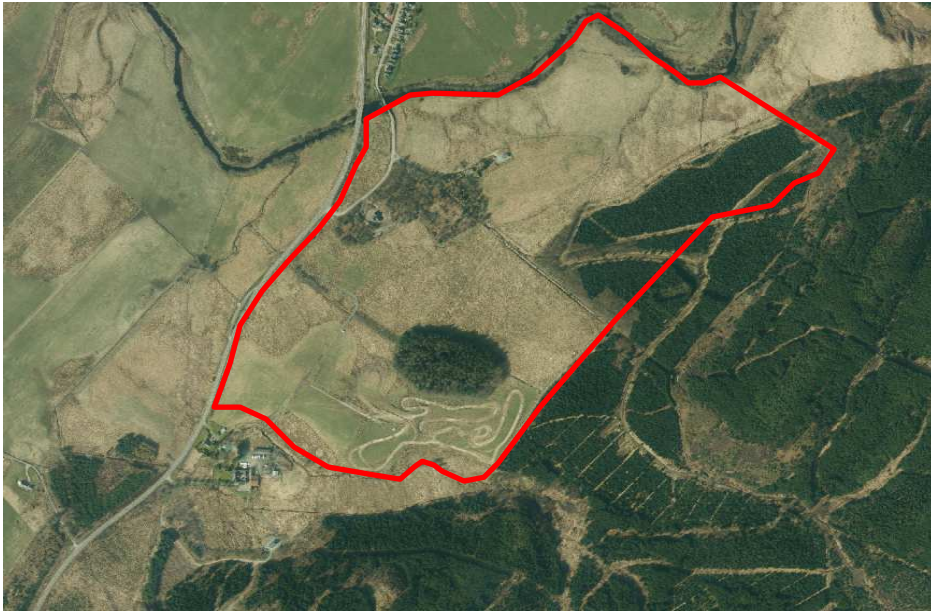
Within this area of common landscape character with its' mosaic of pasture and woodland, the 'islands' of woodland within the rising pasture comprise in one instance of deciduous woodland and in the other of mixed woodland (conifer framed with deciduous). Both these woodlands represent 'key environmental features' within the overall landscape mosaic particularly seen, when travelling south through the long and expanding floor of the archeologically rich historic Kilmartin Glen, as framing and closing the southern limits of the glens' landscape.

The expression of woodland 'islands' is of course metaphorical

This 'area of common landscape character' described above is defined on the attached map by the red edge boundary and separate aerial photograph. The viewpoints shown within the map and their numbers correspond to the numbered photographs (also shown below) from those viewpoints.







The photographs now shown illustrate the landscape and the relevance as seen from the noted nearby locations.



The ACE compartment above seen from the floor of Kilmartin Glen near Dunadd Fort, closing the end view of the glen. The photograph below examines the same view a little closer showing the relevance of the two deciduous/mixed wooded 'islands' within the pasture – woodland landscape mosaic beneath the blanket conifer afforestation in the neighbouring landscape compartment above it.





This photograph above shows the ACE compartment rising above the floor of the glen as seen from the A816 looking south as drivers/passengers approach Bridgend with the relevance of the deciduous/mixed woodlands as 'key environmental features' within the overall landscape.



This view examines the ACE compartment as seen from Kilmichael Glassary closing in the landscape at the base of Kilmichael Glen. The compartment again is the rising pasture (underneath the blanket afforestation of the higher landscape compartment) with its' deciduous/mixed woodland 'islands' now within the right of the frame.



Finally, the last photograph shown on the previous page reveals the landscape as shown from the west (Dunamuck), showing the villages of Bridgend (and Kilmichael



Glassary behind) at the confluence of the two glens (Kilmartin and Kilmichael) in the centre left of the photograph and the ACE compartment consisting of the rising hill to the right of the villages with the two deciduous/mixed woodland 'islands' as key environmental features in that landscape, the lower one being the area of woodland in which the subject application lies.

The 'area of common landscape' in rising from the river Add commences just below the 10m contour level rising up to approximately the 70m contour level which sits below the higher Black Hill (some 150m high) and the higher hill landscape behind, all of which as mentioned earlier is recognised as consisting of a differing landscape compartment (the higher almost blanket coniferous afforested hill).

Within this area of common landscape character there are only three dwellings, Forest Lodge, a dwelling nearby to it on its' north-easterly side and the third dwelling that has been carved out of a site created in the deciduous wooded 'island'. The photograph below shows the effect of the carving out and its' effect on the present woodland. Should another dwelling be allowed to the west (right) of that dwelling then the consequential loss of overall canopy spread as would be seen from a distance within Kilmartin Glen would have a drastic effect on this 'key environmental feature' within the 'area of common landscape character'.



Whilst Forest Lodge is of relative long standing the other two buildings were permitted in an earlier planning regime when the location benefitted from draft Rural Opportunity Area (ROA) status in the emerging plan of that time. That draft status was subsequently changed to Sensitive Countryside through the Development Plan process which gave regard to representations made upon the draft in particular from Scottish Natural Heritage relating to landscape/open countryside development issues in this location; it was also changed in recognition that the development given permission had changed the capacity of the landscape within this part to be incapable of absorbing successfully any further development. Accordingly through the proper procedures, including public debate, as occurs in the adoption of Development Plans the land was designated as Sensitive Countryside in the statutory Local Plan.

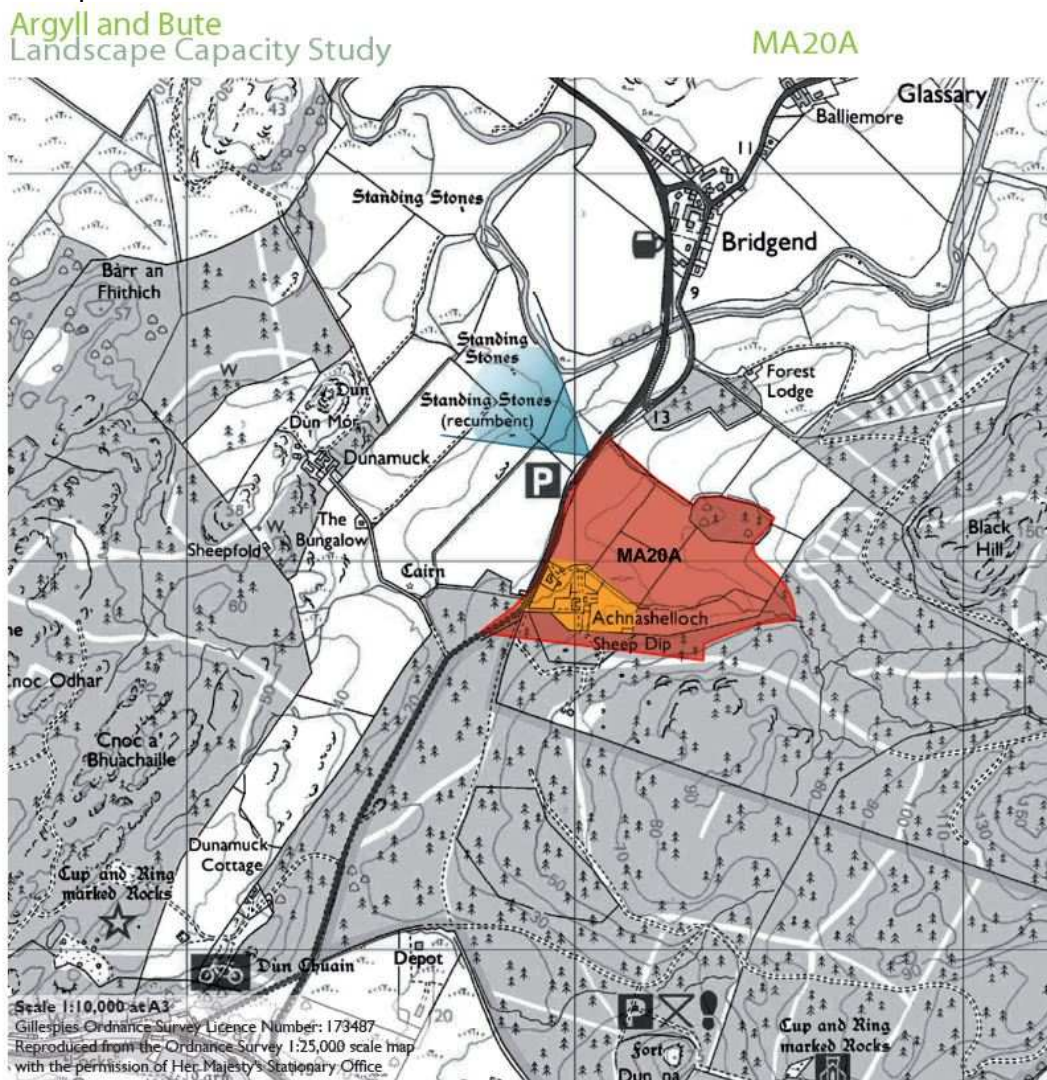
*(It can also be noted that when the dwelling (adjacent to the current application site) was permitted within the wood it was also only given on the express understanding that the rest of the woodland was to be retained as is, the Planning Authority recognising at the time that the success of that developments' integration into the landscape was dependant upon its' woodland setting being retained and without neighbouring development which would jeopardise the integrity of both the decision and the significance of the woodland as a feature in the overall landscape).*



The ACE compartment is in an area categorised by the Scottish Natural Heritage Landscape Assessment of Argyll and the Firth of Clyde 1996 as “Rocky Mosaic”. To offer further credence to the appropriateness of the boundaries of this area of common landscape character it is also noted that that same universally accepted landscape study for Argyll has identified the neighbouring afforested higher hill as “Upland Forest-Moor Mosaic.”

This Area of Common Landscape Character identified at Bridgend/Achnashelloch lies within two designated zones within the Argyll and Bute Local Plan 2009, the bulk of the area (the northern and eastern portion of it which includes the application site) being within designated ‘Sensitive Countryside’ and the rest (the south western portion including the other wooded ‘island’) being within retained ‘Rural Opportunity Area’ status.

Since this Rural Opportunity Area in the south eastern part of the ‘area of common landscape character’ lies within the designated National Scenic Area, Members will recall that through the adopting process of the present Local Plan the Council had to appoint the landscape consultants Gillespies to carry out an independent review of such ROA’s within the NSA and that the Council have subsequently endorsed their report/findings. It is relevant to note that that study (the Argyll and Bute Landscape Capacity Study March 2010) concluded that there was no capacity for development either in the open fields or the mixed woodland ‘island’ as contained within the ROA within this ‘area of common landscape character’. The plan below is the relevant extract from that study, the red area recognised as having no capacity for development.



## c) Key Environmental Features

The key characteristics of this landscape character type, "Rocky Mosaic" (as identified in the Scottish Natural Heritage Landscape Assessment of Argyll and the Firth of Clyde 1996) relevant to this assessment, are:

- Uneven, hummocky landforms...; and
- .....Distinctive rounded knolls
- Relatively small-scale landscape with a diverse mix of colours and textures
- Scattered isolated farm buildings

This earlier SNH Landscape Assessment identified the following main landscape issues that need to be considered, when addressing the acceptability of prospective development within this landscape character type:

- Built development may be out of scale with the surrounding small-scale landscape;
- Conservation of important landscape features

Transposing this general information and advice upon this landscape character type to the particular attributes of this identified 'area of common landscape character' (see plan) it is reaffirmed that within this 'small-scale' and 'diverse' landscape the deciduous and mixed wooded '*islands*' are a significant asset to the extent that they become the 'key environmental features' important within a general appreciation of the landscape and as particularly evidenced when travelling south through Kilmartin Glen.

Additionally it needs to be recognised that the northern of the two woodland '*islands*' is included within the Scottish Natural Heritages Ancient Woodland Inventory where because of adopted Local Plan policy LP ENV 7 the Council needs through the provisions of that policy to 'resist development likely to have an adverse impact on *such* trees ...Schedule FW2 within the Local Plan associated with that policy setting out the prize features of important woodland/trees to be safeguarded, and of relevance here comprising of : (i) the remaining part of an ancient or semi natural woodland, (ii) trees with amenity value and as (iii) an important contribution of the woodland, as key landscape features, to local and regional landscape character and distinctiveness.'

Since the adoption of the Local Plan the Council has also prepared a Woodland and Forestry Strategy which contains a number of Strategic Priorities in respect of Ancient Woodland Sites. BIO2 Support the management and restoration of semi natural woodland and habitats. In addition in February 2009 the Scottish Government developed a policy regarding the removal of woodland. This states "There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; and woodland integral to the value of designated or special sites ... such as National Scenic Areas..." both of which are relevant to this site.

Taking all these matters into account, the Planning Authority recognises the following as relevant.

## d) Capacity to Absorb Development Successfully

The defined Area of Common Landscape Character comprises land falling within the 'sensitive countryside' development control zone and an 'area of rural opportunity' in which the 'Gillespie' report advises, having considered the landscape of the ROA, that there is no capacity for development within it.

An examination of the entire landscape within the ‘area of common landscape character’ (whether the rural opportunity area which is zoned as such because of the greater opportunities normally present in an area of such classification or in the more critically sensitive countryside) does reveal that :

- (a) any new development in the areas of open pastureland, on this gradually rising hill mosaic hill, would be particularly prominent adding to the detriment of the areas significance in this part of the National Scenic Area at the southern extent of Kilmartin Glen and
- (b) that any additional development in either of the two ‘key woodland environmental features’ would seriously erode their landscape contribution within this mosaic of pasture/woodland

It is worth recognising the importance of the woodland ‘*island*’ higher up (within the southern section of) this landscape compartment is already safeguarded from development through the Gillespie report (which had to examine the capacity of the ROA). As a consequence it follows that the other woodland ‘*island*’ within the sensitive countryside should be safeguarded even more so as the other ‘key environmental feature’ given the ‘sensitive’ status of not only this this part of the area but also its’. It is this southern area of woodland in which the application site exists.

The photographs taken from the southerly approach within Kilmartin Glen do reveal the unfortunate scarring effect of the clearing created within the southern woodland ‘*island*’ to accommodate the present garden lands and parking areas for Alder House – this is significantly more so than expected when that proposal was assessed. With this acknowledged it is appreciated that any further development within any of the woodland ‘*islands*’ would (i) diminish the merit of these woodland ‘key environmental features’ by virtue of their size being reduced to insignificance and (ii) alter adversely as a consequence the valued impact of the present pasture/woodland landscape mosaic.

**It is concluded** having regard to the findings of this study and taking into account too the reasons and conclusions behind the ‘Gillespie’ report for a part of this area **that there is now no capacity for additional development in any part of the defined area of ‘common landscape character.’**

The accompanying photographs give an indication of the landscape within the ACE compartment.

AREA CAPACITY EVALUATION MATRIX			
<b>ACE Title</b>		LAND SOUTH OF RIVER ADD, BRIDGEND, BETWEEN RIVER AND ACHNASHELLOCH	
<b>Date</b>	18.07.20 13	<b>Location</b>	Bridgend/Achnashelloch
Surrounding Strategic Planning Zones			
Town Village:		The nearby settlement of Kilmichael/Bridgend is regarded as a small town/village within the Local Plan.	

<p>Minor Settlement:</p> <p>Green Belt:</p> <p>Countryside Around Settlements :</p> <p>Sensitive Countryside / Coast :</p> <p>Very Sensitive Countryside / Coast:</p> <p>Rural Opportunity Area</p> <p>Primary Tourism Area</p>	<p>N/A.</p> <p>N/A</p> <p>An area of designated CAS (Countryside Around Settlement) occupies all of the land north of the application site up to the River Add (and the village of Bridgend beyond) as contained both within and beyond the extreme northern part of this 'area of common landscape character.'</p> <p>The area of SC (Sensitive Countryside) occupies the bulk of this 'area of common landscape character' lying between those parts which are CAS and ROA. The adjoining land to the east of the 'area of common landscape character' within the lower reaches of Kilmichael Glen is also designated Sensitive Countryside.</p> <p>An area of designated VSC (Very Sensitive Countryside) neighbours this landscape compartment to the west beyond the A816 consisting of the landscape within the lower meanderings of the River Add as it leads into the Moss.</p> <p>A ROA (Rural Opportunity Area), lying as it is within NSA (National Scenic Area), does lie within the southern section of this landscape compartment, and extending into neighbouring lands to the south, but because of its' NSA relevance the Council required its' independent re-examination through the now Council approved Gillespie Landscape Study and apart from the limited potential opportunity to absorb development around the existing cottages of Achnashelloch where it would be perceived as a cluster the area has been re-classified as not appropriate for development akin to Sensitive Countryside designation</p> <p>None</p>
<p><b>Landscape Character</b></p>	
<p>Landform &amp; Cover</p>	<p>This defined 'area of common landscape character' consists of a mosaic of woodland (deciduous and mixed woodland) within predominant open pasture on rising hill commencing from the floor of the river Add to the 70 metre contour where the upper reaches are framed by the transitional zone of the 'edges' of blanket hill conifer</p>



	afforestation, the bulk of the conifer forest forming a different neighbouring area of markedly different landscape character.	
Development Pattern	There is limited development within this ACE compartment making the natural form the dominant quality; the development that does exist comprises of three dwellings, namely Forest Lodge and a neighbouring dwelling within an open context and Alder House framed within what still remains a prized 'key environmental feature' the lower of the two woodlands. Any further development in this woodland would markedly alter the relevance of this woodland and detract from the overall landscape mosaic which forms the base landscape of Kilmartin Glen.	
<b>Notable Key Environmental Features</b>		
Significant Historical Interest and Important Cultural Associations	Scheduled Monuments and Unscheduled Monuments etc	None within the ACE compartment. The nationally important Dunadd Fort and various other scheduled standing stones and cairns exist nearby to the west of the A816.
	Gardens & Designed Landscapes	None
	Locations associated with people, events, art, literature, music culture	None
Built Heritage Importance	Important individual buildings inc. Listed and other locally important buildings	None
	Important groups or areas of buildings including Conservation Areas	None
	Other important examples of built heritage including transport / industrial heritage	None
Nature Conservation Importance	Internationally important wildlife sites including SPAs and SPAs SACs Ramsar Sites	None
	Nationally important wildlife sites including NNRs, SSSI, Marine Consultation Zones	None

	Locally important habitats, - LNCS, SNW	The lower prized deciduous woodland, referred to as a 'key environmental feature' within the ACE compartment is contained within the SNH list of Scottish Ancient Woodlands.
	Nationally and regionally important Geological / Geomorphological Sites	None
Access and Amenity Importance	Long distance routes trails, mountain routes and other designated paths and their immediate corridors	None
	Important local paths / networks and their immediate corridors	None, but it is reported that the Councils' Access Team has plotted an 'aspirational footpath' that would traverse through part of the ACE compartment, but without any consequences upon the current development proposal.
	Important views and prospects	In relation to the significance of the entire ACE compartment the view looking south down archeologically significant Kilmartin Glen, in which Dunard Fort lies, to this closing landscape is important. Other relevant views are looking south west toward the ACE compartment from Kilmichael Glen and looking east toward it from Dunamuck. The attached photographs illustrate these views.
	Named and other waterfalls shown on OS	None
	Important car parks lay byes etc	None

	Valued landscapes including NSAs & APQ's .	The landscape and as seen from various points within the A816 transport corridor is wholly within National Scenic Area.
Health and Safety Constraints	Water catchment zones	None
	MoD Zones	None
	Air Safety - Airfield Safeguarding and CAA Consultation Zones	None
	Safety - Health and Safety Executive Consultation Zone	None
<b>INFRASTRUCTURE</b>		
Road Access	The area is accessed through a high specification existing connection with the A816 Lochgilphead to Oban	
Water	The site can be serviced through a local Scottish Water main. ??	
Sewerage	No public waste water connections can be made from the site; private systems are imposed for the accompanying planning application.??	
Electricity	N/A	
<b>DEVELOPMENT</b>		
Proposed Development	The development, 12/02588/PPP is a proposal in principle for one dwelling-house necessitating woodland clearance to accommodate the property and all associated parking, turning and garden lands as required.	
Other Issues/Notes	None	

**APPENDIX B – IMPORTANT CONTEXTUAL NOTES FOR THE LOCAL REVIEW BOARD**

**LAND SOUTH OF RIVER ADD, BRIDGEND, BETWEEN RIVER AND ACHNASHELLOCH**

The Development Plan on the basis that the proposal does not comply with STRAT DC 5 (A) or (B.2) can only allow appropriate development in Sensitive Countryside if two aspects support it (a) there is as an established operational need and the applicant equally demonstrates that there is a specific locational need to be on or in the near vicinity of the proposed site and (b) there is sufficient capacity to successfully integrate the proposed housing as determined by an Area Capacity Evaluation (ACE).

As no “special case” (refer to ‘a’ above) has ever been presented within the application there is no basis for conducting an area capacity evaluation (ACE). The Local Plan sets out the exceptional cases as where an operational and locational need has been established.

The relevant passage in the Development Plan is on page 54 of the Argyll and Bute Local Plan reads:

*‘Notwithstanding the initial presumption against, in exceptional cases, where an operational need has been established and the applicant demonstrates that there is a specific locational need to be on, or in the near vicinity of the proposed site, small – scale housing may therefore be considered in the open countryside within this zone. This is provided there is sufficient capacity to successfully integrate the proposed housing development within the landscape. The planning authority will conduct an Area Capacity Evaluation (ACE) in order to assess the direct and cumulative impact of any such development.’*

Given the context of this application which is for a dwelling with no operational need, irrespective of the findings of the ACE the proposal cannot accord with the provisions of the Development Plan.

In addition to the Development Plan context, the Councils’ Executive Committee approved supplementary guidance on the ACE process in February 2009 which clearly states that “An ACE should be undertaken **only** in special (where a locational and/or operational need has been demonstrated) cases for development in the countryside which would not otherwise be supported under STRAT DC 4 (Rural Opportunity Areas) and STRAT DC 5 (Sensitive Countryside) development control zones.” This requires to be taken into account as a material consideration.

The findings of the Area Capacity Evaluation (ACE) – even though the need for it has no Development Plan / Council minute foundation – has never-the-less been prepared as required at the request of the LRB. It has been prepared objectively and it will be found that it concludes that there is no capacity within its’ area (area of common landscape character).

Should Members of the Local Review Board (LRB) seek to make a decision that departs from both the provisions of the Development Plan and the objective findings of the ACE they do need to appreciate that any such decision may have repercussions for the validity of the relevant Development Plan policies throughout Argyll. The Planning Authority has received other pre-application proposals for other housing proposals in the last few years from other applicants/land owners elsewhere in this very same ‘area of common landscape character’ at Bridgend/Achnelshalloch which, because they also did not have an established operational/locational need were equally advised (consistent with this planning decision which you are reviewing) that the Planning Authority could not support them. Should the present proposal before the Review Board be allowed the consequence of a plethora of other planning applications then being submitted by other land owners in the same vicinity and then having to be determined in this area will undoubtedly arise because of past interest already shown.



R T HUTTON

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Our ref: 12/24/RTH

Your ref:13/0005/LRB

Ms Fiona McCallum,  
Customer Services,  
Argyll and Bute Council,  
Kilmory,  
Lochgilphead,  
Argyll.

9<sup>th</sup> August 2013.

Dear Ms McCallum,

**Local Review Body: Land south west of Alder House, Kilmichael,  
Glassary, Lochgilphead.**

I refer to our previous correspondence in connection with the above, and in particular to your pro forma dated 10<sup>th</sup> July in which you advised that the Council planning officer had been asked to provide an area capacity evaluation. I can advise that I was provided with a copy of this study on 30<sup>th</sup> July, and should now like to submit my comments and the concerns of my clients, and trust that these will be conveyed to members of the Local Review Body.

The single sheet report from the Head of Planning states that the Local Review Body deferred their review of this case and asked for the Area Capacity Evaluation to be carried out. I am advised by my clients, who attended the meeting of the LRB on 26<sup>th</sup> June, that this is not in fact the case. Members of the LRB resolved that they wished to support the application for review, and it was an officer of the Council who advised that in order to provide justification for this decision, the Area Capacity Evaluation should be carried out. From the single sheet report from the Head of Planning it is clear that his report does not provide the justification requested. The planning officer who prepared this report has taken the opportunity to provide further information to justify **his** decision on the application. This was not the remit given by the LRB. It is also worth noting that in his report, the planning officer does point out that this request for an area capacity evaluation does not accord with the purpose of such reports, and is “not in compliance with the normal rules”.

The study submitted by the planning officer is both subjective and factually incorrect on a number of points. Of particular concern, and fundamental to the capacity study, is an incorrect understanding of the applicants’ proposal. It has been made clear from the outset of this planning application that it is the intention to avoid the clear felling that took place to accommodate Alder House, and to retain trees on the periphery of the site in order to avoid the visual impact envisaged by the planning officer. However, he has chosen to ignore this and treat the proposal as one which will result in the loss of all the trees on site. On the basis of such evaluation he clearly considers that the proposed new house would

have the same “scarring effect” as Alder house immediately adjacent to the application site. The applicants have, through their design thoughts for the site, sought to avoid such a visual impact. It is for this reason that the peripheral tree planting on the site will be retained, and the access taken from that which serves Alder House in order to avoid the need to break the tree planting on the north side of the site which is important in the views of the site when travelling south on the A816.

It is stressed in the capacity study that the “islands” of woodland are an important landscape feature in this area of common landscape character. When the application proposal is assessed on the basis of clear felling of the site, it is clear why the planning officer expresses concern. However, when the assessment is made on the basis of a house set within this island of trees where the peripheral specimens are retained, the results are different. On this basis we would suggest that there is capacity to accommodate this single house without having any significant impact on the landscape character.

Whilst the Area Capacity Evaluation submitted by the planning officer is written in a way which attempts to suggest that it is an objective assessment of the situation, clearly any study of this kind involves a substantial subjective judgement. When such a judgement is based on a false assumption concerning the nature of the application, its results cannot be given any great weight in the overall assessment of the planning application.

In addition to the misrepresentation of the proposal and subjective nature of the capacity evaluation, there are 3 factually incorrect statements in the report.

Forest Lodge was not “carved out of the landscape” but was built on a field, as was the new build adjacent. The trees around Forest Lodge were planted later.

The woodland within the application site is not ancient woodland, but in an area which was clear felled a few years ago. What is now on site is mainly the result of natural regeneration.

When planning permission was granted for Alder House there was no “express understanding” with the applicant that the rest of the woodland would be retained.

When the LRB met to consider this planning application following their visit to the site on 26<sup>th</sup> June, they indicated their wish to approve the application and were advised that such a decision would need to be justified. The planning officer has clearly not been able to assist members of the LRB in this regard. That being the case we would like to assist in suggesting a justification for such a decision, and would refer members of the Local Review Body to the concluding paragraphs of our original submission to them. In that we explained that the only reason for refusing the application was based upon its visual impact on the landscape, and when relevant policies and the aims behind them were examined, there is no policy reason why the application should be refused if it is considered that the visual impact will be acceptable. We believe that, with selective felling within this group of trees, the new house can be accommodated in a way which will have no significant adverse impact on the landscape, and so can be approved.

With regard to the concerns regarding access issues, I can confirm that my clients and the owners of Alder House have no difficulty in entering into a legal agreement with the Council to ensure that the necessary works are carried out at the appropriate time. We hope that this information will assist the members in their final decision on this review.

Yours sincerely,

R T Hutton BSc(Hons) MRTPI

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