

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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16 September 2020

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY SKYPE** on **WEDNESDAY, 23 SEPTEMBER 2020** at **11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES**
 - (a) Planning, Protective Services and Licensing Committee 19 August 2020 at 10.15 am (Pages 3 - 20)
 - (b) Planning, Protective Services and Licensing Committee 19 August 2020 at 2.30 pm (Pages 21 - 26)
 - (c) Planning, Protective Services and Licensing Committee 19 August 2020 at 3.00 pm (Pages 27 - 30)
4. **D HILL PROPERTY LTD: RESIDENTIAL DEVELOPMENT COMPRISING 101 DWELLINGHOUSES INCLUDING FORMATION OF VEHICULAR ACCESSES, LANDSCAPING, OPEN SPACE AND PLAY AREAS: LAND WEST OF ALEXANDER STREET, DUNOON (REF: 19/01456/PP)** (Pages 31 - 60)

Report by Head of Development and Economic Growth
5. **JOHN RAPALLINI: VARIATION OF CONDITION 2 RELATIVE TO PLANNING PERMISSION REFERENCE 17/01756/PP TO EXTEND PERMITTED OPENING HOURS TO BEER GARDEN: CLYDE BAR, 62 WEST CLYDE STREET, HELENSBURGH (REF: 20/01028/PP)** (Pages 61 - 72)

Report by Head of Development and Economic Growth

6. INDICATIVE REGIONAL SPATIAL STRATEGY (Pages 73 - 116)

Report by Executive Director with responsibility for Development and Economic Growth

7. DEVELOPMENT PLAN SCHEME UPDATE - LOCAL DEVELOPMENT PLAN 2 (Pages 117 - 140)

Report by Executive Director with responsibility for Development and Economic Growth

REPORT FOR NOTING

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI FARE SCALE REVIEW (Pages 141 - 144)

Report by Executive Director with responsibility for Legal and Regulatory Support

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair	Councillor Rory Colville (Vice-Chair)
Councillor Robin Currie	Councillor Mary-Jean Devon
Councillor Lorna Douglas	Councillor Audrey Forrest
Councillor George Freeman	Councillor Graham Hardie
Councillor David Kinniburgh (Chair)	Councillor Donald MacMillan BEM
Councillor Roderick McCuish	Councillor Jean Moffat
Councillor Alastair Redman	Councillor Sandy Taylor
Councillor Richard Trail	

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 19 AUGUST 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Robin Currie	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail
Councillor Graham Hardie	

Attending: Fergus Murray, Head of Development and Economic Growth
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Tim Williams, Area Team Leader – Oban, Lorn and the Isles
Howard Young – Area Team Leader – Helensburgh and Lomond
David Moore – Senior Planning Officer
Fiona Scott, Planning Officer
Andrew Barrie, Planning Officer
Patricia O’Neill, Governance Manager
Shona Barton, 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

An apology for absence was received from Councillor Gordon Blair.

2. DECLARATIONS OF INTEREST

Councillors Lorna Douglas and Richard Trail declared a non-financial interest in Agenda item 10 (**Planning Application Reference 20/01028/PP**) as they both knew the Applicant well. They left the meeting and took no part in the determination of this Application.

3. MINUTES

- a) The Minutes of the Planning Protective Services and Licensing Committee held on 17 June 2020 at 10.30 am were approved as a correct record.
- b) The Minutes of the Planning Protective Services and Licensing Committee held on 17 June 2020 at 2.30 pm were approved as a correct record.

- c) The Minutes of the Planning Protective Services and Licensing Committee held on 22 June 2020 at 2.00 pm were approved as a correct record.
- d) The Minutes of the Planning Protective Services and Licensing Committee held on 22 June 2020 at 2.30 pm were approved as a correct record.

4. LINK GROUP LTD: APPLICATION UNDER SECTION 75A(2): DISCHARGE OF PLANNING OBLIGATION RELATIVE TO PLANNING PERMISSION REFERENCE: 11/02248/PP: LAND NORTH OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 18/00422/PP)

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1. He also referred to a submission made by the Oban Disability Forum which had not been referenced in the reports. He advised that their submission was not an objection but a request for the play areas provided to have inclusive play equipment for a wide range of children. A Section 75 agreement was entered into requiring either the provision of play equipment or the payment of funds to the Planning Authority if this was not provided for Phase 1 under permission 11/02248/PP within five years of the commencement of the development. It has been understood, and agreed by Officers, since the initial Masterplan submissions for Phase 3 that it would be appropriate to amalgamate, as yet unmet, play provision for Phases 1 and 2 with the development of the larger Phase 3. The Applicants have been developing their play strategy for the whole site in consultation with local schools and this has now reached the stage where they have worked up detailed designs in order to meet the requirements of policy SG LDP HOU 3 to provide play areas for Phases 1 and 2 as well as Phase 3. Officers are reassured that in terms of location, scale and quality of provision, that the new play areas for Phases 1 and 2 will be brought forward under condition 13 of planning permission 18/00375/PP in an acceptable manner and in accordance with required standards. Therefore the Section 75 control is no longer considered to be required to secure the necessary play areas. Members were therefore requested to endorse the recommendation that the Section 75 obligation in respect of Phase 1 be discharged due to the provision of the required formal play area under the terms of condition 13 of Phase 3 (permission 18/00375/PP).

Decision

The Committee agreed that the Section 75 obligation in respect of Phase 1 be discharged due to the provision of the required formal play area under the terms of condition 13 of Phase 3 (permission 18/00375/PP).

(Reference: Report by Head of Development and Economic Development dated 4 August 2020 and supplementary report number 1 dated 18 August 2020, submitted)

Councillor Donald MacMillan joined the meeting at this point.

5. MR PELHAM OLIVE: ERECTION OF 12 DWELLINGHOUSES, ALTERATIONS TO VEHICULAR ACCESS AND INSTALLATION OF PRIVATE DRAINAGE SYSTEM: LAND EAST OF LOCHSIDE, PORTINCAPLE (REF: 20/00094/PP)

The Major Applications Team Leader spoke to the terms of the report and to supplementary reports 1 and 2. The main determining issues relating to this

application relate to the principle of medium scale development in a minor settlement, the acceptability of the siting and design of the proposed development, access, flooding/drainage and impacts on biodiversity and protected species, trees and the landscape which is designated as an Area of Panoramic Quality. At the time of writing the report for this application it had attracted over 1110 objections, 6 representations and 2 letters of support. Garelochhead Community Council has also objected to the application. Given the level of interest in the application and the nature and number of issues raised, it was recommended that a pre-determination hearing should be held as it is the view of Officers that this would add value to the decision making process.

Motion

To agree to hold a site visit and hearing based on the decision Members will take on the report at item 12 on the Agenda.

Moved by Councillor George Freeman, seconded by Councillor Lorna Douglas.

Amendment

To agree to delay a decision on this application until a decision is taken on the report at item 12 on the Agenda.

Moved by Councillor David Kinniburgh, seconded by Councillor Rory Colville.

A vote was taken by calling the roll.

Motion

Cllr R Currie
Cllr M J Devon
Cllr L Douglas
Cllr A Forrest
Cllr G Freeman
Cllr J Moffat

Amendment

Cllr R Colville
Cllr G A Hardie
Cllr D Kinniburgh
Cllr R McCuish
Cllr A Redman
Cllr S Taylor
Cllr R Trail

The Amendment was carried by 7 votes to 6 and the Committee resolved accordingly.

Decision

The Committee agreed to delay their decision on this Application until a decision was taken on the report at Item 12 on the Agenda.

(Reference: Report by Head of Development and Economic Growth dated 10 August 2020 and supplementary report number 1 dated 13 August 2020 and supplementary report number 2 dated 18 August 2020, submitted)

This application was subsequently dealt with at Item 13 of the Minute.

During presentation of the foregoing item the Committee were made aware that due to technical difficulties some Members of the Committee and Officers had lost

connection to the meeting. A short adjournment was agreed and the Committee reconvened at 11.35 am.

It was established that all Members of the Committee present for the meeting today were connected and the Major Applications Team Leader was invited to repeat her presentation on the Planning Application.

It was also noted that some Members had lost connection to the meeting during the presentation of the Planning Application submitted by Point Five Building Design (Reference: 19/02562/PPP) which was item 5 on the Agenda. The Chair ruled, and the Committee agreed, in the interests of fairness to receive the presentation again. This Application was subsequently dealt with at item 8 of this Minute.

Councillor Mary-Jean Devon left the meeting at this point.

6. MS ALISON J SINCLAIR: ERECTION OF HOLIDAY LET COTTAGE: GARDEN GROUND OF OTTER BAY, KILMELFORD (REF: 20/00388/PP)

The Planning Officer spoke to the terms of the report and advised of two late representations received from Kerr Solicitors, on behalf of the Applicant, and from Mrs Rintoul. In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is located within the minor settlement of Kames where Policy LDP DM 1 gives encouragement to small scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG). The determining factors in the assessment of this application are whether or not the scale and design of the proposed development is acceptable for its site and surroundings including its impact upon the character and amenity of this area. It is also necessary to address access, infrastructure and servicing concerns. The proposal has elicited 17 objections from 10 households. In this instance it is not considered that the objections raise any complex or technical issues that have not been addressed in the report and it is not considered that a discretionary hearing would add value to the planning process. The proposed small scale tourism development is wholly in accordance with the adopted LDP and was recommended for approval subject to the conditions and reasons detailed in the report of handling.

Decision

The Committee agreed to grant planning permission subject to the following conditions and reasons:

GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated **24/02/20**; supporting information and, the approved drawings listed in the table below unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Supplementary Map for Location Only (No Scale)			03/03/20

Location Plan (1:5000 @ A4)			03/03/20
Location and Ownership Drawing	LO (01)	A	03/03/20
Site Plan (1:500 @ A3)			03/03/20
Block Plan As Proposed (1:200)			03/03/20
Elevations and Floor Plan (1:100)			03/03/20

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

Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached
- 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- Please note the advice and guidance contained in the attached responses from the Council's Environmental Health Service and Biodiversity Officer. You are advised to contact them direct to discuss any of the issues raised.

OCCUPANCY RESTRICTION

2. Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 the residential accommodation hereby approved shall be used for short term holiday occupancy only and not as a main residence and shall not be occupied by any family, group or individual for a cumulative period of more than three calendar months in any one year.

Reason: In order to define the permitted occupancy having regard to the fact that the premises are unsuitable for occupation as a permanent dwelling due to the proximity to the neighbouring residential properties and in order to respect the spacing between those properties.

Note to Applicant:

For the avoidance of doubt this permission only provides for the occupation of the premises on a short term basis on the grounds that the development is unsuited to full time residential occupation. Specifically the occupation of the premises as a dwelling shall require the benefit of a separate planning permission.

COMMENSURATE IMPROVEMENTS TO PRIVATE ACCESS TRACK

3. Notwithstanding the provisions of Condition 1, prior the holiday letting unit first coming into use, commensurate improvements to the private access track shall be undertaken. Such works shall comprise the repair of all carriageway potholing and surface rutting on a like for like basis and the clearance of drainage ditches and culverts. Thereafter the drainage ditches and culverts shall be retained clear of any obstructions.

Reason: In the interests of road safety.

VISIBILITY SPLAYS

4. Notwithstanding the provisions of Condition 1, prior to the holiday letting unit first coming into use, visibility splays of 2.4 metres to point X by 160 metres to point Y from the centre line of the junction at the public road shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y and maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

PARKING AND TURNING PROVISION

5. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate one vehicle within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

PRIVATE WATER SUPPLY

6. Pursuant to Condition 1, no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 or Part 3 of the Private Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2007 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supply.

Note to Applicant:

Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.

SUSTAINABLE DRAINAGE SYSTEM

7. Notwithstanding the provisions of Condition 1 the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk.

LANDSCAPING

8. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
- iv) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

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

OTTER WATCHING BRIEF

9. Notwithstanding the provisions of Condition 1, a Watching Brief for Otter should be maintained during the construction period of the proposed development to ensure that no otter or otter habitat are compromised, with the Watching Brief made available for inspection by the Planning Authority.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

Note to Applicant:

Regard should be had to the Council's Biodiversity Officer's consultation comments in relation to the proposed development which provide further detail in respect of Otter which may be affected and the developer's responsibilities and obligations under nature conservation legislation.

(Reference: Report by Head of Development and Economic Growth dated 28 July 2020, submitted)

7. ISLE OF ULVA COMMUNITY MASTERPLAN: MASTERPLAN REPORT (REF: 20/00804/MPLAN)

The Planning Officer spoke to the terms of the report. The Isle of Ulva was subject to a successful community buyout on 21 June 2018 under the Land Reform (Scotland) Act 2003 by North West Mull Community Woodland Company. The aim of the purchase was to bring about the social and economic development of Ulva for the benefit of the community and a key objective was the repopulation of the island. A community masterplan has been prepared as the circumstances of Ulva and its community have materially changed subsequent to preparation of the adopted Argyll and Bute Local Development Plan 2015 which no longer meets the development aspirations of the community. The masterplan provides a framework for delivery of development in a format which the Council can consider and adopt as a further material consideration in the determination of future planning applications. The masterplan vision for the Isle of Ulva is to provide sustainable benefits for the community, including the repopulation and regeneration of the island in the short, medium and long term. It is considered that the components of the proposed Masterplan are appropriate for the sustainable development of the island. It was recommended that the Masterplan be approved and form a material consideration in the determination of future planning applications. The Masterplan should be updated as necessary in the event that developments are approved at the site in conformity with the Masterplan which prove to have implications for the delivery of development within the remainder of the site.

Decision

The Committee agreed:

1. to approve the Masterplan and that it form a material consideration in the determination of future planning applications; and
2. that the Masterplan should be updated as necessary in the event that developments are approved at the site in conformity with the Masterplan which

prove to have implications for the delivery of development within the remainder of the site.

(Reference: Report by Head of Development and Economic Growth dated 28 July 2020, submitted)

8. POINT FIVE BUILDING DESIGN: SITE FOR ERECTION OF TWO DWELLINGHOUSES: LAND SOUTH EAST OF ELDELSLIE, OBAN (REF: 19/02562/PPP)

The Area Team Leader for Oban, Lorn and the Isles brought to the Committee's attention a series of email submissions received from the Applicant on 18 August 2020. The emails alleged inconsistencies and inaccuracies within the published report of handling and raised complaints regarding the handling of the Application by the Planning Officer, the Roads Engineer and an engineer from the Council's Structures Team. He indicated that none of the complaints raised matters fundamental to the Application today. He advised that the Applicant had alleged deceit in the report and wished it to be known that he had never refused to provide a structural report and that he took exception with the use of the word "refused". The Area Team Leader confirmed that Officers have acknowledged that any use of the word "refused" in the published report of handling and in this context may be interpreted as inflammatory and have offered their apologies for any distress caused. He advised that the required structural survey report had been requested on a number of occasions – 18 March 2020, 23 March 2020, twice on 25 March 2020 – both by the Planning Case Officer and directly to the Applicant from the Roads Engineer, on 7 April 2020 (directly requested by the Roads Engineer), on 28 April 2020, on 12 May 2020, and a detailed response and comprehensive list of requirements and engineering guidance from the Council's Structures Team on 20 May 2020. This was followed by an appeal by the Applicant to the Scottish Government against the non-determination of the planning application. The appeal was declined as out of time. Finally on 2 June 2020 the Applicant was given a deadline for receipt of the missing information of 1 July 2020. He advised that while it was accepted that the Applicant had never strictly "refused" to provide the information, the fact remained that he had refused to agree to an extension of time to enable the information to be produced and, ultimately, has not provided the information despite Officers' best efforts to secure it. He advised that the Applicant had claimed that the bridge was currently used by heavy vehicles including the Council's and that he had no intention of using any vehicles heavier than this. He advised that no evidence was provided to support this claim and the Council's Network and Standards Manager has confirmed that even if Council vehicles did cross the bridge, the heaviest vehicle likely to do so would be a 26 tonne refuse collection lorry and, at most, one such vehicle movement every 2 weeks. This contrasts sharply with the requirement that the bridge is demonstrated to be safe for passage by 44 tonne vehicles and at a much greater frequency during the construction of the development.

The Planning Officer then spoke to the terms of the report. The Applicant is seeking planning permission in principle for two dwellinghouses with no detailed layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development with the matters beyond layout and design to be addressed by way of future application(s) for approval of matters specified in conditions. The application provides an indicative layout showing how the proposed dwellinghouses could be accommodated within the site.

The Planning Authority is satisfied that the proposed site has the potential to successfully accommodate two suitably sited and designed dwellinghouses within the defined settlement zone of Oban. Access to the site forms a critical part of this application and must be resolved at this stage. The Council's Roads Officer was consulted and requested the submission of a Safety Audit/Risk Assessment/Traffic Management Plan and a full structural survey of the bridge accessing the site from the A816 public road to demonstrate that the bridge could safely support a 44 tonne vehicle, being the minimum weight necessary to service any construction site relying on this proposed route of access. The Applicant submitted the Traffic Assessment which has been accepted by the Roads Authority, the Access Officer and Scotways. However, to date, the structural report has not been submitted and, despite several requests for this vital information, the Applicant has not provided it. The Planning Authority cannot deal with the requirements of the Roads Authority by way of a suspensive condition as it has to be satisfactorily demonstrated that the bridge is capable of taking the increased load resulting from the current application. The proposal has elicited 18 objections which are detailed at section F of the report of handling. Notwithstanding the assessment that the site could, potentially, successfully accommodate two suitably sited and designed dwellinghouses, the structural integrity of the bridge has not been addressed and it was recommended that the planning application be refused for the reason detailed in the report of handling.

Decision

The Committee agreed to refuse planning permission for the following reason:

1. Policy LDP 11 and SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015 state that the use of an existing private access will only be accepted if that access is either safe and appropriate in its current form or else is capable of commensurate improvements considered by the Roads Authority to be appropriate and necessary to the scale and nature of the proposed new development, and that it takes into account any current access issues (informed by an assessment of usage).

The proposed development would result in the intensification in vehicular use of a private access regime where it has not been demonstrated, through lack of structural details of the existing bridge, that the private access track is capable of serving the proposed development, either in its current state or else by any reasonable and necessary commensurate improvements to that access as informed by the submission and assessment of information necessary for the planning authority to properly assess this part of the proposed development.

In this regard, and in the absence of the submission and professional assessment of this necessary information, the proposal is considered contrary to the provisions of SG LDP 11 and SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015.

Having moved an Amendment which failed to find a seconder, Councillor Roderick McCuish asked for his dissent from the foregoing decision to be recorded.

(Reference: Report by Head of Development and Economic Growth dated 28 July 2020, submitted)

Councillor Donald MacMillan left the meeting during consideration of the foregoing item due to technical difficulties.

9. CRAIG CANT: ERECTION OF STORAGE BUILDING AND INSTALLATION OF ENTRANCE GATES AND 1.8 METRE HIGH FENCE TO FORM ENCLOSED YARD: LAND NORTH OF DARLEITH LODGE, DARLEITH ROAD, CARDROSS (REF: 20/00971/PP)

The Area Team Leader for Helensburgh and Lomond spoke to the terms of the report. The site is within the Greenbelt and in this case the determining issues are whether the proposal is justified at this location and its impact on the natural, human and built environment. In terms of the adopted Argyll and Bute Local Development Plan Policy DM 1 sets out the settlement strategy in terms of capacity in each of the development management zones including Greenbelt. Greenbelt policy is a fairly restrictive policy which only gives encouragement to limited and specific categories of countryside based development. In this case the supporting statement indicates that the application site does not form part of an agricultural unit. A total of 72 objections and 4 representations have been received and consideration has to be given to holding a discretionary hearing. The storage shed does not comply with any of the permissible forms of development set out at LDP DM 1(G). The application was recommended for refusal and it was not considered that holding a hearing would add value to the process of determining this application.

Decision

The Committee agreed to refuse planning permission for the following reason:

Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the greenbelt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new developments must meet one of the exemption criteria set out in policy LDP DM1(G). Development which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The storage shed do not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt which fails to positively contribute to the objectives of the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

(Reference: Report by Head of Development and Economic Growth dated 2 August 2020, submitted)

Having declared an interest in the following application, Councillors Lorna Douglas and Richard Trail left the meeting at this point.

10. JOHN RAPALLINI: VARIATION OF CONDITION 2 RELATIVE TO PLANNING PERMISSION REFERENCE 17/01756/PP TO EXTEND PERMITTED OPENING HOURS TO BEER GARDEN: CLYDE BAR, 62 WEST CLYDE STREET, HELENSBURGH (REF: 20/01028/PP)

The Area Team Leader for Helensburgh and Lomond spoke to the terms of the report. The application property is the Clyde Bar located on the seafront within Helensburgh. In 2017 planning permission was granted for the formation of a beer garden under application 17/01756/PP. A series of conditions were imposed including Condition 2 limiting the use of the beer garden to 9 pm each day. The current application seeks to extend the use of the beer garden for an additional hour until 10 pm each day. A total of 12 objections and 2 representations have been received and consideration has to be given to holding discretionary hearing. The beer garden is already operating and the Applicant wishes to extend its use by one hour. The key material objections relate to noise and impact on amenity. In addressing these issues Environmental Health have been consulted and have indicated that they have had complaints from one neighbour regarding noise, however, no noise diary has been submitted to justify the complaint. As such they have indicated no objections subject to the submission of a noise mitigation plan. Subject to this and other safeguarding conditions the proposal is regarded to comply with the Development Plan and Supplementary Guidance and it was recommended that planning permission be granted.

Motion

To agree to the recommendations in the report to grant planning permission subject to the conditions and reasons appended to the report.

Moved by Councillor David Kinniburgh, seconded by Councillor George Freeman

Amendment 1

To agree continuation of this application to allow Members to seek advice on the preparation of a competent Motion to refuse the application.

Moved by Councillor Rory Colville, seconded by Councillor Jean Moffat

Amendment 2

To agree to grant planning permission for a temporary period of 6 months.

Moved by Councillor Graham Archibald Hardie, seconded by Councillor Sandy Taylor

A vote was taken by calling the roll.

Motion

Cllr R Currie
Cllr G Freeman
Cllr D Kinniburgh
Cllr A Redman

Amendment 1

Cllr R Colville
Cllr A Forrest
Cllr R McCuish
Cllr J Moffat

Amendment 2

Cllr G A Hardie
Cllr S Taylor

On there being an equality of votes for the Motion and Amendment 1, Amendment 2 was dropped and a further vote was taken between the Motion and Amendment 1.

Motion

Cllr R Currie
Cllr G Freeman
Cllr D Kinniburgh
Cllr A Redman

Amendment 1

Cllr R Colville
Cllr A Forrest
Cllr G A Hardie
Cllr R McCuish
Cllr J Moffat
Cllr S Taylor

Amendment 1 was carried by 6 votes to 4 and the Committee resolved accordingly.

Decision

The Committee agreed to continue consideration of this application to allow Members to seek advice on the preparation of a competent Motion to refuse the application.

(Reference: Report by Head of Development and Economic Growth dated 2 August 2020, submitted)

Councillors Lorna Douglas and Richard Trail returned to the meeting at this point.

11. MACLEOD CONSTRUCTION LIMITED: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED NORTH EASTERN EXTENSION TO EXISTING SAND AND GRAVEL QUARRY EXTENDING SOME 4HA (EXTENSION TO ALLOCATION REFERENCE MIN-AL 12/2): KILMARTIN QUARRY, UPPER LARGIE, KILMARTIN (REF: 20/01068/PAN)

The Area Team Leader for Mid Argyll, Kintyre and the Islands spoke to the terms of the report. This Proposal of Application Notice (PAN) has been submitted for an extension to the existing Kilmartin Quarry which has been worked for a significant period of time with permissions extending back to 1986. The original extraction void has been worked and is in the process of restoration but the processing plant and settlement ponds remain in situ and are expected to support the proposed extension. The proposed extension is to the north east and extends to some 4ha. The land is currently agricultural with some mature trees across the site. Access is proposed from the existing A846 main road off a single track to a point just north of the centre of Kilmartin village as utilised by the current workings. The report summarises the policy considerations as well as potential material considerations and key issues based upon the information received to date. It was recommended that Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN to allow these matters to be considered by the Applicants in finalising any future planning application submission.

Decision

The Committee noted the content of the report and raised no further issues for consideration by the Applicant in finalising any future planning submission.

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

12. PRE-DETERMINATION PLANNING HEARING ARRANGEMENTS DURING COVID-19 RESPONSE PERIOD

The Committee considered a report setting out the current position in relation to pre-determination hearing arrangements during the Covid-19 response period and inviting Members to note the current position, review the arrangements for pre-determination planning hearings in light of the ongoing response to the Covid-19 pandemic and government guidance on public gatherings and consequently in the event of resumption of hearings to consider the arrangements for informal site visits.

Motion

To agree option (b) at paragraph 3.6 which is to arrange for virtual hearings to proceed on either an audio or video basis and that site visits in relation to hearings will be dealt with as detailed at paragraph 3.10 of the report.

Moved by Councillor David Kinniburgh, seconded by Councillor Sandy Taylor

Amendment

The Planning, Protective Services and Licensing Committee (PPSLC) notes the contents of the report relating to Pre-Determination Planning Hearings and agrees that:

1. The first priority should be for Pre-Determination Hearings to be held in public.
2. That the Covid 19 restrictions continued to be reviewed by the Scottish Government and that it is expected that these will be relaxed further in the near future which should allow public hearings to be held with limited restrictions.
3. That each application, where a hearing is supported by the PPSLC, should be considered on their individual merits.
4. That this report is continued to allow officers to consider each application where a hearing has been agreed to allow them to return to committee with recommendations on each proposed hearing.

Moved by Councillor George Freeman, seconded by Councillor Alastair Redman

A vote was taken by calling the roll.

Motion

Cllr R Colville
Cllr R Currie
Cllr L Douglas
Cllr A Forrest
Cllr G A Hardie
Cllr D Kinniburgh
Cllr R McCuish
Cllr J Moffat

Amendment

Cllr G Freeman
Cllr A Redman

Cllr S Taylor
Cllr R Trail

The Motion was carried by 10 votes to 2 and the Committee resolved accordingly.

Reference was made to the hearings previously agreed to be held in respect of Planning Application Reference 19/02555/PP and Planning Application Reference: 19/01232/PP and Members were invited to consider whether or not they wished to hold site visits prior to the hearings taking place. It was unanimously agreed to receive visual presentations in respect of both applications and not hold site visits.

Decision

The Committee:

1. noted the position in relation to pre-determination hearings within Argyll and Bute which were currently pending as a consequence of the Covid-19 pandemic response and the arrangements for planning hearings in light of the ongoing response to the Covid-19 pandemic and government guidance on public gatherings;
2. agreed to arrange for virtual planning hearings to proceed on either an audio or video basis as set out at option (b) at paragraph 3.6 of the report in order to allow for the hearing process to be concluded without further delay and mitigate against current and any ongoing challenges in respect of public health factors and associated government restrictions and guidelines;
3. agreed the arrangements for informal site visits as set out in paragraph 3.10 of the report;
 - site visits are only considered if specifically requested by the Committee and where additional information on the site provided through photographs, satellite imagery or video is not acceptable,
 - Officers will consider arrangements for the site visit to ensure adherence to Covid-19 guidance can be maintained,
 - in the event there are concerns in relation to those arrangements then Officers will report that back to Members for their further consideration as required; and
4. in respect of the discretionary hearings previously agreed to be held for planning application reference 19/02555/PP and planning application reference 19/01232/PP, agreed not to hold informal site visits and that additional information on the sites be provided at the hearings through photographs, satellite imagery or video.

(Reference: Joint report by Executive Director with responsibility for Legal and Regulatory Support and Executive Director with responsibility for Development and Economic Growth dated 5 August 2020, submitted)

13. MR PELHAM OLIVE: ERECTION OF 12 DWELLINGHOUSES, ALTERATIONS TO VEHICULAR ACCESS AND INSTALLATION OF PRIVATE DRAINAGE SYSTEM: LAND EAST OF LOCHSIDE, PORTINCAPLE (REF: 20/00094/PP)

Members resumed consideration of the Planning Application which had been presented earlier in this meeting at item 5 of this Minute. The Committee unanimously agreed to hold a virtual pre-determination hearing. Consideration was given to whether or not an informal site visit should be held.

Motion

To agree to not have a site visit.

Moved by Councillor David Kinniburgh, seconded by Councillor Rory Colville

Amendment

To agree to hold a site visit.

Moved by Councillor George Freeman, seconded by Councillor Jean Moffat

A vote was taken by calling the roll.

Motion

Amendment

Cllr R Colville
Cllr R Currie
Cllr A Forrest
Cllr G A Hardie
Cllr D Kinniburgh
Cllr R McCuish
Cllr A Redman
Cllr R Trail

Cllr L Douglas
Cllr G Freeman
Cllr J Moffat
Cllr S Taylor

The Motion was carried by 8 votes to 4 and the Committee resolved accordingly.

Decision

The Committee agreed to hold a virtual pre-determination hearing for Planning Application Reference 20/00094/PP and to not hold an informal site visit. Additional information on the site would be provided at the hearing through photographs, satellite imagery or video.

(Reference: Report by Head of Development and Economic Growth dated 10 August 2020, supplementary report number 1 dated 13 August 2020 and supplementary report number 2 dated 18 August 2020, submitted)

14. PLANNING PERFORMANCE FRAMEWORK 2019/20

A report introducing the 2019/20 Planning Performance Framework (PPF) Annual report as required by the Scottish Government Planning Reform Agenda was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Interim Executive Director with responsibility for Development and Economic Growth dated 22 July 2020, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE BY SKYPE
on WEDNESDAY, 19 AUGUST 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor Graham Hardie	Councillor Richard Trail

Attending: Patricia O'Neill, Governance Manager
Shona Barton, Committee Manager
Sheila MacFadyen, Senior Solicitor
Graeme McMillan, Solicitor

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 Gordon Blair, Robin Currie, Mary-Jean Devon, Donald MacMillan and Roderick McCuish.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NO. 4272) (D MACINTYRE, OBAN)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given options for participating in the meeting. The options available were by Video Call, by Audio Call or by written submission. For this hearing both the Licence Holder and Police Scotland opted to proceed by way of written submissions and copies of these were circulated to the Committee in a Supplementary Agenda Pack for this hearing.

The Chair invited the Council's Solicitor, Mr McMillan, to advise of Police Scotland's written submission.

Mr McMillan advised that this was a continuation from the hearing held on 22 June 2020 where the Committee had agreed to continue consideration of the matter to allow Mr MacIntyre to be legally represented following a request to that effect. Mr McMillan then read out the complaint by Police Scotland as contained at Appendix 1 to the report by the Head of Legal and Regulatory Support.

POLICE SCOTLAND

Mr McMillan referred to the letter from Police Scotland dated 5 May 2020 that referred to a request from the Chief Constable that, in terms of Paragraph 11(1) of Schedule 1 of the Act that the Licensing Committee suspends Mr MacIntyre's licence. Mr MacMillan advised that the Chief Constable complained in terms of Paragraph 11(2)(a) of Schedule 1 of the Act that Mr MacIntyre was no longer a fit and proper person to hold the licence. In addition, Mr McMillan advised that the Chief Constable was requesting the Committee to order the immediate suspension of the licence, in terms of Paragraph 12(1) of Schedule 1 of the Act, on the grounds that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public order or public safety. In support of the Chief Constable's request Mr McMillan read out the details of an incident which occurred on 29 April 2020. As the matter was sub-judice, the Chief Constable was unable to comment further at this time.

Mr MacMillan then read out an email received from the Chief Constable dated 18 August 2020 confirming that as far as they were aware Mr MacIntyre's trial date had been set for a date in October, however, due to the serious nature of the charge they were still requesting the immediate suspension of Mr MacIntyre's licence.

The Chair then invited Mr McMillan to advise of the licence holder's written submission.

LICENCE HOLDER

Mr McMillan read out the email submission received from Mr MacIntyre's representative, Mr Murdanaigum, as follows –

Thank you for your email.

I wish to confirm that Mr. Damien McIntyre has Sheriff Court proceedings at Oban Sheriff Court on 19 October 2020.

Since this matter is in the Sheriff Court, it would be inappropriate and against the rules of natural justice to have it heard and considered before another jurisdiction. This may, of course, affect any fair hearing that he is entitled to. In this respect, as mentioned to you, I would respectfully request that members of the Planning, Protective Services, and Licensing Committee defer any consideration of this matter until disposal thereof on 19 October 2020.

I am grateful for your assistance. I would also appreciate if you would kindly advise me of the new date fixed by the Council.

The Chair then invited Members questions.

MEMBERS' QUESTIONS

The Chair referred to the representation received from Mr Murdanaigum and the reference made to the Sherriff Court. He asked Mr McMillan what the significance of the Sheriff Court was. Mr McMillan advised that as it was a criminal matter, Mr Murdanaigum was concerned that any decision made by the Committee to suspend

the licence could jeopardise the outcome of the criminal case. He referred to the differences between the court case which was a criminal matter and the matter before the committee which was a civil matter and the different standards of proof for each.

Councillor Colville asked Mr McMillan if there was information available on the alcohol readings taken and if that could be taken into account when considering the matter. Mr McMillan advised that Police Scotland had not disclosed this information but this was something that could be requested. Councillor Colville commented that it would be useful to know the reading regardless of the outcome of the court case.

Councillor Trail asked Mr McMillan what he understood from the request from Mr Murdanaigum to inform him of the new date fixed by the Council and if this meant that he had made an assumption that the matter would be continued. Mr McMillan replied that he understood this to read that if the Committee agreed to continue the matter then Mr Murdanaigum would like to be informed of such date.

Councillor Moffat asked that if something was sub-judice did it mean that the Committee were required to make a decision before the case came to court. The Chair advised that the Committee were required to consider the complaint received from Police Scotland which was a separate matter to the court case.

DEBATE

The Chair advised that he felt there was a reluctance by the Committee to make a decision on a matter which was awaiting a court date in case the person was found not guilty and that this was due to a decision of the Committee in the past. He referred to the point made by Councillor Colville in respect of the alcohol readings, as that type of information could have a bearing on the decision made by the Committee.

The Chair referred to the new legislation which allowed for the provision of written submissions instead of participation through audio or video advising that he felt this would be better removed as the Committee did not have the ability to access information the way they would by being able to question the licence holder and Police Scotland directly.

Councillor Moffat advised that the Committee were reluctant to make a decision before the trial; as once the trial had taken place there would be more information available to them such as the alcohol readings to allow them to make an informed decision.

Mr McMillan informed the Committee that the Coronavirus Act 2020 had amended the Civic Government (Scotland) Act to allow for parties to access three means of participating in the meeting - by Video Call, by Audio Call or by written submission and the Council were obliged to give that choice while hearings could not take face to face. In relation to the point raised in relation to the quality of written submissions received Mr McMillan advised that Members were required to decide whether they had sufficient information before them to come to a decision, and could therefore request further information if required. He suggested the continuation of the matter to another date to request any specific detail required and therefore the Committee would have the best information before them to come to a decision.

The Chair commented that the system that was now in place prolonged the decision making process, which meant that the licence holder was therefore gaining extra time from their licence that they may not have had if they had appeared before the Committee. He reiterated his point that having written submissions was not suitable and that it should be removed from the legislation.

Councillor Redman referred to the reluctance of the Committee to come to a decision before the court date advising that people have a natural reluctance to punish someone who has not yet been proven guilty in a court of law. She advised that since the gentleman had not yet been proven guilty the Committee should not be making prior judgement.

Councillor Taylor highlighted that the Committee did not know any information about the licensee other than what was before them in the paperwork. He asked if the licence holder held any prior convictions. Mr McMillan advised that he was not aware of any previous convictions or ongoing complaints from the trade or the public about the licence holder.

Councillor Colville highlighted that if the licence holder had appeared before the Committee under normal circumstances, or joined the meeting by audio or video, that they may have taken a more lenient view as they would be able to make a judgement of character. Mr McMillan referred Councillor Colville to the legislation advising the written submissions were a legitimate means of making their case. He said that he understood this was not the preferred method for Members but they could request further information if required.

Councillor Moffat added that she felt people had a reluctance to attend these meetings by telephone and that written submissions would be the preferred choice by people. She advised that she was reluctant to come to a decision without having the person before the Committee. Councillor Trail agreed and said that written submissions did not give enough detail about the person or the case.

The Chair said that as they did not know how long the situation would continue, the emergency legislation was not adequate for dealing with these cases as the Committee required to ask questions. He said that the Committee were required to determine whether they felt the licensee was a fit and proper person and take appropriate action. Councillor Trail added that the job of the Committee was to protect public safety.

Mr McMillan asked the Committee to consider whether they felt they had enough information to proceed and if they did not they then had the opportunity to seek further information.

Councillor Colville suggested offering the opportunity for the licensee to appear before the Committee.

Councillor Hardie expressed his view that the role of the Committee was to protect the public and therefore suspend the licence.

Councillor Douglas referred the Committee to the email submitted by Police Scotland advising suspension due to the serious nature of the offence. She advised that as the Committee were there to ensure the safety of the public they should agree to suspend the licence.

Councillor Moffat advised that she would like to know the reading from the breath test and that she felt she did not have sufficient information to come to a decision. She said she was disappointed about the level of information before the Committee.

Councillor Forrest said that she understood why Members would like to know the results of the breath test but in her opinion being over the limit was enough and in terms of a taxi driver, this was very serious.

Councillor Douglas agreed with Councillor Forrest advising that it did not matter how much the licence holder was over the limit it was the fact that they had made the decision to drive a car over the limit especially when their livelihood involved driving.

Councillor Taylor advised that the problem was that the Committee had very little information before them. He said that the lack of information available did not allow the Committee to make a subjective decision about the individual. He agreed with the points made by Councillor Forrest and Douglas and suggested that the Committee make the decision to suspend due to the lack of information available and the seriousness of the offence.

Mrs O'Neill advised that people were following the process set down by legislation and although the written submissions did not provide sufficient information, people were still following the process. She reminded the Committee that there was the option to request further information.

The Chair highlighted that it was the new process that was the issue and asked if other authorities could be contacted to see if they were facing the same challenges and if a request could be made to the Scottish Government to amend the legislation. Mr McMillan advised that could be picked up separately out-with the Committee meeting.

The Chair advised of his concerns over the seriousness of the offence adding that it would make the decision easier if the Committee knew how much the licence holder had been over the limit. He asked if the time taken for the case to come to court was normal or if it had been affected by the coronavirus pandemic. Mr McMillan advised that it was hard to know for certain if there had been a delay but the date set for October was a trial diet and therefore a decision on whether to convict or not would be made on that date.

The Chair advised that he was minded to suspend the licence but was unsure how to make a decision on how long to suspend the licence for. Mr McMillan advised that there had been the opportunity for this to be covered in the written submissions but that it was up to parties what they included in their submissions. He advised that if the Committee felt they did not have sufficient information then it may be appropriate to continue the meeting and seek further information.

Councillor Taylor proposed that the Committee continue the meeting and request further information. There was discussion around the type of information that was required which included the alcohol readings recorded by the Police, the time of day the offence took place, was the licensee driving a taxi or private hire car at the time, were there any previous convictions on record, was the licensee responding to an emergency and how long to suspend the licence for.

MOTION

To continue consideration of the matter to the next meeting of the Planning, Protective Services and Licensing Committee to allow for further information to be requested.

Moved Councillor Sandy Taylor, seconded Councillor David Kinniburgh.

AMENDMENT

To suspend the licence as per the recommendation by Police Scotland and due to concern for public safety.

Moved Councillor Graham Archibald Hardie, seconded Councillor Richard Trail.

As the meeting was held virtually, a vote was taken by calling the roll and Members voted as follows.

Motion

Councillor Rory Colville
Councillor David Kinniburgh
Councillor Jean Moffat
Councillor Alastair Redman
Councillor Sandy Taylor

Amendment

Councillor Lorna Douglas
Councillor Audrey Forrest
Councillor Graham Archibald Hardie
Councillor Richard Trail

The Motion was carried by 5 votes to 4 and the Committee resolved accordingly.

DECISION

The Committee agreed to continue consideration of the matter to the next meeting of the Planning, Protective Services and Licensing Committee to allow for further information to be requested.

(Reference: Report by Head of Legal and Regulatory Support, submitted; and written submissions from Police Scotland and Licensee's Representative, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 19 AUGUST 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor Graham Hardie	Councillor Richard Trail

Attending: Patricia O'Neill, Governance Manager
Shona Barton, Committee Manager
Sheila MacFadyen, Senior Solicitor
Graeme McMillan, Solicitor

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 Gordon Blair, Robin Currie, Mary-Jean Devon, George Freeman, Roderick McCuish and Donald MacMillan.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NO. 5011) (M MUNRO, DUNBEG, OBAN)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given options for participating in the meeting today. The options available were by Video Call, by Audio Call or by written submission. For this hearing both the Licence Holder and Police Scotland opted to proceed by way of written submissions and copies of these were circulated to the Committee in a Supplementary Agenda Pack for this hearing.

The Chair invited the Council's Solicitor to advise of Police Scotland's written submission.

POLICE SCOTLAND

Mr McMillan referred to the letter from Police Scotland dated 31 July 2020 which advised of a request from the Chief Constable that, in terms of Paragraph 11(1) of Schedule 1 of the Act that the Licensing Committee suspends Ms Munro's Licence. The Chief Constable complained in terms of Paragraph 11(2)(a) of Schedule 1 of the Act that Ms Munro was no longer a fit and proper person to hold the Licence. In

addition, the Chief Constable was requesting the Committee to order the immediate suspension of the Licence, in terms of Paragraph 12(1) of Schedule 1 of the Act, on the grounds that the carrying on of the activity to which the Licence relates was likely to cause a serious threat to public order and public safety. In support of the Chief Constable's request the letter referred to an incident reported to Police Scotland which occurred on 14 July 2020 and which was currently under investigation. Reference was also made to a further incident which took place on 18 July 2020 which resulted in Ms Munro being reported to the Procurator Fiscal for a number of offences.

Mr McMillan then read out an email dated 18 August 2020 which confirmed that Ms Munro was reported to the Procurator Fiscal in relation to the incident on 18 July 2020. The incident on 14 July was fully investigated and while there was insufficient information in relation to the charge of assault, Ms Munro was charged and subsequently reported to the Procurator Fiscal for breach of the peace under S38 Criminal Justice and Licensing (Scotland) Act 2010. It was confirmed that Ms Munro now had 4 pending cases with the Crown Office and Procurator Fiscal Service which were all sub-judice.

The Chair then invited Mr McMillan to advise of the Licence Holder's written submission.

LICENCE HOLDER

Mr McMillan read out the following statement from Ms Munro:

In relation to complaints made by the Chief Constable, I will ask Members to consider the following:

No charge has been issued against me in relation to the matters outlined. Furthermore, having attended a brief interview at Oban Police Station, it was decided, by the Police, that there was a lack of evidence to support these complaints. For this reason I ask that Members base their findings on a presumption of innocence, in accordance with legal procedure.

In response to assertions made by the Chief Constable that "there are serious concerns for public order and public safety" I would reiterate the point as above.

In response to concerns that I "the holder of the licence is not or is no longer a fit and proper person", I would like to state that my ability to perform in my role as a taxi driver has not been affected by criticism. In practice my work requires tolerance, helpfulness and adaptability when dealing with people in various conditions. I am good at my job and I ask Members to reject stigmatisation of character as a method with which to measure my future potential.

MEMBERS' QUESTIONS

Councillor Trail commented that there appeared to be a difference of opinion on whether or not Ms Munro was charged. He sought clarification from Mr McMillan. Mr McMillan referred to the most recent communication from Police Scotland which confirmed that Ms Munro had 4 pending cases with the Crown Office and Procurator Fiscal Service. He advised that the Procurator Fiscal would make the ultimate decision as to whether there would be a prosecution. Mr McMillan said he was not

sure if there was a mistake on Ms Munro's part as she had not been called to Court as yet.

Councillor Moffat advised that bearing in mind what happened with the previous case today, she felt the Committee should do the same with this one.

Councillor Colville advised that he took a different view. He referred to the Police letter which made reference to a previous request for suspension of this Licence dated 6 April 2020. He sought clarification on this as he did not recall this request coming before the Committee. Mr McMillan explained that in terms of the wording in the letter it was not the case that this request for suspension had come to the Committee and the decision taken not to suspend. He advised that Ms Munro's Taxi Driver Licence was currently undergoing a renewal application. At the time of the request in April it was not possible to hold suspension hearings due to the Covid-19 pandemic. As a renewal application was expected Officers recommended that Police Scotland may wish to submit an objection to the renewal instead which Police Scotland agreed to. It is planned to bring this renewal application to Committee and the Committee are asked to deal with the suspension request before then. The life of a licence is prolonged once a renewal application is submitted and a suspension could be made until any renewal was dealt with.

Councillor Kinniburgh sought and received confirmation from Mr McMillan that none of the offences referred to in the Police Scotland written submissions for this hearing related to the earlier request for a suspension in April. Mr McMillan advised that 2 previous incidents were outlined at that time and Police Scotland have agreed to use them in support of their objection to the renewal application which will come to the Committee in due course.

DEBATE

Councillor Kinniburgh advised that he thought Ms Munro's Licence should be suspended as it appeared these incidents were happening on a regular basis over a very short period of time. He said he thought the licence should be suspended until the application for renewal came before the Committee.

It was unanimously agreed to suspend Ms Munro's Licence. The Committee then considered the commencement date and length of suspension and it was unanimously agreed that Ms Munro's Licence be suspended with immediate effect for the unexpired portion of the Licence.

DECISION

It was unanimously agreed to suspend Ms Munro's Taxi Driver's Licence with immediate effect for the unexpired portion of the Licence as it was considered that Ms Munro was no longer a fit and proper person to be the holder of the Licence.

(Reference: Report by Head of Legal and Regulatory Support and written submissions from Police Scotland dated 31 July and 18 August 2020 and the Licence Holder dated 16 August 2020, 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: 19/01456/PP

Planning Hierarchy: Major Application

Applicant: D. Hill Property Ltd

Proposal: Residential development comprising 101 dwellinghouses including formation of vehicular accesses, landscaping, open space and play areas

Site Address: Land West Of Alexander Street, Dunoon

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 101 dwellings
- Associated internal and external roads infrastructure to include footways and parking;
- Provision of SuDS compliant drainage infrastructure.
- Provision of landscaping,
- Provision of formal and informal and amenity areas

(ii) Other specified operations

- Connection to public water supply
 - Connection to public sewage system
-

(B) RECOMMENDATION:

It is recommended that Planning Permission be granted as a minor departure from policy LDP DM 1 subject to a discretionary local hearing and the conditions detailed in this report.

(C) HISTORY:

80/01037/PPP – Site for Housing Development (40 Lodges). Approved 24.04.81

80/01037/AMSC – Discharge of Conditions associated with 80/01037/PPP. Approved 6.8.84

Correspondence from the Area Team Leader dated 2.10.12 on this file confirms the approval of reserved matters on 6th August 1984. The approved layout comprised 17 detached and 24 semi-detached houses. It was determined in March 1990 by Officers that, as a consequence of work carried out on the approved access road, a meaningful start on the development under Section 40 (2) (d) of the Town and Country Planning (Scotland) Act 1972 had been effected timeously. Subsequently, one house was completed on Plot 26 and a non-material amendment in respect of its external finishes was accepted in 1993 (ref: 92/00067/_003). This has the consequences of keeping permission 80/01037/PPP alive and capable of future implementation subject to submission and approval of further details.

92/00067/_003 NMA – Proposed alterations to external finishes 11 Gordon Street (Plot 26 of 80/01037/PPP) Dunoon. Approved 24.2.93

18/02005/PAN - Proposal of application notice for proposed housing development (related to current application)

(D) CONSULTATIONS:

Area Roads Manager (Dated 23.7.19): No Objection subject conditions

Council's Development Policy Officer (Dated 29.7.20): No Objection.

Housing Policy Officer (Dated 17.6.20 and 26.7.20): No Objection

SEPA (Dated 30.8.19, 25.3.20 and 15.4.20): No Objection

Council's Flooding Advisor (Dated 8.4.20, 5.6.20, 23.7.20 and 27.08.20)

Scottish Water (No Response Received)

West of Scotland Archaeology (Dated 2.8.19): No Objection subject to condition.

Council's Biodiversity Officer (Dated 13.8.19 and 8.10.19): No Objection

Environmental Protection (Dated 12.08.19) No Objection subject to conditions

Council's Access/Core Paths Officer (No Response Received)

Education Department (Dated 26.7.20) No Objection

Dunoon Community Council (Dated 29.07.19) Objection

- Post Office services already stretched
- Council Services also a full capacity
- Town has high unemployment with no major investment planned

- Roads Access not of adequate standard and congestion would be caused to surrounding streets
- Development will have a negative financial impact on housing market.

South Cowal Community Council (Dated 8.8.19): No Objection

- Despite technical issues which require to be addressed development should be good for our area.
- Sewage and Drainage: Conclusion seems to be that drainage services can cope if their advice is followed. Scottish Water have confirmed that sufficient capacity in both water supply and Drainage
- Health and Council Services: An increase in the local population could be the trigger needed to make the hospital more secure.
- Unemployment: Developer should be encouraged to use local labour, cannot see how having additional private housing would increase unemployment in the area.
- Road Access: It does appear that there will be only one access to the site which could cause traffic flow issues. On this issue Dunoon CC do appear to have a point.
- Property Values and Numbers: As new build little in local market to relate to them. Would assume houses will be built in small numbers as they are sold and not flood market. Feel that developer would not have invested in the site and submitted plans if they were not convinced that there was such a market.
- Existing access to rear garden of 20 Nelson Street will be blocked by the proposed housing to the rear

(E) PUBLICITY: Yes

Regulation 20 Advert Major Application
EXPIRY DATE: 23.08.2019

(F) REPRESENTATIONS:

Objection has been raised by the following 114 parties:

A Gilmour 91 Alexander Street Dunoon Argyll And Bute PA23 7BD
A S Lowe Address Not Provided
Aidan Beautyman Burnbrae Cottage 59 Alexander Street Dunoon Argyll And Bute
Aislinn Kerr 2 Kirn Gardens Kirn Dunoon Argyll And Bute
Alexander Gilmour 95 Alexander Street Dunoon Argyll And Bute PA23 7BD
Andrew Robertson 81 Mary Street Dunoon Argyll And Bute PA23 7EH
Anna Docherty 13 Dhailing Road Dunoon Argyll And Bute PA23 8EA
Anne Spark 97 Alexander Street Dunoon Argyll And Bute PA23 7BD
Antony Cullen 135 John Street Dunoon Argyll And Bute PA23 7BL
Ashley Adebayo 6 Dunloskinbeg Place Dunoon Argyll And Bute PA23 7QG
Ayshea Robertson Tigh An Lis Victoria Park Dunoon Argyll And Bute

Barry McGourty 20 Nelson Street Dunoon Argyll And Bute PA23 7EL
Brian Kossuth 14 Dixon Crescent Dunoon Argyll And Bute PA23 8NE
C Gilmour 91 Alexander Street Dunoon Argyll And Bute PA23 7BD
C MacAffer 18 Douglas Cottages Park Road Kirn Dunoon
Callum Satchel Marclann 12 George Street Hunters Quay Argyll And Bute
Carol Chapman 3 Marina View Sandbank Dunoon Argyll And Bute
Caroline Alder 8 Robertson Terrace Sandbank Dunoon Argyll And Bute
Caroline Clark 159 John Street Dunoon Argyll And Bute PA23 7BJ
Charmaine Russell 12A Nelson Street Dunoon Argyll And Bute PA23 7EL
Christine Dickson 7 Lorimer Terrace Sandbank By Dunoon PA23
Christine MacCallum Thornwood Furnace Inveraray Argyll And Bute
Claire Christie Marcus Cres Blackburn Aberdeenshire AB210SZ
Claire Dickson 14 Queens Court Dunoon PA23
Claire McKay 14 Dixon Crescent Dunoon Argyll And Bute PA23 8NE
D Frankgate 2 Crochan Road Dunoon Argyll And Bute PA23 7LP
D. Frankgate 18 Douglas Cottages, Kirn
D G Forbes 9 Gordon Street Dunoon Argyll And Bute PA23 7EJ
Donald Galbraith 52 Alexander Street Dunoon Argyll And Bute PA23 7EW
Donald Galbraith Quarryknowe 52 Alexander Street Dunoon Argyll And Bute
Doris G Kerr 12 Western Place Edinburgh EH12 5QA
E Webster Full Address Not Provided (107 Edward Street ?)
Eliot Peterson 69 Alexander Street Dunoon Argyll And Bute PA23 7BB
Elizabeth Davidson Craigiebell 338 Argyll Street Dunoon Argyll And Bute
Elizabeth McArthur 70 Alexander Street Dunoon Argyll And Bute PA23 7BB
Fiona Peterson 69 Alexander Street Dunoon Argyll And Bute PA23 7BB
Fiona Stewart Full Address Not Provided (Cochran View PA23 7LP?)
Fletcher Crochan View 2 Crochan Road Dunoon
Unclear Name, Crochan View, 2 Crochan Road, Dunoon
Frankgate Sara 2 Crochan Road Dunoon Argyll And Bute PA23 7LP
Frederick Parlane 6 Gordon Street Dunoon Argyll And Bute PA23 7EJ
G Leckie 85 Alexander Street Dunoon Argyll And Bute PA23 7BD
Gill Wollers 50A Hill Street Dunoon Argyll And Bute PA23 7AY
Graeme Fletcher 10 Nelson Street Dunoon Argyll And Bute PA23 7EL
Heather Jeffrie St Anne's 5 Gordon Street Dunoon PA23 7EJ
Helen Hendry 13 Belmont Crescent Glasgow g12 8eu
Iain Cameron 2 Victoria Crescent Dunoon PA23 8DL
Iain Munro 1B Swordale Stornoway Isle Of Lewis HS2 0BP
Ian Jeffrie St Anne's 5 Gordon Street Dunoon PA23 7EJ
Ian Mitchell 22 Nelson Street Dunoon Argyll And Bute PA23 7EL
Iona McFarlane 11 Hill Street Dunoon Argyll And Bute PA23 7AL
James Marshall 82 Mary Street Dunoon Argyll And Bute PA23 7EH
James McCrossan 7 Gordon Street Dunoon Argyll And Bute PA23 7EJ
Jennifer Hirsch 18 Nelson Street Dunoon Argyll And Bute PA23 7EL
John Carmichael 1 Gordon Street Dunoon Argyll PA23 7EJ
John Cullen 135 John Street Dunoon Argyll And Bute PA23 7BL
John Denman Dunrod 42 Alexander Street Dunoon Argyll And Bute
John McFarlane 11 Hill Street Dunoon Argyll And Bute PA23 7AL
John Mclsaac 3 Leven Lane Kirn Dunoon Argyll And Bute
Julie McPhee 60 Alexander st Dunoon PA23 7BB
June Mortimer 73 Alexander Street Dunoon Argyll And Bute PA23 7BB
K Macaffer 18 Douglas Cottages Park Road Kirn Dunoon
K McIntosh Shawpark Victoria Parade Dunoon PA23 7LD
Kay Denman Dunrod 42 Alexander Street Dunoon Argyll And Bute
Kenneth Macdonald 121 Alexander Street Dunoon Argyll And Bute PA23 7PY
Kenny Grant Address Not Provided
L McPhail 68 Auchamore Road Dunoon Argyll And Bute PA23 7JL
Leanne Beattie 48A Alexander Street Dunoon Argyll And Bute PA23 7EW

Lorna Low 61 Alexander Street Dunoon Argyll And Bute PA23 7BB
Lorraine Hall 9 Ferrymans Sandbank Dunoon Argyll And Bute
Louise Cullen 149 John Street Dunoon Argyll And Bute PA23 7BL
Lynsey Anderson
M Banks
M Leckie 85 Alexander Street Dunoon Argyll And Bute PA23 7BD
M. Robertson 81 Mary Street, Dunoon
M Satchel 12 George Street Hunters Quay Dunoon Argyll And Bute
Maggie Saidler 6 Eastcote Avenue Glasgow G14 9JT
Margaret C Fyfe 7 Gordon Street Dunoon Argyll And Bute PA23 7EJ
Marie-Claire Kerr 11 Gordon Street Dunoon Argyll And Bute PA23 7EJ
Marion Carmichael 1 Gordon Street Dunoon PA23 7EJ
Marion McArthur 72 Alexander Street Dunoon Argyll And Bute PA23 7BB
Marion McArthur 72 Alexander Street Dunoon Argyll And Bute PA23 7BB
Mary Munro-Taylor 462 King Street Aberdeen AB24 3DE
Michael Hall 9 Ferrymans Sandbank Dunoon Argyll And Bute
Michael Sinclair Address Not Provided
Michelle Matthews 2 Arthur Terrace Argyll Street Dunoon Argyll And Bute
Miss Johnanna Ritchie 87 Alexander Street Dunoon Argyll And Bute PA23 7BD
Miss Margaret Irvine 98 Alexander Street Dunoon Argyll PA23 7BD
Morian Fletcher 47 Alexander Street Dunoon Argyll And Bute PA23 7EW
Mr Barry McGourty 20 Nelson Street Dunoon Argyll And Bute PA23 7EL
Mr Michael Clark 159 John Street Dunoon Argyll And Bute PA23 7BJ
Mrs Karen Torlay 80 Mary Street Dunoon Argyll And Bute PA23 7EH
Mrs M Kerr 11 Gordon Street Dunoon Argyll And Bute PA23 7EJ
Ms Laura Pearson 16 Nelson Street Dunoon Argyll And Bute PA23 7EL
Norma Cullen 135 John Street Dunoon Argyll And Bute PA23 7BL
Paul Beautyman Burnbrae Cottage 59 Alexander Street Dunoon Argyll And Bute
Pauline Beautyman Burnbrae Cottage 59 Alexander Street Dunoon Argyll And Bute
Philp Mortimer 73 Alexander Street Dunoon Argyll And Bute PA23 7BB
Ralph Houston 55B Mary Street Dunoon Argyll And Bute PA23 7EG
Rhona Ferguson Darlyon Toward Dunoon Argyll And Bute
R. Peterson 69 Alexander Street, Dunoon
Robert Turner 75 Alexander Street Dunoon Argyll And Bute PA23 7BB
Rona Baird 67 Alexander Street Dunoon Argyll And Bute PA23 7BB
S Macdonald 55 Cromwell Street Dunoon Argyll And Bute PA23 7AX
Sandra Galbraith 52 Alexander Street Dunoon Argyll And Bute PA23 7EW
Sandra Tulloch 3 Gordon Street Dunelm Dunoon Argyll And Bute
Shirley Robertson 81 Mary Street Dunoon Argyll And Bute PA23 7EH
Skye Beautyman Burnbrae Cottage 59 Alexander Street Dunoon
Steven Baird 67 Alexander Street Dunoon Argyll And Bute PA23 7BB
Stuart Tulloch Dunelm 3 Gordon Street Dunoon Argyll And Bute
S Frankgate 2 Crochan Road Dunoon Argyll And Bute PA23 7LP
W M Ponton 79 Alexander Street Dunoon Argyll And Bute PA23 7BB
Yvonne Mulgrew 1 Alexander Street Dunoon PA23 7LS

(i) Summary of Objections raised

- Alexander Street is already busy with traffic and parking and could not cope with the development.
- Access to Alexander Street from development not acceptable and increased traffic will be a road safety issue. Street lighting in area not adequate or safe to accommodate this new development.

- Proposals would cause noise, pollution and activity levels to the area which would adversely impact existing residents' amenity and change its character.
- Proposals would be overbearing to and cause overlooking of existing houses, particularly from proposed balconies, overshadowing, loss of light and loss of amenity to existing properties.
- Impact upon Wildlife and loss of natural habitat unacceptable. Protected species will be adversely impacted. Ecological Surveys not carried out at correct time of year.
- Site is well used by children, cyclists and many other members of the public. It is a community asset and valuable amenity space with core paths through it.
- It is the only safe and free space available for children to learn and develop. Used by four local nurseries on a weekly basis for both children and parents in learning and development.
- Adverse Impact on drainage and flooding from the site when problems already exist in the local area.
- Adverse impact on sewage capacity.
- Schools may not be able to cope with the development.
- Density of development is too high and this will have visual impacts.
- The proposals does not have the required 25% of affordable housing and is in direct contradiction to this policy.
- In council's own Local Housing strategy there is a more realistic scenario that the need for small and affordable housing will grow not for houses of this size and type.
- The application submission itself clarifies that further investigations are required, none of which have been undertaken.
- Concerned over Japanese Knotweed on site
- Building more houses uses more energy which is bad for the environment.
- The development will result in the loss of many trees which are mostly Oaks.

The above matters are addressed in the Officer Report.

Objections/Issues raised which are not considered to be material planning considerations

- Proposals will adversely affect the value of existing properties.
- Existing properties would lose views to this countryside site.
- Plenty of properties still for sale that are not selling in Dunoon.
- Houses could be built and left empty.
- Not enough employment in the area for new housing.
- More Suitable sites elsewhere.
- Why does developer think there is a need for 101 new high spec houses.
- Care home and sheltered housing have huge waiting lists.
- Developer should take on and renovate some existing buildings in the town.
- Land at old gas works should be compulsorily remediated before developing any more greenfield sites.
- Object to paying full Council Tax as street has become a speed track.
- Local facilities will not be able to cope i.e. Doctors, Hospitals.
- Have existing Parking problems on Alexander Street with lorries and trailers being left
- Ferry not fit for purpose to serve more houses.
- There is an issue recruiting GP's and teachers in the area.

Submissions in Support of the proposals

K McGillivray

10 Oxford Lane Dunoon

Main Points made in support of proposals

- Dunoon lacks good private sector housing development
- Proposals would support other investment opportunities for the area.

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 eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes
 - Drainage Strategy
 - Flood Risk Assessment
 - Ecological Appraisal
 - Design and Access Statement
 - Transportation Assessment

The matters covered by these supporting documents will be addressed in the appropriate sections of this report.

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** Yes

There is a requirement for a Section 75 agreement to be entered into in order to secure the commuted payment in respect of the affordable housing contribution associated with this application. The heads of terms of this will address:

- I. Payment at a rate of £15,000 per unit in accordance with the 2013 findings of the District Valuer for this HMA. (or, if disputed by the applicant, such figure that the District Valuer arbitrates to be appropriate having been instructed by the Council, at the expense of the applicant and/or landowner, to undertake such work.).
- II. Commuted Payment to be made for 25 No. housing units
- III. The timing of payments to be agreed between parties, acting reasonably, to reflect the phasing of the development, but in any event with a backstop that all funds to be provided before the last 25% of permitted houses can be completed.
- IV. Funds to be paid to Argyll and Bute Council Strategic Housing Fund

- V. Funds must be spent within the Cowal Housing Market Area
- VI. Funds shall only be spent in accordance with the identified housing need objectives set out in this report, and in the consultation response from housing officers, to improve the provision of accessible housing within the identified HMA by Registered Social Landlords.
- VII. The expense of drafting this S75 and to be met by the applicants in accordance with normal council procedure and costings.

Planning permission will not be issued until such time as a S75 agreement has been entered into by all necessary parties in order to secure the appropriate level and timing of affordable housing contribution by means of commuted payment.

Reason for refusal in the event that the section 75 agreement is not concluded within four months:

Suggested Reason:

The applicants have failed to conclude the required Section 75 agreement, necessary to secure the applications compliance with the requirements of LDP Policy SG LDP HOU1 in respect of affordable housing provision. More particularly, the applicant has failed to ensure that a mechanism has been put in place to secure the payment of an agreed commuted sum in respect of the provision of affordable housing within the Cowal Housing Market Area within an appropriate and reasonable timeframe, which is a substantive and defining planning consideration in considering the planning merits of this proposal.

The failure to adhere to the requirements of Policy SG LDP HOU 1 is considered to be so significant a breach of planning policy as to comprise sufficient justification to refuse the current planning application, notwithstanding its compliance with other plan policies and the material considerations which favour its approval as set out in the Officers Report.

Members are requested to note that there is a mechanism within the Agreed Heads of Terms for the applicants to seek an independent review, by the District Valuer, of the £15,000 per unit commuted sum. In the event that an application for review is made, Officers consider that the four month period should start not from determination date by PPSL, but within four months of any determination date by the District Valuer. Officers seek endorsement of this approach as part of this determination by Members.

-
- (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 adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM1 – Development within the Development Management Zones.
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
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
LDP PROP 2 – The Proposed Allocations

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP - Sustainability Checklist -Climate Change- sustainable siting and design
SG LDP ENV 14 –Landscape
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP HOU 1 – General Housing Development including Affordable Housing Affordable Housing Guidance Note
SG LDP HOU 2 – Special Needs Access Provision in Housing Developments
SG LDP HOU 3 – Housing Green Space
Sustainable Siting and Design Principles
SG LDP DEP 1 – Departures to the Local Development Plan
SG LDP SERV 1 – Private Sewerage 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) – Waste Related Development and Waste Management in Development
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP - Climate Change
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 2 - Development and Public Transport Accessibility
SG LDP TRAN 3 – Special Needs Access Provision
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 –Vehicle Parking Provision

(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.

- Updated HNDA Data for Cowal Housing Market Area
- Argyll & Bute Sustainable Design Guidance (2006)
- Argyll and Bute Biodiversity Action Plan (2017)

- Designing Streets - Scottish Government Policy Advice
 - Creating Places – Scottish Government Policy Advice
 - SPP Policy Advice
 - Dunoon Surface Water Management Plan (Dec 2019).
Options Appraisal- Alexander Street.
 - LDP 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): Yes.

(M) Has a sustainability check list been submitted: Yes.

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

(O) Requirement for a hearing (PAN41 or other): Yes

The proposal has generated a considerable number of objections, from primarily local residents, and it is considered that value would be added to the determination process by Members inspecting the site to consider the matters raised by objectors having regard to the characteristics of the site and the design and layout proposed.

Therefore it is recommended by Officers that a hearing be agreed by Members in this instance.

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

The proposal seeks to develop allocated housing site to provide a total of 101 dwellings of varying sizes. A mixture of two bedroom semi-detached houses and three bedroom detached houses are proposed for the site together with associated infrastructure and amenity space.

The site itself forms a greenfield site on the edge of Dunoon which has a considerable slope, generally running NW to SE across the site. The site has a number of desire lines upon it, and it is clear to officers that the site is currently well used by local residents for informal recreation and its development to form a housing site will constitute a considerable change in the local area. That this site is valued by the local community is demonstrated by the number of objections which have been received to the current planning application.

However, notwithstanding these objections to the principle of developing the site, this is an allocated housing site within the LDP (Site H-AL 2/3: 100 Units) and therefore the

principle of housing development on the site has already been agreed and approved as part of the LDP adoption process. It is therefore in Officers' opinion a matter of considering whether the proposal accords with required LDP policies and standards in respect of design, parking, amenity space and other associated policies of the plan, and not whether housing development should be allowed on the site or not as a point of principle.

Members are also requested to note that the planning history for the site clarifies that by partly implementing permission 80/01037/PPP and construction plot 26 this keeps the historic planning permission alive and capable of future implementation. Therefore the default position is that further housing development could take place on the site utilising this historic planning permission. This is considered to be a material consideration in respect of determining the current planning application.

These proposals will provide substantial planning gain in addressing the existing flooding issues as identified in the Dunoon Surface Water Management Plan (Dec 2019) at Alexander Street. Discussions between the applicant and the Council have ensured that the housing proposals will address flows of water through the site and therefore the current and future climate change related flooding problems for residents should be addressed by the implementation of these housing proposals. This is considered by Officers to be a significant benefit of the scheme and constitute a community benefit. This is also considered to be a material consideration in determining the current proposals.

The Area Roads Engineer has examined the TA submitted with the application and the proposed layout and is of the view that the proposals are acceptable subject to the imposition of appropriate conditions to ensure compliance with necessary standards in accordance with the requirements of SG LDP TRAN 4 and SG LDP TRAN 6.

In respect of affordable housing provision, a detailed examination of the identified housing needs in the Cowal Housing Market Area (HMA) have been undertaken by housing Officers. It has been determined in this instance that the 25% affordable housing contribution can most effectively address the currently identified priorities in the Cowal HMA by the payment of commuted sum to be paid to the Strategic Housing Fund. This would allow Registered Social Landlords who operate in the area to provide special needs housing for the Area. This position has been reached following not only analysis of the most up to date HNDA data, but also following discussions between housing officers and the active registered social landlord operating in the area. The Planning Policy advisor is also in agreement with this approach. Therefore the proposals are considered to accord with Policy SG LDP HOU1.

It should be noted that the smaller SuDs pond is located outside the housing allocation site boundary in the LDP, but on land within the control of the applicant. The application proposals remain substantially within the designated housing site and the SuDs pond to be located just outside it will have a natural and landscaped appearance appropriate for a countryside location. This element of the proposal is therefore considered to constitute an acceptable minor departure from the development plan in regards SG LDP DEP 1.

The proposals, in the opinion of officers, will provide an appropriate layout and design for this allocated housing site. The housing layout is in accordance with placemaking objectives and there will be suitable for those with mobility issues to move around and access in accordance with SG LDP HOU2. It is considered that the layout of the scheme, the landscaping proposed, and the variation in house designs and external finishes, together with the application of place making compliant design, presents an attractive and appropriate form of development for this site which will accord with policies LDP 3, LDP 9 and SG layout requirements, subject to the imposition of appropriate conditions. On this basis it is considered that Planning Permission should be granted for the current proposals as a minor departure from the development plan.

(Q) Is the proposal consistent with the Development Plan: No – Justified Minor Departure

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The site of the proposed development is a housing allocation within the adopted Argyll and Bute Local Development Plan (LDP). The principle of the proposal and the design, layout and materials proposed accord with the policies of the LDP. The proposal also accords with supplementary guidance and there are no other material considerations, including views expressed by third parties, which, in the opinion of Officers, would warrant other than planning permission being granted.

Members are requested to note that the smaller SuDs pond is located outside the housing allocation site boundary in the LDP, but on land within the control of the applicant. The application proposals remain substantially within the designated housing site and the SuDs pond to be located just outside it will have a natural and landscaped appearance appropriate for a countryside location. This element of the proposal is therefore considered to constitute an acceptable minor departure from the development plan in regards SG LDP DEP 1.

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

The smaller SuDs pond is located outside the housing allocation site boundary in the LDP, but on land within the control of the applicant. The application proposals remain substantially within the designated housing site and the SuDs pond to be located just outside it will have a natural and landscaped appearance appropriate for a countryside location. This element of the proposal is therefore considered to constitute an acceptable minor departure from the development plan in regards SG LDP DEP 1.

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

Author of Report: David Moore

Date: 31.08.20

Reviewing Officer: Sandra Davies

Date: 04.09.20

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.19/01456/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 08/01/2019 and the approved drawing reference numbers

Plan Title.	Plan Ref. No.	Version	Date Received
LOCATION PLAN	P01	C	23.07.19
SITE PLAN AS EXISTING	P02	C	23.07.19
SITE PLAN AS PROPOSED	P03	J	03.08.20
LANDSCAPED SITE PLAN AS PROPOSED (1 OF 2)	P04	E	09.03.20
LANDSCAPED SITE PLAN AS PROPOSED (2 OF 2)	P05	E	09.03.20
HOUSE TYPES A & B	P06	B	23.07.19
HOUSE TYPES C & D	P07	B	23.07.19
STREET VIEWS (1 OF 2)	P08	C	23.07.19
STREET VIEWS (2 OF 2)	P09	C	23.07.19
SITE SECTIONS A-A TO D-D	P10	B	23.07.19
ROAD GEOMETRY (1 OF 2)	P11	A	09.03.20
ROAD GEOMETRY (2 OF 2)	P12	A	09.03.20
ROAD SIGNAGE	P13	-	23.07.19
HOUSE TYPES E & F	P16	-	18.07.19
PLOT TO HOUSE RATIO SCHEDULE	P17		29.06.20
DRAINAGE APPRAISAL 2	12711-SK1	D	03.09.20
DETAILED SURFACE DRAINAGE LAYOUT	12711-SK3	B	03.09.20
PROPOSED DRAINAGE LAYOUT	J3210-C-03	B	03.09.20

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

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

2. Notwithstanding the effect of condition 1, no development shall commence until samples and/or full details of materials to be used in the construction of :

- (i) boundary fences;
- (ii) external materials finishes of all the houses
- (iii) any other walls to be constructed in the development;
- (iv) roads and parking areas;
- (v) footpaths;
- (vi) shared surfaces.
- (vii) Retaining structures and walls
- (viii) any other external materials

have been submitted to and approved in writing by the planning authority. The development shall thereafter be completed using the approved materials, or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to secure the use of appropriate materials.

3. Notwithstanding the provisions of Condition 1 no development shall commence until details for the provision and maintenance of proposed areas of communal open space

and equipped play area(s) within the development have been submitted to and approved by the Planning Authority. The details shall comprise:

- i) A plan showing the location and extent of communal open space and equipped play areas;
- ii) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
- iii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the appropriate health and safety provisions of Play Equipment Intended for Permanent Installation Outdoors.
- iv) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development;
- v) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects along with details of the parties responsible for the maintenance.

Reason: In order to secure provision and retention of communal open space and equipped play areas within the development in accordance with the minimum standards set out in the Development Plan.

4. The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

Reason: In order to secure provision and retention of communal open space and equipped play areas within the development in accordance with the minimum standards set out in the Development Plan.

5. Notwithstanding the provisions of Condition 1 no development shall commence until details of the proposed finished ground floor level of the development relative to an identifiable fixed datum located outwith the application site, along with details of the existing and proposed site levels shown in the form of sectional drawings/contour plans/site level survey, or a combination of these, has been submitted to and approved by the Planning Authority with respect to all dwellings that bound to and who's curtilage/garden immediately adjoins existing residential properties. The development shall be implemented in accordance with the approved details.

Reason: In order to ensure an acceptable relationship between the development and its surroundings and inform the detailed boundary planting proposed in respect of condition 08.

6. Prior to commencement of development, a scheme for the retention and safeguarding of trees bounding the application site to be retained during construction shall be submitted to and approved by the Planning Authority. The scheme shall comprise:

- A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree/sapling in accordance with BS 5837:2012 "Trees in Relation to Construction".
- Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees adjoining the development site in the interests of amenity and nature conservation.

7. Notwithstanding the effect of condition 1, and the details set out in drawings P04 E and P05 E, within 12 months of the date of this permission a detailed landscaping scheme and planting proposals including species and numbers to be planted, must be submitted to the Planning Authority for their approval in consultation with the Council's Biodiversity Officer. For the avoidance of doubt such details shall also be required for the proposed SuDS Ponds and also along all common boundaries between the development site and existing residential curtilages.

Reason: To ensure that landscaping proposals accord with the objectives of the approved Argyll and Bute Biodiversity Action Plan 2017 and that appropriate levels amenity planting is carried out to secure the appropriate integration of the site into its locality.

8. All planting shall be completed in accordance with approved plan(s). Any trees or shrubs which fail to become established, which die, are removed or become seriously diseased within 5 years of the implementation of the scheme shall be replaced in the following planting season by equivalent size and species of trees or shrubs as those originally required to be planted.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity and to promote bio-diversity.

9. Notwithstanding the provisions of Condition 1, the development shall be implemented wholly in accordance with the details and recommendations set out in the submitted Flood Risk Assessment documentation, the approved drainage layout drawings set out at condition 01, and supporting technical information and data sets submitted to and approved by the Council's Flooding Advisor as set out below;

- o Flood Risk Assessment: Updated Final (September 20)
- o Borehole Logs and Percolation Results (July 20)
- o Greenfield Run Off Rate Estimates for Site (21.08.20)
- o Storm Sewer Design by Modified Rational Method (02.09.20)

unless as may otherwise be agreed by the Planning Authority in consultation with its Flooding Advisor in writing.

Reason: In order to ensure appropriate mitigation for flood risk.

10. Prior to the commencement of development details of the maintenance responsibility and a schedule of intended maintenance arrangements of the approved drainage works shall be provided to the Planning Authority for their approval. This schedule shall include inspection, recording and procedures for detailing with defects. For the avoidance of doubt this shall also include the SuDS Ponds

Reason: To ensure appropriate maintenance provisions in respect of the approved drainage details are secured.

11. Details of fencing around the proposed SuDS ponds and a site safety method statement addressing construction and operational safety in respect of these matters shall be submitted to the Planning Authority for their approval prior to the ponds being formed and containing any water.

Reason: In the interests of safety

12. Notwithstanding the provisions of Condition 01. The development must be constructed in accordance with required roads standards as follows:

Full Site

- Junctions sight lines of 42 x 2.4 x 1.05 metre must be provided. All walls, fences, and hedges/vegetation within the visibility splays must be maintained at a height not greater than 1 metre above the road. The forward visibility of these formed junctions must be 35m.
- Defined footways to be provided at these external junction locations leading into proposed development
- Continuous walkways to be provided on a phased basis to be agreed in writing with the planning authority in consultation with the Area Roads Engineer to ensure safe pedestrian movement prior to the occupation of any of the houses is possible.
- Prior to the construction of any internal access roads within the development details of the transitional arrangements between the approved roads layout and the adjoining informal path network shall be submitted to the Planning Authority for approval in consultation with the Area Roads Engineer.
- Unallocated parking spaces to be at 90⁰ to 5.5 metre wide carriageway. 2 metre walkway to be provided as both locations are on core path routes. Size of bays to be a minimum of 5 x 2.5 metres.

Driveways

- Minimum length of drive way to be 6 metres behind limit of road corridor.
- Sightlines to be 20 x 2 x 1.05 metres. All walls, fences and hedges within visibility splays to be maintained at a height not greater than 1 metre above the road.
- A sealed surface for first 5 metres with a gradient not exceeding 5%.
- Surface water must not be able to flow out onto walkways and running surface.
- Parking for 2no. vehicles to be provided for all 2/3 bedroomed units within their own curtilage.

Reason: To ensure the proposal is constructed to necessary roads standards and in the interests of road safety.

13. Prior to development commencing, a Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with the Area Roads Engineer. The Plan shall detail approved access routes, agreed operational practices, and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. The development shall be implemented in accordance with the duly approved Traffic Management Plan unless as otherwise may be agreed in writing by the Area Roads Engineer.

Reason: To address traffic associated with the development in the interests of road safety and having regard to the restricted and shared access arrangements to the site and in the interests of residential amenity.

14. No development shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to and approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the dwellings it is intended to serve.

Reason: In order to ensure that satisfactory arrangements have been made for dealing with waste on the site in accordance with Policy SG LDP SERV 5(b).

15. Prior to commencement of development full details of any external lighting to be used within the site during construction shall be submitted to and approved in writing by the Planning Authority in consultation with the Area Roads Engineer. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

Reason: In order to avoid light pollution to adjoining residential properties in the interest of amenity

16. Notwithstanding the provisions of Condition 1. Prior to the commencement of works on site. Full details of compensatory path provision in respect of the loss/diversion of Core Path C227(a) shall be submitted to the Planning Authority for its approval in consultation with the Council's Access Manager. Any diversion of the Core Path must be constructed and available for the public to use in advance of any alteration, diversion or stopping up of the existing core path or as otherwise may be agreed in writing with the Access Manager.

Reason: In order to maintain the extent and quality of footpaths/ pedestrian access.

17. A Phase 1 Contamination Study as described in the guidance document available at https://www.argyll-bute.gov.uk/sites/default/files/planning-and-environment/contaminated_land_development_guide_may_10.pdf must be undertaken prior to the commencement of development. This should include an investigation and risk assessment and where mitigation is deemed necessary then a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. 14. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure that any potential contamination issues on the site have been fully investigated and remediated.

18. Prior to the commencement of any works on the site the applicant will be required to provide a Construction Environmental Management Plan (CEMP) with details of suitable control measures to be put in place so as to ensure that construction does not cause loss of amenity to local residents and/or statutory nuisance. For the avoidance of doubt this CEMP should also include details to ensure that no adverse flooding impacts take place to adjoining residential properties which are caused by the implementation of this permission. Details of phasing of development should also be provided as part of the CEMP and appropriate method statements provided to address potential nuisance and/or harm to surrounding uses.

The CEMP should provide identification and assessment of all potential sources of nuisance, including dust, plant, machinery, methodology i.e. piling, excavation works to be undertaken on site and any temporary lighting provided, which may cause disturbance to nearby residents during construction should be undertaken by the applicant. This should include consideration of intended hours of operation, movement of vehicles, use of plant and storage of equipment and materials on site including a site waste management plan

to address waste created during the construction process. Details of all proposed mitigation must be provided and approved.

Reason: In order to avoid sources of nuisance in the interest of amenity.

19. The development shall not begin until a scheme for protecting residents in nearby properties from noise and vibration, from the proposed development during the construction phase, has been submitted to and approved in writing by the Planning Authority in consultation with Environmental Protection. (This should also take the form of an Application for Consent under section 60 and 61 of the Control of Pollution Act 1974).

Reason: In order to avoid sources of nuisance in the interest of amenity.

20. In order to minimise, as far as necessary, the level of noise and/or vibration to which nearby existing residents will be exposed during the construction process the hours of operation of the site should be restricted to 08.00 to 18:30 Monday to Friday and 08.00 to 13.00 on Saturdays. There should be no operation on Sundays or Bank Holidays.

Reason: In order to avoid sources of nuisance in the interest of amenity.

21. No development shall take place within the development site outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted and agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to protect any archaeological resources.

NOTES TO APPLICANT

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. The applicants attention is drawn to the fact that Consent in respect of Sections 17, 21 and 56 of the Roads Scotland Act 1984 will be required and the applicant is advised to contact the Area Roads Engineer in respect of such matters.
5. In the event that the core path (C227(a)) is a recorded or claimed Public Right of Way formal permission for the Stopping Up or Diversion of the footpath must be obtained in advance under the appropriate statutory procedures. Contact the Council's Access

Manager for further advice in this respect.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/01456/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application proposal for the erection of 101 dwellings and associated works. The proposal is on land identified within the adopted Local Development Plan for residential development within the settlement boundary of Dunoon (Allocation H-AL 2/3). The allocation indicates that the site is suitable for circa 100 houses.

Members are requested to note that the smaller SuDs pond is located outside the housing allocation site boundary in the LDP, but on land within the control of the applicant. The application proposals remain substantially within the designated housing site and the SuDs pond to be located just outside it will have a natural and landscaped appearance appropriate for a countryside location. This element of the proposal is therefore considered to constitute an acceptable minor departure from the development plan.

There are also some small variations in the application site boundary along its western edge, which on occasions deviate beyond the formal housing allocation site boundary. The small variations along this somewhat complex boundary of the application site are not considered by Officers to be a matter of planning consequence for this application. However if Members consider they are more substantive, Officers are of the opinion that they too are acceptable minor departures from Policy LDP DM1.

The current application is of a nature and scale which is accordance with this LDP allocation and settlement classification of Dunoon as a Main Town suitable for larger scale development. Therefore the proposal accords with policies LDP STRAT 1, LDP DM 1 and LDP 10 in promoting development of an appropriate scale and type in an appropriate and sustainable location subject to a minor departure from LDP DM1 in respect of the smaller SuDS pond.

B. Location, Nature and Design of Proposed Development

The application site comprises a 7.2ha hillside site on the western edge of the settlement of Dunoon. The site itself slopes downwards generally from west to east and the many informal desire lines and paths on the land show that it is well used by the local community to undertake informal recreation. There are a number of trees on the site, however none of these are protected.

The application proposal itself is comprises a mix of 2 and 3 bedroom detached and semi-detached properties as set out below:

<u>House Design</u>	<u>Type</u>	<u>Bedrooms</u>
A	Detached	3
B	Semi	2
C	Detached	3
D	Semi	2
E	Detached	3
F	Detached	3

The site itself will require to be stepped and platformed to take account of the slope and some of the houses will present a single storey aspect to the internal streets with a two

storey easterly facing elevation and some will present the full two storeys to the internal street. Details of this can be observed in the Street View plans submitted (P08C and P09C).

Many of the objections to the proposals relate to the scale/density/design and layout of the proposals and consider that the proposals are too dense, and should be refused. Policy LDP 9 is of assistance in evaluating such matters, this states:

Policy LDP 9 – Development Setting, Layout and Design

The Council will require developers and their agents to produce and execute a high standard of appropriate design in accordance with the following criteria: Development Setting

(A) Development shall be sited and positioned so as to pay regard to the context within which it is located.

Development Layout and Density

(B) Development layout and density shall effectively integrate with the urban, suburban or countryside setting of the development. Layouts shall be adapted, as appropriate, to take into account the location or sensitivity of the area. Developments with poor quality or inappropriate layouts or densities including over development and overshadowing of sites shall be resisted.

It is Officers opinion that the density and layout of the proposals are acceptable and will integrate well into the local area as well as from longer range views of the rising hillside. Landscaping will also be an important factor in successfully integrating the development into its locality and details of this are provided at a later stage of this report.

The proposals are considered to promote the following design and layout approach to the site, as follows:

- Increased use of shared surfaces to improve street scene and address Scottish Government objectives in “designing streets”;
- Use of mixed surface treatments and layout alterations to add interest and address “place making”;
- Planting of trees on site to improve setting, appearance and biodiversity;
- Use of variable housing materials to add variety and interest;
- Creation of attractive layout which respond to the topography of the site and respects the character of the local area.

Officers are of the opinion that these proposals satisfactorily promote a “placemaking” approach and that the development proposal creates an attractive place to live in accordance with LDP and Scottish Government policy objectives. Appropriate conditions requiring further details of external materials, surfaces, fences, landscaping and any retaining walls/structures are proposed to ensure that the proposals are of a sufficiently high quality and integrate successfully into the site.

Officers are of the opinion that as well as an attractive overall layout the variation in scale, design and materials being proposed is acceptable for this location. In respect of garden sizes and plot sizes, all of the houses are in accordance with plot ratio requirement indicating that this does not represent an unacceptable level or density of development on the site.

Provision of formal and informal open space within the development is in accordance with required standards and the central location of the main formal and informal play area is considered to improve the overall layout and appearance breaking up the urban form and

creating a large and attractive area which will have both formal and informal recreational uses.

This large area of informal open space (7668sqm) also provides additional comfort that this is not a development which is of such a density as to be unsuitable for the site as the required standard for this number of houses would be 1212sqm. An appropriate condition relating to the provision and maintenance of formal play equipment and maintenance of the informal play areas will be imposed. The proposals are therefore in accordance with the requirements of SG LDP HOU 3.

The applicants have proposed to provide first floor balconies on the houses facing towards the existing houses and gardens of properties on Alexander Street and Gordon Street. Objectors have raised concerns in respect of overlooking and lack of privacy.

Window to window privacy distances of 18 m are met and considerably exceeded in some cases (Between 22m and 40m to balcony edge). As a general approach to privacy of rear gardens within an urban area, there is no right to a garden with no views into it from either existing or proposed development. Therefore the fact that views of a rear garden may be available from the new housing development is not in itself reason to raise concerns over the current application. However, notwithstanding that, the applicants have indicated a willingness to undertake boundary planting to break up any perceived overlooking and officers will address this in detail as part of the required additional landscape details which will be subject to condition.

Officers accept that the development of this site for housing will represent a substantial change for those residents who immediately back onto the development site, as previously the land has had a rural character and was used for informal amenity purposes. The proposals will undoubtedly result in a reduction in the views of countryside/rural land from the objectors houses/gardens and an increased perception of overlooking and containment. This will impact on the level of amenity they currently enjoy. However this is an allocated housing site, the right to a view is not a material planning consideration, and the layout as proposed, meets the required design policies and standards and is considered acceptable by officers.

Given the above Officers consider that the proposal is in accordance with policies LDP 3, LDP 8, LDP 9 and SG LDP HOU 3.

C. Natural Environment

Many residents have raised concerns over the potential impacts of the development on wildlife and ecological interests. The updated ecological survey identifies that no protected species have been found which would be adversely impacted by the proposals and having inspected the site and reviewed the surveys the Council's Biodiversity Officer raises no objection to the development. This is an important material consideration in respect of such matters.

A number of trees will require to be removed to accommodate the construction of this development. Officers have discussed the potential to fence and retain those trees of greater value within the proposed informal amenity areas. It has been clarified that the groundworks and platforming involved in the construction of this sloping site renders this not practical. However, with appropriate replacement planting the overall number and quality of trees will be improved in the medium/longer term due to appropriate landscaping being provided.

The applicant is in agreement that the site offers scope for extensive and layered planting both within the informal amenity areas to be provided, but also within some of the larger plots than is currently shown on the submitted landscaping drawings.

Officers consider there is a need for additional tree and general landscape planting layered to promote biodiversity in order to soften and integrate the development into the hillside as well as providing additional biodiversity benefits by using native species planting. Therefore a condition requiring further detailed landscaping proposals, to be agreed in consultation with the Biodiversity Officer is proposed to ensure the structured landscaping approach takes account of the platforms and plots formed by the development and maximised the opportunities for biodiversity uplift and landscape integration associated with the proposals.

Additional planting along the boundary with Alexander Street, Gordon Street and Nelson Street also offers the opportunity to reduce the perception of loss of privacy for these residents.

In respect of any retaining structures on the site, the cross sections provided in drawing P10B indicate that there is likely to be a requirement to incorporate retaining walls/structures within the site to stabilise parts of the ground works throughout the site. A condition will therefore be placed upon any grant of permission to ensure that these structures are not only acceptable in respect of visual amenity, but also where possible to ensure that biodiversity benefits are maximised (i.e. rain walls). Any approved details in respect of these will be in consultation with the biodiversity officer.

The proposals are therefore considered to be in accordance with SG LDP ENV 1, SG LDP ENV 8 and the Biodiversity Action Plan 2017.

E. Impact on Woodland/Access to Countryside/Archaeology.

As has been stated previously at Section D, existing trees on the development site will have to be removed. This is not a woodland but a largely open site with some trees upon it, most of which are not of high quality. A number of attractive Oak trees will have to be lost, but replacement planting will, over the longer term, more than make up for these losses and will promote biodiverse native species planting on both the extensive informal areas, but also within the streets and rear gardens of the larger plots.

There will be a considerable number of trees retained on land adjoining the site, particularly at the north eastern corner of the site near the existing telecommunication mast where tree cover is most dense, and a condition has been proposed to ensure the protection of any trees adjoining the application site to minimise tree loss on land adjoining but outside the application site when works to form the site boundaries are undertaken.

A condition is also proposed to secure additional native species tree planting to that indicated on the submitted drawings. This will have both landscape integration and biodiversity benefits. The proposals are therefore considered to accord with SG LDP ENV 6 and SG LDP ENV 14.

With respect to access to the countryside, Core Path Route C227(a) Alexander Street transverses the western boundary of the site and will be impacted by the development . The applicant has indicated proposals to route this through the central open amenity areas of the site and also through linkages to form additional footpath connections to the west towards the open countryside. Officers consider that further details in respect of the new footpath routings and connections, as well as the nature and type of footpath proposed are required and to this end a condition requiring further details of these to be submitted for the approval of the planning authority in consultation with the Access Manager is proposed to ensure appropriate footpath provision is made. The proposals, subject to appropriate conditions are considered to accord with SG LDP TRAN 1, SG LDP ENV 6 and SG LDP ENV8 and LDP 11.

In respect of Archaeology, WOSAS have raised no objection subject to the imposition of an appropriate condition to secure investigation of the site. A condition to this effect is proposed and the proposal is therefore in accordance with the requirements of SG LDP ENV 20.

F. Affordable Housing

A number of objectors have raised concerns over the failure of the application to provide affordable housing on the site in accordance with the 25% level required by policy SG LDP HOU 1. Members are requested to note that within the 2015 LDP written statement table at Page 61 the site is allocated for 100 houses. However the requirement to provide 25% affordable housing on the site is annotated as being suspended for two years following adoption of the LDP in March 2015. The default position is therefore that 25% affordable housing is now required for the site as the two year period when it was not required has expired.

For clarity, the application as submitted did not include any affordable housing provision. However Appendix 8 of the Design Statement clarified that;

The development site is allocated for Housing in Argyll and Bute Council (ABC) Local Development Plan (LDP) H-AL 2/3. Referencing supplementary guidance provided by ABC, the development has been assessed against policy SG LDP HOU 1 - General Housing Development including Affordable housing provision. Policy context outlines that a minimum 25% affordable housing units should be accommodated within new housing development sites.

The client has considered the policy and the options available to provide affordable housing and the desirable option is to provide a commuted sum to Argyll and Bute Council for the development of future housing. The commuted sum is subject to agreement by the District Valuer.

In the opinion of Officers the existence of this historic exemption from providing affordable housing on the site made it necessary to carefully evaluate both the need for affordable housing and also establish what the priority is within the Cowal Housing Market Area (HMA) to ensure that the circumstances of the area continue to be properly reflected in policy interpretation.

To this end discussions have been undertaken between Planning Policy and Housing Officers to ensure the most up to date data sets have been examined to determine the appropriate mechanism and scale of affordable housing provision required to appropriately address policy SG LDP HOU1.

The Councils Housing Policy Officers have advised, following review of the data that:

Our conclusion is that while overall need and demand in Dunoon is currently being addressed, there is evidence of an imbalance in particular for larger, family sized units and for specialist provision for households with particular needs.

Our recommendation, based on this evidence, is that a commuted sum to support the provision of a small number of specialist units within an RSL development elsewhere in Dunoon would be appropriate.

The Council's Planning Policy Officer has also agreed with this approach in policy terms clarifying that:

In the Supplementary Guidance sets out the Affordable Housing Policy (SG LDP HOU1) and provides further guidance on the various types of, and ways in which affordable housing can be delivered. The options for delivery of affordable housing include provision of a commuted sum in lieu of on site provision. While an order of preference is given, there is not strict sequential test, (so not all the options have to be explored and ruled out before a commuted sum may be considered appropriate).

There have been a number of applications where the use of commuted sums has been agreed via condition... The payment would normally be made to the Planning Authority and placed in the Councils Strategic Housing Fund with the proviso that the commuted payment be used to provide affordable housing within the same housing market area as the development. In this case this would be the Cowal housing market area.

Some years ago the Council commissioned the District Valuer to provide a set of recommendations for the appropriate level of commuted sum for each of the relevant housing market areas. These levels have been agreed by the Council. And in this case would be at a rate £15,000 per affordable unit not provided on site. If the developer does not agree to these figures, then an updated affordable housing calculation could be commissioned (at the developers expense) from the DV via the Council.

I have no objections to the provision of the affordable housing requirement on this site being met through the provision of commuted payments as outline above.

Given the above, and the comments of both housing and policy officers in respect of this application, it is considered that in this instance a commuted payment for pro rata 25 affordable houses is appropriate at a rate of £15,000 per house (or such figure as the District Auditor Reaches in any arbitration). This should be required by means of a Section 75 Agreement prior to the issuing of planning permission. The suggested draft heads of terms for this S75 agreement are set out at Section H of the main report. The applicant has confirmed that they are in agreement with this approach in general terms.

It is considered that, given the circumstances of the HMA involved, this approach to providing the affordable housing accords with the requirements of SG LDP HOU 1 and the affordable housing advice note contained in SG.

G. Road Network, Parking and Associated Transport Matters.

A number of objections have been raised by local residents in respect of traffic generated by the development and also the suitability of the proposed vehicular access points.

The Area Roads Engineer considers that the proposals are acceptable and raises no objection subject to imposition of conditions relating to maintaining sightlines and further details of the transition of the informal footpaths into the formal layout being provided. Conditions in respect of these matters are proposed. The proposals have also been designed using the principles of designing streets to ensure that both the layout and surface treatments are accessible and accord with SG LDP HOU 2.

A condition requiring appropriate details of waste storage provision on the site (bin stores and locations) to ensure this is both adequate and serviceable has been imposed in accordance with normal practice for housing developments. This will be secured by condition.

The site also benefits from proximity to public transport and the facilities and transport connections of Dunoon. The proposal is therefore considered to accord with Policies LDP

11, SG LDP TRAN 1, SG LDP TRAN 2, SG LDP TRAN 4, SG LDP TRAN 6 and SG LDP SERV 5(b).

Members will also be aware that a separate Roads Construction Consent (RCC) will be required and all technical roads matters are further controlled through this process to ensure required standards are met.

H. Flooding

The locality of the site has a history of flooding and many objectors have raised this matter in their submissions. Indeed the current site has been identified in the Dunoon Surface Water Management Plan (Dec 2019).(Options Appraisal- Alexander Street), as an area subject to flooding which requires to be addressed.

The application proposals have offered the opportunity to address flooding issues through the design of the drainage proposals for the current housing proposal. This is seen by Officers as a substantial community benefit associated with the current proposals as it will remove the need for flood alleviation works at public expense at a future date.

There has been considerable, and detailed, discussion in respect of flooding and drainage matters and Officers have required that full details of an acceptable flooding and drainage solution be submitted in advance of any determination, and have resisted the applicant's view that such matters could be resolved at a later date through use of a suspensive condition.

The alterations proposed have been checked by the Councils flooding advisor and he is content with the technical solutions and infrastructure proposed will meet required standards to address both the current and future climate change flooding and drainage requirements based on best information available at this time.

The proposed SuDS ponds also offer opportunity for biodiversity enhancement associated with the required design and landscaping of these features. A condition ensuring that appropriate maintenance responsibility and inspection regimes are provided for these features has also been proposed in accordance with normal practice. Appropriate and attractive landscaping will also be required for the SuDS pond. This will be particularly important for the smaller SuDS pond which has a countryside location and conditions to ensure appropriate biodiversity focussed landscaping have been imposed.

The overall design utilises SuDS principles to not only ensure that drainage and surface water flows associated with the current development are satisfactorily addressed, but also that the previous flows to existing properties are also addressed, to improve the current situation. The proposals are therefore considered to accord with Policies SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 3 and SG LDP SERV 7.

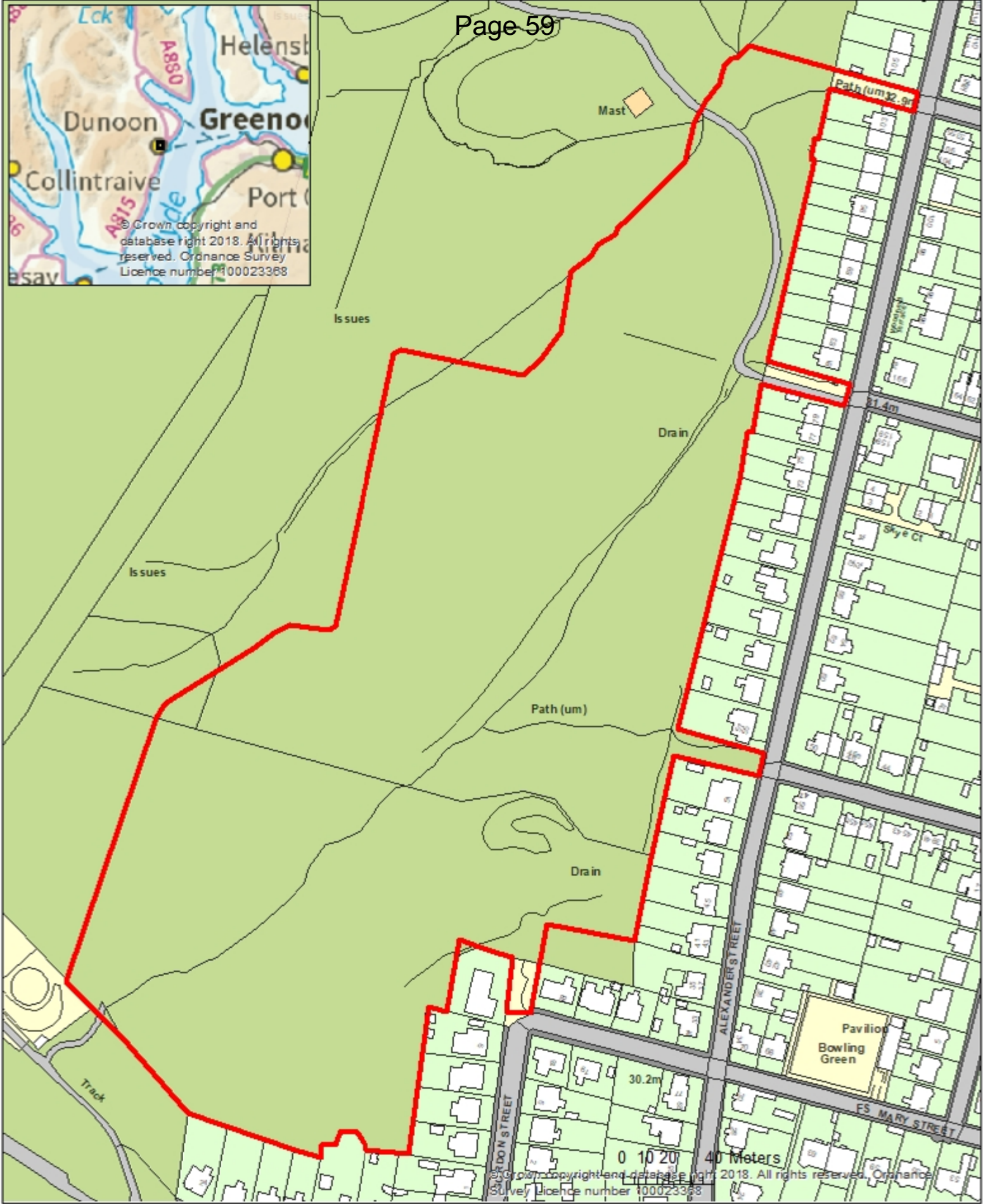
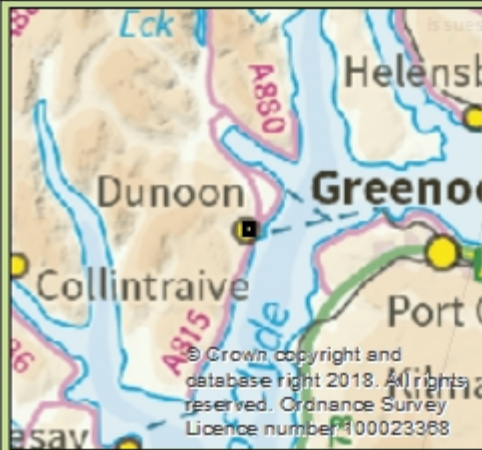
I. Conclusion.

The site of the proposed development is a housing allocation within the adopted Argyll and Bute Local Development Plan (LDP). The principle of the proposal and the design, layout and materials proposed accord with the policies of the LDP.

The smaller SuDs pond is located outside the housing allocation site boundary in the LDP, but on land within the control of the applicant. The application proposals remain

substantially within the designated housing site and the SuDs pond to be located just outside it will have a natural and landscaped appearance appropriate for a countryside location. This element of the proposal is therefore considered to constitute an acceptable minor departure from the development plan in regards SG LDP DEP 1.

. The proposal also accords with supplementary guidance and there are no other material considerations, including views expressed by third parties, which would warrant other than planning permission being granted.



Location Plan Relative to planning application: 19/01456/PP



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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: 20/01028/PP

Planning Hierarchy: Local Development

Applicant: John Rapallini

Proposal: Variation of Condition 2 relative to planning permission reference 17/01756/PP to extend permitted opening hours to beer garden

Site Address: Clyde Bar, 62 West Clyde Street, Helensburgh

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Variation of Condition 2 relative to planning permission 17/01756/PP to extend permitted opening hours to beer garden

(ii) Other specified operations

None

(B) RECOMMENDATION:

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

(C) HISTORY:

04/00657/DET Rear extension to Clyde Bar. Approved 27.05.2004

17/01756/PP Formation of beer garden. Approved 24.08.2017

(D) CONSULTATIONS:

Environmental Health - Helensburgh and Lomond – 27.07.2020 – No objections subject to a noise mitigation management plan.

(E) PUBLICITY:

Regulation 20 Advert, closing date 23/07/20.

(F) REPRESENTATIONS:

12 objections and two representations have been received to the proposed development from the parties listed below. A summary of the key issues raised is provided below, individual representations are available in full for review on the planning file available to view in Public Access.

Objection

John Green, 57 West Clyde Street, Helensburgh, G84 8AX (e-mail dated 24.06.20)
Jane Twigg, 2/1, 24 John Street, Helensburgh, G84 8BA (e-mail dated 28.06.20)
Mr Matthews, NAR Estates, 241 East Clyde Street, Helensburgh, G84 7AY (e-mail dated 01.07.20)
Emma Horner, Flat B/B1, 57 West Clyde Street, Helensburgh, G84 8AX (e-mail dated 03.07.20)
Jeff Horner, Flat B/B1, 57 West Clyde Street, Helensburgh, G84 8AX (e-mail dated 03.07.20)
Mrs Nicola White, Flat B 2/1, 65 West Clyde Street, Helensburgh, G84 8AX (e-mail dated 06.07.20)
John Skinner, 2 John Street, Helensburgh, G84 8BA (e-mail dated 07.07.20)
Fiona and Tommy Gallagher, 70 West Clyde Street, Helensburgh, G84 8AX (e-mail dated 08.07.20)
Matt Shields, 10 John Street, Helensburgh, G84 8BA (e-mail dated 13.07.20)
Neil Welsh, Flat B2/2, 65 West Clyde Street, Helensburgh, G84 8AX (e-mails dated 15.07.20 and 21.07.20)
Martin Welsh, 15 Westerlands Gardens, Newton Mearns, Glasgow, G77 6YJ (e-mail dated 17.07.20)

i) **Summary of issues raised**

The Clyde Bar has gone from a normal pub that closed around midnight to a very loud and rowdy pub that closes at 2am. Not only are we kept awake until the wee, small hours every weekend we have to put up with the aftermath from the night before with bottles and glasses being thrown into our property not to mention the vomit and take away cartons. Due to the constant noise from the front of the pub my wife and I (Mr and Mrs Green) have to sleep at the rear. We have family that we can't have to stay because of the noise and bad language.

Comment: See the assessment.

There is regular trouble almost every weekend with Police and ambulances having to attend not to mention the regular fights that breakout without the Police being involved. It's the only pub in Helensburgh that opens until 2am when the other pubs close. Everyone pores into it and that's where the trouble stems from.

Comment: Anti-social behaviour is primarily a matter for the Police. However, the impact on residential amenity is a material planning consideration. See the assessment.

We (NAR Estates) have two flats at 59 West Clyde Street. We have on-going complaints from our tenants of noise, property damage, public urination and fear when accessing or leaving their flats. Pictures have also been submitted showing people standing on tables in the beer garden. Therefore would not agree to extend hours and would ask that the Council fully enforce the conditions of the current licence which are not being adhered to.

Comment: Anti-social behaviour is primarily a matter for the Police. However, the impact on residential amenity is a material planning consideration. See the assessment.

The current disruption until 9pm is already too much. Any extension past the watershed hour would be disruptive and interfering to all residents.

Comment: See the assessment.

The beer garden is surrounded by tall buildings and any sound created within reverberates around the area. To extend this beyond 9pm would be unbearable. My property (57 West Clyde Street) is to be used as a holiday home and this extension could be disruptive and have a direct effect on my business.

Comment: See the assessment.

We feel this would be an invasion of privacy and a breach of the peace of the adjacent residential properties due to the required light pollution accompanied by the inevitable noise pollution.

Comment: See the assessment.

Myself and an elderly neighbour have both been shielding due to the threat of Covid 19. We were exposed to an increased risk due to the negligence of the owner by allowing himself and a number of staff to consume alcohol during lockdown. An increase in hours will put extra pressure on the emergency services who are already at breaking point.

Comment: The issue of an alleged Covid breach and the potential impact on emergency services is not a material planning consideration in this instance.

I have been advised that my property (Flat B2/2 65 West Clyde Street) is being increasingly undervalued due to the beer garden and public house.

Comment: Impact on property values is not a material planning consideration.

Representation

Alex Brown, Flat 9 Princes Court, Helensburgh (e-mail dated 14.06.20)
Susan Martin, No address, (e-mail dated 09.07.2020)

i) Summary of issues raised

Not clear what the extended hours will be.

Comment: The applicant wishes to open the beer garden for an extra hour.

(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: | No |
| (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

Policy LDP STRAT 1 Sustainable Development
 Policy LDP DM 1 Settlement Helensburgh Main Town Centre
 Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
 Policy LDP 5 – Supporting the Sustainable Growth of Our Economy
 Policy LDP 7 – Supporting our Town Centres and Retailing
 Policy LDP 8 – Supporting the Strength of Our Communities
 Policy LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG LDP BUS 1 Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas
 Policy LP TOUR 1 Tourist Facilities and Accommodation including Static and Touring Caravans;
 Leisure
 SG LDP BAD 1 – Bad Neighbour Development
 Appendix A – Sustainable Siting and Design Principles

- (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.**

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
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(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 twelve objections and two representations have been received and consideration has to be given to holding a Discretionary Hearing. The beer garden is already operating and the applicant wishes to extend its use by one hour. The key material objections relate to noise and impact on amenity. In addressing these issues Environmental Health have been consulted and have indicated no objections. As such 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

The application property is the Clyde Bar located on the seafront within Helensburgh. In 2017 planning permission was granted for the formation of a beer garden under application 17/01756/PP. A series of conditions were imposed including Condition 2 limiting the use of the beer garden to 9pm each day. The current application seeks to extend the use of the beer garden for an additional hour until 10pm each day.

Under application 17/01756/PP the applicant constructed a low level timber decked area with timber screen boundaries measuring 11m by 7.5m, accessed from a rear fire exit door and screened by fencing and landscaping. The distance from adjacent residences (15m) is a similar distance to other beer gardens that have secured planning permission within the Town Centre i.e. Sugar Boat, Wetherspoons etc. This distance was considered acceptable and to not directly affect residential amenity in terms of privacy. In addition, whilst not suggested by Environmental Health, the 9pm limit/curfew was considered an appropriate compromise between the commercial interests of the bar and the amenity of adjoining residents. The issue is whether the proposal to operate for an additional hour each day will detrimentally impact on the amenity of adjoining residential properties.

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and Policy LDP 9 – Development Setting, Layout and Design are applicable. Both policies state that in all development management zones, Argyll and Bute Council will assess applications for planning permission with the aim of protecting, conserving and where possible enhancing the built, human and natural environment.

SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas provides additional detail to Policy LDP 5 – Supporting the Sustainable Growth of Our Economy, proposals for the development of new/extensions

to existing businesses in existing settlements areas will normally be permitted provided that:

- The development is of a form, location and scale, consistent with Policy LDP DM 1, Schedule B 1, (Small scale not exceeding 200m2 footprint) and Schedule B 2; (Preferred location in settlements)
- In residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise, fumes or hours of operation;
- The proposal is consistent with any other relevant Local Development Plan policy and associated SG;
- Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full.
- The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area.

Policy SG LDP BAD 1 – Bad Neighbour Development outlines the issues that could affect amenity and requires methodologies to ensure development places no harm on communities in terms of noise, light, smell etc.

Under application 17/01756/PP it was considered appropriate to control the development by restrictive condition relating to hours of operation and evidence that residential amenity will be protected in the form of a noise management plan submitted for further approval. Environmental Health have been consulted on the current proposal and have indicated that they have had complaints from one neighbour regarding noise. However, no noise diary has been submitted to justify the complaint. As such they have indicated no objections subject to the submission of a noise mitigation plan. Subject to this and other safeguarding conditions the proposal is regarded to comply with the above policies and guidance.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission should be approved

The proposed development is regarded to be in compliance with the Development Plan, Supplementary Guidance and there are no material considerations that outweigh policy in this instance.

(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:** 30/07/2020

Reviewing Officer: Sandra Davies **Date:** 02/08/2020

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 20/01028/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 29/6/17 and the approved drawing reference numbers

RA/01
RA/02

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

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

2. Notwithstanding the provisions of Condition 1, the development hereby permitted shall be restricted to the specified operational hours of midday to 10pm on any day.

Reason: In order to protect the amenity of the area.

3. Notwithstanding the provisions of Condition 1, the land to which this permission relates shall only be used for the consumption of drink and not for the preparation or cooking of any food.

Reason: In order to protect the amenity of the area.

4. Notwithstanding the provisions of Condition 1, the land to which this permission relates shall not have amplified music played in this area.

Reason: In order to protect the amenity of the area.

5. Notwithstanding the provisions of Condition 1, the land to which this permission relates shall not be a location to view television or large screen broadcasts i.e. sporting events.

Reason: In order to protect the amenity of the area.

6. Notwithstanding the provisions of Condition 1, no development shall commence until a noise mitigation management plan is submitted to and approved in writing by the Planning Authority. Thereafter, the noise mitigation measures shall be in place prior to the beer garden coming into operation

Reason: In order to control noise levels to protect residential amenity.

NOTES TO APPLICANT

1. The length of this planning permission: This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and

submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.

3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/01028/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application property is the Clyde Bar located on the seafront within Helensburgh. In 2017 planning permission was granted for the formation of a beer garden under application 17/01756/PP. A series of conditions were imposed including Condition 2 limiting the use of the beer garden to 9pm each day. The current application is to extend the use of the beer garden for an additional hour until 10pm each day.

B. Location, Nature and Design of Proposed Development

The current application seeks to vary condition 2 of planning permission 17/01756/PP. This stated that:

Notwithstanding the provisions of Condition 1, the development hereby permitted shall be restricted to the specified operational hours of midday to 9pm on any day.

Reason: In order to protect the amenity of the area.

In terms of the adopted Argyll and Bute Local Development Plan the original proposal was assessed against Policy LDP STRAT 1 – Sustainable Development which requires developers to demonstrate sustainable development principles. Policy LDP DM1– Development within the Development Management Zones also encourages the same within the Main Towns and Key Settlements up to and including large scale on appropriate sites. Under application 17/01756/PP it was considered that the proposed beer garden was small in scale and complied with these principles.

The distance from adjacent residences (15m) is a similar distance to other beer gardens that have secured planning permission within the Town Centre i.e. Sugar Boat, Wetherspoons etc. This distance was considered acceptable and to not directly affect residential amenity in terms of privacy. The issue is whether the proposal to operate for an additional hour will detrimentally impact on the amenity of adjoining residential properties.

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and Policy LDP 9 – Development Setting, Layout and Design are applicable. Both policies state that In all development management zones, Argyll and Bute Council will assess applications for planning permission with the aim of protecting conserving and where possible enhancing the built, human and natural environment.

SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas provides additional detail to Policy LDP 5 – Supporting the Sustainable Growth of Our Economy, proposals for the development of new/extensions to existing businesses in existing settlements areas will normally be permitted provided that:

- The development is of a form, location and scale, consistent with Policy LDP DM 1, Schedule B 1, (Small scale not exceeding 200m² footprint) and Schedule B 2; (Preferred location in settlements)
- In residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise, fumes or hours of operation;
- The proposal is consistent with any other relevant Local Development Plan policy and associated SG;

- Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full.
- The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area.

Policy SG LDP BAD 1 – Bad Neighbour Development outlines the issues that could affect amenity and requires methodologies to ensure development places no harm on communities in terms of noise, light, smell etc.

Under application 17/01756/PP it was considered appropriate to control the development by a restrictive condition relating to hours of operation and evidence that residential amenity will be protected in the form of a noise management plan submitted for further approval. Environmental Health have been consulted on this application and have indicated that they have had complaints from one neighbour regarding noise. However, no noise diary has been submitted to justify the complaint. As such they have indicated no objections subject to the submission of a noise mitigation plan. Subject to this and other safeguarding conditions the proposal is regarded to comply with the above policies and guidance.

The proposed variation of operation hours allowed by this permission for the operation of the building and the use of the external seating area is considered to appropriately balance the commercial interests of the bar with the need to ensure adjoining residential occupiers do not have an unacceptable impact upon the level of amenity they can reasonably expect to enjoy given the site location and characteristics. The amended conditions are therefore considered to accord with Policy LDP 3 and SG LDP BAD 1 of the Statutory Plan.

C. 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).

The proposed development is regarded to be in compliance with the Development Plan, Supplementary Guidance and there were no material considerations that outweigh policy in this instance.




Location Plan Relative to planning application: 20/01028/PP


1:1,250

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ARGYLL AND BUTE COUNCIL

Planning, Protective Services and
Licensing Committee

Development and Economic Growth

23rd September 2020

Indicative Regional Spatial Strategy

1.0 EXECUTIVE SUMMARY

- 1.1 The main purpose of this report is to seek member's endorsement of the officer submission of the Indicative Regional Spatial Strategy (iRSS) (Appendix 1) to the Scottish Government. This is part of Argyll and Bute Council's continuing engagement in the National Planning Framework 4 (NPF4) preparation process currently underway.
- 1.2 The Planning (Scotland) 2019 Act has given NPF4 significantly enhanced status, including regarding infrastructure and economic investment. NPF4 will also provide a renewed focus on rural development, including rural repopulation and a stronger steer on housing delivery and diversification including the setting of targets on land for housing. It will also become part of the statutory development plan.
- 1.3 It is therefore critically important that Argyll and Bute participates in the NPF4 engagement to ensure that the Area's strategic priorities for infrastructure and economic investment are considered for inclusion in NPF4. It is also important to try to ensure that the policy that emerges in NPF4 has considered Argyll and Bute's unique context and needs.
- 1.4 A key part of the input into NPF4 is supposed to be Regional Spatial Strategies prepared by planning authorities. However, as the regulations are not yet prepared for these the Scottish Government has asked planning authorities to prepare **indicative** Regional Spatial Strategies (iRSS) by 18th September 2020, to inform the development of NPF4.
- 1.5 The indicative Regional Spatial Strategy that has been prepared for Argyll and Bute does not constitute a formal RSS under the terms of the legislation. It has been prepared based on existing up to date strategic thinking for Argyll and Bute, in particular drawing on the Proposed Local Development Plan 2, Economic Strategy, Rural Growth Deal and Strategic Transport Projects Review 2 input. It should be noted that the iRSS is only a re-presentation of the strategic spatial elements of these documents, all of which have already been subject to consultation and/or committee process.

1.6 The recommendations are as follows:

It is recommended that members note the content of this report;

Agree to endorse the officer submission of the Indicative Regional Spatial Strategy appended to this paper to the Scottish Government as part of Argyll and Bute Council's continuing engagement in the National Planning Framework 4 preparation process;

Note that this submission is without prejudice to any comments the Council may wish to make at future engagement stages in the NPF4 process or the content of the formal Regional Spatial Strategy when that is produced.

ARGYLL AND BUTE COUNCIL

**Planning, Protective Services & Licensing
Committee**

Development and Economic Growth

23rd September 2020

Indicative Regional Spatial Strategy

2.0 INTRODUCTION

- 2.1 Indicative Regional Spatial Strategies (iRSS) have been requested from Planning Authorities by the Scottish Government in a short time frame in order to inform the preparation of National Planning Framework 4 (NPF4). This information will provide a strategic level input from Argyll and Bute into the NPF4 process. This information would have been supplied through a formal Regional Spatial Strategy (a new statutory requirement on planning authorities). However, due to timing issues the regulations for the Regional Spatial Strategies are not yet in place and a full strategy would take 1-2 years to prepare.
- 2.2 NPF4 has gained significantly enhanced status through the Planning (Scotland) 2019 Act. It is therefore particularly important that Argyll and Bute participates in the NPF4 engagement to ensure that the Area's strategic priorities for infrastructure and economic investment are considered for inclusion in the plan. It is also important to try to ensure that the policy that emerges in NPF4 has considered Argyll and Bute's unique context and needs with remote rural areas, islands, edge of conurbation areas and as gateway to the Loch Lomond and Trossachs National Park.
- 2.3 The Indicative Regional Spatial Strategy has been prepared based entirely on synthesising the content of existing up to date Council thinking and presenting them in a manner that is requested for input to NPF4. It incorporates the strategic level priorities from the Proposed Local Development Plan 2, Economic Strategy, Rural Growth Deal and inputs to Strategic Transport Projects Review 2. All of these documents have previously been subject to consultation and/or committee process. This approach has supported the expedited delivery of an iRSS that only reflects the Council's existing strategic spatial priorities in an integrated manner.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that members note the content of this report;
- 3.2 Agree to endorse the officer submission of the Indicative Regional Spatial Strategy appended to this paper to the Scottish Government as part of Argyll and Bute Council's continuing engagement in the National Planning Framework 4 preparation process; and
- 3.3 Note that this submission is without prejudice to any comments the Council may wish to make at future engagement stages or the content of the formal Regional Spatial Strategy when that is produced.

4.0 DETAIL

- 4.1 The Planning (Scotland) Act 2019 introduced a requirement for planning authorities to prepare Regional Spatial Strategies (RSS). An RSS is a long-term spatial strategy regarding the strategic development of an area which must, for the region it is prepared for, identify i) the need for strategic development, ii) the outcomes to which the authority(ies) consider that strategic development will contribute, iii) the priorities for the delivery of strategic development, and iv) the proposed locations for strategic development. The strategy should contain a map or diagram to show the area and priorities.
- 4.2 The RSS performs two main functions i) the Scottish Ministers must have regard to any adopted regional spatial strategy submitted to them when preparing the National Planning Framework, and ii) a planning authority must have regard to their adopted regional spatial strategy when preparing a local development plan. However, it does not constitute part of the statutory development plan. The regulations for the RSS are not yet in place. An RSS would take 1-2 years to prepare.
- 4.3 **Indicative** Regional Spatial Strategies (iRSS) have been requested from Planning Authorities by the Scottish Government in a tight timescale in order to inform the preparation of National Planning Framework 4 currently underway. The iRSS had to be with the Scottish Government by 18th September and so it was agreed that an officer report could be sent with consideration and ratification from the PPSL Committee. This indicative version will not have the status of a formally prepared RSS. This means it will be submitted to the Scottish Government without prejudice to further comments Argyll and Bute may wish to make throughout the NPF4 process. However, the iRSS provides a

reasonable approach for the planning authorities to submit their existing strategic spatial and infrastructure priorities for consideration by the Scottish Government in the NPF4 process in view of the absence of formal RSS and the timeframe.

- 4.4 The Indicative Regional Spatial Strategy is shown in Appendix 1. This has been prepared based entirely on existing up to date Council thinking. It incorporates the strategic level priorities from the Proposed Local Development Plan 2 which is the “*settled view*” of the Council having been through significant consultation. It also draws from the Economic Strategy and Rural Growth Deal. All of these documents have been subject to consultation and/or committee process and align with the Argyll and Bute Single Outcome Improvement Plan. This approach has supported the expedited delivery of an iRSS that only reflects the Council’s current strategic spatial priorities in an integrated manner.
- 4.5 The Scottish Government is currently preparing National Planning Framework 4 (NPF4). The Planning (Scotland) 2019 Act has changed the nature of NPF4 giving it enhanced status. It will have a longer time-horizon, fuller regional coverage and improved alignment with wider programmes and strategies, including on infrastructure and economic investment. NPF4 will also provide a renewed focus on rural development including rural repopulation, which is the key priority for the Council (Single Outcome Improvement Plan). NPF4 will also give a stronger steer on housing delivery and diversification including the setting of targets on land for housing. For the first time, NPF4 will also become part of the statutory development plan, requiring to be taken into account in determination of planning applications and preparation of local development plans.
- 4.6 It is therefore critically important that Argyll and Bute participates in the NPF4 engagement to ensure that the areas strategic priorities for infrastructure and economic investment are considered for inclusion in the plan. It is also important to try to ensure that the policy that emerges in NPF4 has considered Argyll and Bute’s unique context and needs with remote rural areas, islands, edge of conurbation and as gateway to the Loch Lomond and Trossachs National Park.

5.0 CONCLUSION

- 5.1 Argyll and Bute input into NPF4 is critical in terms of supporting strategic infrastructure and development in the region into the future, in particular given the enhanced status of NPF4.
- 5.2 The iRSS in Appendix 1 summarises effectively the strategic spatial and infrastructure priorities in Argyll and Bute as agreed through previous consultation and committee process.

- 5.3 The iRSS in Appendix 1 does not have the status of a statutory RSS and is to be submitted without prejudice to the Council's further engagement in the NPF4 process or the content of the formal Regional Spatial Strategy when that is produced.

6.0 IMPLICATIONS

- 6.1 Policy : The iRSS does not have the status of a statutory RSS. However, it will help inform the NPF4 process which will result in policy implications for the Council. The iRSS reflects current spatial priorities as agreed through engagement and Council process.
- 6.2 Financial : None as a result of this paper. The iRSS has been prepared within Development Policy. However, the iRSS will inform the preparation of NPF4 which will indicate national priorities for strategic infrastructure and development investment.
- 6.3 Legal : None. There is no statutory requirement to prepare the iRSS prior to the regulations. The iRSS has no statutory planning status.
- 6.4 HR : None
- 6.5 Fairer Scotland Duty: (please refer to guidance on Hub): The iRSS is based on Proposed Local Development Plan 2 which has taken account of the Fairer Scotland Duty Act
- 6.5.1 Equalities - protected characteristics: The iRSS is based on Proposed Local Development Plan 2 which has taken account of equalities – protected characteristics
- 6.5.2 Socio-economic Duty: The iRSS is based on Proposed Local Development Plan 2 which has taken account of socio-economic duty
- 6.5.3 Islands: The iRSS is based on Proposed Local Development Plan 2 which has taken account of Island issues.
- 6.6 Risk: By preparing an iRSS at this stage the Council is able to engage fully in the preparation of NPF4, present a succinct picture of the strategic infrastructure priorities of the area and influence the direction of NPF4 which may not be promoted adequately without the iRSS.
- 6.7 Customer Service: PLDP2, the Economic Strategy and Rural Growth Deal have all been subject to consultation and/or Committee process. The Council would be fulfilling its customer service role by actively engaging in the preparation of NPF4 to ensure ABC issues are raised.

Executive Director: Kirsty Flanagan, with responsibility for Development and Economic Growth

Policy Lead David Kinniburgh

20/08/20

For further information contact:

Sybil Johnson 01546 604308

APPENDICES

Appendix 1 Indicative Regional Spatial Strategy (iRSS)

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ARGYLL AND BUTE

Indicative Regional Spatial Strategy

Argyll and Bute Indicative Regional Spatial Strategy

Contents

- 1 Introduction
- 2 Strategic Overview
- 3 Tobermory-Oban-Dalmally Growth Corridor
- 4 Helensburgh and Lomond Growth Area
- 5 Argyll and Bute Western Seaboard
- 6 Delivery: Strategic Infrastructure
- 7 Appendix 1: Contribution to Strategic Outcomes

Argyll and Bute Indicative Regional Spatial Strategy

1 Introduction

This document is the indicative Regional Spatial Strategy (iRSS) for Argyll and Bute except that area lying within the Loch Lomond and Trossachs National Park which will have its own iRSS. It has been prepared on a voluntary basis to inform the preparation of the forthcoming Draft National Planning Framework 4. It is without prejudice to the content of the formal Regional Spatial Strategy and the Council's formal response to Draft National Planning Framework 4 (NPF4).

The Planning (Scotland) Act 2019, requires Regional Spatial Strategies (RSS) to be prepared by planning authorities or groups of planning authorities and for these RSS to help inform the national and regional planning priorities which will be set out in NPF4. Detailed regulations prescribing how RSS are to be prepared have not yet been produced by Scottish Government. However there is an expectation that iRSS will be prepared in advance of those regulations, for September 2020, so that their content can help to inform the forthcoming NPF4 and help to shape a national vision for 2050. At the time of writing a draft NPF4 is anticipated during the autumn of 2021.

There will be a variety of styles of iRSS and it is anticipated that some other Local Authorities will produce collaborative / joint iRSS. However Argyll and Bute (excluding the National Park Area) does not readily relate on a strategic scale to any other single administrative area, having both influence and connections to the north, the south and also to the other island authority areas. Consequently, it has been decided to produce a single iRSS for Argyll and Bute as a stand-alone area. Notwithstanding this, cognisance will be taken of the strategic relationships which exist with neighbouring administrative areas.

The particular focus of the forthcoming NPF4 will be to set a long term strategy for where development and infrastructure will be required at a national level in order to support sustainable and inclusive economic growth and to explore options that may help to accelerate the reduction in carbon emissions and to also reverse rural depopulation. The iRSS sets out the high level issues and projects which Argyll and Bute Council believe merit consideration for identification as national or regional proposals in NPF4.

Argyll and Bute Council currently functions as a unitary authority in terms of planning. As such it has approved an up to date Local Development Plan 2 which sets out a strategic long term vision for land use. This is complemented by a Local Housing Strategy, Economic Development Strategy, Rural Growth Deal, and Argyll and Bute Outcome Improvement Plan all of which together set out an up to date, relevant, coherent and combined strategic direction for the Area. For the purposes of producing an iRSS it is considered appropriate to synthesise these documents to create one succinct strategic plan which can feed in to the NPF4. As this strategic plan will be founded on existing approved documents which have all undergone stakeholder and public consultation, it is not intended to undertake any further consultation at this stage. Once Scottish Government has produced RSS regulations it will at that stage be possible to undertake further consultation before establishing a formal RSS.

Argyll and Bute Indicative Regional Spatial Strategy

2 Strategic Overview

The overarching vision for the Council to 2030 and beyond is that Argyll and Bute is an economically diverse and successful area based on sustainable and low carbon development. It has a growing population with high quality, well connected places where people are able to meet their full potential without prejudicing the quality of life of future generations. It benefits both economically and socially from its outstanding natural, historic and built environment whilst protecting those very same special qualities that make Argyll and Bute a place that people choose to be.

This is a challenging vision and fundamental to its success is identifying and capitalising on our existing areas of growth potential as well as identifying and developing potential new ones.

The major overriding issue for the area is depopulation which needs to be tackled by:-

- i) enabling community wealth building to grow resilience in our communities, creating higher quality jobs and enabling new investment in our communities,
- ii) delivering a diverse range of new homes, and
- iii) by improving our connectivity both in terms of transport and digital connectivity.

This all takes place in the context of mitigating and adapting to climate change, the significant economic and social impacts on our communities wrought by Covid-19, the resultant recession and the potential impacts of leaving the EU.

Community Wealth Building

Delivering Community Wealth Building within a Very Remote Rural Area will involve building on our existing strengths, realising the benefits from our natural capital opportunities and taking advantage of new innovations and technologies. The priority sectors identified for Argyll and Bute are tourism, food and drink (including aquaculture and distilleries), creative industries, renewables, forestry, marine science and engineering.

Delivering Homes

The market and finances of house building in a remote rural area are significantly different and less viable than more accessible locations and therefore strategic level interventions will be required to address this issue. Key worker housing, capacity building within communities to enable self-build and custom-build development together with a spatial strategy which promotes delivery in rural areas in a more flexible manner whilst safeguarding the outstanding natural assets of the region all form part of the solution.

Improving Connectivity

Improved access to key global markets and lifeline services is critically important to the region as without this, businesses and population may relocate out of the area if they feel that their access routes are not fit for purpose or resilient enough. Key transport actions relate to Trunk Road improvements, intra-regional road improvements – these are more significant in the remote rural context with network resilience being critical to the regional economy and community well-being; improvements to the capacity and resilience of ferry services across the network and maintaining air links – lifeline links with the central belt or to Oban. Good

Argyll and Bute Indicative Regional Spatial Strategy

digital connectivity is essential to address both health and business growth challenges in the region, by closing the 'digital divide', and supporting our medi-care, social and business needs. In terms of the electricity grid there are serious grid constraints across the whole of Argyll and Bute with improvements required in many parts of the transmission and distribution network. Major new renewables development will be increasingly constrained by a lack of grid capacity with potential connection upgrades and/or smart grids required for clean energy transmission.

Climate Change

The impacts of climate change in Argyll and Bute are accentuated due to the nature of the area with its very long coastline, 34 inhabited islands and fragile infrastructure. These factors mean that remote rural communities and our economy are particularly vulnerable. For example, landslips reducing access to lifeline services and restricting economic and social activity; critical infrastructure including our town centres being put at risk from rising sea-levels and increased incidents of flooding.

That said, the natural resources of Argyll and Bute also present a significant opportunity to mitigate climate change with many, natural capital investment opportunities that can both benefit communities and grow business in the area. The area has significant carbon sequestration resources in terms of forestry (30% coverage – the highest in Scotland) and peat both giving the potential to register and sell carbon credits. A new Woodland and Forestry Strategy is to be prepared in the region to help support the Scottish Government aspirations to increase planting targets to 18,000ha per year. The renewable energy resource is extensive and diverse ranging from onshore wind, biomass, solar and hydro to offshore wind and tidal sources with the potential to underpin the emerging hydrogen industry.

Covid-19

The key impacts of Covid-19 in Argyll and Bute are on the tourism industry (a priority sector), the construction industry and also our town centres. The Council has prepared an [Economic Recovery Plan](#) to provide a priority Road Map towards recovery.

Growth Areas

Three major areas of existing growth potential are identified in Argyll and Bute, and it is now crucial to capitalise on these opportunities (See Diagram: Indicative Regional Spatial Strategy):

Tobermory-Oban-Dalmally Growth Corridor

The Tobermory-Oban-Dalmally growth corridor is Argyll's only area of existing natural demographic growth. Oban plays a key role as a nodal gateway to the islands for commerce, residents and tourists. The corridor has relatively good connectivity to both the central belt and the highlands and has a wide range of existing and potential employment opportunities.

Helensburgh and Lomond Growth Area

Helensburgh and Lomond Growth Area has excellent connectivity to the central belt and beyond whilst still enjoying the high quality environment of the remainder of Argyll and Bute. Recent investment in private housing development is recognition of Helensburgh's potential as a commuter location for the Clyde Area via its rail and road

Argyll and Bute Indicative Regional Spatial Strategy

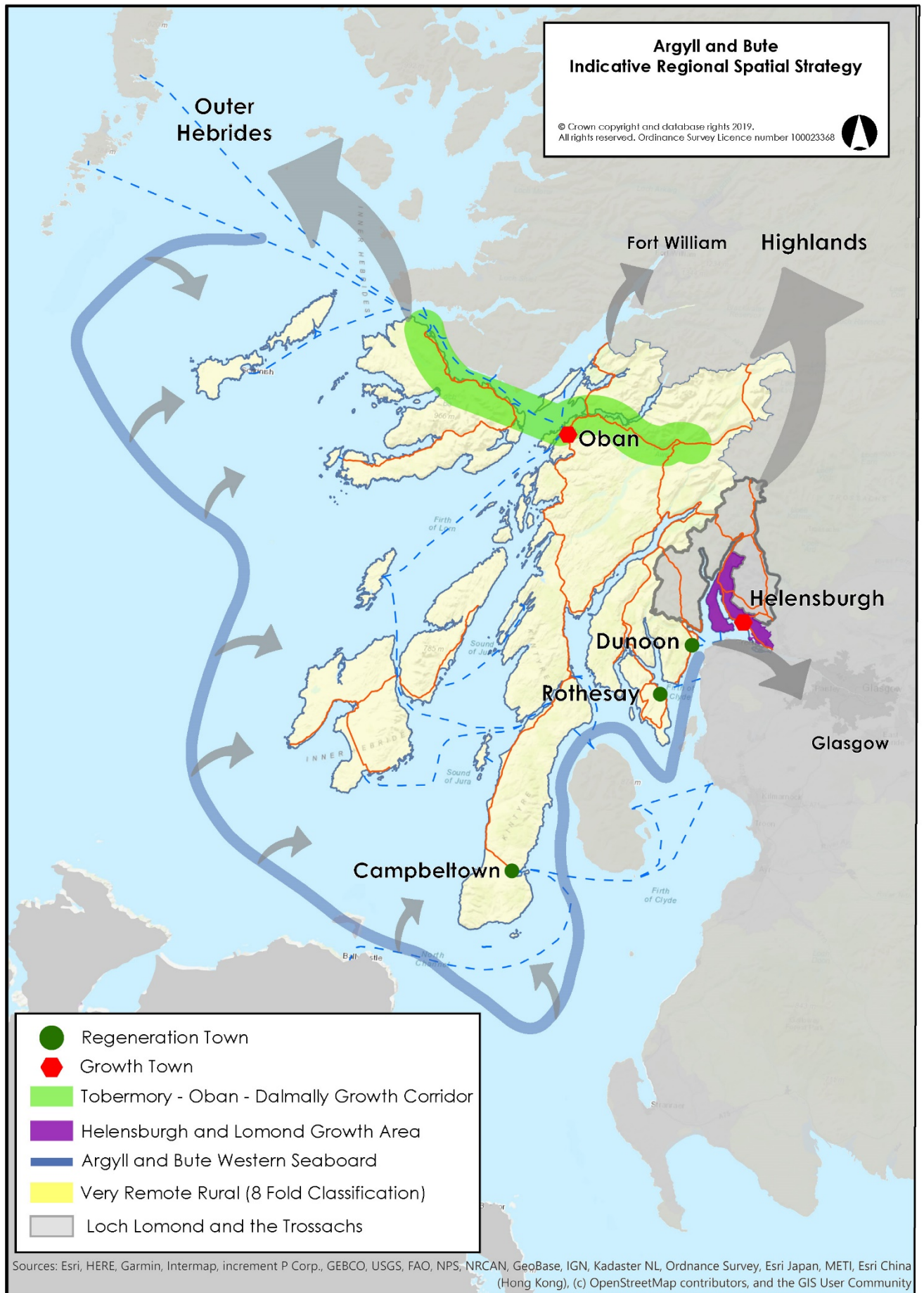
links. In addition the development of HMNB Clyde as the UK's single base for submarine operations is seeing unprecedented levels of investment and development within the base and involving significant numbers of military and civilian staff and their families relocating to the Area. Both these developments represent huge opportunities to see new investment, development and repopulation of the Helensburgh and Lomond Area and support the emerging Clyde Mission Regeneration Project sponsored by the Scottish Government.

Argyll and Bute Western Seaboard

Argyll and Bute's economy and population is intricately connected with its lengthy coastline and significant maritime activity. There are a multitude of opportunities in both emerging and existing marine activities such as: aquaculture, commercial fishing, sustainable seaweed farming, offshore renewables, marine tourism, other marine leisure and maritime scientific research. None of these activities are unique to Argyll and Bute, but their coalescence in the same single area is creating a critical mass of demand which requires a suitable on-shore support and service infrastructure to support and facilitate its continued development. This might be as wide ranging as further scientific research facilities at Scottish Association for Marine Science at Dunbeg (SAMS) and the European Marine Science Park, additional pontoons and landing facilities for leisure craft, deep water accessible laydown areas for storage and fabrication, and temporary / mobile accommodation for construction workers.

In order to achieve the overarching aim of reversing depopulation, targeted public infrastructure investment will be essential to support and facilitate the fruition of these three growth areas thus allowing private and public / private partnerships to develop viable projects in what are very often Very Remote Rural Areas.

Argyll and Bute Indicative Regional Spatial Strategy



Argyll and Bute Indicative Regional Spatial Strategy

3 Tobermory-Oban-Dalmally Growth Corridor

Need for Strategic Development

The Tobermory–Oban-Dalmally Growth Corridor, identified in the [Argyll and Bute Proposed Local Development Plan 2](#), is a strategic element critical to the delivery of the region’s spatial strategy, supporting repopulation and acting as an economic driver. This is an area with a generally younger more economically active population profile providing a good base from which to grow the population in the region, in contrast to much of the rest of Argyll and Bute. There is the potential to build on this advantage and further grow the population in this rural area, including island communities.

The corridor has external links with the rest of Scotland which support the economy and communities in the region. These include significant external links to the Outer Hebrides, northwards to the Highland area and south providing a lifeline link to the Central Belt. It benefits from existing transport infrastructure with the A85 Trunk road, Glasgow – Oban rail line, Oban Airport, ferry services to the isles and a strategic transport hub in Oban. The range of accessible business locations within this corridor with existing infrastructure is key to promoting a low carbon economy

The Tobermory-Oban-Dalmally Growth Corridor contains a range of economic opportunities that are focused on the identified [priority sectors](#) for the region (tourism, food and drink (including aquaculture and distilleries), creative industries, renewables, forestry, marine science and engineering). Growing these existing strengths develops the areas of economic advantage for Argyll and Bute supporting inclusive growth. Oban is situated at the core of this activity.

Priorities for the delivery of strategic development

The growth area cannot fulfil its potential to support repopulation without a number of strategic level infrastructure actions. These are set out below and shown on the Tobermory-Oban-Dalmally Growth Corridor Diagram.

Tobermory-Oban-Dalmally – Connectivity

Improved access to key markets and lifeline services is critically important to the region as without this businesses and population may relocate out of the area if they feel that their access routes are not suitable, fit for purpose or resilient enough. These issues have been raised through in PLDP2, the Strategic Transport Projects Review 2 consultation process and through the [Rural Growth Deal](#). Actions required are:

- Trunk Road safety, resilience and access to markets – addressing A85 pinch points e.g. traffic lights west of Lochawe and assess the potential rerouting of the A85 to allow Oban to flourish and a roundabout at Dunbeg to release significant housing capacity.
- Ferry and port suitability and capacity – Improvements to Oban Port and Craignure Ferry Terminal to support population and economic growth, including new port infrastructure to handle the servicing requirements of large scale offshore renewables.
- Improvements to air connectivity – Oban Airport to be promoted as a west coast of Scotland Hub for compliance operations and future drone technology. Delivering on the business park potential and new infrastructure to make services more efficient and resilient will support economic growth through the growth of tourism, research and environmental monitoring.

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- Capacity in rail network – potential for partial dualling and shift to electrification/alternative traction technology/battery.
- Intra-regional network critical to the rural area’s economy and community resilience – A848 Tobermory to Salen upgrade.
- Improved digital connectivity – This is required to address service, health and business growth challenges in the region, by closing the ‘digital divide’, and supporting our medi-care, social and business needs. The Main Town and Key Rural Settlements are focal points using selected community centre/ village halls, strategic business sites, council offices and education establishments.
- Electricity Grid – there are serious issues with regards to grid constraints across many parts of Argyll and Bute with improvements required across the transmission and distribution network. Specific actions are needed for a North Argyll substation (274/132kV) plus Over Head Lines to Dalmally and Taynuilt. Major new renewables development together with the possible expansion of Cruachan will be constrained by grid capacity with potential connection upgrades being required in Oban.

Oban/Dunbeg – Growth Node

The Main Town of Oban is at the heart of this growth corridor. It has a range of community facilities, shops and services which support a strong rural hinterland area with a number of key rural settlements. The town has experienced growth for a number of years but is increasingly physically constrained, nearing its natural topographic capacity for growth and development. The potential is noted in both [PLDP2](#) and the [Economic Strategy](#) Actions required are:

- Oban Strategic Development Framework: Urgently needed to give a partnership approach to rationalisation and restructuring within Oban, develop Oban as a University Town, resolve traffic management issues, investigate and deliver significant investments in road infrastructure for resilience and development potential, which requires a partnership approach, including rerouting of the A85.



Oban – Place-Making: Economic hub in Growth Town

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- [Dunbeg – Place Making](#): Delivering homes, community facilities and economic growth, research and development at the European Marine Science Park and improved education facilities. A85 Access issues (proposed Dunbeg roundabout) and water issues inhibit the further development of homes at this already successful growth node within the corridor. Potentially the single largest new development in the remote rural west coast area.



Dunbeg Phase 3 : Delivering Homes © Blink Imaging Ltd

Renewable Energy and Pumped Storage (Cruachan Dam)

The region currently generates over 1GW of renewable energy and has potential to generate more from wind, wave, hydro, solar and tidal resources. Much of this renewable energy is fed back into the grid to power other areas of Scotland. Actions required are:

- Connectivity improvements to support the growth of the renewable energy industry, in particular, Oban port, Oban airport, A85 pinch points.
- [Cruachan Dam](#) – Current NPF3 national project for increased pumped storage at this existing location – continued support for this longer term project, which also has the potential to enhance the tourism and recreation offer in the region and community wealth generation.
- Investigation of the infrastructure and land requirements to support regional use of the renewable and pump storage resource e.g. production and storage of hydrogen, electric vehicle charging.



Cruachan Dam Pumped Storage

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Food and Drink

Improved access to national and global markets would bring significant, economic benefits for key sector businesses such as whisky and aquaculture in the region. The Scotch Whisky Association statistics estimate that the whisky industry provided more than £5 billion of value to the UK economy. Salmon makes up more than 40% of total food exports from Scotland, with exports of whole fresh salmon representing £494 million. The aquaculture sector across Argyll currently employs 600 full time and part time jobs with a total GVA estimated to be £31 million, plus processing and retail. The [Rural Growth Deal](#) seeks to support this sector. Actions required are:



Oyster Beds, Mull

- Support for the Strategic Economic Investment Locations of Dunbeg (European Marine Science Park) and Barcaldine Marine Resource Centre as part of a National Aquaculture Hub in the region.
- Improved connectivity – See connectivity section.



European Marine Science Park, Dunbeg

Tourism

The region has comprehensively outperformed Scotland as a whole in terms of tourism. The Tobermory-Oban-Dalmally Growth Corridor contains a number of tourist attractions and destinations such as Oban, Bonawe Iron works, Cruachan Dam – Hollow Mountain, Tobermory and the

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outstanding marine environment of the wider west coast. Oban is the busiest ferry port in Scotland serving 7 islands and plays host to cruise ships, an industry which brings over £1million to the region's economy. Aligns with [Tourism Development Framework](#) actions. Actions required are:-

- Improved access (see connectivity section)
- Support for enhancement and development of long distance routes with strategic linkage to Highland and Glasgow conurbation e.g. [Caledonia Way](#) (Campbeltown-Oban-Fort William-Inverness) and St Columba's/Pilgrim's Way (Iona-Oban-Dalmally-St Andrews).

Tobermory, Isle of Mull

Tobermory is the administrative centre for the isle of Mull. It is home to island's high school, a busy harbour as well as a range of shops, hotels and restaurants serving residents and supporting a thriving tourist industry. The topography of the town brings natural constraints to its potential future development for which a place-making approach is needed to address the issues of access, housing and economic development in an integrated manner. This aligns with many of the objectives in the [National Island Plan](#) and is identified in PLDP2. Actions required are:-

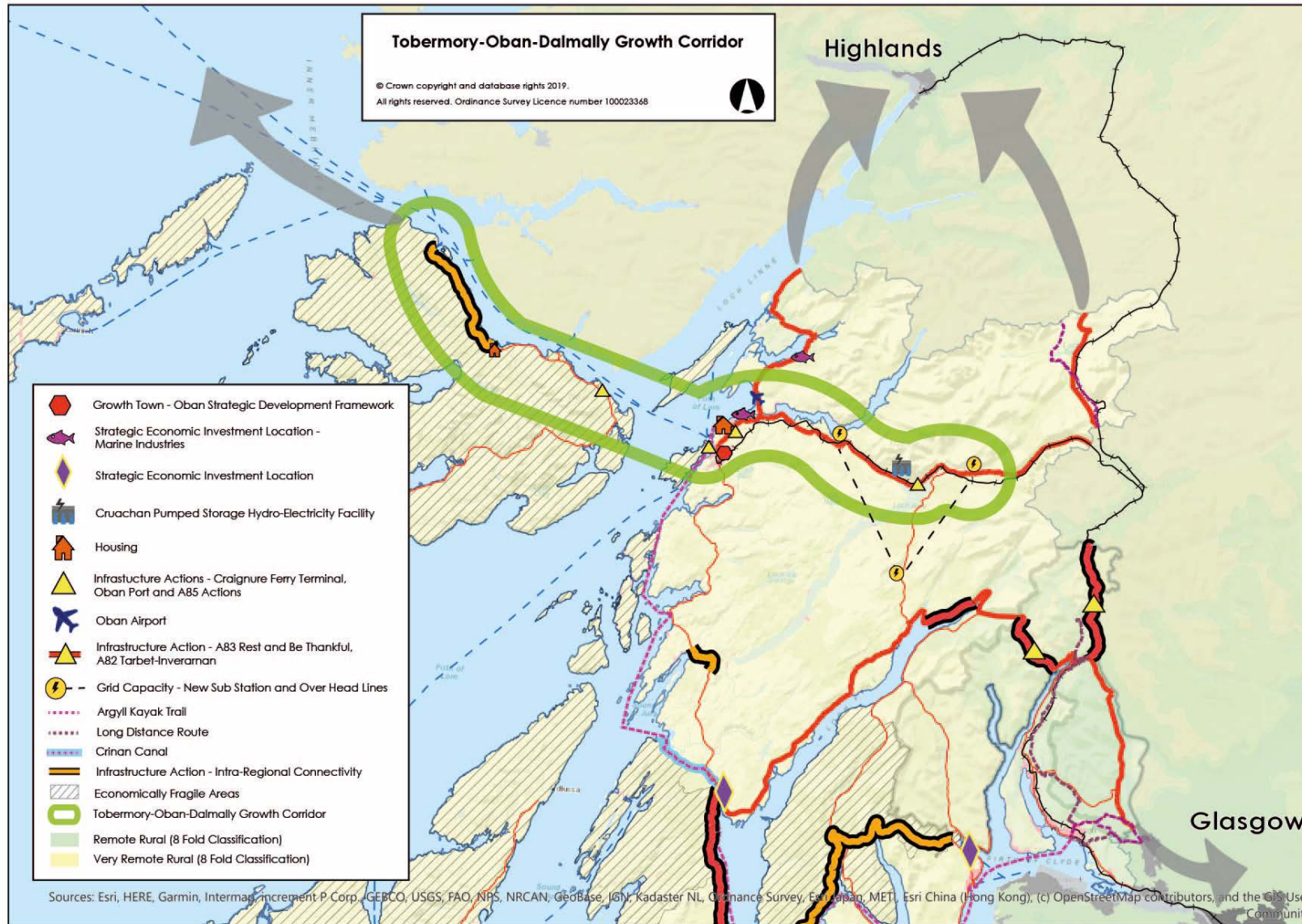
- Tobermory Strategic Development Framework: A partnership approach to place-making - assessing development land requirements across a range of uses, potential rationalisation or relocation of uses, investigate the development potential of land in and around Tobermory, the constraints to its delivery, the actions required to overcome these constraints and the viability of bringing forward development.



Tobermory, Isle of Mull - Waterfront

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How these priorities contribute to the National Planning Outcomes is shown on the following diagram: Tobermory-Oban-Dalmally Growth Corridor and in Appendix 1



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4 Helensburgh and Lomond Growth Area

Need for Strategic Development

Helensburgh is Argyll and Bute's largest town, and is better connected than the rest of Argyll and Bute to the Glasgow conurbation and the Central Belt. To the north of Helensburgh on the Gare Loch is HMNB Clyde, which is home to the United Kingdom's submarine fleet. HMNB Clyde is the largest single site employment base in Scotland. Further expansion at the base is planned as all of the UK's submarines are relocating to the base, together with an expansion of support services associated with them. There will be a significant increase of around 1700 new naval staff and their families by 2030, along with ongoing opportunities for associated civilian construction projects, as well as the potential to create employment in local supply chains, servicing and support businesses. These coupled with the areas proximity and connectivity to Glasgow and the central belt, and its high quality environment make it a potentially very attractive location for commuters and for further growth in tourism. The growth of HMNB Clyde provides a vital opportunity to secure a younger, more economically active population and provide a good base from which to grow the population in the region.

The area has external links with the rest of Scotland which support the local economy and communities in the region. These include significant external links to Glasgow and the Clyde as well as links north and west to the rest of Argyll and Bute, Highlands and Western Isles via the A82, A83, and A85 trunk road network, via the Loch Lomond and the Trossachs National Park. The area also benefits from rail connections from Helensburgh Central Station to Glasgow, and via the West Highland Line to both Glasgow and north-west to the Oban Dalmally growth corridor and also north to Fort William. The West Highland line, provides linkages to the National Park, as do several long distance walking and cycling routes. There are opportunities to improve the connectivity of these routes thereby encouraging a more sustainable low carbon tourism offer.

The Helensburgh and Lomond Growth Area contains a range of economic opportunities which contribute to the identified priority sectors for the region including science and engineering, marine industries, and tourism. Combined with the areas proximity to the central belt it is vital for the whole of Argyll and Bute that these opportunities are capitalised on.



Helensburgh Seafront

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Priorities for the delivery of strategic development

The Helensburgh and Lomond Growth Area is the focus of a £1.2 billion Government investment to develop HMNB Clyde as the single centre for the UK submarine fleet. Helensburgh and Lomond needs to be able to secure advantages for the regional economy as well as local people from the growth associated with this project. There are a number of strategic level actions required in order to secure these advantages as set out below and indicated on the Helensburgh and Lomond Growth Area Diagram.



HMNB Clyde

Helensburgh and Lomond – Connectivity

In association with the significant investment in HMNB Clyde opportunities should be taken to improve access to it by more sustainable modes of travel. This requires investment in the rail network with a new station and improved services on the West Highland Line in order to encourage modal shift in travel to work. In addition joining up the gaps in the areas dedicated cycle network could help to improve take up of active travel and provide accessibility to centres of population and employment areas in West Dunbartonshire, and to Loch Lomond and the National Park. The Helensburgh and Lomond Area also contains the strategically important A82 trunk road which provides lifeline access to the rest of Argyll, the Inner and Outer Hebridean Islands as well as the North West Highlands via the A83 and A85. Improvements to access to key markets and lifeline services is critically important

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to the region as without this, businesses and population may relocate out of the area if they feel that their access routes are not suitable, fit for purpose or resilient enough. Actions required are:

- Trunk road safety, resilience and support for inclusive economic growth - A82 pinch points in particular Tarbet to Inverarnan, A83 Rest and Be Thankful.
- New railway station at Shandon to support low carbon travel to HMNB Clyde, re-establishment of passenger access to West Highland Line at Craighendran.
- Capacity in rail network – partial dualling and shift to electrification/alternative traction technology on the West Highland Line to Garelochhead and beyond
- Improved digital connectivity – This is required to address both health and business growth challenges in the region, by closing the ‘digital divide’, and supporting our medi-care, social and business needs



Train, Helensburgh Central

Helensburgh – Growth Node

Helensburgh is the largest town in Argyll and Bute, its strong links to the Glasgow conurbation, and the influence of HMNB Clyde on its economy and population, has led to variations in population and economic growth. Now that the Royal Navy’s investment in HMNB Clyde is firmly underway, the area is seeing growth in population and potential for significant growth in economic activity. The town needs to take opportunities to benefit further from this.



Helensburgh – Place-making: Improved Public Realm

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The Council has already invested significantly in the town, building the new Civic Centre in the town centre, as well as extensive town centre public realm improvements. Further significant investment in partnership with UK government on a new swimming pool and leisure complex on the waterfront, together with associated improvements to town centre parking and potential for retail and commercial development are also underway. Rural Growth Deal plans are being developed for the delivery of a Research and Innovation centre which will provide for off-base research, business and training activity associated with HMNB Clyde. The town centre is well placed to build upon these and other place-making initiatives. As redevelopment opportunities within the settlement boundaries become more limited there is a need to ensure opportunities for new housing development to meet the needs of families in the area are available. The actions required to do this are:



Helensburgh Waterfront Concept Drawing for new public sports and recreation facility

- Helensburgh Strategic Development Framework: To provide a framework for the provision of infrastructure and future development in the Cardross – Helensburgh – Garelochhead corridor whilst recognising the contribution which the green network around these settlements can make to providing for sustainable development.
- Helensburgh – provision of accessible, serviced employment land particularly in connection with off-base HMNB development and creating opportunities to provide additional gateway functions to Loch Lomond and the National Park.
- Strategic Economic Investment Location - Promote in association with HMNB Clyde Expansion including Centre of Excellence for Science and Engineering.



Helensburgh and Lomond Civic Centre

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Tourism – A Great Place to Visit

The Helensburgh and Lomond area provides opportunities to build upon the regions already strong tourism offer. In particular there is a need to explore how tourism can be made more sustainable and promote a modal transport shift in accessing tourist attractions. Actions required are:-

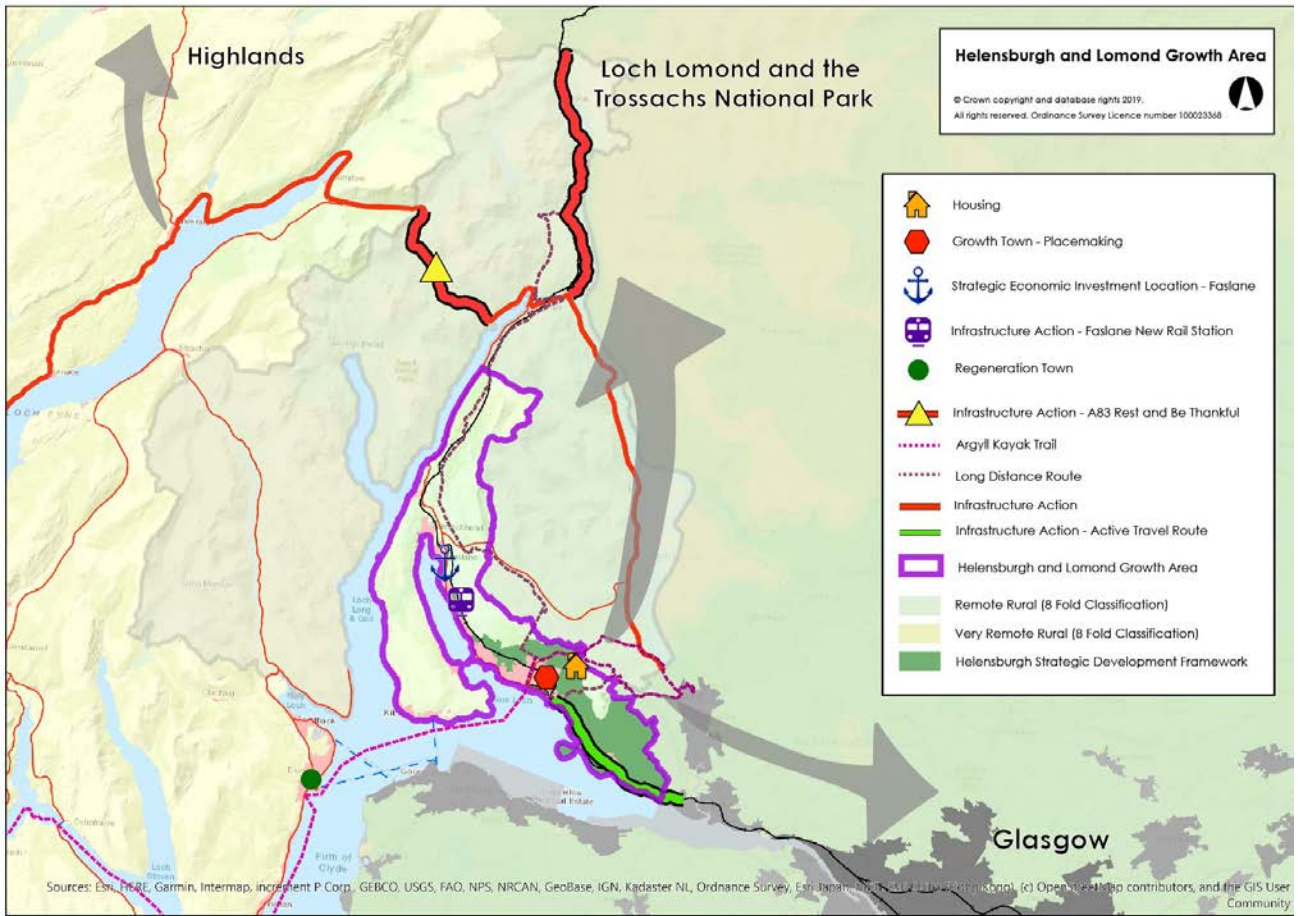
- Improved access (see connectivity section)
- Support for enhancement and development of long distance active travel routes with strategic links e.g. John Muir Way, Three Lochs Trail, Helensburgh to Dumbarton cycle way. Joining up the gaps in the areas dedicated cycle network to promote active travel, and improved accessibility to adjoining areas is vital.
- Improved Links to National Cycle Network, and as well as exploration of opportunities to enhance marine tourism (Argyll Kayak Trail, Rhu Marina, Helensburgh and Kilcreggan Piers)



Helensburgh: Hill House (Rennie Mackintosh); long distance trails and Clyde estuary

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How these priorities contribute to the National Planning Outcomes is shown on the following diagram: Helensburgh and Lomond Growth Area and in Appendix 1.



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5 Argyll and Bute Western Seaboard

Need for Strategic Development

The Western Seaboard area stretches down the western coastal area of Argyll and Bute incorporating 18 inhabited islands. It is broadly coterminous with the Very Remote Rural area in the Scottish Government 8 fold urban rural classification, which has been recommended for use in [Rural Planning Policy to 2050: Research to Inform Preparation of NPF4](#). This area is also predominantly classed as an Economically Fragile Area by Highlands and Islands Enterprise.

Rural repopulation is one of the 6 outcomes set in the Planning Scotland Act 2019. It is also the single most important aim in the [Argyll and Bute Single Outcome Improvement Plan](#), which is supported by PLPD2, the Economic Strategy and the Rural Growth Deal. The specific challenges relating to islands have been identified by the Scottish Government in the [National Islands Plan](#). Strategic level action is necessary to tackle these issues and support the National outcome seeking rural repopulation.

The 3 main challenges in the remote rural areas to encourage and support repopulation are i) delivering homes, ii) community wealth building to grow higher quality jobs and iii) improving accessibility for residents and visitors both in terms of transport and digital connectivity.

The market and finances of house building in a remote rural area are significantly different and less viable than more accessible locations and therefore strategic level intervention will be required to address this issue.

The economic opportunities in the Western Seaboard are focussed on the identified priority sectors for the region (tourism, food and drink (including aquaculture and distilleries), creative industries, renewables, forestry, marine science and engineering), which are areas of economic advantage for Argyll and Bute.

In terms of accessibility the Western Seaboard is reliant on external links to support the fragile communities and enable the growth of an inclusive economy. The most significant external link is the A83 Trunk road (LLTNP planning area), which along with the rest of the trunk road network and particularly at The Rest and Be Thankful, provides a fragile road network that has low resilience to increasingly frequent adverse weather and have become some of the most dangerous roads in Scotland. Ferries and air travel also play an important role, including providing connectivity to the Central Belt and the rest of Scotland. Intra-regional networks and community transport take on a more significant role in the remote rural areas. Improving digital connectivity supports community needs and economic activity.

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Crinan Ferry, Argyll

Priorities for the delivery of strategic development

The Fragile Areas of the Western Seaboard represent a major challenge for repopulation of rural areas. Given the nature of this very remote rural and island area the approach at a strategic level has to be fundamentally different to urban scale interventions if a meaningful change is to be achieved across the area. Therefore, the priorities for this area are theme based around enabling the delivery of homes, quality jobs and improved accessibility as set out below and on the Argyll and Bute Western Seaboard Diagram.

Delivering Very Remote Rural and Island Homes

In the very remote rural and island areas where existing housing stock is limited, and where there can be competing demands for second homes and tourist accommodation, there is a need to ensure that people have the opportunity to secure homes to live in. In such areas further initiatives and investment to provide alternative routes to housing (such as custom and self-build) will help make the people of these places more resilient, encourage community pride, promote community wealth building and help reverse population decline in these areas. There is also a need to explore the options to provide opportunities for the provision of key worker housing through shared equity schemes and mid-market rent, as well as the opportunities to develop short term temporary housing for key workers in remote rural communities. Actions are:-

- Providing opportunities for the provision of key worker housing through shared equity schemes and mid-market rent,
- Exploring the opportunities to develop a diverse range of housing for key workers including temporary housing, in remote rural communities.
- Capacity building to enable self-build and custom-build development within the context of the Local Development Plan housing policy, which aims to promote delivery in rural areas in a more flexible manner whilst safeguarding the outstanding natural assets of the region.

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Lochgilphead - Affordable Housing

Growing the Remote Rural and Island economy

The Remote Rural and Island economies have specific issues inhibiting inclusive economic growth, which are particularly notable in the [Economically Fragile Areas](#) identified by Highlands and Islands Enterprise. Addressing these issues is a key element to growing and retaining population. The main challenges requiring action are:

- Promote Community Wealth Building – grow higher quality jobs and an inclusive economy by supporting the priority sectors (Renewables, Food and Drink, Marine Industries, Creative Industries and Tourism).
- Grow investment in natural capital, addressing climate change impacts, underpinning rural communities economic base and improving wellbeing and quality of life.
- Improved connectivity – access to jobs, services and facilities, including lifeline routes.
- Supporting the network of Main and Key Rural Settlements, including their town centres, to provide a range of essential facilities and services for the remote rural hinterlands.

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Ardnahoe Distillery © Hunter and Laing

Network of Main Towns and Key Rural Settlements

The network of town centres is important in a Very Remote Rural Area, providing a range of community facilities, shops and services to the wider hinterlands and also acting as transport hubs to lifeline services and facilities. The Main Town of Oban acts as a regional hub for much of the Argyll and Bute Western Seaboard. The other Main Towns of Campbeltown, Dunoon, and Rothesay all provide important service centres for the mainland western seaboard areas, and are benefiting from regeneration and place-making activities.

Actions required are:

- Regeneration of Dunoon, Campbeltown and Rothesay: To promote a partnership approach to regeneration, rationalisation and restructuring within these towns, including investment in the historic built environment and the public realm. Increasing community ownership of key community facilities including digital hubs for shared use start up facilities for small businesses. Building on already [successful initiatives and investment](#) that can make these places more resilient, encourage civic and community pride, promote community wealth building and hopefully help reverse population decline in these areas.
- Regeneration of Ardyne – the largest vacant and derelict site in Argyll and Bute with significant potential for economic use, in particular marine industries given its deep water access and renewables.
- Promote the Strategic Economic Investment Locations at Lochgilphead; Sandbank, Dunoon; and Machrihanish/Campbeltown.

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Successful intervention: Kirk Street Campbeltown, before and after regeneration

Community Wealth Building

Sustaining a remote rural population requires inclusive economic growth that supports community wealth building to deliver benefits directly into the remote communities. Economic activity on the Argyll and Bute Western Seaboard is focussed on the identified [priority sectors](#) for the region (tourism, food and drink (including aquaculture and distilleries), creative industries, renewables, forestry, marine science and engineering). Specific actions are required related to these sectors as set out below.

Renewable Energy

The region currently generates over 1GW of renewable energy and has potential to generate more from wind, wave, hydro, solar and tidal resources. Much of this renewable energy is fed back into the grid to power other areas of Scotland. Actions required are:

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- Connectivity improvements to support the growth of the renewable energy industry, in particular, the upgrade to 275Kv of the Inveraray to Crossaig transmission line
- Support for Machrihanish Green Energy Hub. This Strategic Economic Investment Location is identified in the National Renewables Infrastructure Plan and in NPF3. Potential for hydrogen production, turbine manufacture and solar farm expansion
- Investigation of the infrastructure and land requirements to support regional use of the renewable and pump storage resource e.g. production and storage of hydrogen, electric vehicle charging e.g. establishing a local energy network on Islay to provide integrated low carbon heat and power for the whisky industry.
- Safeguarding the potential of up to 2GW from off shore renewables from the West 1 option area to the west of Islay as identified in the [Draft Sectoral Marine Plan for offshore wind energy](#).
- Investigate the requirement for port and land based infrastructure, in particular in Campbeltown and Port Askaig, Islay and linked transport and service facilities improvements to support future large scale offshore renewable energy development. Grid connection lines for onward connectivity need further investigation, including routing via Islay to the mainland potentially on the Kintyre peninsula.



Port Askaig, Islay

Food and Drink

Improved access to national and global markets would bring significant, economic benefits for key sector businesses such as whisky, aquaculture and agriculture in the region. The Scotch Whisky Association statistics estimate that the whisky industry provided more than £5 billion of value to the UK economy. Salmon makes up more than 40% of total food exports from Scotland, with exports of whole fresh salmon representing £494 million. The aquaculture sector across Argyll currently employs 600 full time and part time jobs with a total GVA estimated to be £31 million, plus processing and retail. Actions required are:

- Support for the aquaculture research and “Blue Industries” development hub at the Strategic Economic Investment Location at Machrihanish, in association with Stirling University.
- Improved Integration of Marine and Spatial Planning. As a member of the Clyde Regional Marine Planning Partnership, we are working jointly with partners to deliver a Clyde Regional Marine Plan for the eastern part of this area. There is also a need to establish a Regional

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Marine Planning Partnership for the Argyll Marine Region to prepare a regional marine plan to cover the marine environment off the west coast of Argyll and its islands.

- Explore the potential to establish local heat and power networks by encouraging distilleries to work with local communities to maximising the use of the available renewable energy sources.
- Improved accessibility – See Improving Accessibility section.



Shellfish platter with whisky, Loch Fyne

Tourism

The region has comprehensively outperformed Scotland as a whole in terms of tourism. The Argyll and Bute Western Seaboard has an outstanding natural environment with over 119,000ha within National Scenic Areas, areas of Wild Land, nationally important habitats and a range of tourist attractions such as the Whisky Trail. Actions required are:-

- Improved access to support the tourism industry, aligning with the [Tourism Development Framework](#) actions (see Improving Accessibility section)
- Support for enhancement and development of long distance routes with strategic linkage to Highland and Glasgow conurbation e.g. [Caledonia Way](#), [Kintyre Way](#), [Loch Lomond and Cowal Way](#) and the 150km [Argyll Sea Kayak Trail](#).
- Maximise the potential of the Crinan Canal – Scotland's most beautiful short cut and part of the Kayak Trail, adjoining the Main Town of Lochgilphead the administrative centre of Argyll and Bute.

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Argyll Sea Kayak Trail, Craignish Point

Improving Accessibility, Safety and Resilience

Improved access to key markets and lifeline services is critically important to the region as without this, businesses and population may relocate out of the area if they feel that their access routes are not suitable, fit for purpose or resilient enough. Actions required are:

- Trunk road improvements are vitally important for safety, community resilience, access to lifeline services and facilities and to support inclusive economic growth. In particular a permanent solution is needed for the A83 Rest and Be Thankful in the long term and in the short term effectiveness of the diversion routes should be ensured. Disruption on the A83 can have significant knock-on effects on access to life line ferry services to the islands, as a result of long diversions on equally fragile alternative routes. These disruptions increasingly occur as a result of adverse weather conditions, but significantly, are also due to serious and fatal road traffic accidents where poor road geometry, narrow carriageways and road surfaces, all contribute to driver error and fatigue. There is a real risk of lack of resilience and safety in the road network serving the fragile western seaboard of Argyll, to the disadvantage of the communities and economies dependent upon them. Further improvements to A83 including between Lochgilphead and Tarbert are also needed to support the remote areas.
- Intra-regional road improvements – these are more significant in the remote rural context with network resilience being critical to the regional economy and community well-being, in

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particular sections of the A816 (Oban-Lochgilphead) and the route from Dunoon-Colintraive-Portavadie, which is also a key timber haulage route.

- Improve capacity and resilience of ferry services across the network – Continue to lobby CMAL and Transport Scotland for suitable investment in the ferry network to ensure greater capacity at peak periods and reliability.
- Maintaining air links – The airfields across this remote rural area provide lifeline links with the central belt or Oban. They provide an alternative mode of connectivity for Argyll's fragile island communities.
- Improved digital connectivity – This is required to address both health and business growth challenges in the region, by closing the 'digital divide', and supporting our medi-care, social and business needs. The Main Town and Key Rural Settlements are focal points using selected community centre/ village halls, strategic business sites, council offices and education establishments. This initiative may also help to reduce the need to travel and remote communities' dependence on the fragile road network.
- Electricity Grid – there are serious issues with regards to grid constraints across the whole of Argyll and Bute with improvements required across the transmission and distribution network. Major new renewables development will be constrained by grid capacity with potential connection upgrades being required for connectivity, in particular related to Islay and the Kintyre peninsula.



A permanent solution is needed for the A83 Rest and Be Thankful © BEAR

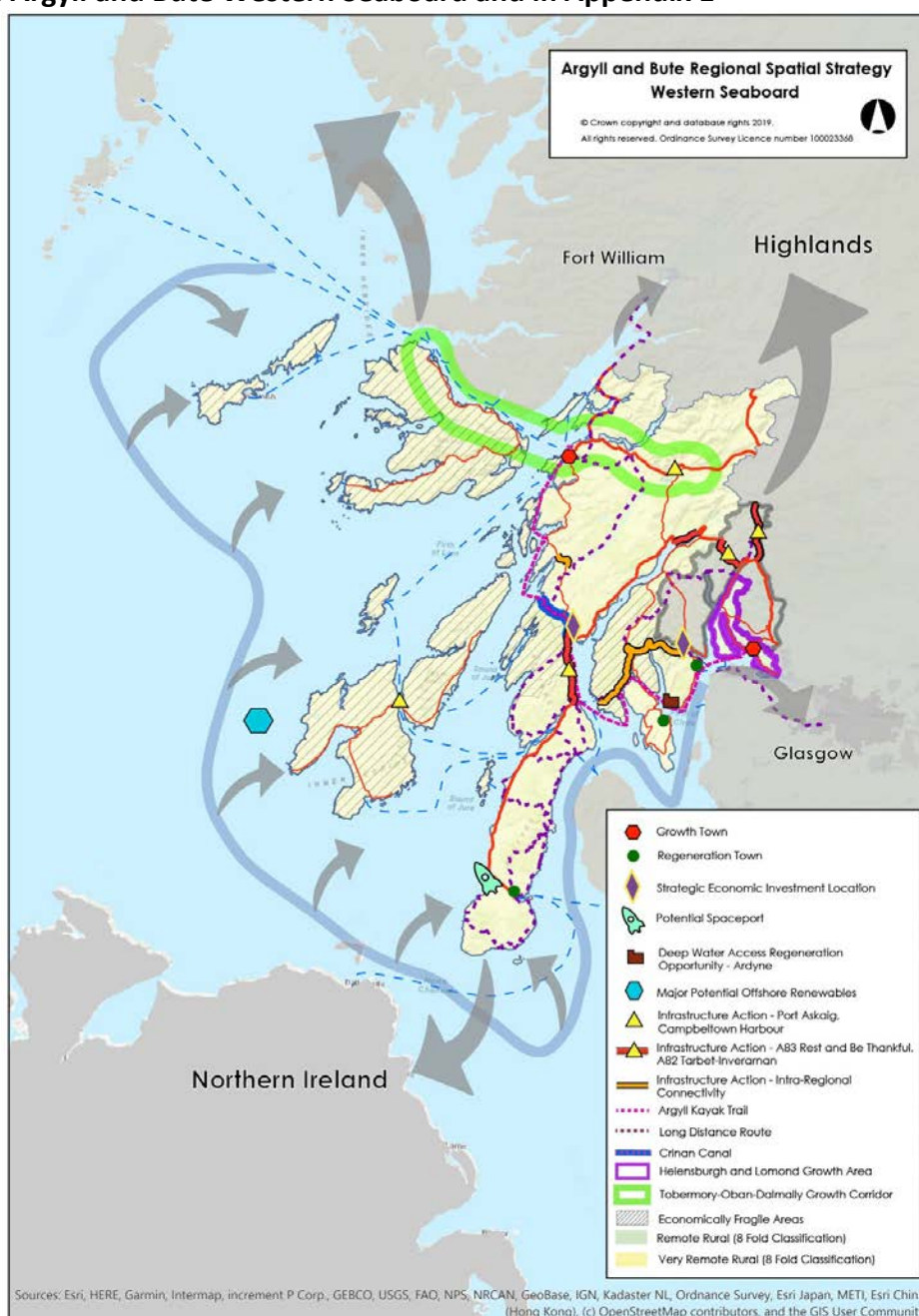
Argyll and Bute Indicative Regional Spatial Strategy

Spaceport

It is estimated that the UK space industry could create up to 100,000 jobs by 2030 and our focus as a council is to bring some of these jobs to the local authority area, grow our economy and attract even more people to live and work here. The site at the former Machrihanish airbase at the southern end of the Kintyre Peninsula – with only open sea to the west - is regarded as an ideal location for a polar orbit satellite launch. It covers an area of over 1000 acres in community ownership and boasts a 3km runway. The proposed spaceport is situated well away from major population centres and congested airspace and importantly has the space and capacity to expand.

- continue to work closely with Machrihanish Airbase Community Company (MACC) and Highlands and Islands Enterprise (HIE) to bid for a new UK spaceport to be based in Kintyre.

How these priorities contribute to the National Planning Outcomes is shown on the following diagram: Argyll and Bute Western Seaboard and in Appendix 1



Argyll and Bute Indicative Regional Spatial Strategy

6 Delivery : Strategic Infrastructure and Actions required to realise the long term aspirations

This section relates to delivery and contains a summary of the strategic infrastructure and actions that are required to realise the long term aspirations for the region. These actions are set out in detail in the “*Priorities for Delivery of Strategic Development*” sections above. The contribution these infrastructure projects make to the 3 main NPF4 themes and the 6 outcomes set out in the Planning (Scotland) 2019 Act are shown in the table below.

The Planning (Scotland) 2019 Act sets out 6 outcomes for NPF4 as follows:-

- (a) meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people;
- (b) improving the health and wellbeing of people living in Scotland;
- (c) increasing the population of rural areas of Scotland;
- (d) improving equality and eliminating discrimination;
- (e) meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act;
- (f) securing positive effects for biodiversity.

NPF4 is being developed around 3 themes as follows:-

- 1 people – quality of life, health and wellbeing, housing.
- 2 work – enabling development and investment to create an inclusive economy
- 3 place – improving, protecting and strengthening the special character of our places

Strategic Projects and Actions	NPF4 Themes	NPF4 Outcomes
Tobermory-Oban-Dalmally Corridor		
Oban Strategic Development Framework – Develop and deliver a place-making approach to the strategic growth centre.	1 2 3	(a) (b) (c) (d) (e)
A85 pinch point (W Lochawe) and assess rerouting of the A85 around Oban – economy, renewables, homes and resilience	1 2	(a) (b) (c) (d)
Oban Port and Craignure Ferry Terminal – improve capacity and function for economy, renewables and resilience	1 2 3	(b) (c) (d)
Oban Airport – West Coast hub for innovation in drone technology, compliance operations, economy inc. business park	1 2	(b) (c) (d)
Oban – Glasgow Rail line – partial dualling to increase capacity and shift to electrification/alternative traction technology	2 3	(c) (d) (e)
A848 Tobermory to Salen upgrade- Intra-regional road network critical to the regional economy and community resilience	1 2 3	(b) (c) (d) (e)
Improved digital connectivity –Oban, Dunbeg and Key Rural Settlements (selected community centre/ village halls, strategic business sites, council offices and education centres)	1 2	(b) (c) (d)
Dunbeg Growth Node – A85 Trunk Road Access (roundabout) to deliver homes, community facilities and grow marine industries hub.	1 2 3	(a) (b) (c) (d)

Argyll and Bute Indicative Regional Spatial Strategy

Strategic Projects and Actions	NPF4 Themes	NPF4 Outcomes
Cruachan Dam – Current NPF3 national project for increased pumped storage at this existing location, vital to national energy resilience. Wider links to tourism, recreation and community wealth building potential.	2 3	(b) (d) (e)
Promotion of the Strategic Economic Investment Locations - Dunbeg (European Marine Science Park) and Barcaldine Marine Resource Centre, developing a National Aquaculture Hub	2 3	(c) (d)
Develop and improve long distance routes with strategic linkage to Highland and Glasgow conurbation e.g. Caledonia Way and St Columba's/Pilgrim's Way.	1 2 3	(b) (c) (d)
Tobermory Strategic Development Framework - Develop and deliver a place-making approach to this strategic centre.	1 2 3	(a) (b) (c) (d) (e) (f)
Electricity Grid - New Sub Station North Argyll and OHL to Taynuilt and Dalmally. Investigate regional use of locally produced energy, e.g. production and storage of hydrogen and electric vehicle charging	1 2	(b) (c) (d)
Helensburgh and Lomond Growth Area		
Helensburgh Strategic Development Framework - Place-making approach for the provision of infrastructure and future development whilst maintaining green network.	1 2 3	(a) (b) (c) (d) (e) (f)
Helensburgh work - accessible, serviced employment land, and opportunities to provide additional gateway function to Loch Lomond and the National Park.	1 2 3	(b) (c) (d) (e)
Promote the Strategic Economic Investment Location - in association with HMNB Clyde Expansion including a Centre of Excellence for Science and Engineering	1 2	(b) (c) (d)
Enhance and develop long distance routes and strategic links - active travel including links to National Park	1 2 3	(b) (c) (d) (e) (f)
Promote Cultural and Built Heritage, Outdoor recreation including marine activities	1 2 3	(b) (c) (d) (e) (f)
New rail station at Shandon (Faslane), improved services on the West Highland Line and re-establishment of passenger access to West Highland Line at Craigendoran	1 2 3	(b) (c) (d) (e)
Improve capacity in rail network – partial dualling and shift to electrification/alternative traction technology on the West Highland Line to Garelochhead and beyond	1 2	(c) (d) (e)
Improved digital connectivity - including fibre to selected community centre/village halls, strategic business sites, council offices and education establishments.	2 3 4	(a) (b) (c) (d) (e)
Active Travel - Joining up the gaps in the areas dedicated cycle network promoting active travel, and improved accessibility to adjoining areas, in particular Helensburgh to Dumbarton.	1 2 3	(b) (c) (d) (e)

Argyll and Bute Indicative Regional Spatial Strategy

Strategic Projects and Actions	NPF4 Themes	NPF4 Outcomes
Trunk road safety, resilience and support for inclusive economic growth - A82 pinch points in particular Tarbet to Inverarnan, A83 Rest and Be Thankful	1 2	(b) (c) (d)
Argyll and Bute Western Seaboard Note : A thematic policy based approach is taken to the Very Remote Rural Areas and Islands reinforced by a limited number of larger scale projects and actions.		
Support for innovative housing delivery to provide a wider range of opportunities – key worker homes, self/custom build, capacity building	1 2 3	(a) (b) (c) (d)
Promote Community Wealth Building in the priority sectors	1 2	(b) (c) (d)
Grow investment in natural capital	1 2 3	(b) (c) (d) (e)
Improved connectivity – access to lifeline services and facilities, enabling tourism, supporting the economy, capacity and resilience of ferry services, maintaining airfield links	1 2 3	(b) (c) (d)
Transport infrastructure actions – Trunk Road improvements A83 permanent solution to landslip issue, A83 improvements between Lochgilphead and Tarbert.	1 2	(b) (c) (d)
Intra-Regional Road improvements – A816 Lochgilphead –Oban, B Road Dunoon - Colintraive – Portavadie.	1 2	(b) (c) (d)
Improved digital connectivity – Main Towns and Key Rural Settlements (selected community centre/ village halls, strategic business sites, council offices and education centres)	1 2	(b) (c) (d)
Supporting the network of Main Towns and Key Rural Settlements	1 2 3	(a) (b) (c) (d) (e)
Regeneration – continued regeneration of Dunoon, Campbeltown and Rothesay building on successful initiatives	1 2 3	(a) (b) (c) (d) (e)
Regeneration of economic opportunity – Ardyne. Largest VDL Site in Argyll with deep water access potential.	1 2 3	(b) (c) (d) (e) (f)
Strategic Economic Investment Locations – Lochgilphead and Sandbank (Dunoon). Promote development.	1 2	(b) (c) (d) (e)
Strategic Economic Investment Locations –Machrihanish / Campbeltown. Green-Blue Technology Hub for renewables (turbines, solar, hydrogen potential) and marine based (aquaculture research). NRIP and NPF3 recognised location.	1 2	(b) (c) (d) (e)
Potential Spaceport, Machrihanish Airbase – continue to work with MACC and HIE.	2	(c)
Investigate infrastructure and land requirements to support intra-regional use of renewables and pump storage for hydrogen or EV charging	1 2	(b) (c) (d) (e)
Electricity Grid – General improvements to transmission and distribution.	2	(c) (d) (e)
Electricity Grid – Upgrade to 275Kv of the Inveraray to Crossaig transmission line	2	(c) (d) (e)
Safeguard 2GW Offshore renewable potential – west of Islay.	2	(c) (d) (e)

Argyll and Bute Indicative Regional Spatial Strategy

Strategic Projects and Actions	NPF4 Themes	NPF4 Outcomes
Investigate Large Scale Offshore Renewables Infrastructure requirements – e.g. Campbeltown, Port Askaig (Islay). Grid connection lines for onward connectivity, including routing via Islay to the mainland potentially on the Kintyre peninsula. Potential serious impediment to further renewable development.	2	(c) (d) (e)
Improve integration of Marine and Land based Spatial Planning	1 2 3	(b) (c) (d) (e) (f)
Explore Heat Network Potential – in particular related to distilleries and renewables	1 3	(b) (c) (d) (e)
Support and enhance long distance routes – Linking to Highland (Caledonia Way and Kintyre Way), Glasgow City region (Cowal Way) and the Sea Kayak Trail.	1 3	(b) (c) (d) (e)
Maximise the potential of the Crinan Canal - Tourism, active travel.	1 3	(b) (c) (d) (e)

APPENDIX 1 Contribution to Strategic Outcomes

The table below outlines how the strategic priorities for the region as identified above contribute to the outcomes set out in the Planning (Scotland) 2019 Act for NPF4 (a – f).

Tobermory-Oban-Dalmally Growth Corridor						
Improving Equality and Eliminating Discrimination (d)						
Meeting Housing Needs (a)	Improving Health and Wellbeing (b)	Increasing rural area population (c)			Climate Change - contribution to targets for reduction of emissions (e)	Securing positive effects for biodiversity (f)
		People	Jobs	Access		
<ul style="list-style-type: none"> Homes – provide a range of housing choice, including affordable by unlocking strategic housing sites at the Oban-Dunbeg growth node Protect and strengthen the special character of Oban as the Main Town in the corridor by ensuring place-making is at the heart of the Oban Strategic Development Framework. Protect and strengthen the special character of the Key Town of Tobermory, Isle of Mull through a place based approach in the Tobermory Strategic Development Framework Protect the outstanding built environment that supports communities and the economy. 	<ul style="list-style-type: none"> Homes – provide a range of housing choice, including affordable by unlocking strategic housing sites at the Oban-Dunbeg growth node Cleaner environment – Reducing carbon emissions by focusing development in this more accessible corridor; utilising and enhancing existing infrastructure; growing green tourism; promoting the area as a carbon sink; and supporting the renewable industries sector. Improved digital connectivity – closing the ‘digital divide’, and supporting our medicare, social & business needs. Recreation – Access to enjoy long distance routes and outstanding natural land and marine resource promoting mental and physical well-being. 	<ul style="list-style-type: none"> Demographic change – building on an already positive population trend with higher levels of young economically active and a growing population. Homes – unlock strategic housing sites at the Oban-Dunbeg growth node to support rural repopulation. 	<ul style="list-style-type: none"> Employment opportunities – growing the range of opportunities in the accessible locations of the corridor, in particular in the priority sectors for the region (tourism, marine industries, food and drink and forestry). Tourism enhanced-cluster of opportunities within the corridor e.g. Tobermory; Oban; Loch Awe; outstanding natural land and marine environment. Energy industry supported - in particular, renewables industry and emerging supplies such as hydrogen and pump storage. Marine Industries promoted – Developing a National Aquaculture Hub in the region focused on the European Marine Science Park at Dunbeg and exploiting the region’s natural marine assets. Community Wealth building –E.g. Value added regionally to primary products; National projects required to consider community wealth building; Potential for renewable and pumped storage energy production to be utilised regionally Reduced skills gap - Growing the Main Town of Oban as a university town linked to the European Marine Science Park. Target key sector skills gaps 	<ul style="list-style-type: none"> Digital connectivity – support rural repopulation with improved digital connectivity. Improved Connectivity – to services and facilities in Main Town Key Rural Settlements, employment opportunities and lifeline services and facilities in the Central Belt and rest of Scotland will support rural repopulation in this remote rural area, including on islands. Connectivity to services and facilities in Main Town from islands and remote rural corridor and to lifeline services and facilities in Central Belt. Linking communities along the corridor and improving external access. Connectivity improved - developing key routes to market for our high value produce; facilitating the movement of visitors to grow the tourism industry; Unlock strategic development sites for business and industry 	<ul style="list-style-type: none"> Development focused on most accessible locations with existing infrastructure promoting a low carbon economy National Pumped storage facility (Cruachan) – support security of energy supplies, diversity of supplies and reduce carbon emissions. Investigate expansion of this facility. Significant natural capital and accessible locations support the growth of renewable industries, including off shore. Carbon sequestration in significant natural resources of peat and forestry - acting as Scotland’s carbon sink to combat climate change Improved digital connectivity enabling business and homeworking reducing the need to travel. Energy produced in the region utilised at a local level. Reducing transmission loss. 	<ul style="list-style-type: none"> Protect the outstanding natural land and marine environment that supports communities, the economy and a rich biodiversity.

APPENDIX 1 Contribution to Strategic Outcomes

Helensburgh and Lomond Growth Area						
Improving Equality and Eliminating Discrimination (d)						
Meeting Housing Needs (a)	Improving Health and Wellbeing (b)	Increasing rural area population (c)			Climate Change - contribution to targets for reduction of emissions (e)	Securing positive effects for biodiversity (f)
		People	Jobs	Access		
<ul style="list-style-type: none"> Homes – provide a range of housing choice, including affordable by unlocking strategic housing sites within the Helensburgh Strategic Development Framework Area. Protect and strengthen the special character of Helensburgh by ensuring place-making is at the heart of the town centre regeneration activities and Strategic Development Framework. Protect the outstanding built environment that supports communities and the economy. 	<ul style="list-style-type: none"> Homes – provide a range of housing choice, including affordable by unlocking strategic housing sites. Cleaner environment – Reducing carbon emissions by focusing development in this more accessible corridor; utilising and enhancing existing infrastructure; growing green tourism. Improved digital connectivity – closing the ‘digital divide’, and supporting our medicare, social & business needs. Recreation – Access to enjoy long distance routes and outstanding natural land and marine resource promoting mental and physical well-being. 	<ul style="list-style-type: none"> Demographic change – reverse aging population trends by building on the opportunities for positive population growth associated with attracting higher levels of young economically active personnel associated with expansion of HMNB Clyde. Homes – unlock strategic housing sites at growth nodes to support population growth. 	<ul style="list-style-type: none"> Employment opportunities – growing the range of opportunities in the accessible locations of the corridor, in particular in the science and technology priority sector, and tourism opportunities based on the attractions of Helensburgh and its proximity to the National Park. Community Wealth building – Support value added to regional primary products e.g Ridings Sawmill Cardross; National projects required to consider community wealth building opportunities; Reduced skills gap – Support STEM Academy/University/ Tec Centre to reflect local industry or research needs e.g at Colgrain linked to skills required for HMNB Clyde expansion. 	<ul style="list-style-type: none"> Digital connectivity – support uniform levels of superfast broadband across region provide improved digital connectivity and promote equality of opportunity for home working and SME set ups. Improved Connectivity – to services and facilities in Main Town Key Settlements, employment opportunities and to services and facilities in the Central Belt and rest of Scotland. Connectivity improved ; facilitating the movement of visitors to grow the tourism industry; Unlock strategic development sites for business and industry 	<ul style="list-style-type: none"> Development focused on most accessible locations with existing infrastructure promoting a low carbon economy Improved digital connectivity enabling business and homeworking reducing the need to travel. Remove gaps and expansion of active travel network, for commuting, leisure and recreation across the growth area. 	<ul style="list-style-type: none"> Protect the outstanding natural land and marine environment that supports communities, the economy and a rich biodiversity.

APPENDIX 1 Contribution to Strategic Outcomes

Argyll and Bute Western Seaboard						
Improving Equality and Eliminating Discrimination (d)						
Meeting Housing Needs (a)	Improving Health and Wellbeing (b)	Increasing rural area population (c)			Climate Change - contribution to targets for reduction of emissions (e)	Securing positive effects for biodiversity (f)
		People	Jobs	Access		
<ul style="list-style-type: none"> Homes – provide a range of housing choice, including affordable by unlocking strategic housing sites at Bowmore and Inveraray, and Port Ellen Protect and strengthen the special character the Main Towns and Key Settlements in the area by ensuring place-making is at the heart of regeneration activities at Dunoon, Rothesay and Campbeltown. Protect the outstanding built environment that supports communities and the economy. 	<ul style="list-style-type: none"> Homes – provide a range of housing choice, including affordable by unlocking strategic housing sites at Bowmore and Inveraray, and Port Ellen Cleaner environment – Reducing carbon emissions by focusing development in accessible locations; utilising and enhancing existing infrastructure; growing green tourism; promoting the area as a carbon sink; and supporting the renewable industries sector. Improved digital connectivity – closing the ‘digital divide’, and supporting our medicare, social & business needs. Recreation – Access to enjoy local green networks as well as long distance routes and outstanding natural land and marine resource promoting mental and physical well-being. 	<ul style="list-style-type: none"> Demographic change – Seeking to reduce outward migration of young people, providing housing and employment opportunities for newly forming households to capitalise on a more diversified economy and our outstanding natural environment. Homes – unlock strategic housing sites at growth nodes to support rural repopulation. 	<ul style="list-style-type: none"> Employment opportunities – growing the range of opportunities in the accessible locations, in particular in the priority sectors for the region (tourism, marine industries, food and drink and forestry). Tourism enhanced-cluster of opportunities e.g. opportunities e.g. Inveraray, Dunoon, Rothesay, Crinan Canal, Tarbert, Campbeltown and Islay; building on our; outstanding natural land and marine environment. Energy industry supported - in particular, renewables industry and emerging supplies such as off-shore wind, and tidal as well as developing local energy networks and supporting energy storage through pumped storage (hydro) battery storage and alternative fuel production e.g. hydrogen. Marine Industries promoted – Developing National Aquaculture Hubs e.g at Machrihanish, and reuse of existing facilities (Ardyne) to maximise the opportunities for economic development linked to the region’s natural marine assets. Community Wealth building –E.g. Value added regionally to primary products; National projects required to consider community wealth building; Potential for renewable and pumped storage energy production to be utilised regionally Reduced skills gap and attracting young people by providing higher qualifications and training opportunities – Targeting key sector skills gaps in the Region. 	<ul style="list-style-type: none"> Digital connectivity – support rural repopulation with improved digital connectivity. Improved Connectivity – to services and facilities in Main Towns, Key Rural Settlements, as well as employment opportunities and lifeline services and facilities in the Central Belt and rest of Scotland will support rural repopulation in this remote rural area, including on islands. Connectivity to services and facilities in Main Town from islands and remote rural corridor and to lifeline services and facilities in Central Belt. Linking communities and improving external access. Connectivity improved - developing key routes to market for our high value produce; facilitating the movement of visitors to grow the tourism industry; Unlock strategic development sites for business and industry 	<ul style="list-style-type: none"> Development focused on most accessible locations with existing infrastructure promoting a low carbon economy. Significant natural capital and accessible locations support the growth of renewable industries, including off shore. Carbon sequestration in significant natural resources of peat and forestry - acting as Scotland’s carbon sink to combat climate change Improved digital connectivity enabling business and homeworking reducing the need to travel. Energy produced in the region utilised at a local level. Reducing transmission loss. 	<ul style="list-style-type: none"> Protect the outstanding natural land and marine environment that supports communities, the economy and a rich biodiversity.

ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE AND
LICENSING COMMITTEE****DEVELOPMENT AND ECONOMIC
GROWTH****23rd September 2020**

DEVELOPMENT PLAN SCHEME UPDATE – LOCAL DEVELOPMENT PLAN 2

1.0 EXECUTIVE SUMMARY

1.1 The main purposes of this report are to:-

- Seek PPSL Committee approval of the attached updated Development Plan Scheme (DPS), including its associated Participation Statement. See Appendix A.
- Obtain authority to publish the approved updated DPS and submit it to the Scottish Ministers.

1.2 The first Argyll and Bute Local Development Plan was adopted in March 2015. The process of planning for its review and replacement began in January 2016 with the preparation of the first Development Plan Scheme (DPS), as agreed at [Council \(item 14\)](#). The DPS is the timetable for preparing the replacement Local Development Plan 2 (LDP2), which advises how and when stakeholders and the public can become engaged in the process.

1.3 There has been slippage in the LDP2 programme over the last 6 months and therefore a revised DPS has been prepared. This will ensure that the Scottish Government, stakeholders and the public are kept fully informed of the revised timetable for LDP2 preparation. The reasons for the slippage are detailed in 4.1. Regulations require at least an annual update of the DPS to verify the current position in terms of preparation of the LDP2 and to make any necessary adjustments. Where there is a substantive variation anticipated from this timetable it is good practice to revise the DPS before the annual review to ensure that everyone involved in the LDP2 process is kept informed.

1.4 Key points to note are:-

- There has been reprogramming of the adoption date to February 2022, however, until the new Local Development Plan is adopted, the current Local Development Plan's statutory status remains. Planning applications will be dealt with as normal;
- There is a generous and more than adequate existing housing land supply within LDP1 to last until the adoption of LDP2.
- the governance regime to ensure the LDP is delivered in an effective and efficient manner was agreed by Council, January 2016, including approval of the DPS by PPSL;

- the Council has a statutory duty in respect of producing the Development Plan Scheme at least every year.
- The Scottish Government has acknowledged there may be delays in the preparation of Local Development Plans. An Act has been passed and interim guidance issued to amend and support the LDP procedures to take account of Covid-19 related challenges.

1.5 It is recommended that the PPSL:-

- i) Notes the contents of this report;
- ii) Approves the updated Development Plan Scheme (DPS) attached in Appendix A of this report for publication and submission to the Scottish Ministers.

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE

DEVELOPMENT AND ECONOMIC
GROWTH

23rd September 2020

DEVELOPMENT PLAN SCHEME UPDATE – LOCAL DEVELOPMENT PLAN 2

2.0 INTRODUCTION

- 2.1 The Planning Etc. (Scotland) Act 2006 requires each Planning Authority to prepare and keep up to date a Local Development Plan (LDP). This means the authority should aim to prepare a new plan within 5 years of Adoption of the current plan. Until the new Local Development Plan is adopted, the current Local Development Plan's statutory status remains, including any associated Supplementary Guidance. The current LDP was adopted in March 2015.
- 2.2 The LDP process involves a number of statutory stages and significant engagement with communities, developers, key agencies, councillors and other stakeholders. The **Development Plan Scheme (DPS)** sets out the timetable and consultation process for Local Development Plan 2 and is required to be updated at least annually to reflect changes in timescale etc. This appendix to this report contains the updated DPS, which has been revised earlier than anticipated due to slippage in the programme.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the PPSL :-
- i) Notes the contents of this report;
 - ii) Approves the updated **Development Plan Scheme (DPS)** attached in Appendix A of this report for publication and submission to the Scottish Ministers.

4.0 DETAIL

Background

- 4.1 The Planning Etc. (Scotland) Act 2006 requires each Planning Authority to prepare a Local Development Plan (LDP) at least every 5 years. The existing approved March 2020 DPS programmed the Adoption to October 2021. There has been slippage in the programme and it is now anticipated that the new Local Development Plan 2 will be adopted by the spring of 2022 a slippage of 5 months. There has been no other substantive change to the DPS other than the time revision, as the main consultation phases are complete. Issues impacting on the timetable for delivery of the plan are as follows:-

- Impact of Covid 19
 - Responsibilities of team related to childcare – reducing hours
 - Responsibilities of some team members related to Covid 19 issues.
 - Indicative Regional Spatial Strategy (RSS) - New work stream
 - Regulations for RSS are not due until Sept '21. But all authorities have now been asked by the Scottish Government to prepare an indicative RSS in advance of the RSS to support the preparation of National Planning Framework 4.
 - Diminished staff resource
 - E-Planning Technical Officer has retired. Recruitment is underway but this leaves a significant gap in a reduced team for about a 4 month period and process takes officer time.
 - Planning Officer – redundancy in team. Work redistribution in particular during Covid19 has caused delays.
 - Redistribution capacity reduced – GIS team has had a reduction in capacity and are involved in additional Covid-19 and iRSS work and so are less able to pick up LDP2 work.
 - Staff absence.
 - Schedule 4 process
 - Highly administrative and needing engagement with DPEA throughout. Covid-19 working arrangements impede the efficient handling of this stage.
 - Site visits have been on hold due to Covid-19 but are now able to resume.
- 4.2 It should be noted that until the new Local Development Plan is adopted, the current Local Development Plan's statutory status remains, including that of the associated Supplementary Guidance. The current LDPs made plans for ten years from adoption, so until 2025, and are still considered to be robust. The LDP contains an effective land supply with the latest [Housing Land Audit](#) showing an effective supply of 3738 units or 5.02 years supply as at 1 April 2019, thus taking us to 2024 well beyond the proposed adoption date of LDP2. The proposed growth areas of Tobermory – Dalmally and Helensburgh and Lomond have sufficient supply to take us beyond the adoption of LDP2. Planning applications will continue to be processed as normal during the delay period, being assessed against the Adopted plan.
- 4.3 Section 20B of the Planning Etc. (Scotland) Act 2006 requires each Planning Authority to prepare a **Development Plan Scheme (DPS)** at least annually. The exact requirements for the content and process of the LDP and associated DPS are set out in the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and the Coronavirus (Scotland) Act 2020.
- 4.4 The DPS sets out the Council's programme for preparing and reviewing the LDP and what is likely to be involved at each stage. The DPS includes a

Participation Statement which details when, how and with whom consultation on the LDP will take place, and the Council's proposals for public involvement in the plan preparation process. The proposed updated Development Plan Scheme is set out in Appendix A to this report and apart from the timescale revision all other aspects remain the same as in the March update.

- 4.5 Once the updated DPS has been approved by PPSL it is required to be published electronically and 2 copies submitted to the Scottish Ministers. The Scottish Government has acknowledged the impact on Local Development Plan preparation and through the Coronavirus (Scotland) Act 2020 makes provision for the DPS documents to be made available for inspection by electronic means rather than at an office or library. Therefore, in addition to publication on line a Newsletter will be sent electronically to LDP2 contacts to advise of the revision. There is no requirement to consult on the content of the DPS.
- 4.6 Since the last update of the DPS the following actions have been undertaken in the LDP2 process:-
- Published the updated DPS March 2020
 - Uploaded consultation responses into bespoke in-house system
 - Trained staff in Examination process
 - Started preparation of Schedule 4s and other Examination materials.

Governance

- 4.7 The governance arrangements, that support the delivery of LDP2 are set out in the DPS and were approved by Council in January 2016.
- The key stages of i) the submission of the plan for Examination (this includes the Council's response to any outstanding objections); and ii) decision to Adopt, can go directly to full Council;
 - Preparatory and sub stages such as subsequent Development Plan Scheme revisions go to Planning, Protective Services and Licensing Committee only.

5.0 CONCLUSION

- 5.1 Engagement in the preparation of the LDP2 is an important part of the Development Plan process. The updated DPS continues to set out a clear agenda for the LDP2 process and the associated public consultation as it progresses.

6.0 IMPLICATIONS

6.1 Policy

The Development Plan Scheme sets out the timetable and consultation process for the production of the new Local Development Plan 2 that will replace the current Argyll and Bute Local Development Plan, adopted March 2015 in due course.

6.2 Financial

The cost for preparation of the DPS is contained within the Development Policy budget.

6.3 Legal

There is a statutory duty to approve at least annually, publish and submit to the Scottish Ministers a Development Plan Scheme.

6.4 HR

None

6.5 Fairer Scotland Duty – See below

6.5.1 Equalities – Protected characteristics – See below

6.5.2 Socio-economic Duty – See below

6.5.3 Islands

The Development Plan Scheme shows how the Local Development Plan consultation process will be handled to meet with statutory requirements and encourage engagement from all. An Equality and Socio-Economic Impact Assessment (EqSEIA) has been prepared as part of the LDP2 process.

6.6 Risk

The LDP2 process is now programmed up to February 2022. Any further reduction in resource levels would impact further on the timetable set out in the DPS for delivery of the LDP2. Similarly any increased demand on the service over and above that committed in the DPS could also result in the failure to meet with the new anticipated Adoption date shown in the DPS.

6.7 Customer Service

The Development Plan Scheme sets out how our customers can get involved in the Local Development Plan process.

**Executive Director with responsibility for Development and Economic Growth :
Kirsty Flanagan**

Policy Lead Cllr Kinniburgh

24/08/2020

For further information contact: Sybil Johnson 01546 604308

APPENDICES

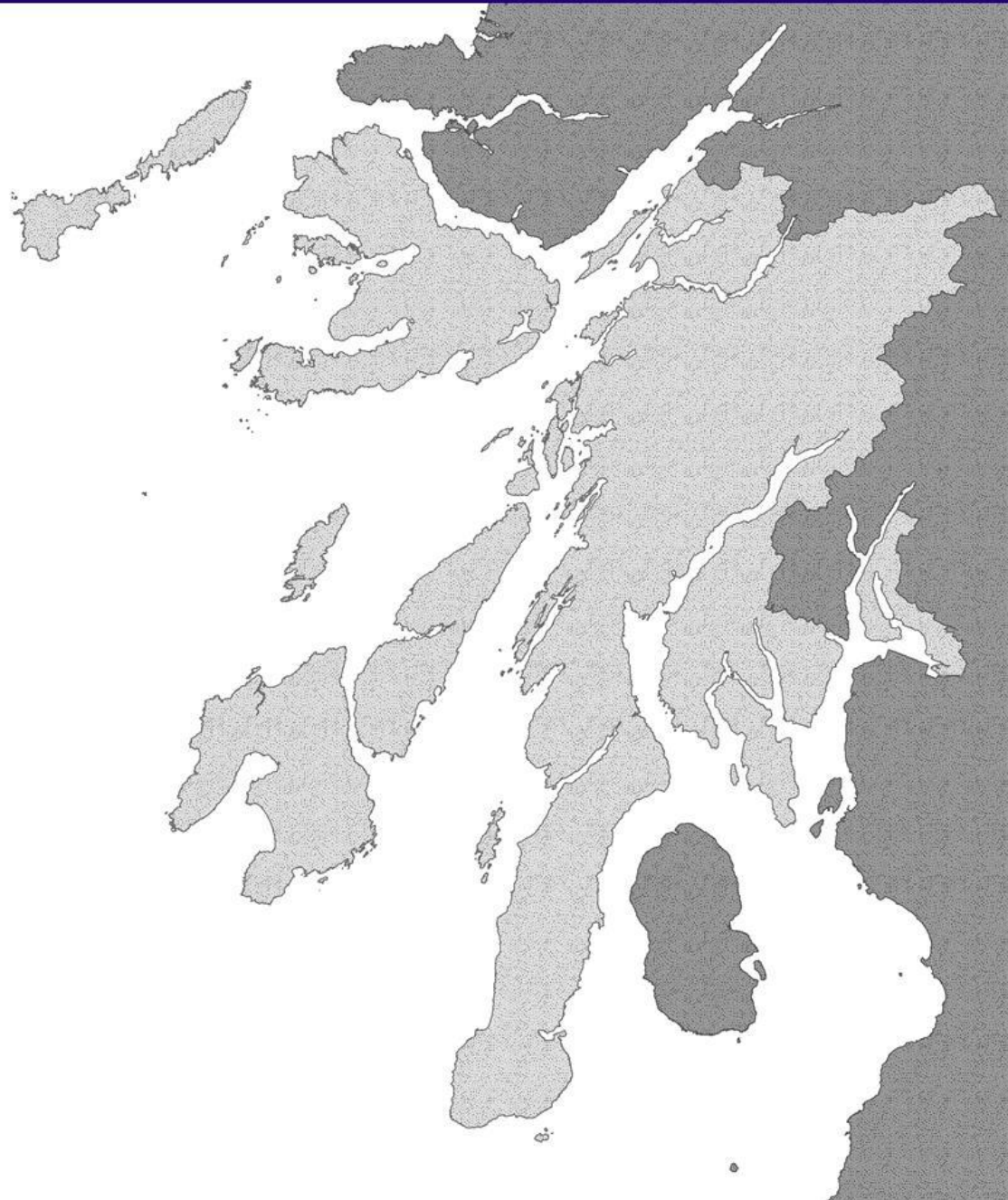
Appendix A : Development Plan Scheme : Local Development Plan 2

Argyll and Bute Local Development Plan 2 Development Plan Scheme

September 2020

Planadh, Taigheadas is Seirbheisean Riaghlaidh

Chomhairle Earra-Ghàidheal is Bhòid

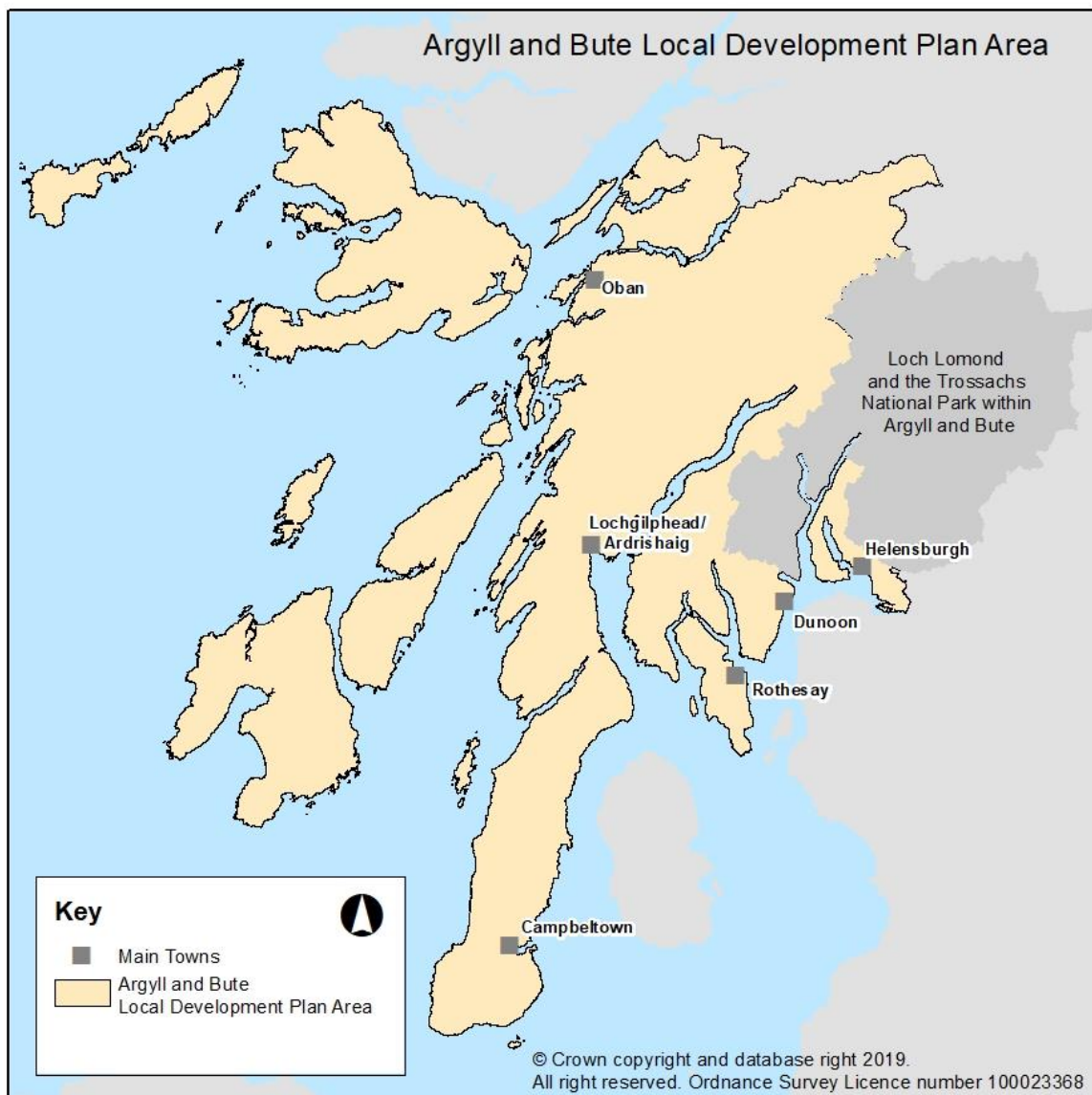


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Development Plan Scheme : Argyll and Bute Local Development Plan 2

- 1 What is a Development Plan?
- 2 What is a Development Plan Scheme?
- 3 How do we prepare a Local Development Plan?
- 4 Where we are now in the process?
- 5 The Next Steps
- 6 Participation Statement : how you can get involved
- 7 Impact Assessment of the Local Development Plan
- 8 How to keep up to date

Appendix 1: Local Development Plan 2 preparation - indicative timescales



1 | What is a Development Plan?

- 1.1 This section sets out what a local development plan is and why we need to update it. Argyll and Bute Council, as the planning authority for its area (excluding the Loch Lomond and the Trossachs National Park), has a statutory duty to prepare **development plans** for guiding land use and development for up to ten years ahead. Development Plans can be Strategic or Local dependent on the area covered. In Argyll and Bute we are required to produce a **Local Development Plan**. It is a requirement that the development plans are kept up to date and so, the Local Development Plan (LDP) is reviewed every five years post adoption.
- 1.2 To guide land use local development plans contain a “Vision” which sets out a future ideal for the area in terms of places and how we would like to see it develop. A strategy sets out how this vision can be achieved. The strategy is supported through allocations and policies. Sites are allocated for specific uses such as housing or industry to provide a sufficient supply of effective land for the plan period. The LDP also contains policies to promote sustainable development that helps us achieve the vision. The policies also help us safeguard resources, including landscape, built heritage and nature.
- 1.3 The Council adopted its current statutory plan to guide development in March 2015 – the **Argyll and Bute Local Development Plan** (Adopted March 2015). Supplementary Guidance which provides additional detail has also been prepared and sits alongside the Local Development Plan. Together these documents make up the statutory Development Plan. Since March 2015 the Local Development Plan has been the basis for providing advice on planning proposals, for guiding decision making on planning applications and for ensuring that the right development happens in the right place.
- 1.4 We need to keep the plan up to date to reflect changing circumstances as land is developed and new issues arise or other factors change. There is a requirement to review the current adopted LDP and prepare a new one within 5 years of adoption (Planning etc. (Scotland) Act 2006. A new planning act (Planning (Scotland) Act 2019) has been put in place since we started preparing the new Local Development Plan 2 (LDP2). But the preparation of this LDP2 is required to be completed under the process set out in the 2006 Act.
- 1.5 The aim is that this new plan (Local Development Plan 2) should be concise, focused on areas of change, involve the community at an early stage and enable delivery of development. Until the new Local Development Plan 2 is adopted, the current Local Development Plan’s statutory status remains. Ministers expect LDPs to focus on their specific main proposals for the period up to year 10 from adoption.

2 | What is a Development Plan Scheme?

- 2.1 **A Development Plan Scheme (DPS)** tells you about the preparation of a Development Plan.
- 2.2 Whether you are a resident, landowner, developer, community representative, agent or public body your input into the process is vital. The Development Plan Scheme aims to provide you with an easy to use guide as to when, where and how you can engage in the preparation process for the development plan.
- 2.3 This Development Plan Scheme (DPS) covers the preparation process for the **Argyll and Bute Local Development Plan 2 (LDP2)**. LDP2 covers the whole of Argyll and Bute except for the area in the Loch Lomond and the Trossachs National Park, which is a separate planning authority. This Development Plan Scheme (DPS) has been prepared to provide our communities and partners with information on our progress in updating the Argyll and Bute Local Development Plan (adopted March 2015). The Local Development Plan is the main way for showing where new development should and should not take place and for determining planning applications.
- 2.4 The DPS includes a timetable of when we intend to reach key stages in the process of preparing our new Local Development Plan 2 (LDP2), which will eventually replace our current adopted Local Development Plan, and also includes a Participation Statement explaining how we will engage with our communities and stakeholders. The DPS outlines:
- ◆ Why we are preparing a Local Development Plan;
 - ◆ What the process involves;
 - ◆ Who should be involved;
 - ◆ When we will undertake the stages of preparation.
- 2.5 We will update the DPS on at least an annual basis to reflect the progress of Plan preparation. This is the fifth update since the Development Plan Scheme was prepared in January 2016 for the preparation of the Argyll and Bute Local Development Plan 2. This DPS replaces the one published in March 2020.

3 | How do we prepare a Local Development Plan?

- 3.1 There is a wide range of factors that need to be taken into consideration in the preparation of a new Local Development Plan. The main ones are set out below.

National Planning context

- 3.2 Local Development Plans are influenced by a number of statutory requirements with the main Acts being the Town and Country Planning (Scotland Act) 1997 and the Planning etc. (Scotland) Act 2006. At the national level, the Scottish Government has prepared a National Planning Framework (NPF3) and Scottish Planning Policy (SPP) which provide the national policies and priorities for major new development. During the preparation of LDP2 the statutory planning framework has changed with the enactment of the Planning (Scotland) Bill 2019. This contains a number of changes, including to the development plan process. Interim procedures are now in place which direct plans that have reached the later stages of the process to continue under the rules set out in the 2006 Act and associated regulations. The Argyll and Bute Local Development Plan 2 is at the later stages of preparation and so will continue to be developed in line with the 2006 Act.

Argyll and Bute Outcome Improvement Plan

- 3.3 Local Development Plans are also influenced by a range of other plans, strategies and policies, in particular for Argyll and Bute, the [Outcome Improvement Plan](#) (formerly Single Outcome Agreement) is viewed as the overarching governing document. This is prepared jointly by the Council and the other Community Planning partners and establishes the overarching policies and actions for the management of Argyll and Bute. It has an outcome focused approach and ensures that the Community Planning Partnership's aims are delivered in an integrated manner and aligned with Scottish Government outcomes.
- 3.4 The policies and actions with development and land use implications of the Outcome Improvement Plan are reflected in the Local Development Plan (LDP). The Action Programme that has to accompany the LDP sets out how the Council proposes to implement the plan. These documents together are the drivers for change and action in Argyll and Bute and by keeping the documents updated we are able to respond to changing circumstances within the area and its communities.

Local Authority and its Partners

- 3.5 Argyll and Bute Council has the statutory responsibility for planning in the Council area, excluding the Loch Lomond and the Trossachs National Park where the Park Authority controls the planning function. It is important that all the relevant services within the Council (for example Economic Development, Roads and Amenity Services and Education) are fully engaged in the plan preparation as they are integral to the delivery of the LDP2 strategy and aims. LDP2 will also be influenced by the priorities of other stakeholders as set out in their own strategies and programmes. The stakeholders include key agencies which the Regulations have identified as Scottish Natural Heritage; Scottish Environment Protection Agency; Scottish Water; Scottish Enterprise; Highland and Islands Enterprise; Regional Transport Partnerships; Crofting Commission; and Health Boards. The Government also require the following bodies to have the same level of involvement in the development plan process: Historic Environment Scotland; Transport Scotland; Scottish Forestry; Marine Scotland and any Regional Marine Planning Partnerships. Neighbouring authorities are also consulted throughout the LDP2 process.

3 | How do we prepare a Local Development Plan?

Our Communities

- 3.6 The input of local communities is very important. The aspirations of local communities are communicated in a number of ways, including through formal documents such as Community Plans and via their community councils. The priorities for communities influence the outcomes of the planning process. It is also important that individuals are able to be involved in shaping the future of our area.

Development Sector

- 3.7 Developers, landowners, businesses and investors are all important to this process. Through land that they own or finance they are looking to invest or businesses which they wish to grow or set up in the area. These interests are critical to realising the vision identified in the Local Development Plan.

Stages

- 3.8 The Local Development Plan process has a number of key stages as set out below:-

Evidence Gathering – includes reviewing current policies, site assessment
Pre-Engagement - call for sites and early engagement with communities and other stakeholders
Main Issues Report (MIR) – This is the first formal consultation. This focusses on the key areas of change since the last Local Development Plan was prepared. A range of options are presented and comments sought. A Monitoring Report accompanies the MIR. A draft Strategic Environmental Assessment Environmental Report also accompanies the MIR to demonstrate the environmental effects of the proposals. This is the main engagement phase of the plan process and helps the Council come to a view on what should be in the plan.
Proposed Local Development Plan 2 – having considered the comments on the MIR the Council then prepare and consult on the proposed Local Development Plan 2. The proposed Local Development Plan 2 represents the “settled view” of the Council. This is in two parts i) Written Statement with a strategic vision for the area and policies and proposals to help deliver this vision ii) Proposals Maps which show where the allocations and other designations are. This consultation includes notification. It is accompanied by a draft Action Programme, a revised Strategic Environmental Assessment, a Habitat Regulation Appraisal record and a draft Equality and Socio-Economic Impact Assessment.
Examination – If the Council receives valid objections to the Proposed Local Development Plan 2 that are not resolved they will be sent to the Scottish Ministers. An Examination would then be conducted by a Scottish Government appointed Reporter into the unresolved objections and a report produced with recommendations.
Adoption of Local Development Plan 2 - The Council then modifies the plan as necessary, submits it to the Scottish Ministers and advertises its intention to Adopt the plan. The plan may be adopted after 28 days unless the Scottish Ministers direct otherwise.
Action Programme - this sets out how the policies and proposals are to be delivered. It must be published by the Council within three months of adoption of Local Development Plan 2 and is to be reviewed every two years.

3 | How do we prepare a Local Development Plan?

Governance

- 3.9 The preparation of Local Development Plan 2 is governed by a statutory process, the key stages of which are set out in this Development Plan Scheme. [Circular 6/2013](#) describes the development planning system in Scotland, and explains the legislative process in more detail. The Council, as the planning authority, controls the overarching corporate management of the Local Development Plan. This is dealt with at key stages through the Council's committee procedures and at Strategic Management Team meetings. A Project Board is responsible for providing overall direction to the delivery of Local Development Plan 2. This consists of the Development and Infrastructure Departmental Management Team plus the Head of service from Community Services. The project manager is responsible for the day to day management of the delivery of the plan and team. A communications team will meet regularly throughout the LDP2 process to ensure communications are as effective as possible. The Proposed LDP2 was approved by Full Council.

4 | Where are we now in the process?

- 4.1 The Local Development Plan was adopted in March 2015 and was followed by the publication of the Action Programme in June 2015. We then needed to think about preparing the new plan – Local Development Plan 2. The first step was **evidence gathering** to help us prepare Local Development Plan 2 (LDP2). We started this with an assessment of our current sites to retest their effectiveness. We also started gathering information, including a “*Call for Sites*” and got involved with communities through *Charrettes* (intensive planning sessions with the community and other stakeholders) for Tiree, Crinan Corridor and Rothesay, all of which will help inform LDP2.
- 4.2 During 2017 we moved into the pre Main Issues Report engagement phase. During this phase we assessed the sites proposed during the Call for Sites and sought further information on these from the Key Agencies. We engaged with the public and other stakeholders through the *Call for Ideas* and *Place Standard Tool* public consultation. In addition we held Community Council sessions and a Councillor Workshop.
- 4.3 Gathering these views helped us prepare the Main Issues Report which shows options to address the key areas of change in the area. The Council’s preferred option was shown and questions asked about that option. Engagement included consultation for 8 weeks, including Community Council meetings, public drop in events, publicity – including social media, use of an interactive Storymap and an on line form. At the same time we also published a Monitoring Report, a draft Environmental Report for the Strategic Environmental Assessment and a draft Equalities Impact Assessment.
- 4.5 During 2018 we assessed the consultation responses we received during the Main Issues Report consultation. This included officer assessment, a Councillor workshop and further engagement with Key Agencies and stakeholders on specific issues.
- 4.6 The Proposed Plan was drawn up during 2019 (PLDP2). This was approved as the Council’s “settled view” and was published for consultation for a 10 week period starting in November 2019 and closing in January 2020.

Development Plan Process



5 | The Next Steps?

- 5.1 The Proposed Local Development Plan 2 consultation closed on the 23rd January 2020. All the representations submitted will be considered. Please note that there is no automatic opportunity for parties to expand on their representations later in the process. After the Proposed Plan stage the Scottish Ministers expect a planning authority's priority to be to progress to adoption as quickly as possible
- 5.2 Where there are unresolved representations and the planning authority decides not to make notifiable modifications then there will need to be an **Examination** of the unresolved issues. This is an independent process carried out by Scottish Government appointed Reporters. The preparation for an Examination takes around 6 - 10 months dependent on the level and complexity of responses. As part of this the planning authority need to prepare a summary of unresolved issues on a form called a **Schedule 4**. Multiple representations on one policy, proposal or site may be grouped together into a single issue. The planning authority need to publish the plan and submit it to the Scottish Ministers alongside the proposed Action Programme, a report of conformity with their current Participation Statement and with a request that Scottish Ministers appoint a **Reporter** to examine the proposed plan. The planning authority is also required to include a Habitats Regulation Appraisal Record in this submission. The impact of Covid-19 on service delivery and new Scottish Government requests related to the preparation of National Planning Framework 4 have delayed work on the preparation for Examination by about 5 months. This updated DPS shows the new timeframe.
- 5.3 We will let you know when we submit the plan for Examination by placing a notice in one or more local newspapers stating that the LDP has been submitted, when this happened and where the plan may be viewed. We will make copies of the submitted plan available in an office of the planning authority, in public libraries and also publish it on line. However, if Covid-19 restrictions are still in place at this time the Coronavirus (Scotland) Act 2020 allows for development plan engagement to be conducted on line. Therefore public libraries and an office of the planning authority will not be required to hold copies. We will also send an email to all those in our contacts list who have asked to be kept informed throughout the process. The Examination is an independent process and takes on average 9 months.
- 5.4 During the Examination the Reporter(s) will look at the Schedule 4, copies of the unresolved representations, the Environmental Report, the proposed Action Programme, the Monitoring Statement and the Participation Statement current when the Proposed Plan was published. The Examination looks at the written submissions but the Reporter(s) may also ask for further written information, hearings or inquiry sessions.
- 5.5 The Reporter will issue their conclusions and recommendations at the end of the Examination. The recommendations are largely binding on the planning authority. There are only specific defined circumstances when an authority may depart from the recommendations. The Reporter will publish the Report and notify all parties who made an unresolved representation of this.
- 5.6 Within 3 months of receiving the Examination Report the planning authority should

5 | The Next Steps

publish the modifications and the plan they propose to **adopt**. We will also publish a notice in one or more local newspapers, make copies of the plan available for inspection and notify everyone who has made a representation. Please note this is not a further consultation. 28 days after this the authority may adopt the plan, unless directed not to by the Scottish Ministers. We will notify everyone who has made a representation of the Adoption. The Action Programme, which sets out how we will implement the plan has to be finalised within 3 months of Adoption of the plan.

6.1 Community engagement is important in the planning process and has influenced the current plans policies and proposals in the Proposed Local Development Plan 2.

6.2 At key stages we have consulted:

- ◆ stakeholders/key agencies in the public sector (such as key government agencies,
- ◆ the neighbouring local authorities and Loch Lomond and the Trossachs National Park, statutory bodies, and non-governmental organisations;
- ◆ the private sector (such as business interests, landowners and developers);
- ◆ the local community including residents, Community Councils, community representatives, community organisations and other interested bodies.

6.3 Although we are now past the key engagement phases and there is no automatic opportunity for parties to expand on their representations we will keep people informed of progress as we move towards the Examination and then Adoption of the plan.

Keeping you informed

- ◆ Provide information through our website – www.argyll-bute.gov.uk/ldp2, social media, email and newsletter updates
- ◆ Provide information to Community Councils, Council offices* and local libraries*
- ◆ Placing statutory adverts in local newspapers and publicising key stages with the media
- ◆ Maintain the Online interactive mapping of the Proposed Local Development Plan in the accessible Storymap format.
- ◆ Staff available to answer questions or provide information in person at our offices by appointment or via telephone and email
- ◆ Notify those who made representations on the Proposed Local Development Plan when we, propose to adopt and adopt the plan.
- ◆ We have set up and will maintain a mailing list of people who we contact via email/post to update on the Plan progress. If you would like to be added to this please let us know (find out how to contact us in section 8).

*The Coronavirus (Scotland) Act 2020 permits consultation to be conducted on line only removing the requirement for documents to be held by public libraries and in a Council Office.

6 | Participation Statement : how you can get involved

- 6.4 Appendix 1 sets out in greater detail the stages we will go through and the estimated timescales for engagement and consultation. It provides a detailed breakdown of the Local Development Plan process, indicative timescales and the opportunity for engagement including statutory periods of consultation.

7 | Impact Assessment of the Local Development Plan

- 7.1 As we progress through the Local Development Plan process we will make information on the Strategic Environmental Assessment, Habitats Regulations Appraisal and the Equality and Socio-Economic Impact Assessment available on line at www.argyll-bute.gov.uk/ldp2

Strategic Environmental Assessment

- 7.2 The Environmental Assessment (Scotland) Act 2005 requires us to carry out a Strategic Environmental Assessment of the Local Development Plan. This is a process for identifying and assessing the environmental effects of proposed strategies, plans and programmes so that these are taken into account before they are approved or adopted. It is a vital tool which places environmental considerations at the heart of decision-making process and ensures that alternatives are fully and transparently regarded before final decisions are taken.

- 7.3 We have consulted with Scottish Natural Heritage, Historic Environment Scotland and the Scottish Environmental Protection Agency in preparing our Strategic Environmental Assessment. This end result of this is an Environmental Report.

Habitats Regulations Appraisal

- 7.4 We will produce a new Habitats Regulations Appraisal of the potential impacts of the proposed Local Development Plan on European Sites. This requires to be submitted to Scottish Ministers alongside the proposed Local Development Plan. There are a number of designated 'Natura' sites within Argyll and Bute and so any emerging plans and policies will have to be considered with regards to potential adverse impacts on these protected sites and species.

Equality and Socio-Economic Impact Assessment

- 7.5 Under the Equality Act 2010 (Statutory Duties) (Scotland) Regulations 2011 we will undertake an Equality and Socio-Economic Impact Assessment (EqSEIA) of proposed policies and practices. In addition to the nine protected characteristics covered by the Equality Act 2010, the EqSEIA takes into account the Fairer Scotland Duty and the Islands (Scotland) Act 2018.

8 | How to keep up to date

- 8.1 You can keep up to date, access information on the Local Development Plan and contact the Argyll and Bute Council Local Development Plan Team as set out below.

Follow Local Development Plan progress at:

www.argyll-bute.gov.uk/ldp2



And on **Twitter** at:
@ABC_Planning or
@argyllandbute



On **Facebook** at:
www.facebook.com/argyllandbutecouncil

Hard copies of consultations will be made available during advertised consultation periods in local libraries and at the council office, Manse Brae, Lochgilphead, subject to the impacts of Covid-19 (Coronavirus (Scotland) Act 2020) where documents may only be available on line.

Ask a question:

Email: ldp@argyll-bute.gov.uk

Tel: 01546 604158

Appendix 1 | Engagement Strategy for LDP2 – www.argyll-bute/ldp2

Activities	Stakeholders	Engagement Techniques	Communication Techniques	Indicative Timescale
Publish Development Plan Scheme – REVIEW AT LEAST ANNUALLY				
Pre Main Issues Report – STAGE COMPLETED				
Main Issues Report – STAGE COMPLETED				
Proposed Local Development Plan – STAGE COMPLETED				
Examination				
Consider responses on PLDP2. Prepare Council response to outstanding objections (Schedule 4s) and prepare Report of Conformity with Participation Statement Committee Paper	ABC Officers Councillors	Project Board Internal liaison Committee process	Email and meetings Dedicated Council web page www.argyll-bute/ldp2 maintained Committee	14 months February 2020 - March 2020
Submit Proposed Plan to the Scottish Ministers with all the supporting documents (including Habitats Regulation Appraisal record) and all the outstanding objections Statutory notice Publication	Council Scottish Ministers	Information Publicity	Updates on dedicated Council web page www.argyll-bute/ldp2 , newsletter, direct emails and social media Submission Notice in local newspaper (s) Publish Proposed Local Development Plan as submitted on Council website Copies available in public libraries* and Development Policy Office* (Manse Brae, Lochgilphead) Direct Mail to Scottish Ministers	1 month April 2020
Examination of proposed plan; Reporters Report issued	Scottish Government Reporter(s)	Examination by written submissions/in public –	Maintain dedicated Council web page www.argyll-bute/ldp2	1 month administration 6 months Examination

Appendix 1 | Engagement Strategy for LDP2 – www.argyll-bute.gov.uk/ldp2

Activities	Stakeholders	Engagement Techniques	Communication Techniques	Indicative Timescale
	Council Objectors to PLDP2	Reporters remit	bute.gov.uk/ldp2	May 2020 –October 2021
Post Examination - Consider reporters recommendations; Prepare modifications Publish Modifications and Proposed Plan as modified. Revise SEA Environmental report, publish. Update Habitats Regulation Appraisal Send copies of all to Scottish Ministers Advertise Intention to Adopt Notification of representees	Council Representees on PLDP2 Scottish Government	Council process. Information Publicity	<p>Updates on dedicated Council web page www.argyll-bute.gov.uk/ldp2, newsletter, direct email and social media</p> <p>Intention to adopt notice in local newspaper (s)</p> <p>Publish Report of the Examination, Modifications and Local Development Plan as modified to adopt on the Council website</p> <p>Copies available in public libraries* and Development Policy Office* (Manse Brae, Lochgilphead)</p> <p>Notification to representees on PLDP2 Direct Mail to Scottish Ministers</p>	3 months November 2021 - January 2022
Adoption				

Appendix 1 | Engagement Strategy for LDP2 – www.argyll-bute.gov.uk/ldp2

Activities	Stakeholders	Engagement Techniques	Communication Techniques	Indicative Timescale
Adoption process for LDP2 Publish post adoption SEA Statement and submit to SEA Gateway	Council Representees on PLDP2 Scottish Government	Council process. Information Publicity	Adopted Local Development Plan 2 available in public libraries* and Development Policy Office* (Manse Brae, Lochgilphead) and published on dedicated Council web page www.argyll-bute.gov.uk/ldp2 Notice in local newspaper (s) Notify all those who made representations on the proposed plan. Direct mail to Scottish Ministers	February 2022
Action Programme				
Publish Action Programme	Councillors Scottish Ministers	Council process	Publication of Action Programme on dedicated Council web page www.argyll-bute.gov.uk/ldp2 ; Copies available in public libraries*; Copies sent to Scottish Ministers	May 2022
* Hard copies will be made available during advertised consultation periods in local libraries and at the council office, Manse Brae, Lochgilphead, subject to the impacts of Covid-19 (Coronavirus (Scotland) Act 2020) where documents may only be available on line.				



Argyll and Bute Council
Development and Infrastructure
Acting Executive Director: Kirsty Flanagan

www.argyll-bute.gov.uk

Chomhairle Earra-Ghàidheal is Bhòid



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ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE****LEGAL AND REGULATORY
SUPPORT****23 September 2020**

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

1.0 EXECUTIVE 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. Members are advised that the review has now been concluded and the fares fixed with effect from 22 October 2020.

2.0 RECOMMENDATION

- 2.1 The Committee is asked to note the above and that a further review of the taxi fares will take place within 18 months of 22 October 2020 as required in terms of section 17 of the Act.

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

1.0 INTRODUCTION

- 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. Members are advised that the review has now been concluded and the fares fixed with effect from 22 October 2020.

2.0 RECOMMENDATION

- 2.1 The Committee is asked to note the above and that a further review of the taxi fares will take place within 18 months of 22 October 2020 as required in terms of section 17 of the Act.

3.0 DETAIL

- 3.1 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. Members agreed to commence with the review process on 22 April 2020. At their meeting on 17 June 2020 the Committee agreed:
1. To propose that there be no change to the existing scales and that this take effect from 22 October 2020;
 2. To authorise the Head of Legal and Regulatory Support to advertise this proposal and to invite any responses within one month of the advertisement and report back to Members at their meeting on 19 August 2020; and
 3. Should no objections or representations be received in relation to the proposal, to delegate to the Head of Legal and Regulatory Support, in consultation with the Chair of the PPSL Committee to conclude the review without the requirement for the Committee to consider a further report on the review:-
- 3.2 Following the Committee's decision on 17 June 2020 adverts were placed in local newspapers week commencing 22 June 2020 proposing that there be no changes to the existing fares. In terms of this any representations had to be made by 3 August 2020.

- 3.3 As no representations were received by that date the Head of Legal and Regulatory Support in consultation with the Chair of PPSL agreed that no changes to the fares take place.
- 3.4 All operators were notified by letter on 12 August 2020 of the decision and were provided with a new tariff card. They were advised they had 14 days to appeal against the scales to the Traffic Commissioner for Scotland.
- 3.5 The Traffic Commissioner for Scotland were contacted and confirmed on 28 August 2020 that no appeal had been received.
- 3.6 Adverts were placed week commencing 7 September 2020 in the local press confirming that no change to the existing scales and that this takes effect on 22 October 2020 as required in terms of section 18A of the Act.

4.0 CONCLUSION

- 4.1 The review of the taxi fares has now been completed. The next review will require to be concluded within 18 months of 22 October 2020 in terms of section 18 of the Act.

5.0 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/Fairer Scotland Duty – It is not anticipated that any of the recommendations in this report will have a potential negative impact on any particular group or discriminate on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief.
- 5.6 Socio – economic Duty - None
- 5.7 Risk – None
- 5.8 Islands - None
- 5.9 Community Services - None

**Executive Director with responsibility for Legal & Regulatory Support
Argyll and Bute Council:**

Douglas Hendry
August 2020

Policy Lead: Cllr David Kinniburgh

For further information contact:

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