



**Argyll and Bute Council**  
**Comhairle Earra-Ghàidheal Agus Bhòid**

*Customer Services*  
*Executive Director: Douglas Hendry*

*Kilmory, Lochgilphead, PA31 8RT*  
*Tel: 01546 602127 Fax: 01546 604435*  
*DX 599700 LOCHGILPHEAD*

28 September 2017

**RECONVENED MEETING OF LOCAL REVIEW BODY**

**THURSDAY 5 OCTOBER 2017**

**AT 10.00 AM IN THE COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD**

I refer to the above and enclose herewith further written submissions requested by the Local Review Body at their meeting on 23 August 2017 along with further comment from the Applicant.

Douglas Hendry  
Executive Director of Customer Services

**BUSINESS**

**3. CONSIDER NOTICE OF REVIEW REQUEST: MODIFICATION OF EXISTING SHELLFISH (OYSTER) FARM (INCREASE IN CAPACITY BY 250 TRESTLES): PORT A'CHLAIDH, LOCH NA KEAL, ISLE OF MULL (REF: 17/0003/LRB)**

(d) Further Information Requested

- i. From Applicant (Pages 3 – 4)
- ii. From Planning Authority (Pages 5 – 16)
- iii. From Roads Authority (Pages 17 – 20)

(e) Comment from Applicant on Further Information Received (Pages 21 - 22)

**ARGYLL AND BUTE LOCAL REVIEW BODY**

Councillor Gordon Blair  
Councillor George Freeman

Councillor Rory Colville (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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LOCAL REVIEW BODY REFERENCE 170003LRB

From: nick mawhinney  
Sent: 04 September 2017 14:31  
To: localreviewprocess  
Cc: McCallum, Fiona; Bain, Peter (Planning); envhealthwest; Steward, Mark; ms.ffplanning@gov.scot; Kerr, Richard; hansel@homeinthewoods.co.uk; roadsconsoli; Rattray, Brian; Williams, Tim  
Subject: LOCAL REVIEW BODY REFERENCE 17/0003/LRB

LOCAL REVIEW BODY REFERENCE 17/00003/LRB

In reply to your letter dated 25th August 2017 and the request for further information.

The two questions asked are directly related so my answer combines a response to both.

I have not obtained a quotation for upgrading the junction/bellmouth and would not be able to

properly do so before 8th September. As I have stated before I do not own or control the private

road although do have agreement for access over it to our sea sites. Our traffic is negligible

compared to that involved with the Scottish Salmon Company's activity.

I have previously discussed the overall situation with the local manager for Scottish Salmon

Company and have now been told that they will be upgrading the full length of their road and the

bellmouth junction. I understand that they have an approved budget for the work and a

contractor appointed who will carry out the work "in the next two months". There has been no

discussion about cost sharing and while I do not have any quotation there is no doubt that the

values involved would be beyond the scale of our relatively small development. I trust this is all in order.

Regards

Nick Mawhinney.

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**Development and Infrastructure Services**

Director: Pippa Milne

Council Offices 1A Manse Brae Lochgilphead Argyll PA31 8RD

Tel: 01546 604845

1<sup>ST</sup> SEPTEMBER 2017

Our Ref : 17/00637/MFF

Your Ref : 17/0003/LRB

Contact: Richard Kerr  
Direct Line: (01546) 604845

Committee Services  
Argyll and Bute Council  
Kilmory  
Lochgilphead  
PA31 8RT

FAO: Fiona McCallum

Dear Fiona

**LOCAL REVIEW BODY REFERENCE:17/0003/LRB  
PLANNING APPLICATION 17/00637/MFF  
MODIFICATION OF EXISTING SHELLFISH (OYSTER) FARM (INCREASE IN CAPACITY  
BY 250 TRESTLES): PORT A'CHLAIDH, LOCH NA KEAL, ISLE OF MULL**

I refer to the LRB's request for further information as set out in your letter of 25<sup>th</sup> August 2017.

In response to the request for details concerning the total cost of the development, these are not required to be specified as part of the planning application process. However, I have discussed the matter of the cost of the project with the applicant. He has indicated that that trestles are fabricated by applicant, who holds a stock of materials to cover repairs replacements and additions. Materials are already on hand sufficient to cover the additional number required in connection with this proposal and accordingly no further capital outlay is required in order to be able to equip the site. The applicant has commented that the only real initial outlay beyond the applicant's existing resources has been the £223 planning application fee. Beyond that costs would be operational in terms of procuring stock, husbandry practices and harvesting.

I have attached photographs of the junction as requested. These comprise:

- 1) General view of the junction and access track from the opposite side of the public road;
- 2) Approach to the junction from the public road traveling west;
- 3) Junction travelling east;
- 4) Carriageway edge on exiting site;
- 5) Detail of surfaces of the public road carriageway and the private access.

I trust this information is sufficient for your requirements.

Yours sincerely



Richard Kerr  
Principal Planning Officer



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**LOCAL REVIEW BODY REFERENCE: 17/0003/LRB**

**PLANNING APPLICATION REFERENCE: 17/00637/MFF**

**MODIFICATION OF EXISTING SHELLFISH (OYSTER) FARM, PORT A'CHLAIDH, LOCH NA KEAL, ISLE OF MULL**

The proposal is for an increase in the number of trestles at the oyster farm. This proposal will increase the vehicle movements to / from the site.

The existing junction with the public road is sub-standard and damage has been caused to the public road by vehicles using the access. Roads have requested that the existing access be surfaced in hot bituminous material for a distance of 5m back from the edge of the public road. This should prevent further damage to the public road.

Due to annual leave and the lack of equipment Roads have been unable to carry out a traffic survey at this location. A survey was carried out in July 2014, between Oskamull Farm and Ulva Primary School, and the vehicle movements at that time averaged 51 vehicles per day. A copy of the summary page is attached.

Roads have no powers under the Roads (Scotland) Act 1984 to enforce a landowner to improve the surface of a private road.

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Ulva PS Traffic Survey July 2014

|          | Total Vol. | 85th %ile | Mean Ave. | Std. Dev. | Bin 1 <16Mph | Bin 2 16-<21 | Bin 3 21-<26 | Bin 4 26-<31 | Bin 5 31-<36 | Bin 6 36-<41 | Bin 7 41-<46 | Bin 8 46-<51 | Bin 9 51-<56 | Bin 10 56-<61 | Bin 11 61-<66 | Bin 12 66-<71 | Bin 13 =>71 |
|----------|------------|-----------|-----------|-----------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|---------------|---------------|-------------|
| 00:00    | 0          |           |           |           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 01:00    | 0          |           |           |           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 02:00    | 0          |           |           |           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 03:00    | 0          |           |           |           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 04:00    | 1          |           | 33.5      |           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 05:00    | 3          |           | 27.7      | 2.1       | 0            | 0            | 0            | 2            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 06:00    | 2          |           | 25.5      |           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 07:00    | 6          |           | 26.7      | 7.5       | 0            | 1            | 2            | 1            | 1            | 1            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 08:00    | 9          |           | 24.8      | 5.3       | 0            | 2            | 3            | 2            | 1            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 09:00    | 12         | 31.5      | 24.9      | 6.6       | 1            | 3            | 3            | 3            | 2            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 10:00    | 22         | 27.9      | 23.4      | 4.9       | 2            | 3            | 11           | 6            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 11:00    | 12         | 29.4      | 24.5      | 5.9       | 1            | 2            | 4            | 4            | 1            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 12:00    | 14         | 30.5      | 26.4      | 5.8       | 0            | 2            | 4            | 5            | 1            | 1            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 13:00    | 9          |           | 25        | 5.3       | 0            | 2            | 3            | 2            | 1            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 14:00    | 10         | 27.6      | 23.5      | 3.8       | 0            | 2            | 5            | 2            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 15:00    | 10         | 29.1      | 23.8      | 6.3       | 1            | 2            | 3            | 3            | 1            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 16:00    | 12         | 29.1      | 24.5      | 5.1       | 0            | 4            | 5            | 2            | 1            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 17:00    | 8          |           | 25.5      | 5.4       | 0            | 2            | 3            | 2            | 1            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 18:00    | 4          |           | 24.1      | 4.3       | 0            | 1            | 2            | 1            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 19:00    | 3          |           | 24.3      | 5.1       | 0            | 1            | 1            | 1            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 20:00    | 2          |           | 26.8      |           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 21:00    | 1          |           | 23.5      |           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 22:00    | 0          |           |           |           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 23:00    | 0          |           |           |           | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| Totals   |            |           |           |           |              |              |              |              |              |              |              |              |              |               |               |               |             |
| 12H,7-19 | 127        | 30.2      | 24.6      | 5.5       | 5            | 25           | 49           | 35           | 12           | 2            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 16H,6-22 | 135        | 30.1      | 24.6      | 5.4       | 5            | 26           | 51           | 36           | 12           | 2            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 18H,6-24 | 135        | 30.1      | 24.6      | 5.4       | 5            | 26           | 51           | 36           | 12           | 2            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| 24H,0-24 | 139        | 30.1      | 24.7      | 5.4       | 5            | 26           | 51           | 38           | 12           | 2            | 0            | 0            | 0            | 0             | 0             | 0             | 0           |
| Am       | 10:00      |           |           |           | 10:00        | 09:00        | 10:00        | 10:00        | 09:00        | 07:00        |              |              |              |               |               |               |             |
| Peak     | 22         |           |           |           | 2            | 3            | 11           | 6            | 2            | 1            |              |              |              |               |               |               |             |
| Pm       | 12:00      |           |           |           | 15:00        | 16:00        | 16:00        | 12:00        | 12:00        | 12:00        |              | 16:00        |              |               |               |               |             |
| Peak     | 14         |           |           |           | 1            | 4            | 5            | 5            | 1            | 1            |              | 0            |              |               |               |               |             |

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From: nick mawhinney <mawhinneymull@btinternet.com>

Sent: 11 September 2017 09:39

To: localreviewprocess@argyll-bute.gov.gov.uk

Cc: Rattray, Brian; Tim Willis; Mar Science planning; McCallum, Fiona; Kerr, Richard; roadsconsoli; Williams, Tim; envhealthwest; Bain, Peter (Planning); Steward, Mark

Subject: 17/0003/LRB Supplementary Comment

LOCAL REVIEW BODY Ref 17/0003/LRB Supplementary Comments

Following my initial response to the questions raised in the 1st calling of the LRB I have now sighted the reply made by the Roads Department concerning our Planning Application and the operation of our site.

I feel that there is a basic misunderstanding of the way the farm operates. It should be understood that it is essentially an intertidal operation with the trestles only accessible at low water. The main reason for increasing the number of trestles is to allow greater flexibility in stocking and rotation. Of course all this takes place in the sea and not all trestles are in use at any one time.

It is incorrect to say that the increase in trestles will increase traffic on the road. Traffic will be not be significantly different to that which we have incurred since beginning our operation more than 20 years ago. The increase in the number of trestles does not correspond with an increase in the use of the road.

The imposition of road improvement as a condition of the Planning Approval is I believe inappropriate and unreasonable and I trust that it can be withdrawn.

Regards

Nick Mawhinney

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