

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

14/0009/LRB

**REFUSAL OF PLANNING PERMISSION FOR THE
ERECTION OF 4 HOLIDAY LETTING UNITS
RELATIVE TO PLANNING APPLICATION
REFERENCE 14/01114/PP**

**LAND EAST OF CROSSAPOL FARM, CROSSAPOL,
ISLE OF TIREE**

17/10/2014

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is Jason Syme (“the appellant”) who has employed Dulchas Architects to act upon his behalf (“the agent”).

Planning application 14/01114/PP, which proposed the erection of 4 holiday letting units (“the appeal site”), was refused under delegated powers on the 31st July 2014.

The planning decision has been challenged and is subject of review by the Local Review Body.

DESCRIPTION OF SITE

The site forms part of the former auction mart area where there is an existing shed. The B8065 bounds the site to the north, with agricultural fields east and west with Soroba Beach to the south. There is an existing informal access track leading down to the beach immediately adjacent to the front of the site with Crossapol Farm a short distance to the west along the main road. The existing shed has an approximate floor area of 130m² with the livestock pens and hard standing extending over much of the site and is in a dilapidated condition. Permission has been granted for the demolition of this shed and its replacement by a new building to be occupied as a restaurant, on the basis that this constituted an acceptable form of redevelopment within ‘sensitive countryside’. The undeveloped remainder of the site is part of the machair landscape characterised by short grass.

SITE HISTORY

13/01490/PP – Demolition of existing shed and erection of restaurant – Approved 24/01/2014

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan and determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is the test for this planning application.

STATEMENT OF CASE

Officers consider that the determining issues in relation to the case are as follows:-

- Whether the material planning considerations asserted by the appellant are sufficient to outweigh the fact that the planning application is contrary to the current adopted Argyll and Bute Development Plan; or whether in fact the Argyll and Bute Development Plan remains the primary determining factor.

The Report of Handling (please refer to Appendix 1) sets out Planning and Regulatory Services assessment of the planning application in terms of policy within the current adopted Argyll and Bute Development Plan and all other material planning considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

The proposal constitutes a Local Development in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, has no complex or challenging issues and has only been the subject of 1 objection from local residents. It is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant's statement can be summarised under the following key issues:

- The appellant has provided details of his business plan to demonstrate the financial viability of these holiday units coupled with the approved restaurant;
- A resubmission of the design statement that accompanied the application.

Issue 1

The appellant has provided details of the currently available accommodation and restaurants on the island. Neither the lack of accommodation on the island nor the availability of year round restaurants is contested by officers. It is not necessary to advance or demonstrate need in support of any proposal which conforms with development plan policy. However, the applicant does not challenge the first reason for refusal which is founded on the inability to satisfy policies STRAT DC 5 of the Structure Plan and LP TOUR 1 of the Local Plan. The recently approved restaurant was granted as a redevelopment of the former auction mart site on the basis that this amounted to a *quid pro quo* for the original building. The proposed holiday lets are outwith the area appropriate for redevelopment and do not meet the criteria for suitable 'small scale' infill or rounding-off that could be supported in this development control zone.

In this regard the proposal does not meet the requirements of policy STRAT DC 5 and is not suitable for a departure from adopted development plan policy given the availability of other nearby locations on the island within settlements and rural opportunity areas where this type of tourist accommodation would be more likely to be able to satisfy policies STRAT DC 1 and STRAT DC 4 of the Structure Plan. The appellant is encouraged to search for a more appropriate site in these development control zones for the holiday accommodation. There is no exceptional need justification which requires that the units should be physically adjacent to the restaurant, as there is not an operational link between them, and the driver appears to be one of land ownership, which in itself would not warrant a departure to planning policy.

Issue 2

The appellant has challenged the second reason for refusal which was on design grounds. The supporting design statement makes no reference to the Isle of Tiree Sustainable Design Guide. The statement specifically refers to the holiday units has being influenced by traditional 'airigh' or sheiling which were small dwellings used as summer houses when cattle were in the pasture. Although these buildings would have been used in the highlands and more expansive areas it is highly unlikely that such buildings would have been used in a small area such as Tiree given the geology of the island.

A modern approach to design is generally encouraged by the planning authority however this must be respectful of the area's heritage and should enhance the general character. With this in mind the design of the letting units is not consistent with the Isle of Tiree Design Guide. Furthermore, a grouping of such buildings would impede views toward the coast by road users providing a feeling of enclosure rather than being in a wide open area. The proposal is not considered to be consistent with Policy LP ENV 19 and Appendix A of the Local Plan.

CONCLUSION

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The reasons for refusal of planning application 14/01114/PP:

1. The site lies within the 'sensitive countryside' development control zone delineated by the 'Argyll & Bute Local Plan' (2009) within which Argyll & Bute Structure Plan (2002) Policy STRAT DC 5 generally offers support for 'small scale' development (as defined in the Local Plan) for appropriate sites that qualify as infill, rounding-off, redevelopment and change of use of existing buildings. The development does not satisfy any of these exemptions to the otherwise restrictive approach to development within this development control zone. No exceptional case founded on a locational or operational need has been advanced in support of the intended location in preference to locations within either a 'settlement' or a 'rural opportunity area', where sites suited to this form of development are more likely to be readily found. Despite their association with the unimplemented restaurant project, there is no locational need for this accommodation to be adjacent to the restaurant building, which will necessarily draw its custom from visitors staying in a range of locations across the island. Policy LP TOUR 1 provides a general support for the development of tourism facilities provided they meet certain criteria, including the need to satisfy the requirements of the relevant development control policy. Given the inability to satisfy Policy STRAT DC 5 the proposal is also contrary to Policy LP TOUR 1 of the adopted local plan.
2. New development on the Isle of Tiree falls to be considered against the guidance given in the Council's 'Isle of Tiree Design Guide' (2006) which seeks to reinforce the local distinctiveness of the island, by encouraging development which reflects the local vernacular. The proposal advances a form of development which is suggested to be influenced by traditional sheilings. Whilst it is appreciated that these types of buildings may have been used across the highlands, there is little or no evidence of their use on Tiree. Furthermore, any such buildings would be expected to be sited in isolation and not arranged in a closely associated geometric grouping as proposed in this case. Given that public roads pass the site to the north, despite the former auction mart building and the restaurant consented to replace it, views to the coast and out to sea are not particularly impeded, given the significant spacing between the location of the consented restaurant building and the nearby Crossapol Farm. The addition

of a grouping of chalets would, however, significantly increase the impact of built development and would restrict views of the coast, intruding upon users' experience of the area and adversely impacting on the character of this part of the island. With this in mind, the design and layout of the proposal does not respect the environment within which it is intended to be located, contrary to Policy LP ENV 19 and Appendix A of the 'Argyll & Bute Local Plan' (2009) and the advice given in the 'Isle of Tiree Design Guide'.

There are no material considerations identified of sufficient weight that justify the proposal as a departure from the provisions of the development plan.

It is respectfully requested that the review be dismissed and the refusal be upheld.

Appendix 1

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: 14/01114/P

Planning Hierarchy: Local Development

Applicant: Mr Jason Syme

Proposal: Erection of 4 holiday chalets

Site Address: Land East of Crossapol Farm, Crossapol, Tiree

DECISION ROUTE

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 4 holiday chalets (8m x 4.2m x 3.5)

(ii) Other specified operations

- Connection to previously approved private waste water treatment works (approved under 13/01490/PP);
 - Connection to public water supply;
 - Use of previously approved parking and turning area (approved under 13/01490/PP).
-

(B) RECOMMENDATION:

It is recommended that the application be refused for the reasons stated below.

(C) HISTORY:

13/01490/PP – Demolition of existing shed and erection of restaurant – Approved 24/01/2014

(D) CONSULTATIONS:

Area Roads Manager

Report dated 20/06/2014
No objection subject to conditions.

Public Protection Unit

Memo dated 06/06/2014

No objection subject to a condition covering contaminated land.

Scottish Environment Protection Agency (SEPA)

Letter dated 16/06/2014

No objection.

RSPB

Letter dated 02/07/2014

No objection but requested information that could be dealt with via condition if not provided prior to determination.

Scottish Water

No response and no request for an extension of time.

(E) PUBLICITY:

The proposal has been advertised in terms of regulation 20, closing date 03/07/2014.

(F) REPRESENTATIONS:

There has been a single letter of objection as detailed below.

Mr Tony Batchelor, Crossapol Farm, Crossapol, Tiree PA77 6TX (03/07/2014)

(i) Summary of issues raised

- The proposed design is not consistent with the provisions of the Isle of Tiree Design Guide.

Comment: This was highlighted to the applicant during the previous application for the restaurant and resulted in the chalets being removed from the application, with the restaurant ultimately being approved. The design hasn't changed from the original submission.

- The proposals will have an adverse impact on wildlife including otters that have been spotted using the site recently.

Comment: A condition of the adjacent approval for the restaurant requires the developer to carry out a habitat survey prior to the commencement of works. Additionally, it has been suggested that the site is home to ground nesting birds therefore it is unlikely that the area will be used by both and otters given otters would likely harass ground nesting ornithology.

- A planning condition of the adjacent restaurant permission (13/01490/PP) states that the upper floor flat shall only be used for the purposes of someone employed directly by the restaurant and his or her partner. This

proposal, of approved, will alter this condition and the restaurant development will have materially altered.

Comment: The restaurant approval is a different permission and it's not entirely clear what is being suggested here. However, the restaurant building was conditioned to prevent it being used for holiday accommodation and to tie it into the use applied for. Judging from the applicants' submission these chalets are intended to be used for guests and not to provide staff accommodation.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---|-----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | Yes |
| (iii) A design or design/access statement: | Yes |
| (iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes |

Drainage Impact Assessment

Summary of main issues raised by each assessment/report

The DIA provides details as to the proposed foul and surface water drainage systems. The applicant intends to install a septic tank with a new outfall to tidal waters and use this same outfall for the surface water drainage arrangements. Furthermore the applicant has submitted a copy of their authorisation from SEPA for these proposals.

(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

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 19 – Development Setting, Layout and Design
 LP TOUR 1 – Tourist Facilities and Accommodation, including Static and Touring Caravans
 LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems
 LP SERV 3 – Drainage Impact Assessment (DIA)
 LP SERV 4 – Water Supply
 LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
 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.**

Isle of Tiree Sustainable Design Guide, 2009
 SPP, Scottish Planning Policy, 2010
 Emerging Argyll and Bute Local Development Plan

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
(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:	No
(P)	Assessment and summary of determining issues and material considerations	

The proposal is located in Crossapol on the coast adjacent Crossapol Farm in the mid-western part of the island overlooking Hynish Bay. The site is immediately adjacent the former auction mart complete with shed and livestock pens. The shed, pens and associated hard standing are still evident on the site.

The proposals are for the erection of 4 holiday chalet units to complement the recently approved restaurant development on the site to the north-east (planning reference 13/01490/PP). These chalets are proposed to be within the same site boundary as the restaurant and aimed at providing accommodation for guests.

The site forms part of the former auction mart area where there is an existing shed. The B8065 bounds the site to the north, with agricultural fields east and west with Soroba Beach to the south. There is an existing informal access track leading down to the beach immediately adjacent to the front of the site with Crossapol Farm a short distance to the west along the main road. The existing shed has an approximate floor area of 130m² with the livestock pens and hard standing extending over much of the site and is in a dilapidated condition. Permission has been granted for the demolition of this shed and its replacement by a new building to be occupied as a restaurant, on the basis that this constituted an acceptable form of redevelopment within 'sensitive countryside'. The undeveloped remainder of the site is part of the machair landscape characterised by short grass.

The proposed chalets would measure 8m x 4.2m. The roofs would be mono pitch and 3.5m at the highest point, dropping to 2.5m over the length of the buildings, which would be clad in corrugated metal panels painted red to match the restaurant. The ends facing the coast would be completely glazed with small decking areas sheltered but open to the front. Internally they would accommodate a double bed (with the option of adding an additional single), a shower room, toilet and an area for storage. According to the design statement, they are meant to model traditional sheilings of the Scottish Highlands which were used as summer dwellings when the cattle were out at pasture. A photograph has been provided of a black timber clad example whilst on show at an event in Earls Court, London.

As per the adopted Local Plan maps the site lies within the 'sensitive countryside' development control zone, wherein Structure Plan policy STRAT DC 5 generally offers support for 'small scale' development (as defined in the Local Plan) for appropriate sites that qualify as infill, rounding-off, redevelopment and change of use of existing buildings. The proposed buildings do not satisfy any of these exemptions from what is otherwise a policy which generally restricts development in the countryside.

The applicant has not provided a detailed statement specifying why the chalets are required to be in this location, over one within either a 'settlement' or a 'rural opportunity area', either of which would lend support to the development of holiday accommodation. In this instance, the proposal is a development in the open countryside apparently intended to supplement an approved, but not yet developed, restaurant business. The units formed part of the original restaurant planning application, but on advice from officers, were deleted during its processing as they were elements contrary to policy which would be likely to prejudice the restaurant application, which was otherwise an acceptable redevelopment opportunity presented by the former auction mart. Having secured approval for the restaurant, the applicant is now seeking a separate consent for the holiday units originally envisaged. The application is not consistent with the provisions of Policy STRAT DC 5 which sets out those specific forms of development which will be entertained in 'sensitive countryside'. Despite their association with the restaurant project, there is no locational need for this accommodation to be adjacent to the restaurant building, which will necessarily draw its custom from visitors staying in a range of locations across the island.

Policy LP TOUR 1 provides a general assumption in favour of tourism facilities provided they meet certain criteria. One of these is that the proposal is consistent with the relevant development control zone policy – in this instance STRAT DC 5. An assessment of STRAT DC 5 is provided above. With this in mind the proposal is not consistent with the provisions of LP TOUR 1.

It is also necessary to assess the proposal against the provisions of the Isle of Tiree Design Guide (2006). This provides guidance as to appropriate design on the island from traditional black top houses to modern interpretations of these cottages and advice on appropriate kit houses. Although the design guide specifically refers to housing development, it is worth noting that the proposal is not like anything found on the island nor anything linked to island culture. It is appreciated that these types of buildings may have been in traditional use across the highlands, but there is little or no evidence of their use on Tiree. It is more likely that such buildings weren't necessary given the limited size of the area and the emphasis on sheep farming over cattle.

There is also a requirement to consider how the proposal will interact with the landscape and users of the island. Public road roads pass the site to the north and users will experience Crossapol Farm and the approved restaurant building. Views to the coast and out to sea would not be particularly impeded given the significant spacing between the restaurant building and Crossapol Farm. This is currently easy to assess given that the existing former auction mart building is of similar proportions to the restaurant approved to replace it. The introduction of an adjacent grouping of chalets would, however, restrict views to the coast and adversely impact on the character of this part of the island and devalue the experience of the area. The applicant has been previously advised of the planning department's concerns not only in terms of the intended location, but also in relation to the design of the chalets, but has chosen to resubmit them in their original form. With this in mind, the proposal does not respect the environment within which they are set and is not consistent with the provisions of policies LP ENV 19, Appendix A and the Isle of Tiree Design Guide.

The site boundary is some 110m from the SSSI, SPA and RAMSAR designation on Soroba Beach. The Council's Local Biodiversity Officer did not raise any concerns over the previous application for the restaurant development, subject to conditions requiring building works to be carried out with the bird nesting season and that a walkover survey is carried out for ground nesting birds and should these be found, particularly Corn Crane, then they are cordoned off to ensure they are not disturbed. Equivalent conditions could be imposed upon this development in the event of permission being granted.

The RSPB has responded to a consultation request and has raised no objection. RSPB request conditions over the potential increase in access and disturbance to the designated site and has suggested that a Habitats Regulation Appraisal should be undertaken. However, the applicant is not proposing any extra access be taken to the designated area, nor is it anticipated that the development of the site and associated increased casual access to the coast would impact significantly on the designations, given the distance involved. RSPB has asked for a planning condition limited coastal access and that the applicant provides suitable signage to notify visitors of the nesting birds. The applicant is not proposing any additional form of access to the beach and therefore it is considered that such conditions would not be necessary in the event of permission being granted and are therefore not reasonable. This is consistent with the approach taken for the restaurant development.

It should be noted that a SNH did not object to the original submission of the restaurant and chalets. A Habitats Regulations 'appropriate assessment' was carried out for the restaurant application, which confirmed that the proposal would not have a significant adverse impact on the qualifying interests of the SPA. A second 'appropriate assessment' has been carried out for this proposal and is attached at Appendix A below.

The applicant intends to utilise an existing access off the public road that was used to serve the former auction mart. The Council's Area Roads Engineer has advised that there is no objection to this element of the proposal subject to conditions. The proposal would be consistent with the provisions of policy LP TRAN 4.

The applicant intends to connect to the public water main whilst providing a private septic tank with outfall to the coast. Scottish Water has previously commented on the restaurant application that the Tiree Water Treatment Works may have capacity to accommodate the development. The applicant has submitted a drainage impact assessment and a copy of their authorisation from SEPA for these works. As SEPA are the regulators for the water environment this element of the proposal is acceptable. The proposal would be consistent with policies LP SERV 1 and LP SERV 4.

Therefore, in conclusion, the proposal amounts to a development in 'sensitive countryside' that does not satisfy any of the criteria listed in policy STRAT DC 5 as detailed above. As a consequence it is not capable of satisfying Policy LP TOUR 1. Furthermore the design does not satisfy the requirements of Policy LP ENV 19, Appendix A of the Local Plan and the island Design Guide.

With the above in mind the application is recommended for refusal for the reasons detailed below.

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

(R) Reasons why planning permission or a Planning Permission in Principle should be refused: See following page.

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

N/A

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

Author of Report: David Love
Reviewing Officer: Richard Kerr

Date: 31.07.14
Date: 31.07.14

Angus Gilmour Head of Planning and Regulatory Services

APPENDIX TO DECISION REFUSAL NOTICE

- (A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing: No
-

- (B) The reason why planning permission has been refused.

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 14/01114/PP

3. The site lies within the ‘sensitive countryside’ development control zone delineated by the ‘Argyll & Bute Local Plan’ (2009) within which Argyll & Bute Structure Plan (2002) Policy STRAT DC 5 generally offers support for ‘small scale’ development (as defined in the Local Plan) for appropriate sites that qualify as infill, rounding-off, redevelopment and change of use of existing buildings. The development does not satisfy any of these exemptions to the otherwise restrictive approach to development within this development control zone. No exceptional case founded on a locational or operational need has been advanced in support of the intended location in preference to locations within either a ‘settlement’ or a ‘rural opportunity area’, where sites suited to this form of development are more likely to be readily found. Despite their association with the unimplemented restaurant project, there is no locational need for this accommodation to be adjacent to the restaurant building, which will necessarily draw its custom from visitors staying in a range of locations across the island. Policy LP TOUR 1 provides a general support for the development of tourism facilities provided they meet certain criteria, including the need to satisfy the requirements of the relevant development control policy. Given the inability to satisfy Policy STRAT DC 5 the proposal is also contrary to Policy LP TOUR 1 of the adopted local plan.

4. New development on the Isle of Tiree falls to be considered against the guidance given in the Council’s ‘Isle of Tiree Design Guide’ (2006) which seeks to reinforce the local distinctiveness of the island, by encouraging development which reflects the local vernacular. The proposal advances a form of development which is suggested to be influenced by traditional sheilings. Whilst it is appreciated that these types of buildings may have been used across the highlands, there is little or no evidence of their use on Tiree. Furthermore, any such buildings would be expected to be sited in isolation and not arranged in a closely associated geometric grouping as proposed in this case. Given that public roads pass the site to the north, despite the former auction mart building and the restaurant consented to replace it, views to the coast and out to sea are not particularly impeded, given the significant spacing between the location of the consented restaurant building and the nearby Crossapol Farm. The addition of a grouping of chalets would, however, significantly increase the impact of built development and would restrict views of the coast, intruding upon users’ experience of the area and adversely impacting on the character of this part of the island. With this in mind, the design and layout of the proposal does not respect the environment within which it is intended to be located, contrary to Policy LP ENV 19 and Appendix A of the ‘Argyll & Bute Local Plan’ (2009) and the advice given in the ‘Isle of Tiree Design Guide’.

APPENDIX A

APPROPRIATE ASSESSMENT BY ARGYLL AND BUTE COUNCIL

THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED

ERECTION OF 4 HOLIDAY CHALETS LAND EAST OF CROSSAPOL FARM, CROSSAPOL, ISLE OF TIREE

It is considered that the above proposal (our reference 14/01114/PP) may have the potential to have a significant effect on the qualifying interests of the Sleibhtean agus Cladach Thiriodh Special Protection Area for Birds. As a consequence, Argyll and Bute Council as determining authority for this planning application is required to carry out an 'appropriate assessment' as per the Conservation (Habitats and C.) Regulations 1994 (as amended) in view of the conservation objectives for the site's qualifying species. This assessment is detailed below.

Characteristics of the development

The proposal is for the erection of four chalets to be associated with the previously consented demolition of a former auction mart and the erection of a restaurant building at Crossapol, Tiree. That consent has yet to be implemented and a shed, pens and associated hard standing still remain on the site in connection with this former use, although the site is no longer occupied for its original purpose.

Some 120m to the south-west is the Sleibhtean agus Cladach Thiriodh RAMSAR, SPA and SSSI designated for the presence of breeding and non-breeding birds and being part of the Tiree Wetlands and Coast.

The proposed units are to be occupied for holiday letting purposes.

Assessment of Potential Impact

The Sleibhtean agus Cladach Thiriodh SPA is designated for its aggregations of breeding birds (ringed plover, dunlin, oystercatcher and redshank) and non-breeding birds (ringed plover, Greenland barnacle goose, Greenland white-fronted goose and turnstone).

Birds from the SPA are known to nest on the rocky foreshore adjacent to the development. The development has the potential to result in an increase in visitors to the area used by nesting SPA birds. As such the redevelopment of the site has the potential to have a 'significant effect' upon the qualifying interest of the SPA.

The redevelopment proposal has the potential to influence the designated area during both the construction and operational phases. Disturbance could be occasioned as a consequence of noise and activity associated with the clearance of the site and as a result of building operations. In the event permission were to be granted, by way of mitigation, it would be possible to condition any consent to prevent development from taking place between end of February and late August, in order to avoid adverse impacts on the bird nesting season. With this mitigation in place there will be no consequences of significance for qualifying interests or conservation objectives as a result of the physical works required to enable this development to be completed.

The operational phase of the development will result in more persons accessing the application site than was the case with the former auction mart, although the level of activity on any day would be likely to be less intensive than that which was associated with the periodic holding of livestock markets.

The proposed development does not introduce any additional direct means of access to the foreshore. Accordingly, casual access, as can be taken at present, remains the only prospect of disturbance to bird species.

Scottish Natural Heritage have previously indicated that a relatively small number of birds nest in the area of rocky foreshore close to the development, and thus only a small proportion of SPA birds are at risk of disturbance from increased footfall resulting from the development.

Conclusion

As a competent authority, Argyll and Bute Council has considered the likely environmental effects upon habitats and species associated with the SAC and has concluded that the proposal will not adversely affect the integrity of Sleibhtean agus Cladach Thiriodh SPA, in light of its conservation objectives and will not adversely affect the integrity of the site.