

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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25 November 2013

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **TAYINLOAN VILLAGE HALL, TAYINLOAN** on **MONDAY, 2 DECEMBER 2013** at **10:45 AM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. FISHFROM LTD: ERECTION OF BUILDING TO ACCOMMODATE CLOSED CONTAINMENT RECIRCULATION AQUACULTURE PRODUCTION FACILITY, STAFF ACCOMMODATION, INSTALLATION OF WASTE WATER TREATMENT PLANTS, ACCESS, PARKING AND ANCILLARY DEVELOPMENT INCLUDING DEMOLITION OF EXISTING STRUCTURES (AMENDED PROPOSAL TO PLANNING APPLICATION 13/00411/PP): TAYINLOAN FISH FARM, TAYINLOAN (REF: 13/02060/PP)**
Report by Head of Planning and Regulatory Services (Pages 1 - 82)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor David Kinniburgh (Chair)	Councillor Gordon Blair
Councillor Rory Colville	Councillor Robin Currie
Councillor Mary-Jean Devon	Councillor George Freeman
Councillor Alistair MacDougall	Councillor Robert Graham MacIntyre
Councillor Donald MacMillan	Councillor Alex McNaughton
Councillor James McQueen	Councillor Sandy Taylor
Councillor Richard Trail	

Contact: Fiona McCallum

Tel. No. 01546 604392

**Argyll and Bute Council
Development Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 13/02060/PP

Planning Hierarchy: Major

Applicant: FishFrom Ltd

Proposal: Erection of building to accommodate closed containment recirculation aquaculture production facility, installation of waste water treatment plants, access, parking and ancillary development including demolition of existing structures.

Site Address: Tayinloan Fish Farm, Tayinloan, Tarbert

SUPPLEMENTARY REPORT No 2**(A) INTRODUCTION**

This report updates Members on matters arising since the consideration of the original report and Supplementary Report No. 1 at the meeting of the 23rd October 2013 and provides a recommendation in the light of those additional matters.

(B) ADDITIONAL INFORMATION**Representations**

Since the matter was last reported, a considerable number of expressions of support have been received to the proposal, 38 of which have been forwarded to the Council by West Kintyre Community Council.

Additionally, Jamie McGrigor MSP (31.10.13) has written in support of the application on the grounds of local economic and employment benefit and the fact that the proposal enjoys significant support amongst the local community.

Those additional individuals expressing support are as follows:

Supporters

Iain Bain, Kilbeinn, Inverneill (17.10.13)
John Bannatyne, Skipper Gigha Ferry (17.10.13)
Robin Boyd, 7 Cara View, Tayinloan (17.10.13)
Alistair Brown, 11 Ardmish, Isle of Gigha (17.10.13)
Robert Campbell, 23 Oakhill, Tarbert (17.10.13)
Steven Campbell, 156 Ralston Road, Campbeltown (17.10.13)
L Campbell, 156 Ralston Road, Campbeltown (17.10.13)

Harry Card, 156 Ralston Road, Campbeltown (17.10.13)
Jane Clements, Highfield Cottage, Isle of Gigha (17.10.13)
Alison Currie, Low Dunashry, Tayinloan (17.10.13)
Stuart Currie, Low Dunashry, Tayinloan (17.10.13)
Robert Currie, Low Dunashry, Tayinloan (17.10.13)
PS Currie, North Ardmish, Isle of Gigha (17.10.13)
J Currie, North Ardmish, Isle of Gigha (17.10.13)
Morag Duff, 7 Long Rigg, Campbeltown (17.10.13)
Kara Dun, 7 Ardmish, Isle of Gigha (17.10.13)
Helen Galbraith, Shenakill, Clachan (17.10.13)
RJ Galbraith, Shenakill, Clachan (17.10.13)
PM Galbraith, Shenakill, Clachan (17.10.13)
Elaine Gilmour, Colt House, Tayinloan (17.10.13)
Fiona Henderson, 1 Ardmish, Isle of Gigha (17.10.13)
Elaine Hunter, 9 Appleacres, Norwich (17.10.13)
Linda Hutchinson, 36 Cara View, Tayinloan (17.10.13)
P Jacks, 2 Cara View, Tayinloan (17.10.13)
Linda Jackson, 2 Cara View, Tayinloan (17.10.13)
S Johnstone 34 Cara View Tayinloan (17.10.13)
D Johnstone 34 Cara View Tayinloan (17.10.13)
Tim Larkin, 2 Long Rigg, Campbeltown (17.10.13)
Helen MacDonald, 22 Cara View, Tayinloan (17.10.13)
John MacDonald, 22 Cara View, Tayinloan (17.10.13)
Duncan MacKinnon, 1 Largie, Tayinloan (17.10.13)
Margaret MacKinnon 1 Largie Tayinloan (17.10.13)
D MacNeill, 16 Mealldarroch, Tarbert (17.10.13)
Catherine Maclean, Seaview, Clachan (17.10.13)
Archie MacSporran, Dairy House, Killean, Tayinloan (17.10.13)
Iain MacSporran, Dairy House, Killean, Tayinloan (17.10.13)
Helen McArthur, 2 Long Rigg, Clachan (17.10.13)
Mary McDonald, Achabheag, Tayinloan (17.10.13)
Gordon McNeill, Woodside Cottage, Isle of Gigha (17.10.13)
Jane McNeill, 24 Cara View, Tayinloan (17.10.13)
John McVean, Calag-Ruadh, North Drumachro, Isle of Gigha (17.10.13)
TL McSporran, Gigulum Cottage, Isle of Gigha (17.10.13)
Kenneth Mitchell, Kenkera, Ardrishaig (17.10.13)
Ian Mitchell, 13 Cara View, Tayinloan (17.10.13)
John Park, 1 Muasdale Cottages, Tarbert (17.10.13)
Margaret Park, 1 Muasdale Cottages, Tarbert (17.10.13)
Rosemary Rodge, Dairy House, Killean, Tayinloan (17.10.13)
Elaine Shaw, 8 Raon Mor, Isle of Gigha (17.10.13)
Le-anne Shaw, Limekiln Cottage, Isle of Gigha (17.10.13)
Thomas Shaw, Limekiln Cottage, Isle of Gigha (17.10.13)
M Sinclair, 4 Barhill, Glenbarr, Tarbert (17.10.13)
Iain L Sinclair, Muasdale Stores, Tarbert (17.10.13)
Margaret Sinclair, Glenbarr Stores, Tarbert (17.10.13)
Alex Smith, Dalmore Farm, Tayinloan (17.10.13)
G Strang, Drumore Cottage, Campbeltown Road Campbeltown (17.10.13)
Alexis Mary Tennant, Flat 0/2 4 Rual Street, Cathcart (17.10.13)
Margaret Weir, 33 Cara View, Tayinloan (17.10.13)
Ian Wilson, West Drumachro, Isle of Gigha (17.10.13)
Brian Williams, 40 Cara View, Tayinloan (17.10.13)
Owner/Occupier, 3 Mansecroft, Clachan (17.10.13)
Owner/Occupier, Burnside, Isle of Gigha (17.10.13)
Owner/Occupier, c/o Putscheacan, Bellochantuy (17.10.13)

The Occupant, Corran Farm, Clachan (17.10.13)
Alastair Aitken Jr, Ferry Farm, Tayinloan (18.10.13)
Hamish Colville, 86 Daavar Avenue, Campbeltown (18.10.13)
James Durnin, 7 Ardmish, Isle of Gigha (18.10.13)
W Mathieson, 52 Kirk Street, Campbeltown (18.10.13)
Malcolm Smith, 4 Cara View, Tayinloan (18.10.13)
Ian Smith, 4 Cara View, Tayinloan (18.10.13)
Caroline Smith, 4 Cara View, Tayinloan (18.10.13)
Peter Sinclair, Glenbarr Stores, Tarbert (30.10.13)
Joseph Teale, Post Office House, Isle of Gigha (30.10.13)

Objectors

Additional objections have been received from:

Kathryn Russell, 32 Castle Wemyss Drive, Wemyss Bay (15.10.13)
Aidan Russell, 32 Castle Wemyss Drive, Wemyss Bay (15.10.13)

Furthermore, by way of correction:

David Dean, Pinmore Cottage, Whitehouse (10.10.13)
Neil Oswald, 14 Blane Crescent, Blanefield (08.10.13)
I R Gamage, Carsaig, Tighnabraich (04.10.13)
Emma Whincup Pendle, Little Tying 38b Church Lane, Trowbridge (09.10.13)

were inadvertently listed in the original report as having made a neutral representations, whereas they ought to have been listed as objectors.

No additional substantive issues are raised by either the additional supporters or objectors over and above those summarised in the main report.

This brings the final total of third party contributions to:

Supporters – 163
Objectors – 87
Other representations - 1

Consultation response

Scottish Environment Protection Agency (15.10.13) – in response to SEPA's original consultation response, the applicant has confirmed that surface water is to be discharged to coastal waters, rather than being disposed of within the application site. On that basis SEPA removes its original request that a SuDS compliant drainage scheme be implemented, as the risk of pollution to non-sensitive coastal waters is lower than that which would result from a terrestrial drainage solution.

(D) CONCLUSION

The above matters do not influence the recommendation advanced in the original report to the meeting of 23rd October 2013.

(E) RECOMMENDATION

It is recommended that:

- 1) Members endorse the findings of the ACE set out in Appendix C to the report and that it be regarded as a material consideration in the determination of the application;

- 2) Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted as a 'minor departure' to development plan policy subject to the conditions and reasons appended to this report.

Author of Report: Richard Kerr

Date: 22nd November 2013

Angus Gilmour
Head of Planning and Regulatory Services

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 13/02060/PP

Planning Hierarchy: Major Development

Applicant: FishFrom Ltd

Proposal: Erection of building to accommodate closed containment recirculation aquaculture production facility, installation of waste water treatment plants, access, parking and ancillary development including demolition of existing structures.

Site Address: Tayinloan Fish Farm, Tayinloan, Tarbert

SUPPLEMENTARY REPORT No 1

A) INTRODUCTION

The purpose of this report is to advise Members of late representations received in respect of this application.

B) ADDITIONAL INFORMATION

Support:

Councillor Anne Horn (email dated 17/10/13) has advised that she is a supporter of this application.

Details of additional representations in support are attached as an appendix to this report.

C) RECOMMENDATION

The contents of these letters of representation do not change the recommendation on the original Report of Handling.

Author of Report: Sandra Davies

Date: 22nd October 2013

Angus Gilmour
Head of Planning and Regulatory Services

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Alex Smith	Dalmore Farm Tayinloan Tarbert Argyll And Bute PA29 6XG Flat 0/2, 4 Ruel Street Cathcart Glasgow	17/10/2013	S
Alexis Mary Tennant	G444AP 11 Ardminish Isle Of Gigha	16/10/2013	S
Alistair Brown	Argyll And Bute PA41 7AB 40 Cara View Tayinloan Tarbert	17/10/2013	S
Brian Williams	Argyll And Bute PA29 6XJ Seaview Clachan Near Tarbert	17/10/2013	S
Catherine MacLean	PA29 6XL 6 Cara View Tayinloan Tarbert	22/10/2013	S
D Johnstone	Argyll And Bute PA29 6XJ 16 Mealldarroch Tarbert	17/10/2013	S
D MacNeill	Argyll And Bute PA29 6YW 9 Appleacres Norwich	17/10/2013	S
Elaine Hunter	NR6 7BA 8 Raon Mor Isle Of Gigha	15/10/2013	S
Elaine Shaw	Argyll And Bute PA41 7AG 1 Ardminish Isle Of Gigha	17/10/2013	S
Fiona Henderson	Argyll And Bute PA41 7AB Drumore Cottage Campbeltown Road Campbeltown	17/10/2013	S
G Strang	PA28 Woodside Cottages Isle Of Gigha	17/10/2013	S
Grodon McNeill	PA41 7AD 156 Ralston Road Campbeltown Argyll And Bute	17/10/2013	S
Harry Card	PA28 6LQ Shenakill Clachan Tarbert	17/10/2013	S
Helen Galbraith	Argyll And Bute PA29 6XL 2 Long Rigg Clachan Tarbert	17/10/2013	S
Helen McArthur	Argyll And Bute PA29 6XP Kilbeinn Inverneill	17/10/2013	S
Iain Bain	Lochgilphead Argyll And Bute	17/10/2013	S

	PA30 8ES		
	Muasdale Stores Tarbert Argyll		
Iain L Sinclair	PA29 6XE West Drumachro Isle Of Gigha	22/10/2013	S
	Argyll And Bute		
Ian Wilson	PA41 7AD North Ardminish Isle Of Gigha	17/10/2013	S
	Argyll And Bute		
J Currie	PA41 7AA Highfield Cottage Isle Of Gigha	17/10/2013	S
	Argyll And Bute		
Jane Clements	PA41 7AA 2 Cara View Tayinloan Tarbert	17/10/2013	S
	Argyll And Bute		
Jane Jackson	PA29 6XJ 24 Cara View Tayinloan Tarbert	17/10/2013	S
	Argyll And Bute		
Jane McNeill	PA29 6XJ	22/10/2013	S
John Bannatyne	Skipper Gigha Ferry Calag-Ruadh North Drumachro Isle Of Gigha	17/10/2013	S
	Argyll And Bute		
John McVean	PA41 7AD 1 Muasdale Cottages Muasdale Tarbert	17/10/2013	S
	Argyll And Bute		
John Park	PA29 6XE 7 Ardminish Isle Of Gigha	17/10/2013	S
	Argyll And Bute		
Kara Dun	PA41 7AB Kenkera Ardrishaig Lochgilphead	17/10/2013	S
	Argyll And Bute		
Kenneth Mitchell	PA30 8HF 156 Ralston Road Campbeltown	17/10/2013	S
	Argyll And Bute		
L Campbell	PA28 6LQ Limekiln Cottage Isle Of Gigha	17/10/2013	S
	Argyll And Bute		
Le-anne Shaw	PA41 7AD 4 Barrhill Glenbarr Tarbert	17/10/2013	S
	Argyll And Bute		
M Sinclair	PA29 6UT 1 Muasdale Cottages Muasdale Tarbert	17/10/2013	S
	Argyll And Bute		
Margaret Park		17/10/2013	S

	PA29 6XE		
Margaret Sinclair	Glenbarr Stores By Tarbert Argyll 7 Longrigg Clachan Tarbert	22/10/2013	S
Morag Duff	PA29 6XP 23b Albyn Avenue Campbeltown	15/10/2013	S
Miss Chloe Ramsay	PA286LX Ferry Farm Tayinloan Tarbert	17/10/2013	S
Mr Alastair Aitken JR	Argyll And Bute PA29 6XQ Dairy House Killean Tayinloan Tarbert	18/10/2013	S
Mr Archie MacSporran	Argyll And Bute PA29 6XF 1 Largie Tayinloan Tarbert	17/10/2013	S
Mr Duncan MacKinnon	Argyll And Bute PA29 6XG 86 Davaar Avenue Campbeltown	17/10/2013	S
Mr Hamish Colville	Argyll And Bute PA28 6NN Dairy House Killean Tayinloan Tarbert	18/10/2013	S
Mr Iain MacSporran	Argyll And Bute PA29 6XF 13 Cara View Tayinloan Tarbert	17/10/2013	S
Mr Ian Mitchell	Argyll And Bute PA29 6XJ 4 Cara View Tayinloan Tarbert	17/10/2013	S
Mr Ian Smith	Argyll And Bute PA29 6XJ 7 Ardmish Isle Of Gigha	18/10/2013	S
Mr James Durnin	Argyll And Bute PA41 7AB 22 Cara View Tayinloan Tarbert	18/10/2013	S
Mr John MacDonald	Argyll And Bute PA29 6XJ 4 Cara View Tayinloan Tarbert	17/10/2013	S
Mr Malcolm Smith	Argyll And Bute PA29 6XJ 23 Oakhill Tarbert	18/10/2013	S
Mr Robert Campbell	Argyll And Bute PA29 6TB Low Dunashry Tayinloan	17/10/2013	S
Mr Robert Currie	Tarbert	17/10/2013	S

	Argyll And Bute PA29 6XG 156 Ralston Road Campbeltown Argyll And Bute PA28 6LQ Low Dunashry Tayinloan Tarbert		
Mr Steven Campbell	Argyll And Bute PA29 6XG 4 Cara View Tayinloan Tarbert	17/10/2013	S
Ms Alison Currie	Argyll And Bute PA29 6XJ Colt House Tayinloan Tarbert	18/10/2013	S
Ms Caroline Smith	Argyll And Bute PA29 6XG 22 Cara View Tayinloan Tarbert	17/10/2013	S
Ms Elaine Gilmour	Argyll And Bute PA29 6XJ 36 Cara View Tayinloan Tarbert	17/10/2013	S
Ms Helen MacDonald	Argyll And Bute PA29 6XJ 1 Largie Tayinloan Tarbert	17/10/2013	S
Ms Linda Hutchinson	Argyll And Bute PA29 6XG 33 Cara View Tayinloan Tarbert	17/10/2013	S
Ms Margaret MacKinnon	Argyll And Bute PA29 6XJ Achabheag Tayinloan Tarbert	17/10/2013	S
Ms Margaret Weir	Argyll And Bute PA29 6XF Dairy House Killean Tayinloan Tarbert	17/10/2013	S
Ms Mary D McDonald	Argyll And Bute PA29 6XF C/o Putchecan Campbeltown Road Bellochantuy Burnside Aradminish Isle Of Gigha	17/10/2013	S
Ms Rosemary Rodger	Argyll And Bute PA41 7AD 2 Cara View Tayinloan Tarbert	17/10/2013	S
Owner Occupier	Argyll And Bute PA29 6XJ Shenakill Clachan Tarbert	22/10/2013	S
Owner/occupier			
P Jacks			
P M Galbraith			

	Argyll And Bute PA29 6XL Glenbarr Storest By Tarbert		
Peter Sinclair	Argyll North Ardmish Isle Of Gigha	22/10/2013	S
PS Currie	Argyll And Bute PA41 7AA Shenakill Clachan Tarbert	17/10/2013	S
R J Galbraith	Argyll And Bute PA29 6XL 7 Cara View Tayinloan Tarbert	17/10/2013	S
Robin Boyd	Argyll And Bute PA29 6XJ 34 Cara View Tayinloan Tarbert	17/10/2013	S
S Johnstone	Argyll And Bute PA29 6XJ Low Dunashry Tayinloan Tarbert	17/10/2013	S
Stuart Currie	Argyll And Bute PA29 6XG Gigulum Cottage Isle Of Gigha	22/10/2013	S
T L McSporran	Argyll And Bute PA41 7AD Corran Farm Clachan Tarbert	17/10/2013	S
The Occupant	Argyll And Bute PA29 6XN 3 Mansecroft Clachan Tarbert	17/10/2013	S
The Owner/occupier	Argyll And Bute PA29 6YP Limekiln Cottage Isle Of Gigha	17/10/2013	S
Thomas Shaw	Argyll And Bute PA41 7AD 2 Long Rigg Clachan Tarbert	17/10/2013	S
Tim Larkin	Argyll And Bute PA29 6XP 52 Kirk Street Campbeltown	17/10/2013	S
W Mathieson	Argyll And Bute PA28 6BN 57 Kirk Street Campbeltown	22/10/2013	S
W Mathieson	Argyll And Bute PA28 6BN	18/10/2013	S

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Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 13/02060/PP

Planning Hierarchy: Major

Applicant: FishFrom Ltd

Proposal: Erection of building to accommodate closed containment recirculation aquaculture production facility, installation of waste water treatment plants, access, parking and ancillary development including demolition of existing structures.

Site Address: Tayinloan Fish Farm, Tayinloan, Tarbert

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of building to accommodate a 3,000 tonne on-shore fish farm with ancillary offices, storage, packing and staff accommodation;
- Formation of car parking and internal access road;
- Improvement of existing vehicular access from A83;
- Formation of landscaped perimeter bunding;
- Private effluent treatment plan connected to existing sea outfall;
- Private sewage treatment plant and soakaway;
- Surface water drainage system discharging new sea outfall;
- Installation of roof mounted solar panels.

(ii) Other specified operations

- Demolition of existing buildings and removal of tanks and other redundant plant;
 - Abstraction of seawater via existing pipework;
 - Licenced marine effluent discharge via existing pipework;
 - Existing on-site private water supply from borehole.
-

(B) RECOMMENDATION:

It is recommended that:

- 1) Members endorse the findings of the ACE set out in Appendix C to the report and that it be regarded as a material consideration in the determination of the application;
- 2) Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted as a 'minor departure' to development plan policy subject to the conditions and reasons appended to this report;
- 3) In the event that Members are minded to grant permission, then it is recommended that a discretionary Pre-Determination Hearing be convened in response to the significant third party objection to the proposal.

(C) CONSULTATIONS:

Marine Scotland (03.10.13) – If permission is granted the operation will require an Aquaculture Production Business authorisation from Marine Scotland. Biosecurity procedures will be important to contain the various parts of the system, and although not available at the planning stage, a biosecurity plan will require to be considered by Marine Scotland prior to site authorisation. Imported fish will be from a freshwater source eliminating potential for sea lice importation but disease transfer remains a possibility, so the sourcing of disease free stocks and robust biosecurity will be important to minimise the possibility of disease outbreaks. The site relates to Management Area 18b (Gigha) and it is recommended that the site operators enter into management agreements with other operators given the possibility of pathogens being discharged in effluent water. The proposed stocking density appears acceptable in the light of known research and pilot projects, but density may need to be adjusted in the light of experience in order to satisfy current fish health and welfare regulation. Proposed husbandry and management practices are satisfactory as can reasonably be foreseen. Strategies for dealing with sea lice are not required given the contained and controlled nature of the operation and evidence of equipment suitability is not required as potential for escapes is minimal.

Scottish Environment Protection Agency (01.10.13) No objection on flood risk grounds but advise that views of Council's flood risk engineers be sought. Site already subject to CAR licence sea water abstraction and trade effluent consents. Conditions required to secure the submission of a SuDS compliant drainage scheme, a Construction Environmental Management Plan and a Site Waste Management Plan. In the absence of the imposition of those conditions SEPA's response should be construed as an objection.

Scottish Natural Heritage (01.10.13) – No objection subject to identified mitigation

measures, but in view of the National interests raised in the case (proximity to Rhunahaorine SSSI and Kintyre Goose Roosts SPA), they would object unless the permission is made subject to these measures - which comprise prohibition of construction works during the goose over-wintering season and enhancement of the bunding and planting to the site access, in order to avoid unnecessary disturbance to this protected species. As the proposal is unlikely to have a significant effect on any qualifying interests either directly or indirectly, a Habitats Regulations 'appropriate assessment' is not required in respect of the SPA. No significant effect likely in terms of the shingle or little tern interest of the SSSI.

Council's Marine & Coastal Manager (30.09.13) – notes that the development has a locational requirement for a coastal site given its requirement for seawater access, it is a redevelopment of a brownfield site and a former fish farm, and will make use of some on site infrastructure. Aquaculture is recognised as an important contributor to direct and indirect employment in Argyll. It will be important to ensure that Impacts on the ecological status of adjacent water do not arise through water abstraction and effluent discharge.

Area Roads Engineer (01.10.13) Notes that the site has been used as a fish farm previously and still benefit from this use. Due to land ownership the applicant can only achieve a visibility splay distance of 155m looking north whilst the required visibility should be 160m. The applicant has agreed to provide vehicle activated signage to mitigate this small difference. No objection in relation to access from the public road subject to conditions requiring visibility splay, maintenance agreement with applicant over vegetation within road verge for 60m north of the junction and provision and maintenance at the applicants' expense of a vehicle activated illuminated advanced warning sign to the north of the junction.

Council's Public Protection Officer (02.10.13) No objection subject to conditions relating to noise, odour, lighting and private water supply. Comment is made regarding the proximity of outfall to an existing shellfish harvesting area (*but as effluent discharge from this process will be minimal in terms of the quantities already permissible in terms of the SEPA licenced discharge for the site, the development will not be significant in this regard*).

Council's Flooding Engineer (03.10.13 and 11.10.13) – made initial observations relative to the Flood Risk Assessment submitted in support of the original application. Further to additional information (including a Drainage Impact Assessment) being submitted by the applicant's consultant engineers on 25th July 2013 in the context of this subsequent application, there are no objections raised to this proposal in terms of fluvial, coastal or pluvial flood risk management, or in terms of the adequacy of the intended surface water drainage proposals. No objections to Flood Risk and Drainage Assessment with amended Finished Floor Level (see condition no.6).

West Kintyre Community Council (11.06.13) – consider the proposal will be an asset to the Kintyre economy and will bring new job opportunities to an area of high unemployment. They consider that the amended proposals will in time blend into their surroundings. They understand that there may be objections in relation to the site

access but this was previously used to serve the business on the site without incident.

(D) HISTORY:

808/76 – Outline permission granted for salt water fish farm and two dwellings for staff accommodation 08.02.77

808/76 – Reserved matters granted 13.07.77

237/78 – Additional plant permitted 1978

174/81 and 559/81 – Additional plant permitted 1981

01/93/0085 – Permission granted for extension to fish farm comprising removal of exiting tanks and provision of 80 turbot tanks in portal framed structure -10.01.94

12/01014/SCREEN – Proposed re-development of fish farm site to form enclosed Recirculation Aquaculture System. Negative EIA Screening Opinion issued 29.05.12

12/01315/PAN - Proposed re-development of fish farm site to form enclosed Recirculation Aquaculture System. Proposal of Application Notice (Major Development) submitted 01.06.12

13/00411/PP - Erection of building to accommodate closed containment recirculation aquaculture production facility withdrawn in favour of the current proposal 12.09.13

(E) PUBLICITY:

Regulation 20 Major Application newspaper advertisement – expired 11.10.2013

(F) REPRESENTATIONS:

(i) Representations received from:

83 objections have been received in respect of the proposal along with 5 representations and 90 expressions of support (in addition to that expressed by the community council). The names and addresses of those persons making representations are listed in Appendix B to this report. The matters raised by third parties may be summarised as follows:

(ii) Summary of issues raised:

Objectors

- The development is out of scale with the outstanding coastal area and the
-

scenic west Kintyre tourist route which it would affect and an industrial scale development is inappropriate in a 'sensitive countryside' location in an Area of Panoramic Quality. The proposed building is 6 times the size of Aqualibrium in Campbeltown. The fact that the site has previously been developed in a less intensive manner ought not to form the basis of justification for inappropriately scaled development which would be more appropriate on an industrial site rather than on a unique coastline. The existing fish farm site, despite its large footprint, comprises low lying and spaced out structures which do not intrude on the landscape and coastal views in the way that this large structure would;

Comment: The application is prompted by a desire to redevelop a fish farm which is no longer suited to the production of salmon onshore which presents a 'brownfield' redevelopment opportunity. The type of recirculation plant proposed requires a coastal location rather than an urban industrial site as direct access to seawater is required for abstraction and effluent discharge purposes.

- The proposal would have a particularly adverse impact on the shoreline and the route of the Kintyre Way which passes the site along the beach at this point. Despite perimeter bunding the upper parts of the building will breach the skyline and will be visible to walkers over considerable distances between Ronachan and Rhunahaorine Point.

Comment: This point is accepted insofar as the scale of the building is such that it cannot be concealed from view and the route of the Kintyre Way passes along the rear of the building, with ready visibility being obtained on the approach in either direction.

- The development will be polluting in terms of noise, smell and light and will pose an amenity threat to those properties which actually look down on the site;

Comment: As a process contained within a single building the operation would be capable of more stringent control than one based upon the use of open air plant, as per the permitted use of the site. There is good separation between the site and the nearest residential properties and the Council's Public Protection officers have not objected to the proposal on amenity grounds subject to conditions to address noise, odour and exterior lighting.

- The site lies close to an SPA and SSSI designated for ornithological interests. The development will present a collision risk and activity and lighting will disturb protected bird species which frequent the locality including geese, terns and divers;

Comment: This matter has been addressed between the applicants' ornithological consultant and Scottish Natural Heritage who have had regard to the nature conservations applicable to nearby land. SNH has not objected to the proposal on the grounds of disturbance to birds subject to recommended conditions, including in particular a prohibition on construction activities during the over-wintering season for migratory species.

- The junction with the A83 is deficient in visibility and its use will be dangerous, and the development will contribute to unwelcome additional
-

heavy goods vehicle movements on the road unsuited to such traffic. Reference is made to accidents at this location including one last year involving a bus and a lorry resulting in a road closure. Forward visibility to meet the Council's published standards cannot be achieved in full. It is considered that the Council's engineer's recommended vehicle activated signage will not be effective in reducing traffic speed relative to the use of what must be regarded as a sub-standard junction;

Comment: The access point to be used is that already serving the site. It is recognised that it does not meet the required visibility standards in full so the Roads Engineers have recommended measures accordingly, including the installation of a vehicle activated junction warning sign for traffic approaching from the north to warn of the location of the junction and the possibility of emerging vehicles or right turning traffic standing on the carriageway. The main road is an A Class road which despite its shortcomings is a suitable route for additional HGV movements.

- The location of the site is in a basin near sea level which would be prone to coastal flooding if sea levels rise as predicted. Part of the site is categorised as a flood risk by SEPA and development would put employee safety at risk;

Comment: SEPA have not objected to the application on flood risk grounds. The applicants have submitted a Flood Risk Assessment which has been reviewed by the Council's Flooding Engineers in order to identify an appropriate finished floor level for the building to be secured by way of condition, in order to take account of the prospect of flooding events.

- The process is not as contained as suggested and poses a threat to the marine environment in terms of discharge to coastal water and consequent pollution.

Comment: The site is already the subject of a SEPA licenced discharge associated with the previous use of the site and the process proposed will only require a fraction of the licenced quantity. Pollution control is exercised via a separate regulatory regime administered by SEPA and is not therefore a material consideration in the assessment of the planning merits of this application.

- The employment and other economic advantages of the development must be considered in the light of the consequences of ill-considered industrialisation of the coastline to the detriment of the tourism economy. This type of development is likely to deter visitors (point endorsed by a number of visitors having made representation). It will affect views from Gigha and the Gigha ferry and could adversely affect tourism on the island. A proposal to accord the road between Ronachan and Machrihanish 'World Heritage' status may be jeopardised by the presence of development on this scale. Only a few local jobs would be likely to be created with specialist expertise brought in from elsewhere;

Comment: Impact of development in the countryside upon the decisions of tourists is difficult to quantify, although given that many visits are influenced by the quality of scenery, development with adverse landscape and visual impacts is likely to have some influence upon tourists in a negative way.

However, it is unlikely that individual developments would prove to be a factor deterring visitors and only in the event of widespread adverse development having significantly degraded the overall quality of an area, would it be likely to become regarded as less valued as a tourist destination as a consequence of the influence of development.

- It is cruel to keep sea fish at densities of more than twice the industry average in a contained onshore environment using freshwater, which would be an unnatural environment, so the development would be contrary to the interests of fish welfare. The experimental nature of this operation is one which poses a high risk of failure in which case the redundant building is would remain as a blot on the landscape;

Comment: Whilst concern over the ethics of factory farming is understandable, it is not a material planning consideration. Fish health and welfare are matters administered by Marine Scotland and the Animal Health and Veterinary Laboratories Agency respectively. Marine Scotland has not objected to this means of fish rearing in principle. Incidentally, the applicant's intention is to farm fish in a salt water not a freshwater environment. The fact that this is a production scaled facility requiring huge capital investment would indicate developer/investor confidence in this as a venture. However, applicants are not required to demonstrate viability in support of applications for planning permission.

- This form of onshore development has a high carbon footprint relative to marine fish farming. It requires large volumes of concrete in construction and large amounts of electricity during operation. Energy hungry forms of development should not be supported where more sustainable techniques exist. The production of fish on a large scale in a location remote from intended markets dependant on long distance transport is not sustainable. This method of farming is not supported by the Scottish Salmon Producers Organisation (SSPO);

Comment: There are clearly pros and cons relative to the farming of fish on land rather than in the sea. Whilst there is greater embedded energy in the construction of a factory than there is in marine cages and higher electricity consumption, there are other environmental advantages accruing from the improved containment of fish on land, better pollution control and the lesser degree of interaction between farmed fish and the marine environment. The SSPO primarily represents the interests of marine fish farm operators, so perhaps unsurprisingly any novel form of development competing with established operators is unlikely to be supported by them.

- The previous occupiers of the site failed to tidy it up when they ceased trading and no provision seems to be made via a bond or otherwise to address such a situation.

Comment: Conditions and legal agreements including bonds are routinely used to address developments with limited life expectancy, such as mineral workings or wind farms, where consideration has to be given as to the longer-term condition of the land following its use for whatever purpose has been permitted in the interim. They are not used where permanent buildings are proposed, where there is no expectation that they should have to be removed.

In the event that the proposed venture fails for whatever reason, the building proves unattractive to an alternative operator, and ultimately it becomes superfluous for on-going aquaculture purposes, then it would be open to the owner to seek to change the use of the building for an alternative use, rather than there being any expectation that it should have to be demolished.

- A more suitable development opportunity would be on the former airfield at Machrihanish, where industrial land is available, along with a local labour market and potential for future expansion, and where there is the additional benefit of the land being community owned;

Comment: The applicants have made it known that if this experimental venture is successful their aspiration is to construct a substantially larger plant with processing facilities and that the former airfield would be prospective location for such a scale of development. However, no such proposal has been advanced thus far and the current application falls to be determined on its own merits irrespective of whatever other potential alternative locations might or might not be available, and where any future developments might follow.

Supporters

- The site, which is becoming a derelict eyesore in a hazardous state, has previously been in use for fish farming and has abstraction and discharge consents in place which makes it suitable for re-use for fish farming purposes;
 - This is a quiet stretch of coast not nearly as much frequented by the public as the other beaches on the west coast of Kintyre. What few visitors there are confronted by the run down nature of the site;
 - This area lacks in job opportunities and the shortage of employment to support families threatens the local school with its declining roll. The area already sees property bought as retirement and holiday homes and there is a desire to avoid it becoming populated mainly by aged residents and those who have no intention to work. This development would provide both skilled and unskilled employment opportunities and would be likely to attract workers and their families or to prevent youngsters from having to leave the area in search of employment;
 - The site is well removed from people's homes on a remote stretch of coast in the area and a good distance from the A83. The stretch of coast is not nearly as much frequented as other beaches on the west coast of Kintyre;
 - Having been involved with the previous fish farm, I can confirm that disturbance to geese was not an issue, nor was the use of the access point from the main road, contrary to what objectors have said;
 - Objectors claim that it would be cruel to grow fish in freshwater, whereas the developer's stated intention is to use seawater;
 - The development will be taller than the original fish farm, but it is a low lying site and shielding by trees and shrubs would assist;
-

- Fish Farming is an important sector in Argyll and ought to be supported. There is prospect of a subsequent larger-scaled development at Machrihanish so these are opportunities that Kintyre cannot afford to let pass by.
- It is a concern that many of the objections are near identical statements which suggests that people are being invited to object. These should be viewed with suspicion relative to those expressed by local residents and others who are directly affected.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|--|---|
| (i) Environmental Statement: | No. The application has been the subject of a negative EIA screening opinion. |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | Yes |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes – flood risk, ornithology, landscape and visual, and traffic assessments. |

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: 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.

'Argyll and Bute Structure Plan' 2002

STRAT DC 5 – Development in Sensitive Countryside

STRAT DC 7 – Nature Conservation and Development Control

STRAT DC 8 – Landscape and Development Control
STRAT DC 10 – Flooding and Land Erosion

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 2 – Impact on Biodiversity
LP ENV 3 – Impact on European and Ramsar Sites
LP ENV 5 – Impact on Sites of Special Scientific Interest (SSSI)
LP ENV 6 – Impact on Habitats and Species
LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)
LP ENV 12 – Water Quality and Environment
LP ENV 19 – Development Setting, Layout and Design
LP CST 2 – Coastal Development on the Undeveloped Coast
LP BUS 2 – Business and Industry Proposals in the Countryside DC Zones
LP AQUA 1 – Shell Fish and Fin Fish Farming
LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems
LP SERV 4 – Water Supply
LP SERV 8 – Flooding and Land Erosion – The Risk Framework for Development
LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
LP TRAN 5 – Off-site Highway Improvements
LP TRAN 6 – Vehicle Parking Provision
Appendix A – Sustainable Siting and Design Principles
Appendix C – Access and Parking Standards

- (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 4/2009.**

Scottish Planning Policy 2010

Renewed Strategic Framework for Scottish Aquaculture – Scottish Government 2009

(K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** Yes. The application has been the subject of a negative EIA screening opinion.

(L) **Has the application been the subject of statutory pre-application consultation (PAC):** Yes – obligatory in respect of this major application.

(M) **Has a sustainability check list been submitted:** No

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

- (O) **Requirement for a hearing (PAN41 or other):** In view of the number of representations received against the proposal a pre-determination discretionary local hearing is appropriate.
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(P) **Assessment and summary of determining issues and material considerations**

This application relates to the site of what was formerly a sand and gravel quarry on the west coast of Kintyre, adjacent to the Sound of Gigha and to the north of Tayinloan. It forms a small part of a large tapering triangle of level land on the seaward side of the A83, which comprises an extensive and level raised beach which contrasts with the more elevated land inland of the road. Much of this land is in use for agricultural grazing, and parts of it are designated as being of European nature conservation importance by virtue of being used by over-wintering migratory Greenland White Fronted Geese, which transit between these coastal feeding grounds and the inland roosting lochs of Kintyre.

Following cessation of quarrying activities the site was given planning permission in 1977 as an on-shore fish farm, with extensions being permitted in 1981 and 1994. The development took the form of a series of buildings plus banks of large external tanks, with sea water being abstracted and licenced effluent being discharged back into the sea. This operation required large volumes of water exchange and continual pumping. Rising electricity prices and the limited productive capacity of the site eventually rendered the operation uneconomic, and the site was vacated almost ten years ago, with the buildings and plant remaining in situ since then. However, in planning terms the fish farm has not met the test of 'abandonment' given that other than for the removal of the high value pumps and the removal of cladding from one of the portal framed buildings, most of the plant and equipment is still in place and it remains capable of further use for its original lawful purpose. No attempt has been made to utilise the site for any subsequent purpose, with or without permission. The cost of removing the extensive areas of tanks and other structures would appear to be a disincentive to the redevelopment of the site for anything other than a future high value use. The contained nature of the site with relatively low profile structures set down below adjacent land levels due to former quarrying of the site largely conceals the dereliction on the land, which at close quarters is very extensive.

The proposal is to redevelop the site for continued use for aquaculture production in a more modern format to that for which the site was used in the past. The intention is to clear the site and to redevelop it for a recirculation plant for the production of fully grown salmon to 5kg harvest weight. This will have far higher productive capacity than the original fish farm, and will require only a small proportion of the seawater abstraction and the effluent discharge of the original, as a result of the sophisticated filtration and water recirculation system proposed. Due to the need for bio-security and a modern operating environment, unlike the original operation which was based around a series of buildings and associated external tankage, the proposal requires the whole operation to be contained within a single building, which will be a large structure in the context of a rural location and a coastal site. This is a new venture in terms of farming salmon in Scotland, the rearing of which currently takes place in

cages in the marine environment, with recirculation plants on land having been thus far limited to smolt production rather than for the on-growing of fish for harvesting as adults.

The resumption of the use of the site for aquaculture, further to its existing lawful use, is supported by development plan policy, as is the redevelopment of what may be legitimately regarded as a 'brownfield' site. The proposal will employ the existing access route to the site from the A83 and will utilise the associated licensed abstraction and discharge. The principal issue of concern in this case is the extent and scale of the structure required to contain the operation, which by virtue of the water capacity required and the ancillary accommodation necessary to service the farm, presents a large developed footprint. The coastal nature of the land is such that sinking of the internal tanks below ground level is not possible due to the locally high water table, with groundwater presenting a risk of tank structural deformation when empty, should they be sunk significantly below ground. Development with below ground level tankage would therefore require dewatering of the entire envelope of the building, which the applicants have indicated would be prohibitively expensive for a structure on this scale. The consequence of the tanks being above ground is that their attendant operational headroom essentially dictates the overall height of the building. At 10.5 metres to the highest point of the shallow curved roof, the building required for the intended purpose is therefore substantially higher than the lower profile external tanks and ancillary structures currently occupying the site. The scale of the building presents an issue in terms of the presence of such a structure in a coastal landscape, particularly where it would be primarily experienced either by looking over a flat landscape when travelling along the A83, or by looking along the length of the beach; again in the context of flat surroundings comprising coastal fields, the foreshore and the sea.

Large buildings are not commonly found in coastal locations, and most of the land fringing the shore in Argyll & Bute is identified, as in this case, as 'sensitive countryside' by the local plan. Policy STRAT DC 5 does not normally support 'large scale' development in the 'sensitive countryside' zone, other than when there is a demonstrable locational need and an Area Capacity Evaluation (ACE) has been carried out to conclude that no sequentially preferable sites exist within a wider area of common landscape character. An ACE has been carried out in this case which can be found at Appendix C to this report. This concludes that there are no preferable development opportunities within that area of common landscape character which has been identified as sharing the same characteristics as that of the application site. Other locations are either constrained by nature conservation designations, the need to avoid fragmentation of farm holdings or by proximity to settlement or other existing development, and none would offer the advantages of this 'brownfield' location.

Officers and the developers have been conscious that the acceptability of this proposal is likely to be determined by the extent of its landscape and visual impact upon its surroundings. Given that the site falls within an Area of Panoramic Quality giving effect to local plan policy LP ENV 10, particular care has to be had in terms of the consequences of the development upon the scenic qualities of the area, both in

respect of views over the site from the A83 towards the islands, and in terms of views along the length of the foreshore, which at this location forms part of the Kintyre Way. An original application (13/00411/PP) has been withdrawn by the applicants in favour of the current proposal, which has been revised to address some of the shortcomings of the initial submission. That proposed a building 165m in length and 78m wide, plus subsidiary projections on either end of 37.5m and 22.5m respectively, giving an overall building length of 225m. The amended proposal is now for a reduced size of building, measuring 165m in length and 82.5m in width, but with the taller section containing the main tanks reduced to 142.5m in length. Reconfiguration of the elliptical roof structure has enabled the overall height of the building to be reduced from 12m as originally proposed to 10.4m over the tanks and 5.4m over the ancillary accommodation.

Artificial bunding 5m to 6m in height is already in place along the boundary of the site with the foreshore, and this is to be introduced on the landward (south and east) sides of the site along with associated planting in order to provide an element of screening. Despite this, the upper part of the structure will remain visible both at a distance and in closer quarter views from the beach, as well as in views across the intervening fields from the A83, where its unusual scale will be readily apparent from its long unbroken roofline. That said, it will be a linear structure in a landscape already dominated by the horizontal influence of flat fields, the beach and the adjoining sea.

The development has an operational need for a coastal location given that the process is dependent upon being able to abstract from, and discharge into the sea. The amendments to the proportions of the building and the mitigation proposed by way of mounding and planting have produced the optimum layout within the limitations of the existing site. The developers are unable to reduce either the developed footprint or the height of the building, which are determined on the one hand by the economics of the scale of the required productive capacity of the site, and on the other, by the operational requirements of the equipment it is to contain. The orientation of the building is dictated by the linear nature of the site, and again the operational requirements of the building. It is not possible to extend the site, even for the purposes of screening and landscaping, and the adjacent fields are protected open habitat as part of the goose feeding SSSI. The applicants have confirmed that further compromise would render this site an uneconomic proposition for the development proposed.

An additional issue is the acceptability of the site access from the A83. This does not benefit from full standard visibility in both directions at the junction, and through visibility around the fast reverse bends on the approach to the junction from the north is less than standards normally require, posing an element of risk to traffic at speed from emerging traffic or stationary vehicles waiting to turn right into the site entrance. The Roads Engineers have had regard to the fact that this is an existing rather than a proposed new access point, and that it has been used in the past and could be again in connection with the permitted use of the site. Continued use will be fish farming purposes, albeit with some intensification of use as a result of the scaling-up of the

operation. Subject to the installation at the applicants' expense of an illuminated vehicle activated warning sign on the approach to the junction, and enhanced verge maintenance at the applicants' expense to prevent unnecessary encroachment of growth into the available visibility splays, the engineers consider that given the existing situation, this additional mitigation is proportionate to the expected intensification of use of the junction.

Members will be aware that fish farming is already an important activity in the context of the Argyll rural economy. This novel proposal may herald the diversification of the sector from salmon on-growing sites being exclusively in the marine environment, to at least a proportion of production taking place on shore. The productive potential of such a site is considerable, and containment on land obviates many of the shortcomings of farming in the sea, in terms of escapes, sea lice propagation, predator control, and pollution of the marine environment from benthic smothering, faeces, food waste, medicines and so on. It also avoids conflict with other marine users in terms of commercial fishing and navigation. Although this is essentially a production scale demonstration project, its contribution to the industry as a whole could be significant, should this means of husbandry become accepted as an alternative to fish production in cages at sea. It is therefore in the interests of the local economy to ensure that this nascent form of production has its developmental roots in Argyll rather than elsewhere, in view of the potential for future spin-offs. The applicants have already indicated publically that if this project turns out to be a success they have aspirations to develop a plant four times the size on the former airfield at Machrihanish, including fish processing as well as production.

The development represents redevelopment of a 'brownfield' site for its historic use but involving a more modern form of production, which benefits from a locational need for a coastal site. However, by virtue of its scale and appearance it would have some locally adverse impact upon the character and appearance of the receiving landscape and therefore approval of the development as proposed would constitute a 'minor departure' from development plan policy, both in terms of the settlement strategy (STRAT DC 5) and in terms of the impact of the development on a scenic designation of regional importance (LP ENV 10).

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

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

As per section S below.

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

The site presents itself as a prospective development opportunity for a modern aquaculture production facility, due its past to use for fish farm purposes and its current lawful use for such, and because of its current status as a 'brownfield site' presenting a redevelopment opportunity. 'Sensitive Countryside' policy STRAT DC 5 ordinarily supports redevelopment for business purposes in the countryside in principle, but not where it amounts to 'large scale' development (defined by the local plan as being buildings over 600m² or with a gross site area of over 2 hectares), other than where an Area Capacity Evaluation has been carried out. Such an assessment has been undertaken and has determined that within the identified Area of Common Landscape Character no preferable development opportunities exist. However, redevelopment of the current fish farm site in the manner proposed presents minor conflict with development plan policy as the scale of the development does not accord with the settlement pattern and the character of the area, nor does it satisfy in full the requirements of Policy LP ENV 10 relative to the regional scenic value of the surroundings to the site. Nonetheless, the proposal is an inward investment opportunity presenting economic benefits in terms of job creation on site along with servicing and off-site processing supporting other employment, and one which has a locational need for a coastal site in view of the need for seawater abstraction and discharge, the overall impact of which has been mitigated as far as possible via the design of the building and landscaping of the site. It will also prompt the demolition of redundant buildings and the removal of disused plant along with other dereliction and waste on site with consequent environmental benefit, in circumstances where only a large scale development would render site clearance of the scale required a viable proposition. The unusual scale of the development will inevitably pose adverse landscape and visual implications for its immediate surroundings. These will be localised and transitory impacts for those passing at speed on the A83 who will benefit from separation by the intervening fields and from broken screening at close quarters by virtue of roadside vegetation. There will be more significant impacts for those approaching and passing the site on foot along the foreshore, including users of the Kintyre Way, where the large structure will be more imposing as an isolated component in an otherwise open vista, although the landward views are less compelling than those views out over the sea towards the islands. In these circumstances approval of the application represents a 'minor departure' to the provisions of the development plan.

(T) **Need for notification to Scottish Ministers or Historic Scotland:** Not in the event that conditions recommended by Scottish Natural Heritage are imposed on any approval.

Author of Report: Richard Kerr

Date: 11th October 2013

Reviewing Officer: Angus Gilmour
Head of Planning and Regulatory Services

Date: 11th October 2013

CONDITIONS AND REASONS RELATIVE TO APPLICATION 13/02060/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 10.09.13 and the approved drawing reference numbers:

- 1 of 12 – location plan
- 2 of 12 – existing site plan
- 3 of 12 – existing site survey
- 4 of 12 – proposed site plan 1:1250
- 5 of 12 – proposed site plan 1:500
- 6 of 12 – floor plan (amended)
- 7 of 12 – elevations
- 8 of 12 – sections
- 9 of 12 – sections
- 10 of 12 – roof plan (amended)
- 11 of 12 – comparison with scale of existing development
- 12 of 12 – perspectives

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. No works of demolition and no site preparation, excavation, re-grading or external works of construction shall take place between 15th October and 15th April in any given calendar year without the prior written consent of the Planning Authority following consultation with Scottish Natural Heritage.

Reason: In order to avoid disturbance to protected populations of over-wintering Greenland White Fronted Geese in the interests of nature conservation.

3. The building hereby permitted shall not be erected until the perimeter bunding indicated on the approved plans has been constructed in accordance with the extent and height of mounding shown, along with additional bunding to be provided along southern edge of the route of the access from the main road to the main part of the development site, the extent and height of which shall be agreed in advance with the Planning Authority in consultation with Scottish Natural Heritage. Thereafter the bunds shall remain in place for the purposes of maintaining perimeter screening.

Reason: In order to secure an element of screening of the site in the interests of visual amenity and to avoid disturbance to protected populations of over-wintering Greenland White Fronted Geese in the interests of nature conservation.

4. No development shall commence until a scheme of tree planting has been submitted to and approved in writing by the Planning Authority. The scheme shall provide for the planting of the perimeter bunding required pursuant to condition 3 above and shall comprise a planting plan and schedule which shall include details of numbers, location,

species and size of every tree/shrub to be planted, along with a programme for the timing, method of implementation, completion and subsequent on-going maintenance. The required planting shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority. Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted, unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

5. No construction or demolition works shall be commenced until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWP) have been submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency. The CEMP shall address requirements arising from the demolition and construction phases of the development, shall inform the production of construction method statements, and shall specify the siting of working areas, management practices and measures to prevent pollution of the water environment. The SWMP shall identify all waste streams arising from construction and proposals for their mitigation, including materials excavated on site and shall provide details of the proposed arrangements for the storage, segregation, collection and recycling of waste arising during the operational phase of the development. The requirements of the plan shall be implemented during the life of the development other than in the event of any revision thereof being approved in writing by the Planning Authority.

Reason: In the interests of pollution prevention and sustainable waste management.

6. The development shall be implemented in accordance with the recommendations of the Flood Risk Assessment prepared by Dougal Baillie Associates in support of application 13/00411/PP, as supplemented by the additional information contained in the letter from Dougal Baillie Associates dated 25th July 2013, with a finished floor level to be established at **4.153m AOD**. No development above proposed floor level shall be commenced until the Planning Authority have received certification from a qualified surveyor that the level established during construction is compliant with that specified by means of this condition.

Reason: To ensure that the development is established at the lowest practicable level commensurate with the securing of the development from avoidable flood risk, in order to restrict the overall height of the building in the interests of visual amenity.

7. Notwithstanding the effect of Condition 1, no development shall commence until samples and/or full details of the materials to be used in the exterior construction of the building hereby approved, including the colours of wall and roof cladding materials, have been submitted to and approved in writing by the Planning Authority. The use of timber cladding on the upper sections of the building is to be encouraged. The

development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

8. No photovoltaic panels shall be installed on the roof of the building hereby approved until the specification and design of the panels and their intended installation layout has been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved specification or such alternative as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

9. No exterior illumination of the building or the site shall take place other than in accordance with details which have been submitted to and approved in writing in advance by the Planning Authority. Prior to work starting on site, the applicant shall have regard to the Scottish Executive *Guidance Note Controlling Light Pollution and Reducing Lighting Energy Consumption* (March 2007) and follow the lighting design process described in this Guidance Note. All lighting proposals should be submitted with a completed Lighting Design Check List as provided in Annex B. Such lighting proposals shall be submitted to and approved in writing by the Planning Authority and thereafter illumination shall only take place in accordance with the duly agreed lighting scheme, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that lighting of the site is controlled so as to avoid unnecessary illumination in an area largely free of artificial light sources, in the interests of amenity.

10. No development shall commence until a scheme for protecting the nearest existing and proposed residential sites from noise-producing plant, machinery and equipment has been submitted to and approved in writing by the Planning Authority. The fish farm shall not be brought into use until the measures in the approved noise prevention scheme have been brought into operation and they shall be implemented thereafter unless otherwise agreed in writing by the Planning Authority.

Reason: In order to protect the amenities of the area from noise disturbance.

11. The development shall not begin until an Odour Management Plan for the development has been submitted to and approved in writing by the Planning Authority. The fish farm shall not be brought into use until the measures in the approved Odour Management Plan have been brought into operation and they shall be implemented thereafter unless otherwise agreed in writing by the Planning Authority.

Reason: In order to protect the amenities of the area from odour nuisance

12. 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 in writing by the Planning Authority (exclusive of the intended seawater abstraction).

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water

Supplies (Scotland) Regulations 2006 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.

13. No development shall be commenced until the existing access to the site has been improved by way of the upgrading of the junction with the public road to the geometry and surfacing standards specified in the Council's Roads Engineers standard drawing No. SD 08/001 Rev a. (as incorporated into Dougall Baillie Associates drawing No 12175-SK-16) and passing places have been constructed and made available for use along the private access road in locations and to a specification to be agreed in advance in writing by the Planning Authority in consultation with the Council's Roads Engineers.

Reason: In the interests of road safety

14. Visibility Splays shall be maintained either side of the junction (2.4m x 155m to the north and 2.4m x 160m to the south) with no obstructions being permitted within the area between the splay line and the carriageway edge on the East verge greater than 0.6m from the adjacent road surface, and in any other case 1.05 metres. For the purposes of this condition the 0.6m visibility requirement on the East verge shall be 60m long and extend from the carriageway edge to the fence line, measured from the north side of the field entrance which is situated approximately 66m in a north-easterly direction from the access point to the site. Regular control of vegetation within this area shall be undertaken by the developer at the developer's expense in addition to routine cyclical verge maintenance undertaken by the Council as Roads Authority, in order to ensure compliance with the requirements of this condition at all times of the year.

Reason: In the interests of road safety

15. No development shall be commenced until a Vehicle Activated Warning Sign has been installed and is operational on the road approach to the site access from the north. Such a sign shall be installed at the developer's expense in a location agreed with the Council as Roads Authority. Thereafter the occupier of the development site shall be responsible for regular inspection of the sign to ensure that it is functioning correctly and the satisfactory operation of the sign shall be checked at intervals no greater than four weekly, commencing from the time the sign is first commissioned. An up to date record of inspections shall be maintained at the site and shall be made available to the Council on request. Arrangements shall be put in place to provide that any defect

rendering the sign inoperable as intended shall be repaired within 5 working days of it first being identified, or it being brought to the attention of the site occupier by whatever means that the sign is not functioning satisfactorily.

Reason: In the interests of road safety

NOTE TO APPLICANT

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- In terms of condition 1 above, the Council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an application for a 'non material amendment' (NMA) should be made in writing to Planning Services, Council Offices Whitegates Road Lochgilphead Argyll PA31 8SY which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.
- The specification of the Vehicle Activated Warning Sign shall be agreed in advance with the Council's roads engineers – contact 01546 604655.
- Advice regarding the requirements of conditions 9 (lighting) 10 (noise) and 11 (private water supply) can be obtained from the Council's environmental health officers – contact 01546 604786.

APPENDIX A – RELATIVE TO APPLICATION 13/02060/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

This application relates to a long-established but currently non-operational onshore fish farm site located to the north of Tayinloan on the west Kintyre coast. The use of the site as a fish farm has not been ‘abandoned’ in terms of the planning definition of abandonment, so despite the fact that it has not been operational almost ten years, the buildings and plant on the site remain capable of re-occupation for production in accordance with the permitted use of the site for fish farming. The site and the means of access thereto both lie within the ‘sensitive countryside’ development control zone delineated by the ‘Argyll & Bute Local Plan’ (2009), which gives effect to policy STRAT DC 5 of the ‘Argyll & Bute Structure Plan’ (2002). By virtue of the site’s location on the coast within a ‘sensitive countryside’ zone, it becomes subject to the operation of local plan policy LP CST 2 which relates to development on the undeveloped coast. Due to the nature of the proposed development as an onshore fish farm, local plan policies LP BUS 1 and LP AQUA 1 also apply. The site and its surroundings fall within an Area of Panoramic Quality delineated by the local plan, which is a scenic designation of regional importance and therefore policy LP ENV 10 also applies.

The site presents itself as a prospective development opportunity, because of its past use for fish farm purposes and its current lawful use for such, and because of its status as a ‘brownfield site’ presenting a redevelopment opportunity. ‘Sensitive Countryside’ policy ordinarily supports redevelopment for business purposes in the countryside in principle, but not where it amounts to ‘large scale’ development (defined by the local plan as being buildings over 600m² or with a gross site area of over 2 hectares) other than where an Area Capacity Evaluation has been carried out to determine that within the identified Area of Common Landscape Character no preferable development opportunities exist.

The ACE which has been carried out in response to this application is contained in Appendix C to this report. That has concluded that there are no other prospective development sites within the Area of Common Landscape Character defined for the purpose of the ACE which share the advantageous characteristics of the current fish farm site. Other locations are either constrained by nature conservation designations, the need to avoid fragmentation of farm holdings or by proximity to settlement or other existing development, and the need to protect the openness of the in-bye fields between the road and the shore which, in addition to their ornithological value, are key environmental features of the ACE compartment in their own right. There are no other disused ‘brownfield’ sites of the scale required within the Area of Common Landscape Character. The remainder of the ACE compartment is therefore considered unsuitable for the type and scale of development proposed. With the exception of this redevelopment opportunity, ‘large scale’ business development of any hitherto undeveloped land within the Area of Common Landscape Character would not be

appropriate, either in terms of development plan policy or in terms of its impacts upon nature conservation and landscape character.

Policy STRAT DC 5(B) provides that:

‘in special cases ‘medium or large scale development may be supported (in the sensitive countryside zone) if it accords with an area capacity evaluation which demonstrates that the specific development proposed will integrate sympathetically with the landscape and settlement pattern and will entail or result in at least one of the following outcomes: *including inter alia*

economic benefit or development with a locational need to be on or in the near vicinity of the proposed site.’

This proposal is intended to take advantage of the existing infrastructure associated with the licenced abstraction/discharge serving the existing fish farm. It requires a coastal location by virtue of its need for a seawater supply and a marine outfall. The viability of the original flow-through operation of the site was undermined by the rising energy costs associated with the large volume of water exchange required. In the current scenario of high electricity prices the likelihood of the site being re-occupied for aquaculture production in the format originally conceived is therefore possible in planning terms, but in economic terms its likelihood is probably remote. With that in mind, the site is one which appears destined to continued lack of occupation and progressive dereliction. Although the buildings and infrastructure on the site are relatively well screened as a result of being located below surrounding land levels and by bunding along the foreshore, and the scale of the site is not readily apparent to those passing by at a distance along the A83, there is no question that there is significant dereliction associated with the extent of the buildings, tanks and other equipment on site. This would render the likelihood of the site being redeveloped for another purpose less attractive to a potential developer, and the situation would only be likely to be remedied by a high value large scale redevelopment proposal of the type being proposed.

This proposal is for a closed containment recirculation facility founded on filtration with reduced water interchange and consequently less energy costs. It also envisages a much more intensive means of production with the ability to increase production 20 fold at the site despite increasing tank capacity by less than 50%. There are operational, and in particular, biosecurity reasons, why the operation needs to be accommodated within a single large building. Recirculation aquaculture systems have not been used for the production of fully grown fish in Scotland, so this is a relatively novel initiative within the industry, given that similar ventures thus far have been limited to hatcheries and the production of smolt

The proposal would make a significant contribution to the government’s stated intention to seek to expand substantially Scotland’s position in the world aquaculture market, having regard to the desirability of increasing sustainable food production, export earning potential, support for rural employment, and indirect economic benefits. It addresses the five key themes set out in the government’s ‘*Renewed Strategic Framework for Scottish Aquaculture*’ which forms part of the government’s ‘*Economic*

Strategy and which is endorsed by Scottish Planning Policy. These themes seek to support the expansion of the sector in a manner which is *'wealthier and fairer, smarter, healthier, safer and stronger and greener'*. In particular, an onshore closed containment production facility addresses one of the Framework's key aspirations which is to safeguard *'clean, healthy, safe, productive and biologically diverse seas minimising risks to biodiversity and impact on the environment and other aquatic activities'*.

The Government's latest stated position on aquaculture is set out in the July 2013 Consultation Draft of the forthcoming *National Marine Plan*. This notes the importance of the aquaculture sector to the economy, particularly in terms of employment and exports. It sets out an aspiration to maximise benefits to Scotland from the Scottish aquaculture value chain, to improve business confidence and industry investment, to secure quality employment and sustainable economic activity in remote and rural communities, and establishes an ambitious target to increase sustainable finfish production in Scotland by 2020 to 210,000 tonnes from a baseline of 159,269 tonnes in 2011.

There is therefore a justifiable locational need for a production facility to modern standards to be re-established on this existing aquaculture site, subject to consideration of the other local environmental aspects of the application as discussed below.

B. Location, Nature and Design of Proposed Development

The application site extends to approximately 3.5 hectares. Being in excess of 2 hectares it constitutes a 'major' application in terms of the government's planning hierarchy. The application has therefore been subject to mandatory Pre-Application Consultation and the production of a PAC Report in advance of submission.

The site lies immediately to the rear of the foreshore to the south of Rhunahaorine Point where it occupies an area parallel to the south-west to north-east alignment of the coast, some 600 metres in length and 150 metres in width. The site was historically used for the working of sand and gravel with the original land level having been reduced by between 3 and 6 metres. It was first consented as an onshore fish farm in 1977, with permission given for expansion in the 1980's and the 1990's. Development took place on this lowered platform with a 6m high bund having been formed along the boundary with the adjacent foreshore. The site has however now been redundant for almost ten years. It is accessed by a private access from the A83, some 200m in length along the edge of adjacent fields, before it enters the main body of the site. The site lies to the rear of flat open fields which separate the site from the A83, at a distance of between 200m at the northern end of the site extending to 500m at the southern end of the site. At present, the existing buildings and plant on the site are situated predominantly in the southern half, other than for open lagoons and the access route into the site from the north. The northern part of the former quarry working has been largely overtaken by self-established re-vegetation.

Existing buildings amount to 6,300m² in total and comprise a portal framed shed form which the exterior cladding has been removed (85m x 25m), two smaller metal sheet clad hatchery units, a timber clad office/storage building, a large polytunnel, three smaller buildings, pump and electrical housings. There are various external tanks on site, of which 8 are very large capacity 1,000m³ units. There is limited visibility of the buildings and plant on the site from the A83 due to their relatively low profile (main buildings 6m high, hatchery buildings and main tanks 3.5m high) although given that the upper parts of some structures are visible, it is apparent to those passing on the road that there is existing development close to the shore, beyond the roadside fields.

The existing fish farm is not an economic proposition for the applicants to operate as it stands. It was established on the basis of a through-flow seawater circulation system which required continuous pumping and large volume licenced abstractions and discharges. Increasing energy costs eventually rendered the operation as originally conceived uneconomic, and the site has therefore been unoccupied latterly. Other than for recovery of the high value pumps the rest of the site infrastructure remains in situ, so in planning terms the site remains capable of re-occupation for its permitted use as a fish farm.

Most farmed fish production in Scotland currently takes place in marine cages. There are drawbacks with this including smothering of the sea bed, nutrient enrichment and discharges of chemical treatments and medicines into the water column, risk of predation and escapes. Such operations therefore present a controlled risk to the welfare of other marine species and habitats. Additionally, there are considerations arising with marine based fish farms in terms of the cumulative impact upon the carrying capacity of water bodies, and as the sector expands, there has become a need to consider less preferable and more exposed locations which are more challenging to operate.

An alternative to marine farms is the production of farmed fish on land. Although land based sites have been a part of the sector for a long time, they have tended to concentrate on the production of smolts in freshwater rather than fully grown fish, due to the energy costs associated with pumping large volumes of seawater. Success with the filtration and recirculation of water has seen sites with the requirement for a continuous flow-through of water to become less attractive. A recirculation hatchery is currently in operation at Furnace on Loch Fyne, whilst a very large recirculation production unit for smolt production has recently been constructed at Lochailort within Highland Council. Development of the recirculation model has attracted the applicants in this case to pursue the Tayinloan site as a 3,000 tonne closed containment facility. They regard this essentially as a demonstration site which, if successful, would encourage them to pursue even larger scale production facilities which would also include on-site processing of fish.

Closed containment production on land in the manner envisaged has the advantage of the following over marine fish farms:

- Secure containment eliminating risk of predation and escapes into the marine environment;

- Avoidance of interactions with wild fish, seals, cetaceans and other wildlife;
- Bio-security and fish health advantages;
- Scale economies associated with large capacity;
- Improved cleanliness and staff working conditions in a more controlled working and operational environment;
- Limited water resource requirements due to filtration and recirculation;
- Better control over water quality and other operational facets;
- Limited effluent discharge and with less consequences for water quality and marine habitats;
- No cumulative environmental considerations with regard to other fish farm sites in terms of marine carrying capacity;
- No conflict with commercial fishing, recreation or other marine users.

The applicant's intention is to accommodate the whole process within a single building of 12,500m² in order to maximise performance and minimise operational risk. The building is proposed to be located at the southern end of this 36,000m² site, in the location of the main building and the largest tanks currently on the site. The northern half of the site would remain undeveloped with any redundant equipment and buildings on that part of the site being removed as part of the redevelopment of the remainder. The proposed building is a rectangular structure which has been reduced in size since the original application was withdrawn in favour of this amended scheme. The original application proposed a building 165m in length and 78m wide, plus subsidiary projections on either end of 37.5m and 22.5m respectively, giving an overall building length of 225m.

The amended proposal is now involves some reduction in the scale of building, The original design had a shallow elliptical roof over the whole structure, the width and geometry of which dictated the high point at 12.0m in the centre of the span. The amended proposal steps the building longitudinally by virtue of having two parallel curved roofs, one on a section of the building with a lower eaves height than the other. This comprises a section 10.4m high to the apex of the roof over the tanks located on the seaward side of the site, and a lower 5.4m high section over the remaining accommodation requiring less headroom on the landward side. The latter would be lower in height than the existing timber-built storage building on the site. The taller section of the building over the tanks has been reduced to 142.5m in length, whilst the lower section projects beyond this at either end, producing an overall length of 165m for that section. The width of the building encompassing both sections is 82.5m.

Nonetheless, despite some reduction in overall length and height, and the screening effect of the intended bunding and perimeter planting this still remains a very large structure where the upper elevations and the shallow roofs would be visible above the height of the existing and proposed perimeter mounding. It is anticipated that some to 4 metres of the upper part of the taller section of the building would remain visible over the mounded area in views at a distance from the A83, with tree planting on the bunding offering assistance in breaking up the upper elevations of the building, although the length of the uniform roofline would have the effect of drawing attention to its horizontal scale, despite the lower parts being concealed by way of a floor level

lower than its surroundings, and the introduction of mounding and planting. At close quarters from the foreshore some 5 metres of the upper part of the building would be visible above the height of the existing perimeter mounding.

It is intended to be a portal framed structure clad externally overall in colour coated profiled metal sheeting, the massing of which could be broken up with an element of timber cladding, which is a more forgiving material commonly used on large buildings in rural situations. The lower of the two roofs, which is slightly curved but almost flat in profile, is to be given over to roof-mounted photovoltaics in order to provide a locally generated source of electricity to assist in the energy consumption of the operation. External plant is now limited to a compound at the north end of the building containing two oxygen tanks (3m diameter and 6 m high) and two waste settlement tanks (10.5m diameter and 5m high). Other site infrastructure includes a parking area, roadway access to the far end of the building, and two private sewage treatment plants; one serving the process and discharging to an existing sea outfall, and the other serving staff and discharging to an on-site soakaway.

The main section of the building would accommodate 15 octagonal pre-cast sectional tanks with interconnection, laid out in a manner to minimise the occupied footprint, along with three individual circular tanks plus the bio-beds and drum filters providing the filtration for the water recirculation system. The lower section of the building would contain offices, storage and packing areas plus staff accommodation along with four small bedsit units for staff. It would also contain water treatment, back-up generators, hatchery facilities and smout tanks. The development would support 16 FTE jobs on site.

On a three monthly basis 200,000 smolt would be delivered for on-growing, and once fully operational following a 66 week production cycle, the site would produce around 3,000 tonnes of fish per year - compared with the 150 tonnes/annum produced by the original flow-through operation on the site. Whilst the site already benefits from a discharge consent for 160,000m³ of water/day being returned to the sea, the process now envisaged with recirculation and filtration reduces this to a fraction of that, at around 75 m³/day. Waste would be dewatered on site in covered settlement tanks and then removed for use as fertiliser. The 15 million litres of water held within the recirculation system would only require minor routine topping up by seawater, so after initial priming of the system abstractions would be minimal. A private water supply for human use would be provided by means of an existing on-site borehole.

C. Natural Environment

The site lies immediately adjacent to open fields used in the winter as feeding grounds by over-wintering geese. These fields lie within the Rhunahaorine SSSI and some of the fields to the south of the site lie within the European Kintyre Goose Roosts SPA. The SPA is classified for its internationally important wintering population of Greenland White-Fronted Geese, whilst the SSSI is notified for geese, tern and the natural features of coastal shingle. The application has been the subject of a detailed Ornithological Assessment which has been the subject of consultation with Scottish Natural Heritage.

SNH considers that the construction of the development, and to a lesser extent the day to day operation of the site, poses some risk of disturbance to protected over-wintering geese, although it is accepted that current data shows only limited use of fields closest to the site rather than a core feeding area, which lies further to the south of the site. SNH does not however, consider that significant effects will arise to qualifying interests nor that a Natura 'appropriate assessment' is required in this case.

A condition has been requested by them to prevent external construction works taking place between 15th October and 15th April. This requirement has been discussed with the applicant's ornithology consultant who has accepted it as being reasonable in the circumstances. A condition has also been requested to augment the bunding and planting along the site access road to minimise disturbance to geese in the adjacent fields. Again the applicants are agreeable to the imposition of a condition to this effect. SNH does not envisage any implications for Little Tern or the foreshore shingle elements of the SSSI.

In the event that the Committee is minded to approve the development in the absence of the mitigation measures identified by Scottish Natural Heritage, then a notification of the application to Scottish Ministers would be required in view of the conflict with the identified National interests.

D. Marine Environment.

The proposal entails abstraction of sea water in large volumes to prime the tanks, with only limited top up being required subsequently. The volume of water required is much less than that already licensed by SEPA in respect of the original flow-through fish farm. Likewise, the discharges of effluent back into the sea will be greatly reduced on the licensed discharge for the site as it stands. Responsibility for abstractions and discharges is the responsibility of SEPA and is not therefore a planning consideration. The only additional discharge to coastal waters will be surface water from the large expanse of roof and other non-permeable areas around the building.

The farming of fish in recirculating water in a contained environment on land poses less of a concern in relation to its interaction with the marine environment than the routine practice of farming fish in cages in the sea, where there are greater interactions marine habitats and species as a result of pollution, parasite transmission, escapes and so on. Marine Scotland have not objected to the proposal. Matters concerning the operational and management aspects of the facility will be addressed by them under their site authorisation process.

E. Landscape and Visual Impact

The principal issue raised in the case is the scale of the development in relation to its coastal location and the open undeveloped character of the adjacent landscape. The applicants have therefore prepared a Landscape & Visual Assessment in support of their application. 'Large scale' development, as defined in the local plan, is not normally associated with the undeveloped coast and there are therefore issues as to

the degree that a large building can be assimilated into its landscape setting successfully. Principal visibility of the site for the majority of receptors would be from traffic using the A83. There is little access taken to the shore in this location due to the sparsity of habitation and lack of parking opportunities, although the foreshore forms part of the route of the Kintyre Way long-distance footpath. Approaching from the north by road the site is obscured by an intervening woodland block and roadside trees after which the building would be visible from the access junction onwards across open fields at a distance of around 500m. Approaching from the south, there would be visibility over a greater distance, albeit that discontinuous roadside hedgerows intervene over significant stretches. At close quarters the site would be mostly screened by a substantial artificial bank some 6m high along the back of the foreshore, although at one point where the bunding is discontinuous a view through into the site is achievable. However, at greater distances the building would be readily visible looking along the foreshore on the approach by foot to the site from either direction.

Given the applicants' desire to move away from the previous method of working the site, which comprised a range of tanks other open air plant and generally low lying structures, in preference for a closed containment operation with the whole process contained within a single building, there is not the same opportunity of shielding the development from views from the road or the beach due to the sheer scale of the structure required. Opportunities for limiting the impact of the type of development proposed have been explored to ensure that avoidable impacts are addressed. The elements which contribute to the visual impact of the development are as follows:

- The height of the accommodation – this has been dictated by the size of the tanks and the need for access above them. Access gantry floor level is 6 metres above the base level of the tanks, so with an allowance for the necessary headroom over, the eaves height of the building cannot be reduced to less than the 7.2 metres proposed.
- The type of roof proposed – this has been kept as low as possible by the use of shallow elliptical roof structures which minimises any unnecessary height.
- The length of the building – this has been reduced from the original withdrawn application to a more compact building form, reducing the overall length from 225.0m to 165.0m/142.5m, albeit at the expense of a marginal increase in width.
- The floor level of the building - The base of the tanks is set approximately 4 metres below the level of the intervening field between the building and the A83. This is the deepest that the building can be set down into the site without encountering groundwater, given the height of the water table estimated at some 1.4 metres below site level. Advice has been sought from Building Standards and the Council's flood engineers as to the practicalities of reducing this yet further. This would require the site to be dewatered and the whole structure tanked to become a sealed unit, which in the context of such a large building and would greatly add to cost and would require ramped access. Because this is a coastal location, floor levels also have to take into account the prospect of marine

inundation. The applicant's flood engineering consultant is of the view that it is not feasible to lower the building further into the ground given the groundwater and flood risk characteristics of this site. The applicants have confirmed that a requirement to dewater the footprint of the building by tanking the site would render the development of this location an uneconomic proposition.

- External finishes – These are intended to be as recessive as possible, although they will be viewed in the context of the ever changing backdrop of the sea, so weather conditions will influence how effective this will be from day to day. A mixture of dark and light grey wall and roof panelling is proposed. The applicants wish to install photovoltaics on the lower section of the roof closest to the A83 as an embedded supplementary energy source. The massing of the building could be broken up with an element of timber cladding to the upper elevations which is a more forgiving material commonly used on large buildings in rural situations.
- Screening – it is impractical to entirely screen a building of this size by way of bunding and planting, although the outline could be disrupted by mounding along the boundary with the adjacent fields and by planting this with trees. The locality presents a windswept and relatively hostile growing environment where tree establishment may prove difficult and growth would be likely to be slow but the area in the lee of the building would be afforded a measure of shelter by the scale and proximity of the structure. Opportunity for planting on third party land within the adjacent field has been explored, but Scottish Natural Heritage advise that as this is within an SSSI identified for open ground habitat, then tree planting, even of an area along the margin of the field, would not be acceptable to them in terms of the designation, so accordingly off site-planting cannot be regarded as an option.

Having regard to the foregoing, there do not appear to be options available to the applicant to improve upon the visual impact of the proposal beyond what is indicated in this amended application. Given that this site is located on the undeveloped coast and in an Area of Panoramic Quality, where it can be viewed from the tourist route through west Kintyre and from the Kintyre Way, the location is a sensitive one, both in terms of the intrinsic qualities of the 'Coastal Plain' Landscape Character Type and also in terms of the general scenic value of the Kintyre Coast. Whilst there is precedent for development close to this stretch of coast, including Tayinloan Pier, the large dairy unit at Killean and Point Sands Holiday Park, none of these are on the scale of this proposal, or impose themselves on the landscape to same degree that this building would. That said, it will be a linear structure in a landscape already dominated by the horizontal influence of flat fields, the beach and the adjoining sea. It does also benefit from being removed from any dwellings and from most receptors, the majority of whom would be on the main road some 500m away. Its separation from other buildings and its long continuous level roofline would tend, in combination with its undeveloped and flat immediate surroundings, to emphasise its scale, although overall its uniform profile would reflect the horizontal emphasis of the foreground fields and the background seascape. It would, however, still represent an unexpectedly large development in a coastal countryside location where it would marginally detract from the views available up and down the foreshore and from those out across the site towards the islands,

where it would also have some minor adverse implications for the scenic qualities of the wider Area of Panoramic Quality.

In terms of landscape and visual effects, despite the mitigation which has been identified, the proposal by virtue of its location, scale and height would present a structure which would impose itself in available views of the coast and along the coastline, and which cannot therefore satisfy in full the requirements of development plan policies STRAT DC 5, LP ENV 1, ENV 10 and ENV 19. Accordingly, in view of its minor adverse local consequences for landscape character and visual amenity after mitigation, approval of the proposal would amount to a 'minor departure' from development plan policy.

F. Road Network, Parking and Associated Transport Matters.

The application site is served by an unmade private access road from the A83 which was the means of access when the fish farm was last operational. This will require some improvement in terms of surfacing, passing places and junction geometry, all of which would be achievable on land within the applicants' control. Sufficient servicing areas and car parking adjacent to the building are identified.

There is an issue in relation to road alignment to the north of the access point; a matter which has been commented upon by objectors. This is at the end of a long and fast straight at a point where through visibility is restricted by reverse bends for traffic heading south, where a vehicle standing to turn right into the site access could present an unexpected stationary obstruction, or slow moving traffic heading south could be present on exiting the junction. Objectors contend that this makes the access point a danger to road users. There is not an opportunity to reposition the access (moving it south from the bend would improve the situation) due to the constraints imposed by the goose roost nature conservation designations, which would preclude new development from taking place within the adjacent field.

The matter has been addressed in consultation between the applicants' consultant road engineers and the Council's engineers. The conclusion has been that the operation of this historic access, the use of which will be resumed as consequence of the development proposed, could be improved by appropriate advanced signage in recognition of the fact that the full visibility standards are not achievable in this case. The intention would be to install an illuminated vehicle activated sign on the approach to the reverse bends, warning of the presence of a junction beyond the limit of visibility available from that point. The installation cost and the on-going maintenance of such a sign would be at the developer's expense. The Roads Engineer is also of the opinion that available visibility would be improved by regular cutting of roadside vegetation within the highway verge to the north of the junction. As this would require more regular attention than the Council's cyclical verge cutting would provide, it has been agreed between the applicants and the Engineer that 60 metres of the eastern road verge should be maintained by the applicants, in accordance with a programme to be agreed with the Engineers and implemented by the applicants at their expense.

The access does not satisfy the Council's published 'Roads Guidance for Developers' in full in terms of available visibility, but has regard has to be had to the fact that this is an existing junction, that the measures agreed by the Roads Engineer will represent an improvement upon the existing situation, and that they are achievable and proportionate to the anticipated intensification of use of the junction as a consequence of the re-occupation of the site for fish farming purposes.

G. Infrastructure

For the purposes of production, the development will utilise existing infrastructure and an abstraction/discharge to the sea which is already licenced by SEPA. Domestic water requirements will be met by an existing on site borehole. A private effluent plant using the existing licenced sea outfall and a domestic sewage treatment plant with an associated soakaway will be provided on site, one at either end of the building.

The site is in a coastal location which is in an area of low/medium risk of flooding according to SEPA's flood map information. A flood risk management/surface water drainage assessment has therefore been carried out on behalf of the applicants. In relation to river flooding, the Leith Uillt nearby has been identified as one with potential flood risk, but of localised extent only presenting a low risk to this development. In relation to coastal flooding, the proposed floor level of the proposed development has been set in relation to the still water level with due consideration of bathymetry, with a recommended floor level being identified which includes appropriate allowances for wave action, a freeboard and for climate change. In terms of pluvial flooding the surface water drainage system discharging to the sea has been designed so as to accommodate a 1 in 200 year storm event without giving rise to flooding.

The Council's flooding engineers have not objected to the proposal. They have been advised by officers of the desirability in visual terms to ensure that the building is sited as low as it can be within the context of the flood risk parameters applicable at the site, so their comments take that into account.

H. Economic Considerations

The applicants have provided a statement of anticipated economic benefits in association with their development proposal, which represents a major £20 million inward investment. The Danish Government have given an undertaking to guarantee 80% of the debt finance on the basis of the developers purchasing Danish technology. This is an innovatory proposal for Scotland in terms of the means of on-growing fish to maturity, rather than just smoult production. Depending on its success, it may herald an element of diversification of the sector from salmon on-growing sites being exclusively in the marine environment, to at least a proportion of production taking place on shore. Despite its best endeavours as a sector, marine fish farming is widely criticised by certain sectors in terms of its pollution of the aquatic environment, conflict with wild fish and other protected species, commercial fishing, recreation interests and so on. Despite that, the Scottish Government regards aquaculture, and salmon production in particular, to be of importance nationally both in terms of direct employment in rural areas, indirect employment elsewhere, and in terms of its export

earning potential. It has ambitious targets to grow production capacity in the short term, despite the challenges of operating marine sites in progressively more exposed locations, as the carrying capacity of more sheltered locations becomes exhausted.

Containment on land obviates many of the shortcomings of farming in the sea, both in terms of avoiding undesirable environmental consequences and achieving better controlled operating environments. Although this is essentially a production scale demonstration project, its ramifications for the industry as a whole could be significant, should this means of husbandry become more widespread alongside the farming of fish in cages in the marine environment. It is therefore in the interests of the local economy to ensure that this nascent form of production has its developmental roots in Argyll rather than elsewhere, in view of the potential for future spin-offs locally. The applicants have already indicated publically that if this project turns out to be a success they have stated aspirations to develop a plant four times this size on the former airfield at Machrihanish. Employment at the proposed Tayinloan site is intended to be 12 full-time and 8 part-time jobs. The applicants anticipate that more than a hundred jobs would be expected to be associated with any larger facility involving processing as well as production, should that follow at Machrihanish.

APPENDIX B – RELATIVE TO APPLICATION 13/02060/PP

LIST OF PERSONS HAVING MADE REPRESENTATIONS

Neil Weir	1 Lagnagortan Clachan Tarbert PA29 6XW	14/10/2013	S
J. Niall Bastow	10 Longrigg Clachan Tarbert PA29 6XP	10/10/2013	S
Jamie Johnstone	10 Longrigg Clachan Tarbert PA29 6XP	10/10/2013	S
Bob Grindlay	121 The Glebe West Calder EH55 8BW	12/10/2013	S
Marion Grindlay	121 The Glebe West Calder EH55 8BW	12/10/2013	S
Catherine Mitchell	13 Cara View Tayinloan By Tarbert Argyll PA29 6XJ	10/10/2013	S
Melissa Wylie	143 Harburn Drive West Calder EH55 8AW	12/10/2013	S
Patricia Johnstone	15 Cara View Tayinloan By Tarbert PA29 6XJ	13/10/2013	S
Elizabeth McGregor	16 Arran Place Linwood PA33Qu	14/10/2013	S
Helen Rhodick	17 Brodie Crescent Lochgilphead Argyll PA31 8NE	12/10/2013	S
Kelly Rhodick	17 Brodie Crescent Lochgilphead Argyll	12/10/2013	S

	PA31 8NE		
	17 Brodie Crescent Lochgilphead Argyll		
Stacey Rhodick	PA31 8NE	12/10/2013	S
	17 Parkhead Cottages West Calder		
Ian Jervis	EH55 8BG	12/10/2013	S
	17 Parkhead Cottages West Calder		
Sheilagh Jervis	EH55 8BG	10/10/2013	S
	19 Tarrareoch Court Armadale		
Joann MacDonald	EH48 2TF	12/10/2013	S
	2 Bank Park Lochgilphead Argyll		
Elizabeth Rhodick	PA31 8NE	12/10/2013	S
	2 Bank Park Lochgilphead Argyll		
George Alexander Rhodick	PA31 8NE	12/10/2013	S
	2 Bank Park Lochgilphead Argyll		
George Rhodick	PA31 8NE	12/10/2013	S
	2 Erskine Lane Larbert Stirlingshire		
Louise MacQueen	FK5 4UA	12/10/2013	S
	2 Longrigg Clachan Tarbert Argyll		
Anne MacArthur	PA29 6XP	11/10/2013	S
	20 Cara View Tayinloan By Tarbert Argyll		
Andrew Robertson	PA29 6XJ	11/10/2013	S
	20 Cara View Tayinloan Tarbert Argyll		
Caroline Robertson		11/10/2013	S
	21 Cara View Tayinloan Tarbert		
Barry McNeill		10/10/2013	S

	PA29 6XJ		
	21 Cara View Tayinloan Tarbert		
Frances McNeill	PA29 6XJ	10/10/2013	S
	23 John Street Campbeltown		
Kelly Walker	PA28 6DZ	12/10/2013	S
	26 parkhead cottages west calder		
Hazel Elliott	eh55 8ne	12/10/2013	S
	29 Tiverton Avenue North Shields Tyne And Weir		
Kelly Carr	NE33 7UB	12/10/2013	S
	29 Tiverton Avenue North Shields Tyne And Weir		
Peter Carr	NE33 7UB	12/10/2013	S
	30 Hazlitt Place Glasgow		
Tanya Mcdonald	G20 9LN	13/10/2013	S
	31 Cara View Tayinloan Tarbert		
Aaron O'Hanlon	PA29 6XJ	03/10/2013	S
	31 Cara View Tayinloan Tarbert		
Stephanie Muir	PA29 6XJ	03/10/2013	S
	32 Burnside Terrace Addiewell West Calder		
Fiona Andrews	EH55 8NE	12/10/2013	S
	32 Cara View Tayinloan Tarbert		
Leigh Gilchrist	PA29 6XJ	12/10/2013	S
	33 Cara View Tayinloan Tarbert		
Margaret Weir	PA29 6XJ	12/10/2013	S
	37 McIntyre Terrace Lochgilphead		
James Blair	PA31 8TF	13/10/2013	S
	38 Cara View Tayinloan		
Christopher Byers		03/10/2013	S

	Tarbert PA29 6XJ		
Emma Byers	38 Cara View Tayinloan Tarbert PA29 6XJ	03/10/2013	S
Kerrie Sibbald	42 Hartwood Road West Calder EH55 8DG	12/10/2013	S
Elizabeth Mceachran	48 Davaar Avenue Campbeltown PA28 6NH	12/10/2013	S
Ross Mceachran	48 Davaar Avenue Campbeltown PA28 6NH	12/10/2013	S
Janet West	5 Glen Park Tarbert PA29 6SU	12/10/2013	S
Kelly Jervis	50 Heaney Avenue Pumpherston Livingston EH53 0LL	12/10/2013	S
Jacqui Reid	55 Langside Crescent Polbeth West Calder EH55 8UW	12/10/2013	S
Anne Roddick	55C Lochnell Street Lochgilphead PA31 8NE	12/10/2013	S
Joanne Thomson	58 Davar Avenue Campbeltown Argyll	12/10/2013	S
Alan Bastow	6 Alloa Park Drive Alloa FK10 1QY	12/10/2013	S
Tammy Bastow	6 Alloa Park Drive Alloa FK10 1QY	12/10/2013	S
Matthew Rhodick	6 Baddens Park Lochgilphead Argyll PA31 8NE	12/10/2013	S
Tuesday Johnstone	60 Queens Crescent Livingston EH54 8EF	12/10/2013	S

Ian Johnstone	8 Carmuir Forth ML11 8AR	12/10/2013	S
Janette Arthur	8 Carmuir Forth MI118AR	12/10/2013	S
Julie Brown	88 Sound of Kintyre Campbeltown PA28 6GA	12/10/2013	S
Martin Brown	88 Sound of Kintyre Campbeltown PA28 6GA	12/10/2013	S
Julie Sloan	98 Sound Of Kintyre Campbeltown PA28 6GA	11/10/2013	S
Michael Middleton	98 Sound Of Kintyre Campbeltown PA28 6GA	11/10/2013	S
Alexander Rowan	98 Sound Of Kintyre Campbeltown PA38 6GA	11/10/2013	S
Sean Middleton	98 Sound Of Kintyre Campbeltown PA38 6GA	11/10/2013	S
Rebecca Harvey	Achintien Tayinloan Tarbert PA29 6XG	02/10/2013	S
Warren Harvey	Achintien Tayinloan Tarbert PA29 6XG	02/10/2013	S
Alistair McKinlay	Balure Croft Tayinloan Tarbert PA29 6XG	10/10/2013	S
Kate McKinlay	Balure Croft Tayinloan Tarbert PA29 6XG	10/10/2013	S
Henry O'Hanlon	Beachar Tayinloan Tarbert PA29 6XF	02/10/2013	S
Christine O'Hanlon	Beacharr Tayinloan Tarbert	02/10/2013	S

	Argyll PA29 6XF		
Hannah O'Hanlon	Beacharr Tayinloan Tarbert Argyll PA29 6XF	02/10/2013	S
David Rhodick	C/O 2 Bank Park Lochgilphead Argyll PA31 8NE	12/10/2013	S
Archie Soudan	Cnoc Don Whitehouse Tarbert PA29 6XR	11/10/2013	S
Helen Soudan	Cnoc Don Whitehouse Tarbert PA29 6XR	11/10/2013	S
Margaret Soudan	Cnoc Don Whitehouse Tarbert PA29 6XR	11/10/2013	S
Iain Graham	Craigruadh Tayinloan Tarbert PA29 6XF	12/10/2013	S
Mairi Ralston	Dalrhoin Campbeltown PA28 6NT	13/10/2013	S
William Soudan	Dougie's Croft Whitehouse Tarbert PA29 6XR	11/10/2013	S
Kathryn McGeachy	Drumdrishaig East Ormsary Estate By Lochgilphead PA31 8PE	11/10/2013	S
John B Hunt	Dunolla Barmore Road Tarbert PA29 6TT	12/10/2013	S
Zandra Hunt	Dunolla Barmore Road Tarbert PA29 6TT	12/10/2013	S
Colina Blair	Fasgadh Pier Road	13/10/2013	S

	Tarbert PA29 6UF		
Finn Blair	Fasgadh Pier Road Tarbert PA29 6UF	13/10/2013	S
Gregor Blair	Fasgadh Pier Road Tarbert PA29 6UF	13/10/2013	S
James Blair	Fasgadh Pier Road Tarbert PA29 6UF	13/10/2013	S
Veronica Blair	Fasgadh Pier Road Tarbert PA29 6UF	13/10/2013	S
Alastair Aitken	Ferry Farm Ferry Road Tayinloan Tarbert PA29 6XQ	11/10/2013	S
Jean Miller	Flat 4 5 Belmhor Court Campbeltown PA28 6AN	11/10/2013	S
Stephen MacSporran	Gigha View Tayinloan By Tarbert PA29 6XG	13/10/2013	S
Catherine O'Hanlon	Low Crubasdale Muasdale Tarbert PA29 6XD	13/10/2013	S
Darryl O'Hanlon	Low Crubasdale Muasdale Tarbert PA29 6XD	13/10/2013	S
Ruby Currie	Low Dunashry Tayinloan Tarbert Argyll And Bute PA29 6XG	10/10/2013	S
Lorraine MacPhail	Skernish Farm Glenbarr By Tarbert PA29 6UZ	10/10/2013	S

Lorraine MacPhail	Skernish Farm Glenbarr By Tarbert PA29 6UZ	10/10/2013	S
Margaret Soudan	Tigh na Croit Whitehouse Tarbert PA29 6XR	11/10/2013	S
Jennifer Ralston	West Darlochan Cottage Campbeltown PA28 6NT	14/10/2013	S

Neil Oswald	14 Blane Crescent Blanefield G63 9HT	08/10/2013	R
I R Gamage	Carsaig Tighnabruaich Argyll And Bute PA21 2BB	04/10/2013	R
Emma Whincup Pendle	Little Tynning 38B Church Lane Wingfield Trowbridge Wiltshire BA14 9LW	09/10/2013	R
David Dean	Pinmore Cottage Whitehouse Tarbert Argyll And Bute PA29 6XS	10/10/2013	R
S Earley	Ronachan House Clachan Tarbert PA29 6XW	11/10/2013	R

A Carter	Tigh Sona Tayinloan Tarbert PA29 6XG	10/10/2013	O
A Lowe	Chirnside 11 Shore Road Innellan Dunoon Argyll And Bute PA23 7TN	07/10/2013	O
A W Steadman	South Crossaig Skipness Tarbert PA29 6YQ	24/09/2013	O
Aidan Russell	32 Castle Wemyss Drive Wemyss Bay PA18 6BX	11/10/2013	O
Alan Thomson	The Old Barn Kilcamb Paddock Strontian Argyll PH36 4HY	23/09/2013	O
Alastair B I Pendle	Little Tynning 38B Church Lane Wingfield Trowbridge Wiltshire BA14 9LW	09/10/2013	O
Alec Logan	Rockfield House Claonaig Skipness Tarbert Argyll And Bute PA29 6YG	07/10/2013	O
Alison J Johnston	4 Balrossie Drive Kilmacolm PA13 4SU	10/10/2013	O
Alison J Johnston	4 Balrossie Drive Kilmacolm PA13 4SU	11/10/2013	O
Alison M Pendle	Little Tynning 38B Church Lane Wingfield Trowbridge Wiltshire BA14 9LW	09/10/2013	O
Ann G Dean	Pinmore Cottage Whitehouse	11/10/2013	O

	Tarbert Argyll And Bute PA29 6XS		
Anne Ivison	Forest Bungalow Achnamara Lochgilphead Argyll PA31 8PX	25/09/2013	O
Anthony Phillips	Tigh Na Linne Kilchrenan Tanuilt Argyll PA35 1HG	07/10/2013	O
Anthony Russell	Coalashee Cottage Tayinloan Argyll PA29 6XG	11/10/2013	O
AVP Mackay	Tigh-an-Rudha Ardrishaig Argyll PA30 8ER	07/10/2013	O
Bernard G Pendle	Little Tynning 38B Church Lane Wingfield Trowbridge Wiltshire BA14 9LW	09/10/2013	O
Brenda Lowe	Chirside 11 Shore Road Innellan Dunoon Argyll And Bute PA23 7TN	07/10/2013	O
C J Steadman	South Crossaig Skipnes Tarbert PA29 6YQ	24/09/2013	O
Chris Reynolds	11 Arras Avenue Morden Surrey SM4 6DG	01/10/2013	O
Christine C Alexander	16 Old School Square New Street Kilbarchan Renfrewsire PA10 2NB	24/09/2013	O
Christopher Long	14 Friars Way Linlithgow West Lothia	27/09/2013	O

	EH49 6AX		
	32 Broxwood Place Sandbank Dunoon Argyll		
Craig McBurney	PA23 8PF	07/10/2013	O
	2 Boslevan Green Lane Marazion		
D K Parker	TR17 0HQ	24/09/2013	O
	Redesdale House Skipness Tarbert Argyll		
David Bridge	PA29 6YG	26/09/2013	O
	Achanadriane Farm Tayinloan		
David Spy	PA29 6XG	08/10/2013	O
	East Torodigal Cottage Machrihanish Campbeltown		
E Peacock	PA29 6PT	07/10/2013	O
	Dunultach Clachan Tarbert Argyll And Bute		
Elizabeth Ball	PA29 6XW	09/10/2013	O
	Compassion in World Farming River Court Mill Lane		
Emma Slawinski	GU71EZ	14/10/2013	O
	Tigh-an-Rudha Ardrishaig Argyll		
EMW Mackay	PA30 8ER	07/10/2013	O
	Kirkholm Glebe Gardens Houston		
Eric Logan	PA6 7AQ	07/10/2013	O
	Forest Bungalow Achnamara Lochgilphead Argyll		
George Ivison	PA31 8PX	27/09/2013	O
	13 St Kenneth Drive Glasgow		
Hannah Daniels	G51 4QE	24/09/2013	O

Iain A Garrett	17 Bridgend Kilwinning KA13 7LY	23/09/2013	O
Iain Logan	Benview Tayinloan Tarbert Argyll And Bute PA29 6XG	09/10/2013	O
J Carter	Taigh Sona Tayinloan Tarbert PA29 6XG	10/10/2013	O
Jackie McBurney	32 Broxwood Place Sandbank Dunoon Argyll PA23 8PF	07/10/2013	O
James A Daniels	2 Briarlea Low Askomil Campbeltown Argyll PA28 6EP	07/10/2013	O
Janet Lowe	Chirside 11 Shore Road Innellan Dunoon Argyll And Bute PA23 7TN	07/10/2013	O
Janet Russell	32 Castle Wemyss Drive Wemyss Bay PA18 6BX	11/10/2013	O
Jennifer Garrett	38 George Street Ayr KA8 0BN	07/10/2013	O
Jenny Oswald	14 Blane Crescent Blanefield Glasgow G63 9HT	07/10/2013	O
John Ball	Dunultach Clachan Tarbert Argyll And Bute PA29 6XW	09/10/2013	O
John Blake	South Lodge Clachan PA29 6XW	11/10/2013	O
John Campbell	Kilberry Castle Kilberry	10/10/2013	O

	Tarbert PA29 6YD		
John Cowan	Oatfield House Campbeltown PA28 6PH	04/10/2013	O
Joseph Russell	32 Castle Wemyss Drive Wemyss Bay PA18 6BX	11/10/2013	O
Katherine Logan	Benview Tayinloan Tarbert Argyll And Bute PA29 6XG	09/10/2013	O
Kathryn Russell	32 Castle Wemyss Drive Wemyss Bay PA18 6BX	11/10/2013	O
Katie Pendreigh	The Whins Ferry Road Tayinloan Argyll	01/10/2013	O
Kenneth McInnes	Tighnadrochit Tayinloan Tarbert Argyll And Bute PA29 6XG	23/09/2013	O
Kieran Russell	Coalashee Tayinloan Argyll PA29 6XG	11/10/2013	O
Kirk McInnes	Tighnadrochit Tayinloan Tarbert Argyll PA29 6XG	07/10/2013	O
Kirsty Morrison	Tighnadrochit Tayinloan Tarbert Argyll PA29 6XG	07/10/2013	O
Linda Garrett	5 Brentfield Drive Prestwick KA9 1TT	07/10/2013	O
Linda Graham	Jabouf 18 Cobbler View Arrochar G83 7AD	24/09/2013	O
Logan	Kirkholm Glebe Gardens	07/10/2013	O

	Houston PS6 7AQ		
Louise Garrett	138 Kings Park Drive Ayr KA8 9TS	07/10/2013	O
Margaret Orr	Flat 2/2 5 Braids Circle Paisley PA2 6HS	23/09/2013	O
Margaret Stevenson	34 Buchanan Avenue Bishopton PA7 5ET	09/10/2013	O
Margaret Wells	Southcliffe Bed And Breakfast Lady Ileene Road Tarbert Argyll PA29 6TU	01/10/2013	O
Marjorie Lowe	Chirside 11 Shore Road Innellan Dunoon Argyll And Bute PA23 7TN	07/10/2013	O
Mary E Matthews MA MSc	Tigh Na Breac Skipness Tarbert PA29 6XT	08/10/2013	O
Metcalfe	Taigh A Luana Loch Avich Taynuilt	27/09/2013	O
Metcalfe	Taigh A Luana LochAvich Taynuilt	27/09/2013	O
Mike Wells	Southcliffe Bed And Breakfast Lady Ileene Road Tarbert Argyll PA29 6TU	01/10/2013	O
Moyra Logan	Rockfield House Claonaig Skipness Tarbert Argyll PA29 6YG	07/10/2013	O
Name Illegible	No Address Given	07/10/2013	O
Richard Fox	The Secret Garden Clachan Tarbert	13/10/2013	O

	PA29 6XW		
	Perrymans Farm Belstone Okehampton Devon		
Rona Gundry	EX20 1RD	07/10/2013	O
	Achavraid Clachan Tarbert		
Ronald Knight	PA29 6XN	08/10/2013	O
	12 Mary Street Port Glasgow		
Rosemary Russell	PA14 5DB	11/10/2013	O
	13 St Kenneth Drive Linthouse Glasgow		
Ross Muir	G51 4QE	24/09/2013	O
	Carsaig Tighnabruaich Argyll And Bute		
S J Gamage	PA21 2BB	04/10/2013	O
	17 Bridgend Kilwinning		
Sandra Garrett	KA13 7LY	23/09/2013	O
Sinclair Sutherland	No Address Provided	04/10/2013	O
	37 Thornly Park Gardens Paisley		
Stuart Hunter	PA2 7RF	09/10/2013	O
	Dunans Castle Glendaruel Argyll		
Susan Gaffney	PA22 3AD	01/10/2013	O
	East Torodigal Cottage Machrihanish Campbeltown		
T Peacock	PA29 6PT	07/10/2013	O
Tom Callan	No Address Given	07/10/2013	O
	Redesdale House Skipness Tarbert Argyll		
Valerie Wells	PA29 6YG	26/09/2013	O
	Little Fascadale Tarbert Road		
W A Hamilton	Ardrishaig Argyll	01/10/2013	O

	PA30 8EP		
	Achanadriane Farm Tayinloan PA29 6XG	08/10/2013	O
Wendy Spy			
	14 Blane Crescent Blanefield Glasgow G63 9HT	25/09/2013	O
William M Oswald			

APPENDIX C – AREA CAPACITY EVALUATION (ACE)

RHUNAHAORINE BY TAYINLOAN, KINTYRE

a) Purpose of the assessment

This assessment has been undertaken in accordance with the Supplementary Planning Guidance approved by the Council on 19th February 2009. This sets out situations on which an assessment may be triggered, including, as in this case, a development demonstrating a special case to be within the ‘sensitive countryside’ Development Control Zone.

The guidance requires 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) in order that, if necessary, there is an opportunity to prepare a response to the findings for consideration by Committee at the time the application is determined and the ACE is given consideration as part of that determination process.

The 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 a current application reference 13/00411/PP for the erection of a building to accommodate closed containment recirculation aquaculture production facility 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 an exposed and windswept coastal strip of almost entirely level land approximately 10 km long, aligned north-south and forming the eastern side of the Sound of Gigha, between Balochroy to the north and A’Chleit to the south. Its extent is delineated on the plan accompanying this ACE. This area is classified by Scottish Natural Heritage’s Landscape Character Assessment of Argyll as being ‘Coastal Plain’. Much of this strip is less than 0.7 km wide, but it widens out to its maximum extent of 2km at Rhunahaorine Point. Its landward extent is defined by the route of the A83, beyond which land rises steeply to the east via raised beach cliffs to over 200m within the adjacent ‘Upland Forest Moor Mosaic Landscape Character Type’, which extends across the upland spine of the peninsula.

The ACE compartment is therefore defined as the entirety of the Kintyre ‘Coastal Plain’ LCT as delineated in the Scottish Natural Heritage Landscape Assessment of Argyll and

the Firth of Clyde 1996. Most of the compartment is defined as '*sensitive countryside*' by the 'Argyll & Bute Local Plan' 2009 with the exception of the '*settlement*' boundary and the associated '*countryside around settlement*' relating to the village of Tayinloan, and some patches of '*rural opportunity area*' in roadside locations close to the A83 (some of which have been reduced in extent by the effect of the subsequent 'North & South Kintyre Landscape Capacity Study'). The entire compartment falls within the regional scenic designation of '*Area of Panoramic Quality*' as defined by the 'Argyll & Bute Local Plan'.

c) Key Environmental Features

The key characteristics of this landscape character type, relevant to this assessment, are:

- A completely flat linear coastal plain backed by a coastal road;
- Straight angular predominantly pasture field patterns and lanes, generally two to three fields deep;
- Transition from agricultural fields to marsh and mud flat, with shingle beaches to the north of Rhunahaorine Point and sand to the south;
- Gorse hedgerows and stunted trees;
- Isolated farmsteads with other development mainly related to the road.

The Landscape Assessment identifies particular value in this area in terms of its wetlands and its beach habitats which support a diverse range of flora and fauna. It recognises that the area may be subject to pressure from roadside development and from tourism related development, such as caravan parks. It advises that sprawling linear roadside development should be resisted and that any development of the open land should reinforce the existing development pattern and have regard to views from elevated land, with attention given to the massing and silhouette of buildings.

The nature conservation value of the open pasture and wetlands in this area are such that much of the northern section of the Area of Common Landscape Character has been given Site of Special Scientific Interest status, with particularly valued areas being accorded European conservation status by being designated as part of the suite of locations making up the Kintyre Goose Roosts Special Protection Area for Birds. The route of the Kintrye Way follows the beach from the point at which it leaves the main road at Ballochroy around Rhunahaorine Point as far as Tayinloan.

d) Capacity to Absorb Development Successfully

Development on the shore side of the main road within the defined Area of Common Landscape Character comprises the following from south to north:

- A small group of buildings relating to the listed church by the shore at A'Chleit;

- Large cattle buildings close to the shore associated with the Killean Estate;
- The settlement of Tayinloan close to the main road with a straggle of roadside development along the minor road leading to Tayinloan Pier;
- Dalmore, Low Dunashry and Leraig Farms served by short tracks from the main road;
- The coastal caravan park at Point Sands adjacent to Point House with its wooded setting;
- The onshore fish farm site at the northern end of the 'area of common landscape character', which is the location of the application which has prompted this ACE.

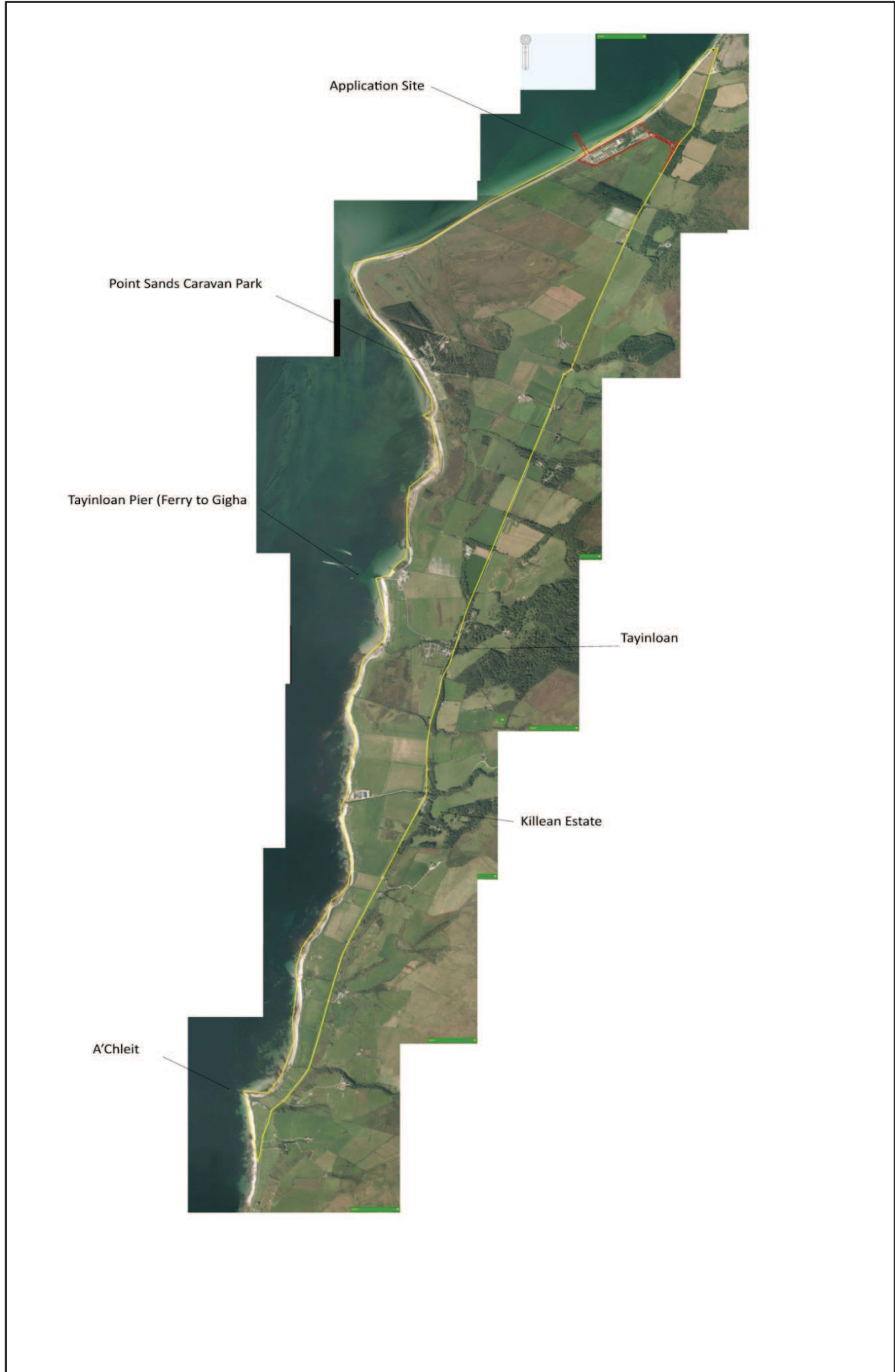
With the exception of the '*settlement*' area associated with Tayinloan, most of the defined 'area of common landscape character' comprises land falling primarily within the '*sensitive countryside*' development control zone which in itself indicates little, if any, capacity to absorb development successfully. Additional capacity to absorb new buildings in this area would generally be limited to development associated with isolated farmsteads, and to those roadside locations within the limited '*rural opportunity areas*' which have survived the 'North & South Kintyre Landscape Capacity Study'. The presence of large areas of nature conservation designation would impose severe constraints upon the prospective development of many of the protected goose feeding fields between the road and the shore.

The building proposed which has prompted the planning application requiring this ACE is a very large structure 165m long and 82 m wide, with a shallow elliptical roof 10.5m high. It is to accommodate a closed containment recirculation aquaculture production facility intended to be located on the site of existing buildings and plant, some 400-500 metres west of the main road, close to and parallel to the shoreline. The applicants contend that the outdoor plant with which the site has previously been equipped is not a viable proposition for them and that a state of the art closed containment production facility accommodated within a single building using recirculating filtered seawater is necessary for them to be able to bring back the site into use for aquaculture production. A coastal location is required given the need to be able to abstract seawater in large volumes and for a licenced effluent discharge.

The site presents itself as a prospective development opportunity, firstly because of its past use for fish farm purposes and its current lawful use for such, secondly because of its status as a 'brownfield site' presenting a redevelopment opportunity, and thirdly because of its exclusion from the adjacent SSSI and SPA designations by virtue of its past development. '*Sensitive countryside*' policy ordinarily supports redevelopment for business purposes in the countryside in principle, but not where it amounts to '*large scale*' development (defined by the local plan as being buildings over 600m² or with a gross site area of over 2 hectares) other than where an Area Capacity Evaluation has

been carried out to determine that within the identified 'area of common landscape character' no preferable development opportunities exist. There are no other prospective development sites within this 'area of common landscape character' which share the above characteristics. Other locations are either constrained by nature conservation designations, the need to avoid fragmentation of farm holdings or by proximity to settlement or other existing development. There are no other disused 'brownfield' sites of the scale required within the 'area of common landscape character'. The remainder of the ACE compartment is therefore considered unsuitable for the type and scale of development proposed. With the exception of this redevelopment opportunity, 'large scale' business development of any hitherto undeveloped land within the 'area of common landscape character' would not be appropriate, either in terms of development plan policy or in terms of its impacts upon nature conservation and landscape character.

The aerial photograph on the following page gives an indication of the pattern of land use and the extent of existing development within the flat landscape which comprises the ACE compartment.





Northern section of Area of Common Landscape Character looking south towards Rhunahaorine Point



Looking west over application site from within adjacent goose feeding fields



Open fields south of application site looking north-west



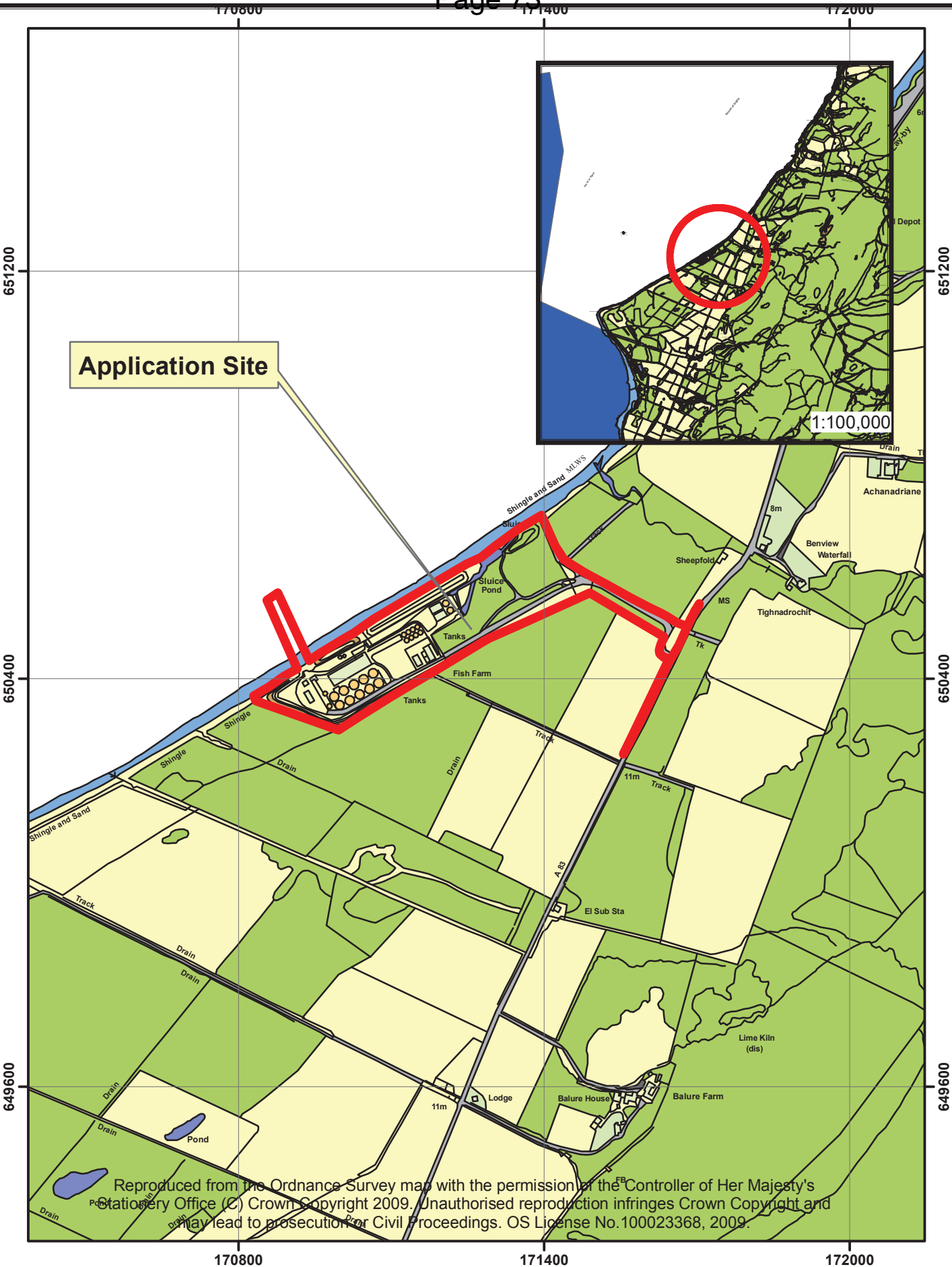
Contrast between coastal plain and adjoining upland

AREA CAPACITY EVALUATION MATRIX			
ACE Title		RHUNHAORINE BY TAYINLOAN, KINTYRE	
Date	23.07.13	Location	Coastal land west of the A83 between Balochroy and A'Chleit
Surrounding Strategic Planning Zones			
Town Village:		Tayinloan	
Minor Settlement:		N/A	
Green Belt:		N/A	
Countryside Around Settlements :		Associated with Tayinloan	
Sensitive Countryside / Coast :		The majority of the ACE compartment is situated within the 'sensitive countryside' development control zones with the exception of the Tayinloan 'settlement' boundary and pockets of roadside 'rural opportunity area'.	
Very Sensitive Countryside / Coast:		N/A	
Landscape Character			
Landform & Cover	The area is almost entirely flat windswept coastal plain comprising regular pasture fields and wetlands contained between the coast road and the shoreline.		
Development Pattern	Development is concentrated in the compact settlement of Tayinloan plus a series of isolated farmsteads. Development along the shore comprises a ferry pier, a caravan park, agricultural dairy sheds and an onshore fish farm.		
Notable Key Environmental Features			
Significant Historical Interest and Important Cultural Associations	Scheduled Monuments Unscheduled Monuments etc		None, but the area can be seen from locations of archaeological value to the east of the coast road
	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	A'Chleit Grade A listed church and roadside buildings at Killean.
	Important groups or areas of buildings including Conservation Areas	None
	Other important examples of built heritage including transport / industrial heritage	Distinctive regular field pattern. Tayinloan Pier.
Nature Conservation Importance	Internationally important wildlife sites including SPAs and SPAs SACs Ramsar Sites	Kintyre Goose Roosts SPA:
	Nationally important wildlife sites including NNRs, SSSI, Marine Consultation Zones	Rhunahaorine SSSI:
	Locally important habitats, -SINC, SNW	None
	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	Kintyre Way long distance footpath along the beach
	Important local paths / networks and their immediate corridors	None
	Important views and prospects	Views out from A83 and from high points east of the road.
	Named and other waterfalls shown on OS	None
	Important car parks lay bys etc	None
	Valued landscapes including NSAs RSAs & LSAs	Site is within the West Kintyre Area of Panoramic Quality
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
INFRASTRUCTURE		
Road Access	The area is accessed from the A83 by a series of tracks and by the minor road from Tayinloan to Tayinloan Pier. .	
Water	The area is linked by ferry to the Isle of Gigha	
Sewerage	N/A	
Electricity	N/A	
DEVELOPMENT		
Proposed Development	Erection of a building to accommodate closed containment recirculation aquaculture production facility. Coastal location required for seawater abstraction/discharge.	
Other Issues/Notes	Proposed site is currently unused by has a lawful use as a fish farm.	

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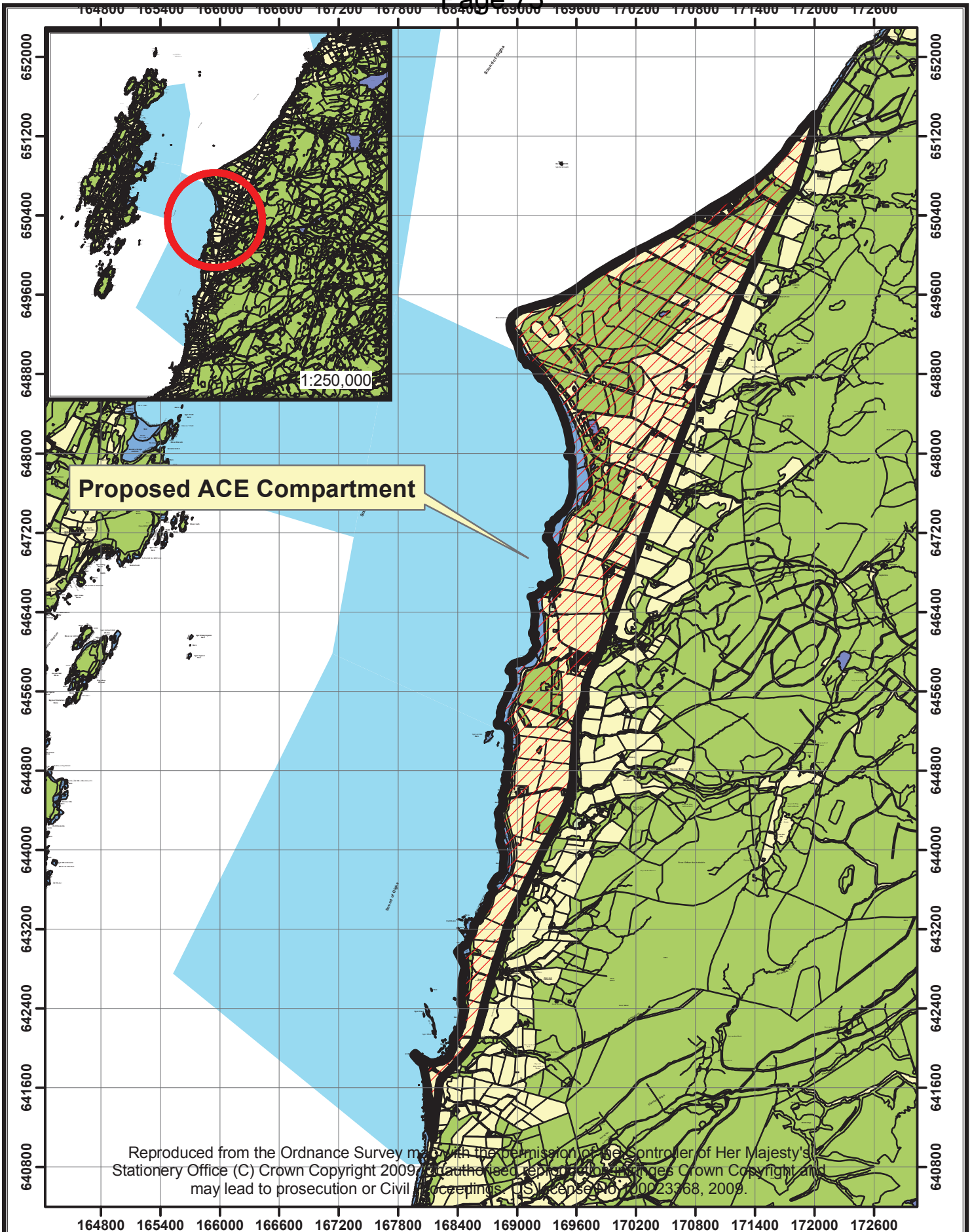
**Location Plan relative to
Application Ref: 13/02060/PP**

Date: 01.10.2013

Scale: 1:10,000



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Rhunahaorine ACE, Area of Common Landscape Character

Date: 23.07.2013

Scale: 1:50,000



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ARGYLL AND BUTE COUNCIL

PROCEDURE NOTE FOR USE AT

- | | |
|--|--------------------------|
| (1) Statutory Pre Determination Hearing | <input type="checkbox"/> |
| (2) Pan 41 Hearing | <input type="checkbox"/> |
| (3) Council Interest Application | <input type="checkbox"/> |
| (4) Discretionary Hearing | X |

HELD BY THE PLANNING, PROTECTIVE SERVICES & LICENSING COMMITTEE

1. The Director of Customer Services will notify the applicant, all representees and objectors of the Council's decision to hold a Hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not. Statutory consultees (including Community Councils) will be invited to attend the meeting to provide an oral presentation on their written submissions to the Committee, if they so wish.
2. The Director of Customer Services will give a minimum of 7 days notice of the date, time and venue for the proposed Hearing to all parties.
3. The hearing will proceed in the following order and as follows.
4. The Chair will introduce the Members of the Panel, ascertain the parties present who wish to speak and outline the procedure which will be followed.
5. The Director of Development and Infrastructure's representative will present their report and recommendations to the Committee on how the matter should be disposed of.
6. The applicant will be given an opportunity to present their case for approval of the proposal and may include in their submission any relevant points made by representees supporting the application or in relation to points contained in the written representations of objectors.
7. The consultees, supporters and objectors in that order (see notes 1 and 2), will be given the opportunity to state their case to the Council.
8. All parties to the proceedings will be given a period of time to state their case (see note 3). In exceptional circumstances and on good case shown the Panel may extend the time for a presentation by any of the parties at their sole discretion.

Ref: ABH1/2009

9. Members of the Panel only will have the opportunity to put questions to the Director of Development and Infrastructure's representative, the applicant, the consultees, the supporters and the objectors in that order.
10. At the conclusion of the question session the Director of Development and Infrastructure's representative, the applicant, any consultees present, the supporters and the objectors (in that order) will each be given an opportunity to comment on any particular information given by any other party after they had made their original submission and sum up their case.
11. The Chair will ascertain from the parties present that they have had a reasonable opportunity to state their case.
12. The Panel will then debate the merits of the application and will reach a decision on it. No new information can be introduced at this stage.
13. The Chair or the Committee Services Officer on his/her behalf will announce the decision.
14. A summary of the proceedings will be recorded by the Committee Services Officer.
15. If at any stage it appears to the Chair that any of the parties is speaking for an excessive length of time he will be entitled to invite them to conclude their presentation forthwith.

NOTE

- (1) Objectors who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all objectors.
- (2) Supporters who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all supporters.
- (3) Councillors (other than those on the Panel) who have made written representations and who wish to speak at the hearing will do so under category (1) or (2) above according to their representations but will be heard by the Panel individually.
- (4) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing.

Ref: ABH1/2009

The Director of Development Services' representative – not more than half an hour

The Applicant - not more than half an hour.

The Consultees - not more than half an hour.

The Supporters - not more than half an hour.

The Objectors - not more than half an hour.

- (4) The purpose of the meeting is to ensure that all relevant information is before the Panel and this is best achieved when people with similar views co-operate in making their submissions.
- (5) Everyone properly qualified as a representee recorded on the application report who wishes to be given an opportunity to speak will be given such opportunity.
- (6) The Council has developed guidance for Councillors on the need to compose a competent motion if they consider that they do not support the recommendation from the Director of Development and Infrastructure which is attached hereto.

I:data/typing/planning/procedure note

COMPETENT MOTIONS

- Why is there a need for a competent motion?
 - Need to avoid challenge by “third party” to local authority decision which may result in award of expenses and/or decision being overturned.
 - Challenges may arise from: judicial review, planning appeal, ombudsman (maladministration) referral. All appeal/review processes have rights to award expenses against unreasonable/unlawful behaviour.
- Member/Officer protocol for agreeing competent motion:
 - The process that should be followed should Members be minded to go against an officer’s recommendation is set out below.
- The key elements involved in formulating a competent motion:
 - It is preferable to have discussed the component parts of a competent motion with the relevant Member in advance of the Committee (role of professional officers). This does not mean that a Member has prejudged the matter but rather will reflect discussions on whether opinions contrary to that of professional officers have a sound basis as material planning considerations.
 - A motion should relate to material considerations only.
 - A motion must address the issue as to whether proposals are considered consistent with Adopted Policy or justified as a departure to the Development Plan. Departure must be determined as being major or minor.
 - If a motion for approval is on the basis of being consistent with policy reasoned justification for considering why it is consistent with policy contrary to the Head of Planning’s recommendation must be clearly stated and minuted.
 - If a motion for approval is on the basis of a departure reasoned justification for that departure must be clearly stated and minuted. Consideration should be given to holding a PAN 41 Hearing (determined by policy grounds for objection, how up to date development plan policies are, volume and strength of representation/contention)
 - A motion should also address planning conditions and the need for a Section 75 Agreement.
 - Advice from the Scottish Government on what are material planning considerations is attached herewith. However, interested parties should always seek their own advice on matters relating to legal or planning considerations as the Council cannot be held liable for any error or omission in the said guidance.

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance

Ref: ABH1/2009

- Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - A National Park Plan
 - The National Waste Management Plan
 - Community plans
 - The Environmental impact of the proposal
 - The design of the proposed development and its relationship to its surroundings
 - Access, provision of infrastructure and planning history of the site
 - Views of statutory and other consultees
 - Legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interest, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.