

John Whittle

From: jhw@crossfield-consulting.co.uk

To: karen.raeburn

Mon, 26 Feb at 15:09

Our Ref. JHW/jw/CCL03617.020

Dear Karen,

**Former Part of Andrews Garage, Tighnabruaich, Argyll And Bute PA21 2DS
Proposed Single Dwelling
Planning Ref. 22/00221/PP**

Thank you for your recent email. We note that your application for planning permission regarding the above is being refused, as per the following statement provided to by Argyll & Bute Council:

'The proposal is considered contrary to NPF4 Policy 9, part (c), SG LDP SERV 4 and Policy 82 of the proposed Local Development Plan as it has not been demonstrated, to the satisfaction of the council, that the site is and can be made safe and suitable for the proposed house. There are a list of outstanding requirements in relation to the Contaminated Land Assessment that have not been adequately responded to. These mainly relate to the survey methods, and the depth of sample surveys.'

Our report and assessment of potentially contaminated land refers to nationally adopted guidance, as referenced in the following and associated documents:

- Scottish Executive (2017) PAN 33 – *Development of Contaminated Land*
- Environment Agency (October 2020, Updated April 2021) *Land Contamination Risk Management (LCRM) EA*
- Scottish Executive (2006) *Environmental Protection Act 1990: Part IIA Contaminated Land, Statutory Guidance*

It is acknowledged that our January 2023 report does not refer to policy in NPF4 (February 2023), as pre-publication data was not available to permit this. Notwithstanding, reference to the above technical guidance does provide compliance with NPF4 policy which seeks to encourage, promote and facilitate the safe reuse of brownfield, vacant and derelict land.

Likewise, although specific reference to local authority guidance SG LDP SERV 4 (2015) is not included in our report, the assessment is considered to comply with PAN 33, as above, such that the requirements of this policy are met. Our report acknowledges an expectation of possible contamination, such that a contaminated land assessment is provided. It should be noted that the implementation of suitable remediation measures is only required where the site specific (risk) assessment identifies such measures are necessary for the specific site conditions and development (as set out in PAN33).

We are not aware that Policy 82 of the *Proposed Local Development Plan* (October 2023) has yet been adopted and implemented. We also note that the only additional requirement of Policy 82 in relation to the above, is SEPA liaison. It is noted that this development is not located in an area sensitive to water environment receptors and furthermore our report is understood to comply with current SEPA policy as set out in SEPA Guidance Note LUPS-GU3 (2015).

The *outstanding requirements* regarding sampling etc as referenced above appear to relate to presentational issues and/or a misunderstanding of the *scale* of the proposed development/very small size of the site, which comprises the following:

- Only one small dwelling is proposed
- The proposed house is directly underlain by very low permeability intact rock strata
- A domestic garden is proposed of only 7 m x 5 m which includes the very limited volume of soil remaining on site.
- The ground investigation targeted the most sensitive element of the proposed development, namely the garden area.
- The site has not been associated with bulk petrol storage or significant use of paints etc.

These matters were raised in our email issued on 7 July 2023 to Steven Gove, Planning Officer and Anthony Carson, Environmental Health officer, both of Argyll & Bute Council. Unfortunately, no response has yet been provided that acknowledges these issues. This has been further compounded by the latest comment (reproduced above) that refers to '*a list of outstanding requirements*'; unfortunately, we are not aware of such a clear list of items that remain of concern and which can then be addressed.

We look forward to any clarification you may be able to obtain from the local planning authority regarding the above.

Yours sincerely,

John H Whittle BSc MSc FGS MICE CEng SiLC

Associate Director

jhw@crossfield-consulting.co.uk