



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

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10 June 2020

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY SKYPE** on **WEDNESDAY, 17 JUNE 2020** at **10:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. MINUTES**

Planning, Protective Services and Licensing Committee held on 20 May 2020 (Pages 3 – 8)

- 4. MR ANDREW JAHODA: ERECTION OF ONE DWELLINGHOUSE (AMENDED 13.05.20): IANMYO, PEEL STREET, CARDROSS (REF: 19/00253/PP)**

Report by Head of Development and Economic Growth (Pages 9 – 26)

- 5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW**

Report by Executive Director with responsibility for Legal and Regulatory Support (Pages 27 – 36)

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair
Councillor Robin Currie
Councillor Lorna Douglas

Councillor Rory Colville (Vice-Chair)
Councillor Mary-Jean Devon
Councillor Audrey Forrest

Councillor George Freeman
Councillor David Kinniburgh (Chair)
Councillor Roderick McCuish
Councillor Alastair Redman
Councillor Richard Trail

Councillor Graham Hardie
Councillor Donald MacMillan BEM
Councillor Jean Moffat
Councillor Sandy Taylor

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE HELD BY SKYPE
on WEDNESDAY, 20 MAY 2020**

Present: Councillor David Kinniburgh (Chair)

| | |
|----------------------------|-----------------------------|
| Councillor Gordon Blair | Councillor Roderick McCuish |
| Councillor Rory Colville | Councillor Jean Moffat |
| Councillor Robin Currie | Councillor Alastair Redman |
| Councillor Mary-Jean Devon | Councillor Sandy Taylor |
| Councillor Lorna Douglas | Councillor Richard Trail |
| Councillor George Freeman | |

Attending: Fergus Murray, Head of Development and Economic Growth
Patricia O'Neill, Governance Manager
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
David Love, Area Team Leader – Mid Argyll, Kintyre and the Isles
Alan Morrison, Regulatory Services Manager
Stuart McLean, Committee Manager

Members were asked to suspend Standing Order 5.4 – the Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

The requisite two thirds of Members present agreed to suspend Standing Order 5.4 to enable discussion of reports on the Agenda.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Graham Archibald Hardie and Donald MacMillan.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 18 March 2020 at 11.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 18 March 2020 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 18 March 2020 at 2.20 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 18 March 2020 at 2.40 pm was approved as a correct record.

e) The Minute of the Planning, Protective Services and Licensing Committee held on 18 March 2020 at 3.00 pm was approved as a correct record.

4. THE SCOTTISH GOVERNMENT ON BEHALF OF SLR CONSULTING LIMITED: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO SHEIRDRIUM RENEWABLE ENERGY DEVELOPMENT: LAND AT GARTNAGRENACH FOREST, WHITEHOUSE, ARGYLL (REF: 19/02424/S36)

Consideration was given to the recommended response to the Scottish Government's Energy Consents and Deployment Unit Section 36 consultation regarding the proposed Sheirdrim Renewable Energy Development. The Major Applications Team Leader spoke to the terms of the report. In Scotland, any application to construct or operate an onshore power generating station, in this case, a wind farm, with an installed capacity of over 50 megawatts requires the consent of Scottish Ministers under Section 36 of the Electricity Act. Any ministerial authorisation given would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this process is one of consultee along with various other consultation bodies. This site is part of the Achaglass and Gartnagrenach Estates and is located at the northern end of the Kintyre Peninsula, near the villages of Clachan and Whitehouse. The proposed development is within a mixture of Rural Opportunity Area, Countryside and Very Sensitive Countryside and would comprise 19 wind turbines, 16 up to 149.9m tip height and 3 up to 135m tip height and other elements as detailed in Appendix A of the report of handling. At the time of writing the report, public representation stood at 50 of which 46 are objections and 4 in support. Objections had also been made by Historic Scotland Environment, Scottish Forestry, National Air Traffic Services and East and West Kintyre Community Councils and South Knapdale Community Council. This report reviews the policy considerations applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with consultation undertaken by the Council, and third party opinion expressed to the Scottish Government. Officers conclude that the proposed development does not accord overall with the relevant provisions of the Scottish Planning Policy and the Argyll and Bute Local Development Plan and that there are no material considerations which would justify anything other than the Council objecting to this proposal for the reasons detailed in the report. Should any of the objections raised by Historic Environment Scotland, Scottish Forestry and National Air Traffic Services be withdrawn, then it is also recommended that the Council no longer objects on these grounds, and that the Energy Consents Unit should treat these aspects of the Council's overall objection as withdrawn. In addition it is also recommended that out of the two access options, the existing Cour access is identified as the Council's preference and that the Scottish Government be notified accordingly.

Motion

To agree to object to this proposal for the reasons outlined in the report of handling subject to including reference to the proposed development having an adverse landscape and visual impact on the villages of Clachan and Whitehouse, and that the Scottish Government be notified accordingly.

Moved by Councillor David Kinniburgh, seconded by Councillor Sandy Taylor

Amendment

To agree to continue consideration of this Section 36 consultation.

Moved by Councillor Rory Colville, seconded by Councillor Lorna Douglas

A vote was taken by calling the roll.

Motion

Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Jean Moffat
Councillor Alastair Redman
Councillor Sandy Taylor
Councillor Richard Trail

Amendment

Councillor Gordon Blair
Councillor Rory Colville
Councillor Lorna Douglas
Councillor George Freeman
Councillor Roderick McCuish

The Motion was carried by 7 votes to 5 and the Committee resolved accordingly.

Decision

The Committee agreed to object to this proposal for the reasons outlined in the report of handling subject to including reference to the proposed development having an adverse landscape and visual impact on the villages of Clachan and Whitehouse and that the Scottish Government be notified accordingly.

Reference: Report by Head of Development and Economic Growth dated 6 May 2020, submitted)

- 5. SPECIALITY DRINKS LIMITED: ERECTION OF DISTILLERY WITH ASSOCIATED MALTINGS AND VAULTED MATURATION WAREHOUSE, VISITOR'S CENTRE AND SHOP, RESTAURANT AND MEETING FACILITIES, TASTING LODGE AND ASSOCIATED INFRASTRUCTURE INCLUDING: SEWAGE TREATMENT PLANT AND PUMPING STATION, NEW JUNCTION, ACCESS ROADS, CAR PARKING, TANK FARMS, SUDS POND, RESERVOIR AND SEA WATER INTAKE: LAND SOUTH AND EAST OF FARKIN COTTAGE, PORT ELLEN (REF: 19/02555/PP)**

The Area Team Leader spoke to the terms of the report. The proposal is to erect a distillery on the south-coast of Islay east of Port Ellen. The location is considered countryside as per the adopted Local Development Plan. Policy LDP DM1 makes provision for all scales of development subject to an exceptional case and Area Capacity Evaluation (ACE). In this instance the Applicant has demonstrated that this site offers the only available viable location with sufficient water supply and land to offer scope for the development type. An ACE has been completed and is detailed at Appendix of the report. It concludes that the change to the landscape character may be considered to have a neutral impact upon the quality of the receiving landscape character.

The findings of the ACE were unanimously endorsed by the Committee at this point.

There are no objections to the proposal from consultees other than from Islay Community Council and conditions are proposed to secure access improvements, landscaping, biodiversity enhancements, residential amenity and archaeology. There have been a total of 21 separate objections to this application with a further petition with 148 names. Of these 4 people have signed the petition and submitted separate individual representations. Two letters of support have been submitted. In this instance the volume of representations would suggest that Members should consider the need for a hearing. However the majority of representations do not raise issues material to the determination of this application. They raise wider ranging concerns such as impact on ferry travel, condition of road infrastructure etc. Landscape impact is a consistent theme, which is material. This has been covered at length by the Applicant's LVIA and Officer's ACE and Officers to do not consider that a discretionary hearing would add value in this instance. It is recommended that the Committee approve the application subject to the conditions and reasons set out in the report of handling.

Motion

To approve the application subject to the conditions and reasons set out in the report of handling.

Moved by Councillor David Kinniburgh, seconded by Councillor Rory Colville

Amendment

To agree to hold a discretionary pre-determination hearing at the earliest opportunity and if it has not been possible to hold this hearing by August 2020, given the ongoing situation regarding the coronavirus (COVID-19) pandemic, to bring this matter back to the PPSL Committee in August to decide how the hearing would proceed.

Moved by Councillor Robin Currie, seconded by Councillor Alistair Redman

A vote was taken by calling the roll.

Motion

Councillor Rory Colville
Councillor George Freeman
Councillor David Kinniburgh
Councillor Jean Moffat
Councillor Richard Trail

Amendment

Councillor Gordon Blair
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor Lorna Douglas
Councillor Roderick McCuish
Councillor Alastair Redman
Councillor Sandy Taylor

The Amendment was carried by 7 votes to 5 and the Committee resolved accordingly.

Decision

The Committee, having earlier endorsed the findings of the Area Capacity Evaluation agreed:-

1. to hold a discretionary pre-determination hearing at the earliest opportunity; and
2. if it has not been possible to hold this hearing by August 2020, given the ongoing situation regarding the coronavirus (COVID-19) pandemic, to bring this matter back to the PPSL Committee in August to decide how the hearing would proceed.

(Reference: Report by Head of Development and Economic Growth dated 8 May 2020, submitted)

6. EXTENSION OF STATUTORY SERVICE PLANS FOR REGULATORY SERVICES

A report seeking approval to extend the current statutory service plans across Regulatory Services to 31 December 2020 as a result of the COVID 19 pandemic was considered.

Decision

The Committee agreed to the extension of the statutory plans detailed in section 4.4 of the report to the 31 December 2020 and that further reports be brought forward in this period to ensure Members are kept up to date.

(Reference: Report by Interim Executive Director with responsibility for Development and Economic Growth dated 7 May 2020, submitted)

7. UPDATE ON RECENT DISCRETIONARY LOCAL HEARING DECISION - 17/01205/PP - SITE WEST OF TAIGH SOLAIS, LEDAIG, TOBERMORY

A report summarising a decision by the Scottish Ministers to 'call in' a planning application for determination was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth, submitted)

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Argyll and Bute Council
Development and Economic Growth

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 19/00253/PP

Planning Hierarchy: Local Development

Applicant: Mr Andrew Jahoda

Proposal: Erection of one dwellinghouse (amended 13.05.20)

Site Address: Ianmyo, Peel Street, Cardross

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse

(ii) Other specified operations

- Connection to public water main
 - Connection to public sewerage system
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused for the reasons appended to this report.

(C) HISTORY:

13/02902/TPO – Lopping of 2 Sycamore trees – Approved 29.01.14

18/00370/TPO – Proposed lopping of 5 Leylandii trees – Withdrawn 01.08.18

18/00395/TPO – Proposed lopping of 5 Leylandii trees – Withdrawn 16.03.18

18/02738/PP – Erection of 2 dwellinghouses – Withdrawn 14.02.19

(D) CONSULTATIONS:

Area Roads Manager

Memo and e-mail dated 06/06/19 and 25/05/20 – No objections subject to conditions.

Flood Risk/Drainage Impact Officer

Memos dated 11/11/19 and 15/11/19. No objections subject to conditions

Scottish Water

Letter dated 06/03/19 - No objection in principle. There is currently sufficient capacity in the Alexandria Water Treatment Works. The proposed development will be serviced by the Ardoch Waste Water Treatment Works. We cannot confirm capacity at this time and so the applicant should submit a Pre-development Inquiry Form

SEPA

Letters dated 06/03/19 and 19/11/19 – No objection.

Bio-Diversity Officer

E-mail dated 02/06/20 - A bat survey is required and any impacts mitigated before the application can be approved.

(E) PUBLICITY:

Listed Building/Conservation Area Advert, closing date 04/04/19.

(F) REPRESENTATIONS:

i) Representations have been received from the following:

Objection

Peel Street Residents Association Letter via e-mail dated 07/03/19)

Gavin Rae, 2 Burnfoot, Cardross, G82 5NB (e-mails and 08/03/19 dated 11/03/19)

Carol Bone, 4 Burnfoot, Cardross, G82 5NB (e-mails dated 11/03/19 and 25/03/19, 09/05/19 and 08/07/19)

David McVittie, Ardmoy, Main Road, Cardross, G82 5JX

Michele Rae, 2 Burnfoot, Cardross, G82 5NB (e-mail dated 11/03/19)

Allan Stewart, 53 Bainfield Road, Cardross, G82 5JQ (letter dated 12/03/19)

Karen and Inness Veitch Thomson, 5 Burnfoot, Cardross, G82 5NB (letter and e-mails dated 13/03/19, 04/04/19 and 21/05/19)

Mrs Kirstie Dubojski, Tigh Na Mara, Peel Street, Cardross, G82 5LD (e-mail dated 20/03/19)

V Searle, 51 Bainfield Road, Cardross, G82 5JQ (letter dated 14/03/19)

Mark Ryan, 2 Cedar Road, Cardross, G82 5JW (e-mail dated 27/03/19)

Mark Harrison and Evelyn Turner, Seafield, Peel Street, Cardross, G82 5LD (e-mail dated 22/03/19)

Robert Reid, Morayville, Peel Street, Cardross, G82 5LD (letter dated 27/03/19)

James Orr, Loning Villa, Peel Street, Cardross, G82 5LD (letter dated 31/03/19)

i) Summary of issues raised:

It is contrary to the Argyll and Bute Council Local Plan and inappropriate development for a Conservation Area.

Comment: See assessment.

The adjacent Kilmahew Burn has flooded in the past. This burn is critically affected by the high water spring tides backed up by the prevailing south-westerly winds and a large water catchment from the hills above Cardross. Outflow from the burn stalls and residents have evidence of many incidents where the burn has almost breached the existing flood defences. On no account can any additional surface water outfalls be permitted to enter the burn.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions. See also the assessment.

The existing drainage infrastructure has also flooded in the past. Residents regularly experience the drainage network backing up and it appears the existing pumping station at Cardross Station is unable to cope with the demands being placed on it.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions. See also the assessment.

The proposed development will be connecting to existing local infrastructure to the south of Peel Street which is already overcapacity and regularly backs up and has caused untreated sewage to flood onto adjacent properties.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions. See also the assessment.

The soakaway infrastructure of the planned development is contrary to SEPA approval and the Flood Risk Management (Scotland) Act 2009. The surface water will be drained by means of a soakaway into the Kilmahew Burn. There are reservations about whether the burn can support any additional water at certain times of the year. There is a culvert which feeds into the burn and any additional water may result in the culvert backing up. It will increase the risk of flooding particularly to properties to the south.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions. See also the assessment.

In 2018, 5 Leylandii trees were topped and any soakaway would be directed through the leylandii. This could undermine the root structure of the Leylandii making them susceptible to falling down.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions. See also the assessment.

The proposed driveway will affect privacy in terms of noise from cars and headlights. Concerned about the potential flood risk from the proposed driveway. Also concerned about the embankment and retaining wall in terms of its impact on flooding.

Comment: It is not considered that an additional house will have a serious detrimental impact on privacy. SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions.

The Flood risk Assessment was due to be undertaken in May of 2019. Given the average rainfall this will not necessarily show a true picture.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions.

With reference to the Scottish Government guidelines it is felt that the application is lacking in information on several very important points with regards to drainage.

Comment: SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions.

A policy brief in 2017 titled the Reform of Scottish Private Water Rights. It states that a downstream owner has the right to have the water transmitted to them undiminished in quantity, unpolluted in quality and current unaffected in force and natural direction and current, except in so far as the primary uses of it may legitimately operate.

Comment: The Scottish Government introduced new regulations in 2017 for private water supplies. It is not considered this is a significant material planning consideration in this instance. In relation to surface water and flooding SEPA, Scottish Water and the Flood Risk/Drainage Impact Officer have no objections in principle subject to safeguarding conditions.

Argyll and Bute refused to adopt Peel Street as it was not to adoptable standard. The existing street lighting within the area is extremely poor. Peel Street cannot sustain additional traffic flow and pedestrian movements.

Comment: The Area Roads Manager has no objection.

The development requires access over a private road. Where the access is proposed the road narrows which would impact on opportunities for passing places and parking for Seafield and Burnfoot Cottages. The plan overlooks realistic turning circles to and from the proposed site. This will negatively impact on wide vehicle access such as bin lorries and delivery HGVs. We would question the authority of Argyll and Bute Council to be able to award Planning Permission for a development that includes a new access onto a road that neither the Council nor the applicant owns.

Comment: The Area Roads Manager has no objections.

In 2018 Peel Street residents paid to have the street tarmacked. Concerned that the road will be adversely affected by the number of heavy vehicles on the road that will be required to complete the development and that it will need to be dug up to install services to the new development.

Comment: The Area Roads Manager has no objections. The potential impact of the installation of services is not considered a significant material consideration in this instance.

The border for the proposed property extends all the way down to the burn. The title deeds for our property (51 Bainfield Road) extends six feet on the opposite side of the burn. Is this not the case with the deed boundary for Ianmyo?

Comment: The application form indicates that the applicant owns the land set out in the site edged red.

The development is directly adjacent to our property (2 Cedar Grove) and would lead to a significant reduction in daylight and overshadowing of both our property and garden. The escape window and adjacent window on the northern elevation would overlook our property and constitute significant intrusion into our privacy.

Comment: See assessment.

The infrastructure regarding high speed electronic communications networks for the development is unable to support the additional increase contrary to Building Standards Technical Handbook Standard 4.14.

Comment: This is not a material planning consideration.

A large Monkey Puzzle tree, which is protected as it is in the Conservation Area, will be removed for the access. In other parts of the world these trees are an endangered species. It is also believed that there may be bats roosting in the land or property at lanmyo.

Comment: The Monkey Puzzle will not be affected by the development and the applicant has confirmed that it will be retained. See also the assessment.

The proposed development appears to encompass several large mature trees but overlooks root removal and soil disturbance in access road construction. These trees to could present a risk to adjoining properties in terms of stability in high winds. Also concerned that other trees would be removed during construction.

Comment: See assessment.

Loss of view.

Comment: Loss of view is not a material planning consideration.

(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: | No |
| (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: | No |

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** **No**
- (ii) **Reason for refusal in the event that the Section 75 agreement is not concluded:**

- (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 Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 4 – Supporting the Sustainable Development of our Coastal Zone
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity
SG LDP ENV 5 Development Impact on Local Nature Conservation Sites (LNCS)
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas
SG LDP HOU 1 – General Housing Development including Affordable Housing
SG LDP HOU 2 – Special Needs Access Provision in Housing Developments
SG LDP HOU 3 – Housing Green Space
Sustainable Siting and Design Principles
Delivery of Affordable Housing

SG LDP SERV 1 Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Systems (SUDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP SERV 5 (b) – Provision of Waste Storage and Collection Facilities within New Development
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

SG LDP DEP – Departures to the Local Development Plan

(i) 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.

Argyll and Bute Sustainable Design Guidance, 2006
Scottish Planning Policy (SPP), 2014
Representations
Argyll and Bute proposed Local Development Plan 2

(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:

A total of nineteen objections have been received and consideration has to be given to holding a Discretionary Hearing. The application, as originally submitted, raised a number of concerns regarding potential flood risk, impact on amenity and the potential loss of trees. The development has been reduced to one house and located outwith the flood risk area. The development has a high standard of design and sits comfortably with the existing settlement structure which comprises a mix of house styles. The proposed house will enhance the character of the Conservation Area. However, the potential for bats roosting within the site has been raised by objectors. The Council's Bio-Diversity Officer has been consulted and requires a bat survey to be undertaken. The applicant has agreed to this but has not confirmed the timetable for submission. The applicant has also indicated that he wants the application to go to Committee in June. As such the application is recommended for refusal because the impact on bats cannot be assessed. It is not considered that holding a Hearing would add value to the process of determining this application.

(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for the erection of a dwellinghouse, (the application was originally for two dwellinghouses but amended to one unit on 13th May 2020), within the sub-divided curtilage of the applicant's existing dwellinghouse, Ianmyo, at Peel Street, Cardross. The site is within Cardross Conservation Area in an established residential area and is roughly rectangular in shape, extending to approximately 3,149 square metres. It is bounded to the north-west by Peel Street from where access is proposed and to the south-east by the Kilmahew Burn. In this case the determining issues are whether the proposal has a high standard of design and its impact on the natural, human and built environment including the character and appearance of the Conservation Area and surface water run-off and flooding.

In terms of the adopted Argyll and Bute Local Development Plan the application site is located within the settlement boundary where Policy LDP DM 1 gives encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance.

Cardross is a key settlement where there is a presumption against major (more than 30 houses) but support for medium and small scale (6 to 30) and (1 to 5) housing development as defined by Policies LDP DM 1 and SG LDP HOU 1. At a single dwellinghouse the proposal is defined as small scale and is acceptable in principle.

Policy SG LDP ENV 1 provides additional detail to Policy LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment. Policy SG LDP ENV 6 resists development likely to have an adverse impact on trees. As the site is within the Conservation Area Policy SG LDP ENV 17 requires that any development preserve or enhance the character and appearance of the conservation area. It is considered that the application site is located within an area comprising a variety of architectural house

styles and of varying plot sizes and that there is no defining characteristic within this part of Cardross. Amended plans show a split level dwellinghouse of modern design comprising single storey and two storey elements located to the south of the donor property. Proposals such as these are considered an acceptable form of development subject to meeting the other provisions of the Development Plan. Within this context, the proposal will increase density however it is considered that the proposed modern design will add to the variety of development and enhance this part of the Conservation Area. As such, it is considered that the proposal accords with Policies LDP DM 1, SG LDP HOU 1, SG LDP ENV 6 and SG LDP ENV 17.

Access is via the existing access serving Ianmyo from Peel Street which is a private road. Peel Street takes access off the A814. The Area Roads Manager has indicated no objections subject to conditions.

Water supply and foul drainage is via a connection to the public system. There is currently sufficient capacity in the Alexandria Water Treatment Works. In terms of foul water the proposed development will be serviced by the Ardoch Waste Water Treatment Works. Scottish Water cannot confirm capacity at this time and so the applicant should submit a Pre-development Inquiry Form. This can be covered by a note and condition. An initial Flood Risk Assessment submitted with the application noted previous flood events include fluvial/tidal flooding on Peel Street in 1991 and flooding of the A814 in 2001 due to a watercourse blockage. Recurring flooding from surface water is also known to occur at the A814. The site lies within the indicative limits of fluvial flooding from the Kilmahew Burn on the SEPA Flood Map (2014) with depths above 0.3 m. The overall site boundary also lies within the indicative limits of coastal and surface water flooding on the SEPA map. SEPA objected to the proposal as originally submitted which indicated two dwellinghouses located to the south of the donor property. The Council's Flood Risk/Drainage Impact Officer also advised deferral of any decision to resolve the potential flood risk to the site and from the proposed development.

Following the concerns raised by SEPA and the Council's advisor, a fresh Flood Risk assessment was submitted. This stated that the site can be generally separated into two elevations. The eastern side of the site, adjacent to the burn has ground levels between approximately 4mAOD and 4.5mAOD, which is a similar level to the banks of the burn. Further west the site rises sharply to a level of between approximately 5.5mAOD and 7mAOD. To resolve the potential flood risk the prospective property, originally two, will be located on this raised area. SEPA and the Flood Risk/Drainage Impact Officer were re-consulted. SEPA has lifted its objection and the Council's Flood Risk advisor has indicated no objections. As such the proposal accords with Policies SG LDP SERV 3 and SG LDP SERV 7.

The development has a high standard of design and sits comfortably with the existing settlement structure which comprises a mix of house styles. The proposed house will enhance the character of the Conservation Area and will not impact on the character and amenity of adjoining houses or the surrounding area in terms of design and visual impact. However, the potential for bats roosting within the site has been raised by objectors. The Council's Bio-Diversity Officer has been consulted and requires a bat survey to be undertaken. The applicant has agreed to this but has not confirmed the timetable for submission. The applicant has also indicated that he wants the application to go to Committee in June. As such the application is recommended for refusal because the impact on bats cannot be assessed. However, if a bat survey is submitted which indicates that the development could proceed without detriment to bats then this can be covered in a Supplementary Report following consultation with the Council's Bio-Diversity officer. It may also mean that the application could be approved subject to conditions.

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

(R) Reasons why planning permission should be refused

The development has a high standard of design and sits comfortably with the existing settlement structure which comprises a mix of house styles. The proposed house will enhance the character of the Conservation Area and will not impact on the character and amenity of adjoining houses and the surrounding area.

However, the potential for bats roosting within the site has been raised by objectors. The Council's Bio-Diversity Officer has been consulted and requires a bat survey to be undertaken. The applicant has agreed to this but has not confirmed the timetable for submission. The applicant has also indicated that he wants the application to go to Committee in June. As such the application is recommended for refusal because the impact on bats cannot be assessed. However, if a bat survey is submitted which indicates that the development could proceed without detriment to bats then this can be covered in a Supplementary Report following consultation with the Council's Bio-Diversity officer. It may also mean that the application could be approved subject to conditions.

(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: Howard Young Date: 28/05/2020

Reviewing Officer: Peter Bain Date: 4/06/2020

**Fergus Murray
Head of Development and Economic Growth**

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. (19/00253/PP)

Local Plan Policies LDP 3 and SG LDP ENV 1 state that where there is evidence to suggest that a habitat or species of European, national and/or local importance exists on a proposed development site or would be affected by the proposed development, the Council will require the applicant, at his/her own expense, to submit a specialist survey of the site's natural environment, and if necessary a mitigation plan, with the planning application. Development proposals which are likely to have an adverse effect on protected species and habitats will only be permitted where it can be justified in accordance with the relevant protected species legislation. The potential for bats roosting within the site has been raised by objectors. The Council's Bio-Diversity Officer has been consulted and requires a bat survey to be undertaken. No survey has been submitted and the impact on bats cannot be assessed or mitigation measures implemented. The proposal is therefore contrary to Policies LDP 3 and SG LDP ENV 1 which presume against development which, inter alia, does not protect, conserve or where possible enhance biodiversity.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/00253/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning permission is sought for erection of a dwellinghouse on a sub-divided curtilage of a property located off Peel Street, Cardross. Permission was initially sought for two dwellinghouses but subsequently reduced to one dwelling unit following submission of amended plans on 13th May 2020.

In terms of the adopted Argyll and Bute Local Development Plan the application site is located within the settlement boundary where Policies LDP DM 1 and SD LDP HOU 1 give encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance. Cardross is a key settlement where there is a presumption against major (more than 30 houses) but support for medium (6 to 30) and small (1 to 5) scale housing development as defined by Policies LDP DM 1 and SG LDP HOU 1. At a single dwellinghouse the proposal is defined as small scale and is acceptable in principle subject to a site based criteria assessment. As the site is also within Cardross Conservation Area development must preserve or enhance the character and appearance of the conservation area. This is assessed below.

B. Location, Nature and Design of Proposed Development

Scottish Planning Policy requires that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. This advice is reflected in Local Development Plan Policy SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas. Argyll and Bute Council Sustainable Design Guide, 2006 also offers advice on urban infill citing three options: contemporary 'landmark' development, contemporary 'integrated' development and traditional design.

Supplementary guidance also advises that new development must be compatible with, and consolidate, the existing settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise. As a general principle all new proposals should be designed taking the following into account:

- Location: new housing must reflect or recreate the traditional building pattern or built form and be sympathetic to the setting landmarks, historical features or views of the local landscape.
- Layout: must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.
- Access: should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties. In rural areas, isolated sections of urban-style roads, pavements and lighting are best avoided.
- Open Space/Density: all development should have some private open space (ideally a minimum of 100 sq. m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments.
- Services: connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor - particularly if there is a limited capacity.

- Design: The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.

The site is located within an existing residential area bounded by Peel Street to the north-west and the Kilmahew Burn to the south-east. It is roughly rectangular in shape extending to some 3149 square metres. It forms part of a larger curtilage of lanmyo, a two storey detached dwellinghouse accessed off Peel Street. The site is situated on the right hand bank, looking in the direction of river flow, of the Kilmahew Burn. The site can be generally separated into two elevations. In the eastern side of the site, adjacent to the burn, has ground levels between approximately 4mAOD and 4.5mAOD, which is a similar level to the banks of the burn. Further west the site rises sharply to a level of between approximately 5.5mAOD and 7mAOD. The proposed property will be located on this raised area.

The current application was originally for two houses. But as part of the site is within the floodplain the proposal is now for one house. Amended plans show a split level dwellinghouse of modern design comprising single storey and two storey elements located to the south of the donor property. It is 7.8 metres high, 14.3 metres long and 6 metres wide. No finishes are shown but the original plans indicated timber cladding, render and slate roofs. A condition will be attached requiring samples of materials to be agreed. The proposed new house takes up less than 10% of the site and both dwellings will retain substantial curtilages. The gable of the proposed house on the southern elevation sits less than 18 metres from the existing property at 5 Burnfoot. There is a window at first floor level which appears as a lounge/living room. At less than 18 metres separation from the property at 5 Burnfoot it does not meet window to window standards. Similarly, on the west elevation of the new house, there is a kitchen window which within 11 metres of lanmyo. This too doesn't meet the requisite standards. However, on the east elevation of the proposed house there are large areas of glazing which will provide the appropriate daylight and sunlight. The window on the east elevation can either be deleted or changed to a high level window. There are no openings on the opposite northern gable and a new window could be inserted to provide light to the proposed kitchen. An appropriate condition is attached to deal with this issue. A separate safeguarding condition is attached removing permitted development rights. In practice this will allow the Planning Authority to control any future alterations to the new house. The separation distances of 13.4 metres on the southern elevation and 13 metres on the northern elevation mean that the new house will not impact on daylight/sunlight to adjoining properties.

Proposals such as these are considered an acceptable form of development subject to meeting the other provisions of the Development Plan. Within this part of the Conservation Area there are a mix of house styles from traditional to suburban. In this context, the proposal will increase density however it is considered that the proposed modern design will add to the variety of development and enhance this part of the Conservation Area. As such, it is considered that the proposal accords with Policies LDP DM 1, SG LDP HOU 1 and SG LDP ENV 17.

C. Road Network, Parking and Associated Transport Matters.

Under Policy SG LDP TRAN 4 further development that utilises an existing private access or private road will only be accepted if:-

- (i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the

applicant can;

- (ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,
- (iii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.

As originally submitted the proposal was for two houses with a new access off Peel Street located to the south of the existing access serving Ianmyo. Peel Street is a private road and takes access off the A814. The Area Roads Manager indicated no objections subject to the following conditions:

- The shared access to be constructed as per Standard Detail SD08002a Private Driveway, the access to be 4.5 metres wide for at least the first 10 metres.
- The visibility splay onto the road should be 20 x 2 metres. All walls, fences and hedges within the visibility Splays to be maintained at height not greater than 1 metre above the road
- The parking requirements are 2no.spaces for 2/3 bedroomed unit and 3no.spaces for 4 or more bedrooms. This includes the existing dwelling. These are shown on the amended plans. There should also be turning provision within the site, which isn't shown but could be covered by condition.

The development has now been reduced to a single dwellinghouse. Access is now via the existing access serving Ianmyo from Peel Street. The Area Roads Manager was re-consulted and has indicated no objections subject to the previous conditions albeit the existing access of 4.1 metres rather than 4.5 metres is acceptable. The provision of the 2 x 20 metre visibility splays will require the removal of a boundary wall and hedge but are within the applicant's ownership. A condition has been attached requiring the submission of a landscaping scheme and boundary treatment. It is considered that a replacement boundary wall and hedge set back outwith the proposed visibility splays would be acceptable. A condition has also been attached setting out the appropriate parking provision. On the basis the proposal accords with Policies SG LDP TRAN 4 and SG LDP TRAN 6.

D. Drainage/Flooding/Infrastructure

Water supply and foul drainage is via a connection to the public system. There is currently sufficient capacity in the Alexandria Water Treatment Works. In terms of foul water the proposed development will be serviced by the Ardoch Waste Water Treatment Works. Scottish Water cannot confirm capacity at this time and so the applicant should submit a Pre-development Inquiry Form. This can be covered by a note and condition. The site is bounded to the south-east by Kilmahew Burn. Previous advice from SEPA indicated that the application site (or parts thereof) lies within the medium likelihood (0.5% probability or 1 in 200 year return period) fluvial and surface water flood extent of the SEPA Flood Map and may therefore be at medium to high risk of flooding. They also indicated that they have records of three flood events in the vicinity of the site.

Development on the functional flood plain will be considered contrary to the objectives of this plan. In exceptional circumstances, where land is required to facilitate key development strategies which come forward through the Local Development Plan process, land raising may be acceptable provided effective compensatory flood storage can be demonstrated and it will not lead to flooding elsewhere, and the objectives of the EU Water Framework Directive are not compromised in so doing. Where redevelopment of existing sites within built up areas at risk from flooding is proposed, the planning authority will take into account the impact on flood risk elsewhere and the mitigation measures proposed. However, it should be noted that in all cases where the potential for

flooding is highlighted, the planning authority will exercise the 'precautionary principle' and refuse development proposals where such proposals do not comply with advice.

Within "medium to high risk areas" (1:200 or greater annual probability of flooding) only certain categories of development may be acceptable. An initial Flood Risk Assessment submitted with the application noted these previous flood events and included fluvial/tidal flooding on Peel Street in 1991 and flooding of the A814 in 2001 due to a watercourse blockage. Recurring flooding from surface water is also known to occur at the A814. The site lies within the indicative limits of fluvial flooding from the Kilmahew Burn on the SEPA Flood Map (2014) with depths above 0.3 m. The overall site boundary also lies within the indicative limits of coastal and surface water flooding on the SEPA map. SEPA objected to the proposal as originally submitted which indicated two dwellinghouses located to the south of the donor property. The Council's Flood Risk/Drainage Impact officer also advised deferral of any decision to resolve the potential flood risk to the site and from the proposed development.

Following the concerns raised by SEPA and the Council's advisor a fresh Flood Risk Assessment was submitted. This stated that the site can be generally separated into two elevations. In the eastern side of the site, adjacent to the burn, has ground levels between approximately 4mAOD and 4.5mAOD, which is a similar level to the banks of the burn. Further west the site rises sharply to a level of between approximately 5.5mAOD and 7mAOD. To resolve the potential flood risk the prospective property, originally two, will be located on this raised area. SEPA and the Flood Risk/Drainage Impact Officer were re-consulted. SEPA has lifted its objection and the Council's Flood Risk advisor has indicated no objections subject to SuDS to be located outside of the 200 year functional floodplain and designed according to Sewers for Scotland 4th Edition and CIRIA C753. On this basis the proposal accords with Policies SG LDP SERV 3 and SG LDP SERV 7.

E. Trees/Bio-Diversity

The application site is within the Conservation Area which gives limited protection to trees. However, there are no other nature conservation designations under the Local Plan. The site has a number of mature trees including a Monkey Puzzle. Trees and shrubs will be removed but the applicant has confirmed the Monkey Puzzle will remain. There is limited information on the extent of tree removal. As such conditions can be attached requiring tree protection and a landscaping scheme.

Local Plan Policies LDP 3 and SG LDP ENV 1 state that where there is evidence to suggest that a habitat or species of European, national and/or local importance exists on a proposed development site or would be affected by the proposed development, the Council will require the applicant, at his/her own expense, to submit a specialist survey of the site's natural environment, and if necessary a mitigation plan, with the planning application. Development proposals which are likely to have an adverse effect on protected species and habitats will only be permitted where it can be justified in accordance with the relevant protected species legislation which presume against development which, inter alia, does not protect, conserve or where possible enhance biodiversity.

However, the potential for bats roosting within the site has been raised by objectors. The Council's Bio-Diversity Officer has been consulted and requires a bat survey to be undertaken. The applicant has agreed to this but has not confirmed the timetable for submission. The applicant has also indicated that he wants the application to go to Committee in June. As such the application is recommended for refusal because the impact on bats cannot be assessed. However, if a bat survey is submitted which indicates that the development could proceed without detriment to bats then this can be covered in a Supplementary Report following consultation with the Council's Bio-

Diversity officer. It may also mean that the application could be approved subject to conditions.

F. Previous Planning History

This current application was received on 7 February 2019 and validated on 25 February 2019. As originally submitted the proposal was for 2, two storey dwellinghouses sited to the south of the existing dwellinghouse. As part of the site flooded and the proposed houses could have been at risk, the decision was taken to amend the proposal. The southernmost house was deleted. The design of the other was changed in to a split level design and a new house of a different design was proposed at the front of the existing house adjoining Peel Street. The case officer subsequently left the Council and it was considered that the house adjoining Peel Street was not acceptable. The proposal is now for a single, split level house to the south of lanmyo. In turn this requires an assessment of whether this constitutes a material change requiring a fresh application.

This is a reduction in the number of units and overall scale of development. The amended proposal is considered an upgraded design from that originally submitted and resolves the issue of flood risk. The position of the amended single house and separation distance from neighbouring properties/boundaries is similar to that originally submitted and can be located without compromising amenity. For these reasons it was considered that the application could be assessed without recourse to a fresh application and did not compromise the legitimate concerns of adjoining neighbours.

G. Conclusion.

Section 25 of the Town and Country Planning (Scotland) Act 1997 establishes that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the plan relevant to the application is the Local Development Plan (LDP).

Cardross is a key settlement where there is a presumption against major (more than 30 houses) but support for medium (6 to 30) and small scale (1 to 5) scale housing development as defined by Policies LDP DM 1 and SG LDP HOU 1. At a single dwellinghouse the proposal is defined as small scale and is acceptable in principle.

The development has a high standard of design and sits comfortably with the existing settlement structure which comprises a mix of house styles. The proposed house will enhance the character of the Conservation Area and will not impact on the character and amenity of adjoining houses and the surrounding area. However, the site may be host to bats which are a European Protected Species. A bat survey has been requested but has yet to be submitted. Consequently, in the absence of this information, the application is recommended for refusal as being contrary to Policies LDP 3 and SG LDP ENV 1.

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Location Plan Relative to planning application: 19/00253/PP



1:1,500

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ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE****LEGAL AND REGULATORY
SUPPORT****17th June 2020**

CIVIC GOVERNMENT (SCOTLAND) ACT 1982**TAXI FARE SCALE REVIEW**

1.0 EXECUTIVE SUMMARY

In terms of Section 17 of the Civic Government (Scotland) Act 1982, the Local Authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. The new fare structure requires to come into force by 22nd October 2020. The fares were last reviewed by members on 24th October 2018 and took effect on 22nd April 2019.

2.0 RECOMMENDATIONS

The Committee are asked to:

- Review the existing scales and publish them proposing a date when the proposed scales shall come into effect.
- Authorise the Head of Legal and Regulatory Support to advertise the proposed changes to tariffs and to invite any responses within one month of the advertisement and report back to members at their meeting on 19th August 2020.
- Should no objections or representations be received in relation to the proposal delegate authority to the Head of Legal and Regulatory Support in consultation with the Chair of PPSL to conclude the review without the requirement for the Committee to consider a further report on the review.

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE
SERVICES AND LICENSING
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17th June 2020

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
TAXI FARE SCALE REVIEW

1. SUMMARY

1.1 In terms of Section 17 of the Civic Government (Scotland) Act 1982, the Local Authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. The new fare structure requires to come into force by 22nd October 2020. The fares were last reviewed by members on 24th October 2018 and took effect on 22nd April 2019.

1.2 The current maximum fares are:

Tariff 1 £3.00 (hiring between 7am and 10pm)
Initial charge (860 yards or part thereof)
Subsequent charge (each 176 yards or part thereof) @ 20p

Tariff 2 £3.60 (hiring between 10pm and 7am)
Initial charge (860 yards or part thereof)
Subsequent charge (each 150 yards or part thereof) @ 20p

Tariff 3 £4.20 (public holidays)
Initial charge (860 yards or part thereof)
Subsequent charge (each 120 yards or part thereof) @20p

Charges in respect of soiling, waiting and telephone bookings are £100 (maximum), 35p per minute and 30p respectively.

The current tariff card is attached as Appendix 1.

2. RECOMMENDATIONS

2.1 The Committee are asked to:

- Review the existing scales and publish them proposing a date when the proposed scales shall come into effect.
- Authorise the Head of Legal and Regulatory Support to advertise the proposed changes to tariffs and to invite any responses within one month of the advertisement and report back to members at their meeting on 19th August 2020.

- Should no objections or representations be received in relation to the proposal delegate authority to the Head of Legal and Regulatory Support in consultation with the Chair of PPSL to conclude the review without the requirement for the Committee to consider a further report on the review.

3. DETAIL

- 3.1** On 6th May 2020 a letter was issued to all taxi operators requesting their views on taxi fares by 3rd June 2020. As a result of the consultation the following responses detailed below have been received:-

Lorn

5 requested no increases be made with the following reasons:-

- No need to raise taxi fares in Argyll and Bute at this time. I can only comment on this matter based on my own experience in my particular location.
- Due to the current situation with Covid-19 the area needs as much assistance as possible to recover. With this in mind I am of the opinion that to increase fares or any other charges would be a mistake at this time. Whilst the taxi business has suffered badly so have all businesses and residents. I feel that we can all help each other by keeping charges and fares at the current level.
- In view of the long period of time since the last increase and in normal circumstances I would suggest that consideration should be given to an increase on this occasion. However due to the effects of Coronavirus on everyone I think circumstances will be very difficult for all concerned and would therefore recommend that an increase be postponed for another year.
- Due to the current pandemic of Covid-19 many customers are not able to work and would therefore take a long time to recover financially. I would not agree to a fare increase this year.
- The fares should NOT be increased, they are expensive enough and people just don't have the money and there will be even less money about after the COVID 19.

Mid Argyll

1 response was received requesting no increase be made with the following reason:- Due to many reasons, including COVID 19, it would be our opinion that the level of fares in our area should remain the same as before with no increase at this time.

Cowal

2 responses were received, one requested no increase be made as given the current climate, they are happy for the Taxi Fare scale and charges to remain the same. The other response received requested that the review is postponed for at least six months to give everyone time to get back to working normally at this time as we are still living with the lock down state and not everyone is working to get a fair reflection at the minute. They are grateful for the fact that we are conducting this at this time but can't give a fair thought as when this pandemic is eased off fuel costs are likely to rise in a big way so to postpone would give us a fairer way to work out any increase that we may ask for.

Lomond

3 requested no increases be made with the following reasons:-

- I do not agree with any increase in taxi fares. I have been unable to work for two months due to Covid outbreak, when we are eventually able to work again it may take years to recover business lost we cannot afford to increase prices, it could be argued we should reduce prices.
- the fares should stay the same they are very expensive as they are and with this virus who knows what's going to happen when we go back is there going to be the same amount of people using taxis putting prices up does not help.
- I think the taxi rates should remain the same for the time being.

Bute

1 response was received suggesting a 30 pence increase in flag fall and leave the distance tariff as it is.

The reasons are as follow:

- 1) It has been several years since there was an increase and it is now well overdue.
- 2) Taxi license fees, fuel, maintenance, insurance and minimum wage rate have all increased significantly.
- 3) It is normally a small minority of Taxi operators in Argyll that object to an increase. It has previously been said at Licensing meetings that the Isle of Bute should be zoned as trade and expenses are very much different to that of the Mainland.

In terms of the proposal from Bute about a separate tariff, this would require it to be a separate taxi licensing zone. If members wished this to be taken forward it would require further work initially outwith this fare review to explore the potential implications.

Kintyre

1 response was received requesting no increase be made with the following reason:- I think we should keep the fares the same till next year. It's going to be hard to get customers back to using taxis especially in small towns as they will have been walking everywhere for 6 months or so and they might think they don't need taxis at all.

All operators throughout Argyll and Bute with the exception of 1 taxi operator on Bute have requested no increase be made.

- 3.2** Enquiries were made with Highland Council and West Dunbartonshire Council regarding their existing taxi charges for the purpose of comparison and the findings are noted below.

| | Argyll and Bute Existing Fares | West Dunbartonshire Zone 1 | West Dunbartonshire Zone 2 | Highland Council's Fares |
|----------|--------------------------------------|---|--|-------------------------------------|
| Tariff 1 | £3.00 860 yards then 176 @ 20p | £2.50 ½ of a mile then 1/19 th mile @ 10p | £2.70 For a distance not exceeding 5/11 th of a mile or waiting time not exceeding 3mins 45 secs (or both) then 1/17 th mile @ 10p | £3.00 785 yards then 98 @ 10p |
| Tariff 2 | £3.60 860 yards then 150 @ 20p | £3.00 ½ of a mile then 1/21 st mile @ 10p | £3.20 5/11 th of a mile then 1/18 th mile @10p | £3.30 560 yards then 92 @ 10p |
| Tariff 3 | £4.20 860 yards then 120 @ 20p | £4.10 ½ of a mile then 1/25 th mile @ 10p | £4.20 5/11 th of a mile then 1/20 th mile @10p | £3.90 444 yards then 74 @ 10p |

It should be noted that West Dunbartonshire Council has 2 zones as follows:- Zone 1 relates to Dumbarton and the Vale of Leven area and came into force on 19th February 2019 and Zone 2 is for Clydebank and came into force on 27th February 2019. Highland Council's fares have been in force since 19th November 2018.

Argyll and Bute's current Taxi Tariff Card is attached as Appendix 1.

- 3.3** The Committee are advised that data from the AA's Fuel Price Report for April 2020 states that Unleaded prices have dropped 10.9 p/litre from 121.3 p/litre last month to 110.4 p/litre now. Diesel prices have dropped 8.4 p/litre from 124.0 p/litre to 115.6 p/litre. The price difference between diesel and unleaded has grown to 5.2 p/litre. Supermarket prices for unleaded now average 104.8 p/litre. The gap between supermarket prices and the UK average for unleaded has grown to 5.6 p/litre.
- 3.4** The recent taxi survey undertaken by LVSA in 2019 noted "that the Private Hire and Taxi Monthly magazine publish monthly league tables of the metred fares for taxis in Licensing Authorities in the UK. The Tariff 1 fares for a two mile journey (distance costs only) are compared and ranked. The lower the ranking (number), the more expensive the journey, compared with other authorities. The July 2019 table indicated that the fares in Argyll & Bute were ranked 103 out of 366 authorities listed. This indicates that taxis in Argyll & Bute are more expensive than for most authorities".
- 3.5** Circular 25/1986 states the Secretary of State expects that in fixing fares authorities will want to pay primary regard to the costs incurred by the trade, having regard to the capital costs. (including interest payments) of the vehicles, the costs of maintaining and replacing them to the standards required by the licensing authority, the costs of employing drivers, and the prevailing levels of wages and costs in related road transport industries. In the Secretary of State's view the public interest is better served by

ensuring the maintenance of an adequate taxi service by giving the trade a fair return than by depressing fares for social reasons, however understandable. If fares are fixed at a level higher than the market can stand, the trade is free to reduce them.

4. CONCLUSION

- 4.1** Members are now required to review the matter of taxi fares. As previously advised in terms of Section 17 the procedure for reviewing taxi fares has changed.

In carrying out a review, the licensing authority must-

- (a) consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area,
- (b) following such consultation –
 - (i) review the existing scales, and
 - (ii) propose new scales (whether at altered rates or the same rates)
- (c) publish those proposed scales in a newspaper circulating in its area-
 - (i) setting out the proposed scales
 - (ii) explaining the effect of the proposed scales
 - (iii) proposing a date on which the proposed scales are to come into effect, and
 - (iv) stating that any person may make representations in writing until the relevant date, and
- (d) consider any such representations

In reviewing the matter of taxi fares members are invited to consider whether;

- A)** They wish to accept the general consensus from the 13 written responses received whereby 11 are requesting that no increases to the fares be made, 1 is requesting a postponement and 1 is requesting an increase.

When considering all of the above proposals members may wish to have regard to:-

1. The lack of representation or response to the proposed review of taxi fare scales for or against from consultees. A total of 119 were consulted with 13 providing written representations.
2. The comparison of the general effect of Argyll and Bute's existing fares with those in place in West Dunbartonshire and Highland Council.
3. The fluctuation in the price of fuel.
4. The economic effect COVID 19 will have on our communities for the foreseeable future.

B) They wish to reaffirm the current scale of maximum fares previously reviewed by the Council on 24th October 2018 which came into force 22nd April 2019 also having regard to the 13 written responses whereby 11 are requesting that there are no increases to the taxi fares, 1 is requesting an increase and 1 is requesting a postponement. Members may also wish to have regard to:-

1. The lack of representation or response to the proposed review of taxi fare scales for or against from consultees.
2. It should be noted that those requesting no increases from the following areas:- 2 from Mid Argyll, Kintyre and Islay, 3 from Lomond, 1 from Cowal and 5 from Lorn.

4.2 Members further require to propose a date of which the proposed fares are to come into effect. It is recommended that this be 22nd October 2020.

4.3 Members should be aware that any person or any persons or organisations appealing to the Traffic Commissioner to be representative of taxi operators in the area who operates a Taxi in an area for which scales have been fixed or in respect of which a review has been carried out will still have the opportunity to lodge an appeal to the Scottish Traffic Commissioner within a 14 day period.

4.4 Members should note it is very difficult at this time to assess the impact of the pandemic on future taxi business costs and that consideration will be given to whether a further review of the taxi fare structure should be undertaken in 12 months time as opposed to the 18 months as required by the Civic Government (Scotland) Act 1982 having regard to the current circumstances surrounding COVID 19 and the economic impact on our communities and business.

5. IMPLICATIONS

5.1 Policy – None

5.2 Financial – None

5.3 Legal – The Council require to review taxi fares in terms of the Civic Government (Scotland) Act 1982

5.4 HR – None

5.5 Equalities – None

5.6 Risk – None

Douglas Hendry

Executive Director with responsibility for Legal and Regulatory Support

Policy Lead: Cllr David Kinniburgh

For further information contact: Sheila MacFadyen, Senior Solicitor

APPENDIX 1

| Argyll and Bute Council Civic Government (Scotland) Act 1982 Taxi Fares with Effect from 22 April 2019 | | |
|---|--|-------------------|
| Tariff 1 | Hirings from ranks or "flag" Hiring between 7am and 10pm | £3.00 20 pence |
| | Initial charge (860 yards or part thereof) Subsequent charge (each 176 yards or part thereof) | |
| Tariff 2 | Hirings from ranks or "flag" Hiring between 10pm and 7am | £3.60 20 pence |
| | Initial charge (860 yards or part thereof) Subsequent charge (each 150 yards or part thereof) | |
| | Tariff 2 also applies to hirings from ranks or "flag" between 6pm and 10pm December 24 th , 6pm and 10pm December 31 st and between 7am 2 nd January and 7am 3 rd January | |
| Tariff 3 | Hiring from ranks or "flag" between 10pm 24 th December and 7am 27 th December and 10pm 31 st December and 7am 2 nd January | £4.20 20 pence |
| | Initial Charge (860 yards or part thereof) Subsequent Charge (each 120 yards or part thereof) | |

Soiling Charge - £100 maximum (with permission to display warning signs indicating that there may be an additional charge for any potential loss of earnings suffered as a consequence)

Waiting Time – 35 pence per minute commencement of journey, charged on a pro rata basis per second

Taxi called by means of telephone - 30 pence additional charge

Large Mini-bus type vehicles (carrying 5 or more passengers together at their own request) –

- a) Where Tariff 1 would apply – charge Tariff 2
- b) Where Tariff 2 would apply – charge Tariff 3
- c) Where Tariff 3 would apply – Surcharge £1.00

Fee by negotiation – for all journeys commencing within but finishing outwith Argyll & Bute, in a place of the above charges, such fares may be charged as prior to the acceptance of the hire, were proposed to the hirer and accepted by him/her

Ferry Fares – The hirer shall be liable for the cost of a return ferry fare for any journey involving a ferry

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