

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

*Executive Director: Douglas Hendry*



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9 December 2020

**NOTICE OF MEETING**

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY SKYPE** on **WEDNESDAY, 16 DECEMBER 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 18 November 2020 at 11.00 am (Pages 3 - 10)
  - (b) Planning, Protective Services and Licensing Committee 18 November 2020 at 2.00 pm (Pages 11 - 18)
  - (c) Planning, Protective Services and Licensing Committee 18 December 2020 at 2.30 pm (Pages 19 - 22)
  - (d) Planning, Protective Services and Licensing Committee 18 November 2020 at 3.00 pm (Pages 23 - 26)
  - (e) Planning, Protective Services and Licensing Committee 23 November 2020 (Pages 27 - 58)
  - (f) Planning, Protective Services and Licensing Committee 30 November 2020 (Pages 59 - 84)
- 4. MR C KENNEDY: ERECTION OF DWELLINGHOUSE AND FORMATION OF VEHICULAR ACCESS: LAND EAST OF TIGH NA MARA, ARINAGOUR, ISLE OF COLL, ARGYLL AND BUTE (REF: 20/01688/PP)**

Report by Head of Development and Economic Growth (Pages 85 – 100)

**5. SCOTTISH GOVERNMENT - BIODIVERSITY DUTY COMPLIANCE REPORT 2021 (ARGYLL & BUTE COUNCIL)**

Report by Executive Director with responsibility for Development and Economic Growth (pages 101 – 156)

**6. DRAFT SERVICE PLAN 2021-22: DEVELOPMENT AND ECONOMIC GROWTH SERVICE**

Report by Executive Director with responsibility for Development and Economic Growth (Pages 157 – 174)

**7. FQ2 2020/21 PERFORMANCE REPORT**

Report by Executive Director with responsibility for Development and Economic Growth (Pages 175 – 182)

**Planning, Protective Services and Licensing Committee**

Councillor Gordon Blair	Councillor Rory Colville (Vice-Chair)
Councillor Mary-Jean Devon	Councillor Lorna Douglas
Councillor Audrey Forrest	Councillor George Freeman
Councillor Kieron Green	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, 18 NOVEMBER 2020**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor George Freeman	Councillor Alastair Redman
Councillor Kieron Green	Councillor Sandy Taylor
Councillor Graham Hardie	Councillor Richard Trail
Councillor Donald MacMillan BEM	

**Attending:** Shona Barton, Committee Manager  
Patricia O'Neill, Governance Manager  
Peter Bain, Development Manager  
Sandra Davies, Major Applications Team Leader  
Howard Young, Area Team Leader – Bute and Cowal  
Brian Close, Planning Officer  
Graeme McMillan, Solicitor

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Lorna Douglas and Audrey Forrest.

**2. DECLARATIONS OF INTEREST**

Councillor Rory Colville declared a non-financial interest in item 6 of this Minute (Scottish Government Consultation on Reviewing and Extending Permitted Development Rights (PDR) in Scotland – Phase 1) as he is the owner of a building which forms part of a farm steading. He left the meeting and took no part in the consideration of this report.

**3. MINUTES**

- a) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 October 2020 at 11.00 am were approved as a correct record.
- b) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 October 2020 at 2.00 pm were approved as a correct record.
- c) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 October 2020 at 2.30 pm were approved as a correct record.
- d) The Minutes of the Planning, Protective Services and Licensing Committee held on 21 October 2020 at 3.00 pm were approved as a correct record.

**4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: PRIVATE HIRE CAR LICENCE APPLICATIONS**

Following publication of the Scottish Government's best practice guidance on the power to refuse to grant private hire licences on the grounds of over provision, consideration was given to a report inviting Members to amend the procedure for determining private hire car licence applications.

**Decision**

The Committee agreed:

1. that all future unopposed applications for private hire car licences may be granted by Officers on a delegated basis; and
2. that Officers should prepare periodic reports at least every six months, for the Planning, Protective Services and Licensing Committee providing updates on the number of private hire cars and taxis across the licensing authority's area.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support, submitted)

**5. MR AND MRS JOHN AND JULIE MCNAMEE: ALTERATIONS/EXTENSION AND CHANGE OF USE OF ECCLESIASTICAL BUILDING (CLASS 10) TO FORM DWELLINGHOUSE (CLASS 9), INSTALLATION OF SEWAGE TREATMENT PLANT AND FORMATION OF VEHICULAR ACCESS (REVISED APPLICATION TO CREATE DOMESTIC CURTILAGE): INVERCHAOLAIN CHURCH, TOWARD (REF: 19/00849/PP)**

The Planning Officer spoke to the terms of the report and to supplementary report number 1. The application site lies within the Countryside Zone where policy LDP DM 1 will only support proposals that are infill, redevelopment, rounding off or change of use. In this case the conversion of the church building and partial use of the adjacent field for associated domestic purposes is considered to be consistent with the settlement and spatial strategy. The Council own the graveyard which completely surrounds the church. The proposed external alterations to convert the church into a mainstream dwellinghouse are considered to be minimal and the physical appearance and character of the church would be relatively untouched. The proposal has attracted a total of 19 letters of objection, including 5 late representations detailed in the supplementary report. The concerns raised relate to the use of the church building as a dwellinghouse, impact on existing amenity and privacy as a historic and functional graveyard, access and car parking issues and serving issues. There have been no objections from consultees subject to conditions. It is not considered that holding a discretionary hearing would add value to the planning process. The proposal is considered to be consistent with the relevant development plan policies and it was recommended that planning permission be granted 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:

1. The development shall be implemented in accordance with the details specified on the application form dated 25<sup>th</sup> April 2019 and the approved drawings listed in the table below, and supporting information, 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
1:10,000 Supplementary Location Plan	1 of 14 Drawing no. 1365-02-14E	RevE	04/08/2020
1:1250 Location Plan	2 of 14 Drawing no. 1365-02-01F	RevF	04/08/2020
1:500 Site Plan as Existing	3 of 14 Drawing no. 1365-02-02G	RevG	04/08/2020
1:100 Ground Floor Plan as Existing	4 of 14 Drawing no. 1365-02-04A	RevA	26/04/2019
1:100 First Floor Plan as Existing	5 of 14 Drawing no. 1365-02-05A	RevA	26/04/2019
1:100 Elevations as Existing	6 of 14 Drawing no. 1365-02-06A	RevA	26/04/2019
1:100 Sections as Existing	7 of 14 Drawing no. 1365-02-07		26/04/2019
nts 3D Views as Existing	8 of 14 Drawing no. 1365-02-08		26/04/2019
1:500 Site Plan as Proposed	9 of 14 Drawing no. 1365-02-03G	RevG	04/08/2020
1:100 Ground Floor Plan as Proposed	10 of 14 Drawing no. 1365-02-09A	RevA	26/04/2019
1:100 First Floor Plan as Proposed	11 of 14 Drawing no. 1365-02-10A	RevA	26/04/2019
1:100 Elevations as Proposed	12 of 14 Drawing no. 1365-02-11B	RevB	26/04/2019
1:100 Sections as Proposed	13 of 14 Drawing no. 1365-02-12		26/04/2019
nts 3D Views as Proposed	14 of 14 Drawing no. 1365-02-13		26/04/2019

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

2. Prior to the commencement of any development, the existing private water supply and infrastructure for storage and distribution will need to meet the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 if it is to be used for the proposed development. The development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the recommendations made in the submitted report by Highwater Private Water Supplies – “Spring Water Supply Stronyaraig, near Inverchaolain”, dated 28<sup>th</sup> November 2018.

*Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both quality and quantity can be provided to meet the requirements of the proposed development and to protect existing supplies.*

3. No development (including any tree felling or land engineering works or any associated operations) shall take place within the site until the developer has secured the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

*Reason: In order to allow the recovery and recording of any finds of archaeological significance.*

4. The proposed shared vehicular access shall be designed and constructed with a passing place that shall be constructed as per Standard Detail for private driveway SD8004a Access from Single lane road. The access shall be designed and constructed to prevent water running onto the public road. The car parking area shall be designed with a turning area to allow vehicles to exit the site in a forward manner. The access shall be constructed prior to any work commencing on site, unless otherwise agreed in writing by the Planning Authority.

*Reason: In the interests of road safety.*

5. The dwellinghouse hereby approved shall not be occupied until sightlines of 75 metres from a 2.4 metre setback onto the C10 serving the new domestic curtilage to the north of the church site have been provided. Thereafter, no obstruction to visibility (i.e. walls, fences and hedges) shall be permitted within these visibility splays above a height of 1.0 metre from ground level.

*Reason: To achieve and maintain required sightlines onto the C10 road.*

6. Prior to the first occupation of the dwellinghouse, a parking area for a minimum of four vehicles shall be provided within the application site (i.e. land to the north of the graveyard) and thereafter be retained for such a dedicated purpose, unless otherwise agreed in writing by the Planning Authority.

*Reason: In the interest of traffic and pedestrian safety.*

7. Any trenches dug deeper than 50 cm shall have a ramp to allow any otters (and other species) to exit.

*Reason: In order to minimise any potential impacts on otters and other species.*

8. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the

development have been submitted to and approved in writing by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

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

9. No development shall commence until a scheme of tree planting, landscaping, boundary treatment, surface treatment for new garden area, lay-by and car parking and turning area has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
- i) Existing landscaping features and vegetation to be retained;
  - ii) Location design and materials of proposed walls, fences and gates; Fence around new domestic amenity space should be a post and rail stock proof fence to match existing around the field, unless otherwise agreed in writing;
  - iii) Proposed soft and hard landscaping works including the location, species and size of every indigenous tree/shrub to be planted; Tree species should include a mix of Quercus sp. either Sessile Oak or Pedunculate species with some intermittent planting of Birch (Betula sp.) and Rowan (Sorbus sp.);
  - iv) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

*Reason:* To assist with the integration of the proposal within its rural surroundings.

10. The existing stone boundary walls forming the western and northern boundaries of the graveyard shall be retained. No part of the wall shall be removed, altered or lowered without the written approval of the planning authority.

*Reason:* In the interests of visual amenity and to safeguard the character of the former Inverchaolain Church and graveyard.

11. Unless otherwise agreed in writing by the Planning Authority, all rooflights to be installed shall be the 'conservation type' rooflight window. Full details of all new rooflights shall be submitted (including scaled plans) for the prior written approval of the Planning Authority prior to their installation on the church building.

*Reason: To safeguard the character of the former Inverchaolain Church building.*

12. Unless otherwise agreed in writing by the Planning Authority, natural slates to be used for repairs or re-roofing.

*Reason: To safeguard the character of the former Inverchaolain Church building.*

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, classes 3A, 3D and 3E, prior to the erection of any domestic outbuildings, decking, gates or fences within the new amenity space area (i.e. land to the north of the graveyard), full details of siting, scale, design and materials shall be submitted for the written approval of the Planning Authority.

*Reason: In order to consider this aspect in detail and in terms of assessing any potential impact on the setting of Inverchaolain Church graveyard and surrounding dwellings.*

14. For the avoidance of doubt, the graveyard surrounding the former Inverchaolain Church building shall remain publicly accessible at all times during the construction phase and following completion of the development

*Reason: In order to safeguard public access both during and after the construction phase of the development.*

15. No works shall commence until full details of a Construction Environment Management Plan (CEMP) for all ground engineering and construction works has been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads and Amenity Services. Such plan shall, include a timetable for works shall including full details of delivery times for materials and plant, construction work operating hours, parking arrangements for construction traffic and construction management protocol.

*Reason: In order to safeguard operation and maintenance of the graveyard from construction noise and activities.*

(Reference: Report by Head of Development and Economic Growth dated 31 October 2020 and supplementary report number 1 dated 17 November 2020, submitted)

Councillor Donald MacMillan left the meeting at this point.

Having previously declared an interest in the following item, Councillor Rory Colville left the meeting at this point.

**6. SCOTTISH GOVERNMENT CONSULTATION ON REVIEWING AND EXTENDING PERMITTED DEVELOPMENT RIGHTS (PDR) IN SCOTLAND - PHASE 1**

A report appraising the Committee of the content and potential implications of Scottish Government proposals to review and extend Permitted Development Rights



(PDR) as set out in their Phase 1 consultation paper published on 1 October 2020 and its accompanying Strategic Environmental Assessment was considered.

The deadline for responding to the consultation was 12 November 2020 and an Officer response was submitted in advance of this deadline with commentary advising that this was a draft response and may be subject to a further submission of amendment following consideration by the PPSL Committee.

### **Decision**

The Committee:

1. agreed to endorse the submitted response to the consultation as per the detailed response to each of the 73 consultation questions contained within Appendix B of the report; and
2. acknowledged and thanked Officers for their work in preparing the response to this consultation within the very short timescale provided.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 6 November 2020, submitted)

Councillor Rory Colville returned to the meeting at this point.

## **7. RELAXATION OF PLANNING ENFORCEMENT IN RESPONSE TO COVID-19**

Consideration was given to a report seeking approval for an addendum to the Council's Enforcement and Monitoring Charter which would provide clarity to officers, complainants, and land owners of the weighting that Covid-19 and its relevance to the unauthorised will be afforded in the setting of timescales and the processes that will be followed when seeking to resolve a breach of planning control.

### **Decision**

The Committee agreed to:

1. note the guidance provided by the Scottish Government's Chief Planner on relaxation of planning enforcement in response to Covid-19;
2. note that the Planning Position Statement (Appendix A), setting out previously approved relaxation of planning controls within town centres will now remain in force until 31 March 2021 (following approval by the Council's Leadership Group on 29 October 2020); and
3. approve the proposed addendum to the Enforcement & Monitoring Charter (Appendix B) for a temporary period expiring 31 March 2021, subject to periodic review in the event of updated guidance being provided by the Scottish Government.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 5 November 2020, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held BY SKYPE  
on WEDNESDAY, 18 NOVEMBER 2020**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Kieron Green	Councillor Alastair Redman
Councillor Graham Hardie	Councillor Richard Trail
Councillor Roderick McCuish	

**Attending:** Shona Barton, Committee Manager  
Patricia O'Neill, Governance Manager  
Graeme McMillan, Solicitor  
Marcin Czerwinski, Applicant  
Sgt Wendy McGinnis, Police Scotland

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Lorna Douglas, Audrey Forrest, George Freeman, Donald MacMillan and Sandy Taylor.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER LICENCE (M CZERWINSKI, LOCHGOILHEAD)**

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by Video Call, by Audio Call or by written submission. For this hearing the Applicant had opted to proceed by Video call but it was subsequently established that he had been unable to join in this way. He agreed to proceed by way of Audio Call and joined the meeting by telephone. The representative from Police Scotland had opted to proceed by Audio Call and also joined the meeting by telephone.

The Council's Solicitor, Mr McMillan, advised that Police Scotland had requested the Committee take into consideration an Alternative to Prosecution which was considered "spent" in terms of the Rehabilitation of Offenders Act 1974.

The Chair outlined the procedure that would be followed in this respect and invited Police Scotland to address the relevancy of the spent conviction.

**Police Scotland**

Sgt McGinnis advised that the "spent" Alternative to Prosecution related to a Recorded Police Warning given to the Applicant as the result of an incident which

took place in May 2020. She said the nature of the offence was relevant to someone holding a taxi driver licence and asked that it be taken into consideration.

### **Applicant**

Mr Czerwinski said he did not think the “spent” Alternative to Prosecution” should be taken into account as he did not think it was relevant to his application.

### **Police Scotland**

Sgt McGinnis asked that the details of the “spent” Alternative to Prosecution be heard.

At this point the Committee Manager advised that Councillor Mary-Jean Devon had lost connection to meeting briefly during the presentation given by Police Scotland and now just re-joined the meeting.

The Chair summarised for Councillor Devon, the presentations given by Sgt McGinnis and Mr Czerwinski.

The Committee agreed that the “spent” Alternative to Prosecution was relevant and agreed to take this into account. A copy of the letter submitted by Police Scotland regarding this, which had previously been issued to the Applicant, was shared with the Committee on screen and read out by Mr McMillan. The letter referred to the details of an incident which took place on 6 May 2020 and resulted in the Applicant receiving a Recorded Police Warning under the Misuse of Drugs Act 1971 Section 5(2).

The Chair then outlined the hearing procedure that would be followed and invited the Applicant to speak in support of his application.

### **APPLICANT**

Mr Czerwinski explained the circumstances surrounding the incident which took place on 6 May 2020. He advised that during lock down he was a key worker and drove every day from his home to Tarbert. He advised that on this day he had been pulled over by the Police at Inveraray. After a short conversation about why he was driving during lockdown, he explained that he had been shopping for elderly people in his village. The Police asked his permission to search his car and he agreed to this. The Police search found a box containing herbal cannabis. Mr Czerwinski advised that the drugs were not his and that he had never used drugs. He said the drugs belonged to a girlfriend. He said she used cannabis as she suffered from PTSD. Mr Czerwinski said that he had previously been in the military and had the highest security clearance. He said that he had advised the Police Officer that he wanted to defend himself but they advised that he would just receive a warning. He said that he had explained to the Police about his application for a Taxi Driver Licence and they had advised that this would not affect his application and that it would be erased after 6 months.

In terms of his application, Mr Czerwinski advised that the whole idea of providing a service to his village came up because there currently was no service in his village. He said that previously there had been a full time taxi driver with a black cab but he gave his business up in the summer and the only service provided to the village

came from Dunoon. He said that this caused a problem in the village as the gentleman offering the service from Dunoon focussed mostly on long fares and was not as committed to providing a service for local trips.

Mr Czerwinski said he was a good driver, with 20 years' experience and no convictions. He advised that he needed to apply for a certificate of good conduct to apply for the licence. He said he had provided this and that it proved he had never had any problem with the Police or the law. He said the idea of Private Hire would be to provide a part time service as he did not think there was a need for a full time driver in the village. He advised that it was a small community with the majority being elderly people. He referred to the holiday park and said this was closed at the moment. He advised that he would like to provide a service to the local community and to the tourists that visited the Drimsynie Holiday complex. He said that in addition to this he would like to start a business next year focussing on fishing trips. He said that he became unemployed during lock down. He said that he had struggled to find another job and that his previous employment was in hospitality. He said he did not want to rely on money from the Government. He advised that he had some savings and that he had bought a car and bought a boat and applied for this licence. He said he was ready to start a Private Hire business.

### **POLICE SCOTLAND**

Sgt McGinnis referred to a letter dated 31 July 2020 which advised that the Applicant had been convicted at Court on 31 January 2020 under the 70, 60, 50 mph (Temp speed limit) Order 1977 Para 3(b). He was fined £300 and had his driving licence endorsed with 4 penalty points. She read out the circumstances of this conviction which was as a result of an incident which took place on 1 December 2018. She also advised that, as a result of an incident on 27 June 2020, the Applicant was reported to the Procurator Fiscal for a contravention of Section 143(1) & (2) of the Road Traffic Act 1998. As this matter was sub judice, she was unable to comment further at this time.

Sgt McGinnis also referred to the letter advising of the circumstances in respect of the "spent" Alternative to Prosecution.

### **MEMBERS' QUESTIONS**

Councillor McCuish sought and received confirmation from Sgt McGinnis that an Alternative to Prosecution was not a conviction and there had been no admission of guilt and not a finding of guilt. The Applicant had accepted a Recorded Warning as opposed to going to Court.

Councillor McCuish questioned whether it was fair to ask the Committee to take this into consideration if it was not a conviction. Sgt McGinnis explained that the incident had occurred, the crime/offence had taken place. The Applicant accepted the warning instead of going to Court to be found guilty or innocent.

Councillor McCuish sought and received confirmation from Sgt McGinnis that being found in possession of 3 grams of cannabis was a minor offence.

Councillor Trail referred to Mr Czerwinski saying he had been driving for 20 years without causing any offence but on 1 December 2018 he had been caught driving at 97 mph on the road from Tarbert to Campbeltown. He asked Mr Czerwinski if this

was something he did regularly. Mr Czerwinski said no. He advised that the incident had happened on 1 December 2018 and that he had pled guilty on the spot. He said that he had been driving on his own and this had been the only time he had acted stupidly and recklessly and that he had been punished and learnt his lesson. He said he was given 4 penalty points instead of 6 and that his fine had also been reduced. Since then, he advised, that he has never had any problem with speeding or causing danger on the road.

Councillor Trail said he hoped he would not take passengers driving at that speed. Mr Czerwinski confirmed he would not. He said he pled guilty and that he still felt guilty about that and that the points were still on his licence.

Councillor Devon said she was under the impression that if someone was caught driving at 97 mph there would be an instant dismissal and loss of licence. She sought clarification on this from Sgt McGinnis. Sgt McGinnis advised that the conviction Mr Czerwinski received is what the Court decided on the day. She said he pled guilty at the earliest opportunity which may have resulted in the discounted fine.

Councillor McCuish asked Mr Czerwinski if there was any reason for him driving at this speed. Mr Czerwinski explained the circumstances surrounding the incident. He advised he tried to overtake another driver within the speed limit but they had accelerated. Another car was coming the opposite direction and Mr Czerwinski said he had to speed up to try and get into the gap in front of the car he was overtaking. He said that the person he overtook continued to speed and was sitting right on his bumper. He said he did not realise he was going so fast. He advised that the Police Radar only recorded the speed of the first car so there was no evidence of the speed of car behind him. He confirmed that he was guilty and that he was sorry that he had done this. He said he was 40 years old, with 20 years' driving experience and this was the only time had had any issues.

Councillor McCuish sought and received confirmation from Mr Czerwinski that he had explained the situation to the Police when he was stopped. He said he was not sure if a Police report had gone to Court but if it had maybe this was why he was not punished so severely.

Councillor Green referred to Mr Czerwinski being found in possession of drugs in Inveraray and asked Sgt McGinnis if it was not normal practice to carry out a drugs test at the same time. Sgt McGinnis said the Police could not randomly drug test drivers. They would need to have some other evidence that they believed the person was under the influence of drugs, for example, driving manner, smell or glazed eyes. Sgt McGinnis confirmed that in this case a drugs test was not carried out as though drugs were found in the vehicle there was no evidence that Mr Czerwinski was under the influence.

Councillor Kinniburgh referred to the matter that was sub judice. He sought and received confirmation from Sgt McGinnis that a charge under Section 143 (1) & (2) of the Road Traffic Act 1988 related to driving without valid insurance. She said that this was a pending case but a letter had been issued by the Procurator Fiscal offering a fixed penalty. She said she did not know if this had been taken up or not.

Councillor Kinniburgh referred to Mr Czerwinski speeding while over taking the car because a car was coming in the opposite direction. He asked Mr Czerwinski why

he had not braked and slowed down instead. Mr Czerwinski said he was not overtaking at the time of speeding. He said the overtaking took place 3 miles before. He said that when he overtook he slowed back down to the speed limit. He advised that after a corner there was a long straight line and that person was still sitting on his bumper. He said the person overtook him and slowed right down in front of him so he overtook him again. He said he needed to speed up as the person continued to sit on his bumper. He said he did not cause the situation on the road which was a dangerous situation and he had explained this to the Police.

Councillor Kinniburgh sought and received confirmation from Mr Czerwinski that the Police were situated at the end of the road.

Councillor Kinniburgh suggested that a responsible person would have said 'let the guy past, let him go and I will stick to the speed limit'. Mr Czerwinski agreed that he should have done that. Councillor Kinniburgh asked Mr Czerwinski if he had got into a race with the other driver. Mr Czerwinski said it was not a race. He said this was a big van and that he was scared. He said he was shaken and was still shaking when he was explaining the situation to the Police. He said he felt 100% guilty but did not feel guilty for causing the dangerous situation. He acknowledged that he should have just let the other driver go.

Councillor Kinniburgh sought and received confirmation from Mr Czerwinski that he had previously been employed at the Drimsynie Holiday complex for 2 years but had lost his job during lock down.

Councillor Kinniburgh referred to Mr Czerwinski alluding to the fact that the 'spent' conviction was only for 6 months. He sought and received confirmation from Sgt McGinnis that this would now have expired.

### **SUMMING UP**

#### **Police Scotland**

Sgt McGinnis referred to the speeding conviction, the pending conviction for no insurance and the 'spent' Alternative to Prosecution for drugs. She referred to Mr Czerwinski's explanation about the speeding and advised that it was a cause for concern that he had not seen the Police Officers due to the speed he was driving. She confirmed that the drugs issue was just for possession and that there was no inference that the driver was under the influence.

#### **Applicant**

Mr Czerwinski referred to the pending conviction for driving without insurance. He advised that he had received the letter from the Procurator Fiscal offering penalty points and a fine but he wanted to defend himself in Court.

He said that he would like to establish a Private Hire business as he was currently unemployed. He said he knew the community and had been here long enough to know the people well and that he felt comfortable in his village. He said he knew a service like this was needed in the village. Taking account of all the convictions, he advised that he could only say that for 20 years he was a trustworthy person. He was granted the highest military security clearance and had never been convicted before and always acted according to the law. He advised that if the Committee were to

grant this licence he would do his best to provide the best possible service within the regulations and rules. He promised not to break any regulations again.

When asked, both parties confirmed that they had received a fair hearing.

### **DEBATE**

Councillor Hardie advised that having listened to all the evidence and taking account of the Applicant's drugs possession, speeding and no insurance, he felt he could not allow him to receive a Taxi Driver's Licence at this stage so would reject this application.

Councillor McCuish said he took a different view. He advised he felt the drugs issue had been dealt with appropriately. He referred to speeding at 97 mph and said there was no excuse for that. He advised that he believed this too had been dealt with and Mr Czerwinski had paid the price for that. He noted that apart from that, in over 20 years, he had received no penalty points so he was prepared to take this offence as a one off. He acknowledged that driving at 97 mph was serious but he was happy to maybe, at the appropriate time, put forward a Motion to grant the application.

Councillor Trail said he had a similar view to Councillor McCuish. He said he took at face value that the drugs were not Mr Czerwinski's and that he did not take drugs. He said he was deeply concerned about racing down a straight road and advised this was a very dangerous thing to do. He said he took Mr Czerwinski's word that he had learnt his lesson and would not do anything similar again.

Councillor Green said the no insurance and cannabis did not really come into it. What it came down to was driving at 97mph but he thought this had been covered by the penalty issued. However, he said the difficulty he had was the emerging aspects which have come out about the repeated over takes which, he said, troubled him. He advised that at the moment he was leaning towards the same position as Councillor Hardie not to grant this application.

Councillor Redman said he was not overly concerned about the drugs charge as it was a very small amount. He said the speeding did concern him but he believed it had been dealt with and that he was not in the business of crucifying everyone that made a mistake even though this was a stupid and dangerous mistake. He said that Mr Czerwinski had paid the price for his crimes and that he was minded to agree to grant his application.

Councillor Moffat said that the speeding was a concern. She pointed out that Mr Czerwinski appeared to have been treated very leniently considering the speed involved. She said she was of the mind that he was forced into this position by another aggressive driver and that the Committee needed to give Mr Czerwinski the benefit of the doubt.

Councillor Kinniburgh said he found this a difficult case. He said he thought the drugs were not a concern as he did not believe they were for the Applicant's use. He said he totally believed all that Mr Czerwinski had said today and that he had tried to be as up front as he could be. He said he did have concerns that with the no insurance, which was sub judice, and the speeding there were 2 driving offences, one which Mr Czerwinski was convicted for, and the other which he has been charged with. He said it gave him concern as to whether Mr Czerwinski had learnt



his lesson in relation to road traffic matters. However, he advised that taking account of what has been said he believed somethings have got lost in translation. He believed the speed of 97 mph was very serious and that what was described appeared to be a very dangerous situation Mr Czerwinski found himself in. Councillor Kinniburgh advised that he had missed the opportunity to find out if there could have been a charge for careless or dangerous driving due to what was described. He noted that the service Mr Czerwinski wished to provide would appear to be local to Lochgoilhead and said he hoped he would not be able to get up to speeds of 97 mph there. He advised that he was of the same mind as Councillor McCuish and others to grant this licence.

**Motion**

To agree to grant a Taxi Driver's Licence to Mr Czerwinski.

Moved by Councillor David Kinniburgh, seconded by Councillor Roderick McCuish

**Amendment**

To refuse Mr Czerwinski's application for a Taxi Driver's Licence as he was not a fit and proper person to be the holder of that Licence.

Moved by Councillor Graham Archibald Hardie, seconded by Councillor Kieron Green.

A vote was taken by calling the roll.

Motion

Amendment

Councillor Devon  
Councillor Kinniburgh  
Councillor McCuish  
Councillor Moffat  
Councillor Redman  
Councillor Trail

Councillor Green  
Councillor Hardie

The Motion was carried by 6 votes to 2 and the Committee resolved accordingly.

**DECISION**

The Committee agreed to grant a Taxi Driver's Licence to Mr Czerwinski which would not be issued until the 28 days Appeal period had expired.

(Reference: Report by Head of Legal and Regulatory Support, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held BY SKYPE  
on WEDNESDAY, 18 NOVEMBER 2020**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Kieron Green	Councillor Alastair Redman
Councillor Graham Hardie	Councillor Richard Trail

**Attending:** Shona Barton, Committee Manager  
Patricia O'Neill, Governance Manager  
Graeme McMillan, Solicitor  
Marcin Czerwinski, Applicant  
Sgt Wendy McGinnis, Police Scotland

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Lorna Douglas, Audrey Forrest, George Freeman, Donald MacMillan, Jean Moffat and Sandy Taylor.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR LICENCE (M CZERWINSKI, LOCHGOILHEAD)**

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by Video Call, by Audio Call or by written submission. For this hearing the Applicant had opted to proceed by Video call but it was subsequently established that he had been unable to join in this way. He agreed to proceed by way of Audio Call and joined the meeting by telephone. The representative from Police Scotland had opted to proceed by Audio Call and also joined the meeting by telephone.

The Council's Solicitor, Mr McMillan, advised that Police Scotland had requested the Committee take into consideration an Alternative to Prosecution which was considered 'spent' in terms of the Rehabilitation of Offenders Act 1974.

The Chair outlined the procedure that would be followed in this respect and invited Police Scotland to address the relevancy of the spent conviction.

**POLICE SCOTLAND**

Sgt McGinnis asked that this 'spent' Alternative to Prosecution be taken into account as she believed it was relevant to this application.

## **APPLICANT**

Mr Czerwinski said he did not believe it was relevant to his application.

The Committee agreed that the 'spent' Alternative to Prosecution was relevant and agreed to take this into account. It was noted that the detail of this was presented to the Committee and read out at the hearing held for Mr Czerwinski's Taxi Driver's Licence application.

The Chair then read out the hearing procedure that would be followed and invited the Applicant to speak in support of his application.

## **APPLICANT**

Mr Czerwinski advised that looking at the big picture he thought his business would work most effectively if he focussed on taking bookings during the week. He said he would be available 24/7. He referred to a second business he would like to run alongside this, offering fishing trips on weekends.

## **POLICE SCOTLAND**

Sgt McGinnis referred to a letter dated 7 August 2020 from the Chief Constable which advised that as a result of an incident which took place on 27 June 2020 the Applicant had been reported to the Procurator Fiscal for a contravention of Section 143 (1) & (2) of the Road Traffic Act 1988. As the matter was sub judice, she advised she was unable to comment further at this time.

Sgt McGinnis also referred to the Alternative to Prosecution which was considered 'spent' in terms of the Rehabilitation of Offenders Act 1974.

## **MEMBERS' QUESTIONS**

Councillor Kinniburgh sought and received confirmation from Mr Czerwinski that he would be available 24/7 but would like to focus on taking bookings during the week for weekends.

Councillor Kinniburgh sought and received confirmation from Mr Czerwinski that he had not included his convictions in his application form as he did not realise he had to. Mr Czerwinski explained that at the time he submitted the application the only conviction he had was the one for speeding which was from 2 years ago. The other 2 issues happened after his application was submitted.

## **SUMMING UP**

### **Police Scotland**

Sgt McGinnis confirmed that Mr Czerwinski had a 'spent' Alternative to Prosecution which was a Police Warning. He also had a pending case for driving a motor vehicle with no insurance.

**Applicant**

Mr Czerwinski advised that he thought he had said everything he wanted to say at the first hearing. He only thing he said he could add was that he was 100% sure this service was really needed in the village.

When asked, both parties confirmed that they had received a fair hearing.

**DEBATE**

Councillor McCuish advised that he was of the same mind as before. He advised that he thought Mr Czerwinski's business plan was sound and given the area he was hoping to serve, he was the only show in town. He wished him every success and would move to grant the application.

Councillor Hardie said he was of the same opinion as before that Mr Czerwinski was not a fit and proper person to be the holder of this Licence.

Councillor Redman commented that it would be a bit silly to approve one and not the other and that he was minded to grant the application.

Councillor Green advised he could see where Councillor Hardie was coming from in terms of a consistent view. He advised that as this was for a private hire car operator rather than taxi he was minded to grant.

Councillor Kinniburgh said he was in favour of granting the Taxi Driver's Licence and he was of the same opinion here. He advised, he thought that Mr Czerwinski would be the only person operating in Lochgoilhead. The issues to be taken into account in this case were the 'spent' Alternative to Prosecution and the case regarding no insurance. He advised that conviction in respect of driving at 97 mph could not be taken into account in this case as it had not been represented by Police Scotland.

**DECISION**

The Committee agreed to grant a Private Hire Car Operator Licence to Mr Czerwinski.

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

(Reference: Report by Head of Legal and Regulatory Support, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**  
**held BY SKYPE**  
**on WEDNESDAY, 18 NOVEMBER 2020**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Kieron Green	Councillor Alastair Redman
Councillor Graham Hardie	Councillor Richard Trail

**Attending:** Patricia O'Neill, Governance Manager  
Shona Barton, Committee Manager  
Graeme McMillan, Solicitor  
Paul Cowin, Applicant

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Lorna Douglas, Audrey Forrest, George Freeman, Donald MacMillan BEM, Jean Moffat and Sandy Taylor.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR LICENCE (P COWIN, HELENSBURGH)**

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by Video Call, by Audio Call or by written submission. For this hearing the Applicant opted to proceed by way of Audio Call and joined the meeting by telephone.

The Chair then outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

**APPLICANT**

The Applicant made reference to the LVSA report on Taxi Unmet Demand and Private Hire Overprovision in Argyll and Bute and noted that although the report did state that there no significant unmet demand for taxis, it did advise that there was unmet demand in the evenings which was when the Applicant intended to work. The Applicant advised that when operating under his private hire licence, he was unable to use the taxi rank and therefore unable to gain business from people waiting in the street for taxis. The Applicant outlined other factors within the report which he considered relevant including the observation that some cars were dirty and not well kept; the recommendation that some taxis should be younger cars; and the recommendation that some cars should be able to offer card payment options. The Applicant advised that his own car was only 3 and a half years old and immaculately kept, noting that he had also had a card reader available in his

car for 1 and a half years although this was used rarely as many people were unaware that this was an option.

The Chair then invited Members' questions.

### **MEMBERS' QUESTIONS**

Councillor Trail asked the Applicant to confirm why he felt that there was business in Helensburgh for another taxi operator, despite the LVSA report stating that there was no significant unmet demand in the area. The Applicant advised that the report did indicate that there were persistently people waiting for taxis at night and noted that many taxi drivers did not work in the evenings. The Applicant advised that many of the taxi drivers in Helensburgh were elderly and chose not to work at night as some clients in the evenings could be difficult to deal with, noting that he was 37 and happy to deal with some of the more difficult clients and expressing his belief that having more young drivers would benefit the taxi trade.

Councillor Trail advised that one reason that less drivers were working at night was likely to be due to the restrictions in place causing pubs and restaurants to close early, noting that he did not feel that it was the time to grant a new operator's licence. The Applicant agreed that it was quieter than it had been but advised that he felt that it would pick up again eventually and noted that Helensburgh had been doing better than most places and was still generally busy with people eating in restaurants and a number of pubs beginning to sell food to encourage custom.

The Chair advised that he was aware that the Applicant held a private hire operator licence and noted that the LVSA report alluded to the fact that some taxis appeared to be operating as private hire vehicles, with some leaving the rank with no passengers to answer calls to pick up pre-booked hires. The Chair asked the Applicant to confirm if the reason he wanted a taxi operator licence was purely to be able to use the taxi rank. The Applicant responded that he would be surrendering his private hire licence if he was successful in his application for a taxi operator licence as this would give him the ability to pick up business from the taxi rank when people were leaving bars and restaurants. The Applicant advised that many people walk to a taxi rank to get into the nearest car rather than phoning to book a private hire car, reiterating that a taxi operator licence would allow him to pick up business from the taxi rank in the evenings.

The Chair sought and received confirmation from the Applicant that he operated through Trident Taxis, owned by TOA Taxis, and received work through an app on his phone. The Chair advised that he was of a similar mind to Councillor Trail, noting that the LVSA report had indicated that there was no significant unmet demand for taxis and that since the report had been published 6 further private hire vehicles had been put on the road, representing a significant increase in private hire cars in the area. The Applicant advised that he had been familiar with the taxi trade over the last 20 years and was aware of an increase in private hire vehicles. The Applicant provided details of his knowledge of the illegal trading of licence plates and advised that he felt that due to this and a number of cars not being used while they waited for people to pay for their licence plates there were less cars on the road to meet client demand. The Applicant noted that although the LVSA report may have been accurate at the time it was published with regards to demand, many drivers had since stopped operating and this had also been impacted by the effects of Covid-19 and the average age of taxi and private hire drivers in the area likely being particularly high.



The Chair asked the Applicant to clarify why he believed that many drivers were applying for private hire licences as opposed to taxi licences. The Applicant advised that he believed that this was due to local knowledge that it was easier for the Council to issue a private hire licence than a taxi licence. The Applicant expressed his belief that a lot had changed since the LVSA report had been published and it would be easier to get money from work on the street than from private hires.

The Chair advised that although he did not operate a taxi or private hire, his knowledge of the industry indicated that the trade was changing to be more suitable for private hire vehicles than taxis, referencing Uber as an example. The Chair indicated that he was intrigued due to this that anyone would be interested in applying for a taxi licence, as opposed to continuing with a private hire licence. The Applicant advised that he believed there to be plenty work for both taxi and private hire operators, noting that Helensburgh was particularly well placed for taxi operators to get business on the street due to the placement of a taxi rank outside the train station and around the corner from a number of pubs and restaurants. The Applicant made reference to the LVSA report which indicated that 50% of the work for drivers in the area was on the street, advising that he still believed this to be the case.

The Applicant noted his belief that he would not be upsetting the balance in the area very much due to the fact that he would be surrendering his private hire licence if he was successful in his application for a taxi operator licence. The Chair clarified to the Applicant that he would not be required to surrender his private hire licence, the Applicant responded to confirm that if he was successful in obtaining a taxi operator licence he would surrender his private hire licence.

The Chair advised that although he was not in Helensburgh late at night due to the Covid-19 restrictions, he did pass the taxi rank early in the evening each day and the taxi rank was never empty of taxis at that time. The Applicant advised that he had recently went out for dinner with his family and on their return at 7pm had witnessed a number of people waiting at the taxi rank when there were no taxis present, noting that if he had held a taxi operator licence he would have been able to go back out to pick people up from the rank. The Applicant advised that there would often be waits for taxis at various times, particularly in line with the train timetables. The Applicant advised that it was hard to book a taxi reliably for a Friday or Saturday night and made reference to the LVSA report stating that it may be appropriate to grant an additional licence to drivers willing to work on Friday and Saturday nights, which the Applicant confirmed he was willing to do and had been doing as a private hire operator.

### **SUMMING UP**

#### **Applicant**

The Applicant confirmed that much of what he had to say had been covered throughout the Hearing. The Applicant advised that a local supermarket which was due to open soon were including a taxi rank within their car park which he believed would increase demand for taxis.

When asked, the Applicant confirmed that he had received a fair hearing.

### **DEBATE**

Councillor Redman thanked the Applicant for providing a detailed report and advised that also having come from a business background, he believed that the Applicant knew what he was talking about. Councillor Redman expressed his personal belief that small businesses should not have to explain their business to elected officials for them to make a decision on the basis of a short meeting when business encompassed years of experience and knowing the demand for a product. Councillor Redman expressed concern at the idea of overprovision, advising that he believed in competition and the free market and noting that the taxis currently in operation may not be going out at times of high demand or providing good service. Councillor Redman advised that on this basis, he was of a mind to grant the application as he felt that choice, enterprise and competition were good things to be encouraged rather than stifled.

Councillor Trail advised that he did not believe that people would come out of pubs and restaurants and walk to a taxi rank and wait in the rain, and would instead use a mobile phone to call a taxi to pick them up. Councillor Trail noted that local taxi drivers had advised him that many drivers were avoiding taxi ranks as they were rarely used, with most people using their phones to contact taxis.

The Chair advised that he was of the same opinion as Councillor Trail and did not believe that there was any significant unmet demand for taxis, noting that he passed the taxi rank on a regular basis and taxis were almost always present. The Chair acknowledged the Applicant's point in relation to a new taxi rank at a local supermarket and recognised that this could be an additional source of income for drivers, however noted that this was likely to be during supermarket opening hours when it was recognised in the LVSA report that there was no significant unmet demand for taxis. The Chair advised that on that basis, and based on the Committee granting a number of private hire licences since the LVSA report was published, he was of a mind to refuse the application.

### **DECISION**

The Committee agreed to refuse the application from Mr Cowin for a Taxi Operator Licence.

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

(Reference: Report by Head of Legal and Regulatory Support, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held BY SKYPE  
on MONDAY, 23 NOVEMBER 2020**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Kieron Green
Councillor Rory Colville	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

**Attending:** David Logan, Head of Legal and Regulatory Support  
Iain Jackson, Governance, Risk and Safety Manager  
Patricia O'Neill, Governance Manager  
Steven Gove, Planning Officer – Planning  
Howard Young, Area Team Leader – Bute & Cowal - Planning  
Mark Crichton - Applicant  
James Kemp - Applicant's Agent  
Richard Gorman, Environmental Health Officer – Consultee  
Malcolm Chattwood, Environmental Protective Officer – Consultee  
Paul Farrell, Roads Officer – Consultee  
Robert MacIntyre – Supporter  
Councillor Jim Findlay – Supporter  
Karen Hilton - Objector

**1. APOLOGIES FOR ABSENCE**

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

**2. DECLARATIONS OF INTEREST**

Councillor Kieron Green declared a non-financial interest in the Bute Islands Food Ltd planning application reference 20/01441/P as a family member worked for the company. He left the meeting at this point and took no part in the consideration of this application.

**3. BUTE ISLAND FOODS LTD: ERECTION OF FOOD PRODUCTION FACILITY AND ASSOCIATED WORKS (REVISED PROPOSAL RELATIVE TO PLANNING APPLICATION REFERENCE 20/00333/PP TO INCORPORATE REMOVAL OF NEW ACCESS ONTO BARONE ROAD, USE OF EXISTING ACCESS ONTO MEADOWS ROAD FOR ALL VEHICLES AND INCREASE IN NUMBER OF OFF-STREET PARKING SPACES TO 78): FORMER GAS NETWORK SITE, MEADOWS ROAD, ROTHESAY, ISLE OF BUTE (REF: 20/01441/PP)**

The Chair welcomed everyone to the hearing which was being held on a virtual basis in light of government guidance and Coronavirus legislation on public gatherings in response to the Covid-19 pandemic. For the purposes of the sederunt, Mr Jackson,

Clerk to the Committee today, read out the names of the Members of the Committee and asked them to confirm their attendance.

In advance of the meeting today interested parties confirmed that they would make presentations to the Committee. Mr Jackson read out the names of those representatives and asked them to confirm their attendance.

The Chair, having explained the hearing procedure that would be followed, invited the Planning Officer to present the case.

### **PLANNING**

The Planning Officer presented the application as follows on behalf of the Head of Development and Economic Growth.

This hearing is considering an application for the erection of a food production facility at a site adjacent to the junction of Barone Road and Meadows Road in Rothesay on the Isle of Bute. The proposal also involves the use of the existing access onto Meadows Road; the provision of 78 vehicle parking spaces within the confines of the site; the installation of a Sustainable Drainage storage system; and connection to the existing public water supply and public sewerage system.

As a physical visit to the site is not being held in association with the hearing, I thought that it would be useful to begin my presentation with some images and photographs to assist in an appreciation of the site and its surroundings.

Slide No. 3 is an aerial image that shows the application site outlined in red.

To the immediate north of the site, as shown in Slide No. 4, is Sheriff's Croft, which is a small residential development consisting of a terrace of four dwellinghouses and a detached dwelling.

Back to aerial image on Slide No. 5 and the land to the north-east.

Slide No. 6 shows the modern factory unit and the former Cotton Mill buildings that accommodate Bute Fabrics

The aerial image on Slide No. 7 shows that the land to the east and south-east of the site are Council yards and the rear of McKirdy's Haulage yard. Members will note from the roofs that this image shows that these buildings are industrial in nature.

Slide No. 8 shows the allotments to the south of the site with Slide No. 9 looking in a southerly direction along Meadows Road from the access to the site.

Back to the aerial image on Slide No. 10 and the land to the south-west of the site over Meadows Road is part of the Bute Business Park.

In Slide No. 11, the wooded western edge of the site is on the right hand side of the photograph with Barone Road running along this boundary of the site and residential properties beyond.

These preceding slides have provided information and images of the land adjacent to the application site and the following slides will highlight the current appearance of the land.

Slide No. 12 shows the gated entrance to the site when viewed in a northerly direction with one's back to Meadows Road.

Slides 13, 14 and 15 are taken from the gate and looking northwards over the inside of the site.

As Members will note, the interior of the site has become significantly overgrown since it was cleared approximately 15 years ago.

Slide No. 16 reminds us in plan form of the location of the site (which is outlined in red) within its wider surroundings. Slide No. 17 focusses on the details of the application.

The proposal involves the erection of a food production facility by Bute Island Foods who, with its product Sheese, has established itself as a market leader of manufacturing vegan and dairy free cheese. It produces a large range of award winning dairy free vegan alternatives.

The building (shown in white on the slide) would be located in the north-eastern quarter of the site and would incorporate the main production factory on the ground floor with reception, office and welfare facilities in a partial upper floor. A gross floor space of approximately 3900 square metres would be created and the external dimensions of the building would measure 63 metres in length x 43 metres in width x 12 metres in height (ground floor level of building to ridge level of building).

In addition to the main building, the proposal identifies:

- The use of the existing access onto Meadows Road to accommodate all traffic
- The continuation of the existing footway on Barone Road along the south-western corner of the site and on to the access (indicated by orange hatching on the slide)
- The provision of a total of 78 parking spaces within the site – 31 to be located to the west of the building and 47 to the south of the building
- The retention of the majority of the trees and vegetation around the boundaries of the site but with some tidying and clearing where required

Slide No. 18 shows the four elevations of the proposed building. The agent's '*Design Statement*' indicates that this would be a steel framed building with metal-clad insulated panelling. The windows have been positioned to relate to the internal rooms whilst a translucent band of cladding runs the full length of the elevation to allow diffused daylight throughout the first floor spaces. It is envisaged that green will be the basis for the colour scheme but the Statement also advises that specific tones and colours would be subject to the applicant's confirmation of samples.

As a reminder, the application has received objections from 74 sources; support from 36 sources; and a petition in favour of the proposal containing 100 signatures. The

points of objection, representation and support are summarised in the main report and two supplementary reports. In the context of an application on the Isle of Bute, the number of contributors is relatively significant.

Rothesay is one of the main towns of Argyll and Bute as identified in the adopted Local Development Plan, within which up to large-scale development is encouraged on appropriate sites.

Slide No. 19 is an aerial image with the extent of the application site shown in red. As Members will recall, the description of the land surrounding the site mentioned a considerable number of existing businesses and industries and this is the principal reason that the purple colour on this slide represents an '*Established Business and Industry Area*' as designated in the Argyll and Bute Local Development Plan 2015.

As a brief background, the application site appears to have been largely undeveloped until at least 1965. From around 1975-1978, four buildings were recorded on the site and these are understood to have been concrete bunds containing Liquefied Natural Gas storage vessels and a vaporiser slab with a control office located in the south. By 2006, the site was indicated to have been cleared of all structures except the office building. The slide illustrates the clear distinction in terms of land usage and townscape in the south-western part of Rothesay – the areas to the north and west of the road are almost exclusively residential whilst the areas to the east and south (including the application site) are more industrial in nature.

One of the main aims of the Local Development Plan is to promote well ordered, sustainable industrial and business development in all existing settlements subject to certain criteria being met, with one of the preferred locations for any new business or industry proposal being within an '*Established Business and Industry Area*'. Rothesay is termed an "*Economically Fragile Area*" in the Local Development Plan and such areas are characterised by factors including declining population, scarcity of economic opportunities, proportionately fewer young people, geographical and transport challenges, and below average income levels. It is important to support development in these areas that would have significant economic and social impact, assist businesses and social enterprises to generate growth and social impacts, and contribute to community resilience.

Bute Island Foods are clearly a great economic success story on the island and their Design Statement explains that the company's existing production facility at Townhead is reaching capacity with the consequence that this new premises will enable the company to continue to expand whilst remaining on the Isle of Bute. The supporting information estimates the provision of 60 new jobs within 12 months of the opening of the new unit and a planned rise to 200 jobs within 3 years allowing for additional upskilling and promotional opportunities for the area. Purely from an economic perspective, therefore, the principle of facilitating the continued expansion of a successful Bute company should be fully supported.

In terms of visual impact, the principal route when approaching the application site from the north is by travelling along Mill Street and then Barone Road. As one moves closer to the site at road level, there is a substantial stone boundary wall, immediately behind which is a significant belt of trees.

Slide No. 20 is taken from Barone Road looking in a south-westerly direction with the application site in the left hand side of the image.

Slide No. 21 is also taken from Barone Road but in a north-easterly direction with the application site in the right hand side of the image. It is considered that the combination of wall and woodland render the application site visually inconspicuous from the level of the road.

Slide No. 22 is taken looking northwards to the site along Meadows Road with the access into the site being located where the vehicles are parked. It is recognised that the site would be more visible from this approach.

The south-western boundary of the Rothesay Conservation Area ends approximately 80 metres to the north of the application site and none of the business and industrial land in the vicinity is within the Conservation Area.

Slide No. 23 shows the nearest historic asset to the site, which is a former Cotton Mill (currently occupied by Bute Fabrics) that dates from the late 18<sup>th</sup>/early 19<sup>th</sup> century. It is a Category B Listed Building that is viewed in two different contexts – from the east, it is directly adjacent to a large, modern factory unit.

The current slide shows the western elevation of the building and the next two slides illustrate its visually attractive setting where it looks onto the one detached dwelling and the terrace of four dwellings that comprise Sheriff's Croft. The proposed building would be located beyond the furthestmost trees to the rear of the detached dwelling and, whilst it would be able to be seen within this visual context, it is considered that it would be of a sufficient distance from the Listed Building (approximately 50 metres) that it would not have an adverse impact on its setting.

To further illustrate the separation between the proposed building and the Listed former Mill, this Slide No. 26 (which was taken from the footpath adjacent to the Mill Lade) shows that the southernmost part of the Bute Fabrics' complex closest to the application site is a modern, single-storey structure. The proposed building would be erected beyond the left hand side of this slide.

In the upper half of Slide No. 27, a cross-sectional image is featured that shows the height relationship between one of the residential properties on Barone Road and the proposed building. The distance between the two buildings is approximately 60 metres and there is very little difference in the ridge heights. It should also be borne in mind that the trees and vegetation marking the northern and western boundaries of the application site are to be largely retained.

Whilst acknowledging that the proposed building will provide a purpose-built working environment internally, it is very much a case of "*form following function*" in terms of its scale, massing and external design.

In the context of the site's location within a wider business and industrial area; the presence of a substantial stone boundary wall and tree belt along its northern and western boundaries; and its distance from the Rothesay Conservation Area and nearest Listed Building, it is considered that the proposal would have a neutral effect thereby maintaining the visual amenity of this part of Rothesay.

Slide No. 28 is a wider view looking northwards into the site and is a combination of four photographs joined together. Given the previous use of the site for the storage of Liquefied Natural Gas, it has been necessary to examine the issue of contaminated land.

Having considered reports from both 2014 and this year, the Council's Environmental Health Officer notes that the most recent study has reviewed the results of previous site investigations in accordance with current guidance and standards and it concludes that no source-pathway-receptor links are present in relation to human health. He points out, however, that further ground gas monitoring is currently being undertaken but has yet to be completed and reported. In these circumstances, he feels that it would be appropriate for a final report to be formulated that included details of the completed ground gas monitoring exercise and, as such, he is recommending that a suitably worded condition be attached to the Planning Permission, if granted. As to whether a condition can reasonably be attached, it is of importance that the new study produced by Mason Evans has satisfied the EHO that the current guidance and standards have been applied properly. The results of the further ground gas monitoring that is currently being undertaken will inform the precise detail of the gas protection measures but there is nothing to suggest that there are any fundamental risks associated with the development of the site from a contaminated land perspective. On this basis, Condition No. 9 has been recommended in the report in accordance with the EHO's comments.

Whilst the application site has not been in active use for a significant number of years, there is an existing vehicular access onto Meadows Road that is shown in this Slide No. 29. As can be seen, this is a relatively wide opening and it is proposed that this access would be used to accommodate all traffic. The Area Roads Engineer has recommended that the access should be finished in a bituminous sealed surface and that it should be maintained at a width of no less than 5.5 metres. He has also recommended that sightlines of 42 metres in each direction, measured a distance of 2.4 metres back from the edge of the public carriageway at the centre point of the access, shall be cleared of all obstructions above a height of 1.05 metres from the level of road and thereafter maintained as such in perpetuity.

Slide No. 30 is taken from the existing access into the site looking in a westerly direction up towards the junction of Meadows Road with Barone Road. It is noted that there is not a footway along the south-western corner of the application site shown in the right hand half of the slide and, at the recommendation of the Area Roads Engineer, a footway is to be created leading to the access that is to be used for the factory's vehicular traffic.

Slide No. 31, which is taken looking towards the site in a north-easterly direction, provides a different angle that shows where the existing footway terminates with the grassed area below the trees to be surfaced for use by pedestrians.

The Argyll and Bute Minimum Parking Standard for new Business developments is 1 space per 50 square metres of gross floor area. Given the Gross Floor Area in this particular case is approximately 3,900 square metres, there is a requirement for a minimum of 78 spaces and the proposal identifies this level of parking provision within the site.



Condition No. 2 in the report specifies the particular works and operations that are required to meet the requirements of the Area Roads Engineer.

Objectors have expressed significant concerns regarding road and pedestrian safety, including:

- The increase in activity associated with the proposal could pose a significant safety risk at Meadows Road for those who frequent the public park and use the allotments; for the children and young adults who attend their sports club activities; and for residents at the lower side of Auchnacloch Road.
- They feel that the proposed access onto Meadows Road is in a very dangerous position and will cause accidents
- It is considered that Barone Road and Meadows Road are not suitable for the capacity of HGV and car traffic that is proposed
- There is very limited residential parking in the area and any increase in traffic would make this a very dangerous road both for users and pedestrians.
- There are also pavements on this road which itself will bring accidents. Many families use this as a route to school due to the traffic issues the other factory has created with little parking for their staff.

It is acknowledged that the proposal would result in an increase in the amount of vehicular traffic using that part of Meadows Road between its junction with Barone Road and the upgraded existing access into the site (approximately 50 metres in length). In assessing the extent of the increase, the agent has provided shift starting and ending times and has also reiterated that, due to the close proximity of the existing Townhead site to Rothesay centre, the majority of employees are able to walk, cycle or take the bus to work. He has assumed that, as the new facility will be located closer to the centre of Rothesay, the number of employees not using cars will increase.

Whilst it is recognised that there will be a certain number of other vehicles entering and leaving the premises at various times during the day, the shift workers will be entering and departing at specific parts of the day. Based upon the information submitted by the agent, in the scenario where every shift worker drives a car to their work (which is unlikely), the most number of vehicles driving in the vicinity of the site would be 40 in the lead-up to 6:30 in the morning and 40 after 4:30 in the afternoon. It is not considered that these numbers of vehicular movements would be excessive.

Meadows Road is in a 'Twenty's Plenty' zone where vehicle speeds should be lower and motorists should be adapting their driving to the conditions. Providing that suitable sightlines are provided from the access serving the proposed development (these are achievable) and there is a footway linking the access with Barone Road, the Area Roads Engineer is satisfied.

Towards the bottom right hand corner of Slide No. 32, two blue lines are drawn that identify the boundaries of the Mill Lade. Due to the proximity of the site to this watercourse, a Flood Risk Assessment (FRA) has been prepared by RSK, which has

been accompanied by an FRA Checklist dated 12th March 2020 as stipulated by SEPA.

The FRA arrives at a number of conclusions, including:

- The proposed development is located within a medium to high risk area in accordance with the SEPA flood mapping; notwithstanding this, following a flood modelling exercise on Mill Lade, the results show that the site should not be impacted by the 200 year flood event. However, due to the nature of the site and the adjacent watercourse, a residual risk of flooding remains at the site. As a result, provided that the relevant mitigated measures are put in place (the raising of the finished floor levels of any proposed development and the potential inclusion of flood resilient construction measures), the development should not be precluded as a result of flooding.
- Flood risk from groundwater is considered low.
- The risk from sewers is considered to be low to moderate.
- There will be an increase in surface water runoff; however, a full surface water drainage strategy should be developed to mitigate this increase.

It is significant to note that SEPA has accepted the FRA and has no objections to the proposal. In view of this, Condition No. 8 is recommended within the report that ensures that the development is implemented in accordance with the recommendations contained in the FRA.

The Council's Flood Risk Adviser has recommended that a condition is attached to any permission that is granted which ensures that a full and detailed surface water drainage scheme is designed for the site and this is incorporated into Condition No. 7 of the report.

Slide No. 33 illustrates the position of the proposed development in relation to the residential properties to the north-west of the site along Barone Road and surrounding streets and also with the allotments and Meadows Cottage to the south.

Having regard to the food production at the proposed facility and the comments of objectors, the Environmental Health Officer requested that an assessment was carried out on the potential impact of the odour produced by the operation of the proposed development on nearby residential properties.

The applicant commissioned consultants to undertake the odour assessment and their report identified three main areas of potential odour during day-to-day operations, as follows:

- The production air handling unit stack discharge
- The washroom extract discharge
- The waste storage area

In addition, the report identified abnormal/exceptional conditions that could lead to increased odour including generation of large quantities of waste, a blockage of onsite drains and adverse weather conditions. The report stated that odour from the facility can be controlled by implementing odour control/mitigation measures, including waste minimisation, waste disposal, training of staff and daily external checks. Additional control/mitigation measures are detailed for foreseeable abnormal conditions.

In his comments on the report, the EHO advised that the Environmental Health Service has not received complaints of odour from nearby residents during the period which the existing business has operated at the Townhead site and previously in Columshill Street in Rothesay. Based on this, and in light of the findings of the consultant's report, it is not considered likely that the proposed food production facility would have an adverse impact on the occupiers of nearby residential properties provided that the applicant implements and maintains the control measures identified in the Odour Management Plan.

In light of the above, Condition No. 5 is recommended in the report ensuring that the operations at the site are carried out in accordance with the Odour Management Plan.

Having regard to the nature of certain noise-generating activities at the proposed facility and the comments of objectors, the Environmental Health Officer (EHO) requested that an assessment be carried out of the potential impact of the noise/vibration generated by the operation of the proposed development on nearby residential properties.

The applicant commissioned consultants to undertake the noise assessment and its preliminary assessment carried out in July identified two main noise sources that might have the potential to impact on residents living nearby, namely the refrigeration trailer located in the loading bay on the western façade of the main building and the external fans on the eastern façade of the main building.

The report stated that attenuation measures would be required to reduce the noise emissions from these sources to an acceptable level and that basic operational procedures should be adopted to control noise emissions including limiting HGV movements to and from the site.

Having considered the reports, the EHO recommended that a condition should be attached requiring the submission of a finalised noise management plan that would confirm the noise mitigation measures that had been chosen and a condition limiting the movement of HGV's on and off the site to certain times of the day.

Slide No. 34 illustrates the extent of the trees and vegetation that exist on the site particularly in the hatched areas along the northern, eastern and western boundaries.

A Preliminary Ecological Appraisal was undertaken for the site and, given its contents, the Council's Biodiversity Officer considered that both an Otter Survey and a Bat Survey should be undertaken prior to the determination of the application. These surveys were subsequently carried out and the associated reports were examined. The Otter Survey followed accepted protocols and, on the basis that no

evidence of otter holts or resting places. A Preliminary Bat Roost Assessment was carried out in early August. 4 trees were found to have moderate roost potential along with the flat-roofed structure. The report on the follow-up survey advised that no bat roosts had been identified within the 4 trees and building surveyed and that no impacts to bat roosts were predicted as a result of the development. The Biodiversity Officer noted the outcome of these reports and, overall, she was satisfied with the results of the survey and the recommendations to facilitate and present additional opportunities for the biodiversity interest on the site.

In drawing all of the above together, Condition Numbers 10, 11, 12 and 14 are recommended dealing with the following:

- The submission of a Landscape Design Planting Plan.
- The submission of a Tree/ Shrub Protection Plan.
- The retention of the stone wall that is covered in moss and fern and located along the western boundary of the site.
- The carrying out of development work outside of the bird breeding season.

The Design and Access Statement states that “*there are no public paths or rights of way within the site boundary*” but a “*Right of Access exists and will be maintained.*” In relation to the current slide, this access leads from Meadows Road; through the vehicular access; heads east to the north of the existing flat-roofed structure (coloured white); and on to an existing footbridge, where it ends.

Additionally, the Council has a list of Core Paths and the one that is relevant in the case of the current application is referred to as “*C242(a) - Townhead to Barone Hill and Barone Road, Bute*”. The route of the Core Path does not appear to be within the application site but it passes by the existing access point from Meadows Road.

In view of the above circumstances, Condition No. 13 is recommended that requires the submission of an Outdoor Access Plan that would set out the means by which the maintenance of the right of access in particular would be addressed.

Supplementary Guidance within the LDP explains that householders can legitimately expect a reasonable amount of direct daylight into all or at least some of their living room windows and that this should be protected as far as possible in order to maintain reasonable levels of household amenity.

When considering new developments, applicants should ensure that the building would not significantly affect daylight and direct sunlight to existing neighbouring properties and reference should be made to published standards.

In the case of the current proposal, the current slide shows that the new building would be approximately 20 metres from the south-facing elevation of the dwellinghouse known as No.5 Sheriff's Croft (located at the very top of the slide). Whilst the occupier of this dwellinghouse has not objected to the proposal, it was considered appropriate for a daylighting and sunlighting impact assessment to be carried out.

The applicant commissioned a consultant to carry out a study, which was based on the various numerical tests set out in the recommended Building Research

Establishment (BRE) guide '*Site Layout Planning for Daylight and Sunlight: a guide to good practice*' by P J Littlefair 2011.

The results confirm that all south-facing windows of No. 5 Sheriff's Croft achieve the daylighting criteria set out in the BRE Guide whilst the dwellinghouse would receive good levels of sunlight (i.e. more than 2 hours) throughout the day on 21st March even after the introduction of the proposed Bute Island Foods development.

### **APPLICANT**

#### **Mark Crichton**

Mark Crichton gave the following presentation to the Committee:

#### **To give a little background information to this project, it was**

- Several years ago that we could clearly see that the Vegan and Plant Based food industry was changing fast. The demand for our products has increased greatly and the whole food industry is changing quickly with major companies moving into the Vegan & Plant Based market.
- We are a market leader and companies come to us and want to work with us. But we know, that we if we start turning new business away, then we are opening the door for our competitors and we could be left behind. So it is clear to us, that we have to expand and we would like that to happen on the the Isle of Bute.
- So our search for a new site started more than 3 years ago. We had a set of key criteria, that included wanting the development to be on the Isle of Bute, and it needed to be something that could be part of our sustainable future. We worked in consultation with Argyll & Bute Council – renovating an existing building would of course be our first choice and we looked at the old Academy building lower school, also the upper school and gym hall in great detail, but ultimately, it had to be ruled out for a number of reasons that meant it wasn't viable. We spoke to Bute Estate – that didn't provide any potential sites available to buy and we spoke to Highland & Islands Enterprise. So it was only after detailed assessments of a number of potential sites that identified the plot in the Argyll and Bute Council Local Development Plan 2015, the Established Business and Industry Area (coded AFA1/4), the site that we are discussing now off Barone road, as our best and only viable option.
- If the Planning Committee do grant us permission today to build our new Plant Based food manufacturing which will include an Innovation Centre, then it could be an excellent site for the company to grow from for years to come.

#### **Looking at our History & Standards**

- Our main product range is Sheese and it has been produced on the Isle of Bute since 1994, originally in Columshill Street, Rothesay with just 4 people, and now at the Townhead Creamery.
- We are audited regularly by all of the major retailers in the UK and our Food safety and environmental standards are the highest achievable.

- One of our core values is to maintain the highest food safety and quality standards and this is only possible thanks to our strongest asset which is our team and the dedication and determination shown by them.
- This new site will allow that tradition to continue.

### **Regarding the Jobs & Income for the Island**

- We currently employ 185 people at The Creamery. We provide detailed staff training and pay a minimum of £10.00 per hour for anyone over 18 with good opportunities for upskilling and promotion.
- We think it is worth noting that we are in effect an export business. We bring money in to the local economy. Nearly all products are exported off the island to the rest of the UK and much further afield. And that revenue comes back to the island, with much of it is being spent by the employees, who all live on the Isle of Bute. Bute Island Foods also supports local businesses and local contractors and we are fortunate to have highly skilled local people to work with.

### **Looking to the Future,**

- This project is a huge investment for Bute Island Foods costing upwards of 10 million pounds.
- We know that if we don't expand we are going to have to start saying no to new opportunities or new products requested by major retailers. If we say no, we are literally forcing them to take their business elsewhere, risking not only our future, but also our current business with the retailers.
- We are proud to be championing the Isle of Bute all round the world, we have had customers visit us from many different countries and we very much want the business to remain here.
- We think this is such an exciting opportunity for the company to grow, to support the local economy, the local community and make a difference to the island for many years to come.
- Now, clearly there have been a number of concerns raised about our expansion. This is a small community and most people know most people to some degree. Some of the current Bute Island Foods staff live very close to the proposed development and I personally know some of the those who have raised concerns. So, we have certainly taken these very seriously and at considerable expense, commissioned a number of reports and surveys to fully assess the points that have been raised.
- In our revised planning application, we have addressed the transport issues raised by the Area Roads Engineer and we have removed the additional access route to the site.
- Near the reception entrance, there are 31 car park spaces including 3 electric charge points, and we have added an overflow carpark with an additional 47 car

parking spaces taking us up to total to 78 spaces. Our Packing & Production team, as well as Managers, will arrive by 7am and leave around 4.30pm. So although we don't exactly have a rush hour in Rothesay, the vast majority of staff movements will not be adding to it!

- The company have a cycle to work scheme encouraging staff to use a bike for travelling to and from work. Currently 60% of people cycle or walk to our Townhead, Creamery site and for people living in Rothesay, the new site, will be an even easier place to walk to.
- Looking at other transport movements - we work with local Haulier John Mackirdys and they have invested in a twin deck trailer. It is very quiet, more environmentally friendly and more cost effective on the ferries as it holds 44 pallets in one load. They will drop a trailer off in the morning, we fill it throughout the day, and then it is picked up around 7:30am the next morning and taken to the 8am ferry – avoiding the school run or any busier times.
- To answer concerns raised we have undertaken a Noise & Odour assessment, a Daylight impact study, a Contaminated ground report, an Ecological Bat & Otter survey. We are confident that where necessary, concerns have been addressed within the scope of the ground layout and building design.

I would like to thank the Members of the Planning Committee for giving this their consideration, and at this point Mr Chairman I would like to hand over to James Kemp from Pentadel. They have a great deal of experience in building food manufacturing sites and they are managing this project for us. James will be able to explain in a little more detail some of the considerations we have made in the design of this project. Thank you.

### **James Kemp**

Mr Kemp provided some background information about Pentadel Project Management, a company of architects, engineers and project managers that design and deliver modern, innovative and industrial facilities. He said they were passionate about designing facilities which were great places for people to work in; complemented the community; and minimised their clients' environmental impact, both now and in the future. They had worked with brands like Tyrrells, Charlie Bigham's, Hello Fresh, Bloom & Wild and Echo by Lloyds Pharmacy.

He presented some examples their work and said that design considerations included looking at how the buildings could be efficient, would employees feel proud to work there, was the best being done for the environment and would a development be a good neighbour. He then explained how they made their developments efficient by reducing moving parts (material and people), carefully selecting materials with efficiency and longevity, minimising energy consumption and using the best available techniques in all that they did.

He highlighted what they did to protect the environment in terms of nature, sources of noise, and odour, for example, maintaining mature trees and habitats, modest scale equipment, the use sound walls and acoustic baffles if required, careful lighting choices, and the use of technology with activated carbon units which filter out clear air if required.

On the subject of good neighbours, he highlighted on a slide a pedestrian and cycle route, car parking areas, and the low ridge height of the building. He confirmed that they had thought about everything and confirmed there was mitigation should any issues come apparent later.

## **SUPPORTERS**

### **Robert MacIntyre**

Mr MacIntyre addressed the Committee as follows:

My name is Robert MacIntyre, I have lived all my 75 years on the island of Bute, I was a dairy farmer. A tenant of the Marquis of Bute, when I left Rothesay Academy in 1961 to go home to work on Dunallan Farm, at that time there were over 70 working farms on Bute. Including the farmers there would be at least another 150 people employed in agriculture. Sadly now we have perhaps 20 to 25 farmers. This is just one example of how a very active section on the island has gone into decline. Agriculture is facing a hammer blow from Brexit, its future is of major concern.

Bute or Rothesay was a favourite resort for holidays. From early May to the end of September the island was bursting at the seams. Two picture houses, the Winter Garden where stars such as Stanley Baxter, Jimmy Logan, Lex McLean to name but a few did 2 shows a night, 7 days a week. Sadly these days are gone. Our flagship building, The Pavilion, lies in an uncompleted condition with not a sign of work being restarted.

There has been a large number of shops, restaurants, pubs, and in recent years, small hotels have closed and have been usually converted to housing.

In 1955 the population of Bute was 12,755, now it is certainly just under 7,000. Bute has the worst record of depopulation in Argyll and Bute.

So what can be done to arrest the downward spiral. We badly need a major investment which would employ a significant number of people.

I would say to you, the Members of Argyll and Bute Planning Committee, you have a very important decision in front of you today. A decision which will almost double the present work force of Bute Island Foods.

A decision which will give a significant future for people living on this island.

This decision, if you grant Bute Island Foods the authority, will be of immense benefit to Bute. The present workforce produce a product which is sold to over 30 countries in the world. Despite the pandemic, demand is increasing, hence the need for the second factory on a site which has lain abandoned for nearly 50 years.

Bute Island Foods bought Rothesay Creamery in 2010 from First Milk Ltd and starting producing vegan cheese. This product is in popular demand all over the world. The investment of £10 million is of huge benefit to the island of Bute. The present work force numbers 185 and the plan is to double that number with the new build.



I would urge the Planning Committee to give the green light to Bute Island Foods.

## **Councillor Jim Findlay**

Councillor Findlay gave the following presentation.

Firstly, thank you for the opportunity to speak to this application, an application which has my support.

The economic and societal benefits of this application cannot be underestimated. Rothesay is in the 2<sup>nd</sup> and 3<sup>rd</sup> decile of the most deprived areas in Scotland. A recent Highlands and Islands Enterprise report states that Rothesay has consistently had a Claimant Count well above the rest of Argyll and rates almost double those of Scotland particularly in the age range 16 to 24.

In essence Bute needs to have sustainable secure stable employment to retain our young people on Bute and continue to build on the desires of Argyll and Bute Council to bring economic prosperity to the Council Area that is not solely built on hospitality and tourism.

Bute Island Foods business expansion will contribute to that mission. The product is in high sustainable demand as people across the developed world move to plant based foods as a lifestyle choice or as part of a flexible diet.

The product range has a proven demand from leading credible food retailers all with high demands on their supply chain. Standards that Bute Island Foods are required to maintain.

Bute Island Foods is a credible food producer operating to the highest international standards and as a local councillor for Bute am proud and pleased that the owners have chosen to build their business here operating and growing steadily since 1994 currently 185 people and soon if the application is granted increasing steadily to a further 200.

As the committee know the original planning application was withdrawn to permit the concerns of local people to be considered and there has been very high investment by Bute Island foods to satisfy these concerns.

I was pleased to note that the site is not a Greenfield site it was previously used for large volume natural gas storage tanks prior to Bute being connected to the gas grid. I am also pleased that there are no biodiversity issues.

The location is shown as an established Business and Industry Area (area coded AFA1/4) on the Local Development Plan of 2015 and also in the LDP 2 as an established business and industry area and an area for action.

I would hope that committee will see fit to grant this application, it would appear concerns have been satisfied by the investments Bute Island Foods have made. The application meets the criteria of the local development plan and the business is not a heavy industry, or scrap yard but rather it is a state of the art food processing factory which will bring much needed employment to Bute and the associated economic and societal benefit that the economic activity will bring.

## OBJECTOR

### Karen Hilton

Ms Hilton gave the following presentation to the Committee.

Good morning Councillors, my name is Karen Hilton and I represent the residents surrounding the proposed site. Firstly and quite rightly, the emphasis and reasons given for you to approve this application is about employment and regeneration on Bute, which is something as residents, we all want for our beloved island But nothing regarding our neighbourhood, our community, our homes or our environment has been taken into consideration.

Despite what the Local Plan looks like the proposed site is not an industrial area, it has not been used for these purposes for over 25 years, it is in fact surrounded my residential areas, allotments and the public park - it's a quiet, safe picturesque area of Rothesay, a factory of this size and scale will ruin it, it will ruin the Rothesay townscape that we all love – tourist, walkers and cyclists don't stay on the prom they like to explore the whole of Rothesay and the island.

I just wish Bute Island Foods had explored the whole island too and find a more appropriate place to put their factory, a place that will allow for the expansion they foresee.

Bute Island Foods already own and operate many other sites related to their business in Rothesay; would it not make good business sense to consolidate them all in an appropriate place?

Would it not make sense for Bute Island Foods, Highlands & Islands Enterprise, Argyll & Bute Council along with Mount Stuart Trust and the Marquis of Bute to get their heads together and identify and make use of one of the many derelict farms or buildings with access and infrastructure that would better suit their needs and aspirations?

The Applicants website claims that *"We're helping people lower their carbon footprint and protect the environment in turn"*.

The Lade which runs along the length of the site is currently in a poor, neglected state with historic "canalised" banks in poor condition, it also heavily silted with mature trees along its's raised banks. There is abundant and diverse wildlife in the area too, including but not limited to deer, owls, wood pigeon, frog, toads, bats, heron and slow worms with many mature trees.

Don't you think it would be very hypocritical of a Vegan food producer to sacrifice all these animals and their habitats to build a vegan food factory on contaminated land? For an environmentally, carbon reducing company there is no mention of any renewables such as PV panels, rainwater recycling and what materials are being used to build the factory.

There is also a feeling that Highlands & Islands Enterprise are rubbing their hands with glee in getting rid of this piece of contaminated land that they were still trying to sell off as recently as last week - 11<sup>th</sup>November.

Despite all the reports – paid for by the applicant and with a couple of exceptions - carried out as a desktop exercise. Having read them I am positive that –

There will be odours  
There will be noise  
There will be light pollution  
There will be a huge increase in traffic on Barone Road and Meadows Road  
There will be parking issues  
There will be damage to the wildlife and their habitats

Councillors I want to appeal to you as a resident and home owner for you to reject this planning application, as you will see from the papers it is recommended to be approved as long as the many "suitably worded conditions" are met, who knows what these suitably worded conditions will be?.

The "Suitably worded conditions" include planners concerns regarding

Road safety – 4 conditions  
Noise – 4 conditions  
Odour  
Light pollution  
Flooding  
Contamination  
Landscaping over 5 conditions  
Tree protection  
Concerns about bird/bat nesting  
Public access  
Concerns about the Lade  
External finishes & roof materials  
Waiting restrictions

This is a long established neighbourhood made up mostly of Victorian quarter Villas built in the late 1880's - with the majority of us having lived here for 15 years or more with many for over 20 years, we love our neighbourhood, we are a community that has come together over this planning application, we have got to know each other better, with a common aim to protect and preserve our neighbourhood. The height of this factory will equal the roofline of these properties and will dominate the skyline.

Give some thought to our community, our neighbourhood our day to day lives that will be adversely affected if this factory is built.

The proposal states that there will be 200 People coming and going between 6am & 1am there is only parking for 78 cars.

Barone Road is not suited for heavy traffic or regular use by large HGV's. There is very limited residential parking in the area and any increase in traffic would make this a very dangerous road both for users and pedestrians.

The applicant's factory at Townhead is already causing congestion problems at Rothesay Joint Campus due to employees parking on the road. Barone Road is on a bus route and with St Andrews primary school close-by these problems will only be replicated here.

Councillors would you want 200 people coming and going for 19 hours a day on your doorstep?

Bute Islands Foods' factory was very recently subjected to a raid by Police Scotland, staff and lockers were searched for drugs and a number of arrests were made - would you like this on your doorstep?

The company also has a very high turnover of staff, why is this?

We all want jobs for Bute, we all want the business to thrive, but is it to be at the expense of our day to day lives? Do our concerns, our lives, our livelihoods, do they not matter, do we not matter?

I ask all of you here today; hand on heart – would you want an industrial sized food factory on your doorstep?

Councillors, the fact that you are unable to visit the site and take in the surrounding area should be a reason to reject this application, how can you make a decision of this magnitude without setting foot or eyes on the area.

Does it not matter that we live here, we work here, we contribute to the island's economy, brought up our families here and we want to carry on living here Please give some consideration to the local residents.

Give some thought as to how this factory will affect our lives, our community, and our environment.

Councillors on behalf of my neighbours on Barone Road, Meadows Road and the surrounding area I urge you to reject this planning application.

### **MEMBERS' QUESTIONS**

Councillor McCuish sought and received clarification from Mr Gove that the site was located within area shaded purple in the Local Development Plan, a long established business and industry area and was where the Council would like industrial businesses to locate subject to certain criteria being met.

Councillor McCuish sought comment on the concerns raised about the site being contaminated land. Mr Chattwood advised that two site investigations were done in 2012 and 2014 on the site which was previously used for the storage of natural gas. Following submission of the application Environmental Health requested that the results of the site investigations be updated in line with current standards and this was carried out by the original contractors Mason Evans. Their report was submitted in October and confirmed the conclusions of the earlier reports that the surface structures were demolished and left no serious contamination. Ground gas monitoring was undertaken in 2014 and this continues to be ongoing and there is a condition advising that a report on this will be required to be submitted if the application is approved.

Councillor McCuish asked Ms Hilton if she was happy with the responses provided by Planning and Environmental Health. Ms Hilton said there was still ongoing concerns about the land being contaminated. She referred to asbestos and cyanide and said subsequent reports were pretty inconclusive. She also advised that no conclusion had been received yet on the ongoing monitoring of the ground gas. She said she felt this was quite an issue and that these reports should be made public. Referring to the designation of the site, Ms Hilton pointed out that the site was

bordered all around by houses and properties and said it was very close to the Conservation area. She also advised of it being near to allotments and a public park. She said there had not been any industrial factory for over 25 years on this site. She advised that she thought the Councillors should take that into account

Councillor Trail asked the Applicant how he would respond to the allegation made that there was high turnover of staff in the factory. Mr Crichton said that one of the most important things to remember was that on the island of Bute very few people had previous food manufacturing experience. He said that when people joined the company they sometimes found out that they were not suitable. He referred to on the job training and regular reviews. He advised that part of the interview process was about finding out if someone had the right attitude, that they had team spirit and a can do attitude. He said that during the first 3 or 4 weeks there would be people who wanted to do the job and some who didn't. He advised that they liked to give the opportunity to people who would not normally do well in an interview situation.

Councillor Trail sought and received confirmation from Mr Gorman that no complaints about noise from the company's existing site had been received by Environmental Health during the 25 years he has been in post.

Councillor Forrest referred to Ms Hilton advising of staff coming and going 19 hours a day and sought comment on this from the Applicant. She also asked how exhaustive their attempts were to find a different site. Mr Crichton advised that in terms of traffic there were multiple shifts with the majority of staff starting about 7 am and finishing about 4 pm. When the main food production was finished a hygiene team consisting of about 9 or 10 people, but not all working at once, would come in to prepare and clean all the equipment ready for production again the next day. Therefore a small number of people did work a later shift. In terms of searching for a suitable site, Mr Crichton advised that the company had worked closely with Argyll and Bute Council to look at different options. He said there were not a great number of opportunities on Bute. He advised that Bute Estates very rarely sold land so there was very limited opportunity for the company to expand on Bute.

Councillor Devon referred to Ms Hilton advising that there has been no activity on the land for 25 years. She asked the Planning Officer if there were any commercial businesses operating out with the purple area in the LDP. Mr Gove advised that Bute Business Park, created in the early 1990s, was located within the South West part of the purple area. He said there were some vacant sites here but there were building there and businesses running from the Business Park. He advised that Bute Fabrics was located in the east part of the purple area. The Council's Roads and Amenity services and McKirdy's Haulage yard was also located there.

Councillor Devon also referred to concerns about road safety issues coming off Barone Road onto Meadows Road which had resulted in a second application coming in which hoped to address these. She sought reassurance from the Roads Officer that there were no safety issues coming from Barone Road onto Meadows road. Mr Farrell said the changes to the original application were not taken lightly and there was a lot of time involved to see where would give safe access to the site. It was deemed that the existing access was the one to go for. Parking was increased to address the issue of any on street parking. He advised that there was currently an issue with on street parking on the junction of Meadows Road onto Barone Road but that was something that was dealt with within the Highway Code which states that vehicles should not park within 10m of a junction. He commented

that it was great to hear from the Applicant that they had a cycle to work scheme to promote a more carbon neutral route for people to come to and from work.

Councillor Freeman referred to Roads looking for a condition requiring sight lines onto Meadows Road. He also referred to the issues raised about vehicles parking at the junctions. He said that given the sight line requirements, he assumed this was from the site onto Meadows Road which was not a junction of Barone Road. He commented that 42m sight lines seemed a bit excessive and asked what the speed limit was on Meadows Road. Mr Farrell advised that the existing speed limit in an urban area was 30 mph. There was also an advisory 'Twenty's Plenty' on Meadows Road. He said the junction was located at Barone Road on to Meadows Road. He said there was an issue there with vehicles parked within 10 of the junction which was not an acceptable practice in terms of the Highway Code. Councillor Freeman commented that this was surely a Police matter and not for Planning Officers to address.

Councillor Freeman sought and received confirmation from Mr Crichton that they currently had 195 employees, the majority of which worked 30 – 35 hours per week. He said that 165 FTE would be a fair assessment. He said the new development would have a similar number of employees with 200 full time jobs within 3 years. Mr Crichton confirmed that the creamery would continue to operate and these additional 200 jobs would be new jobs.

Councillor Freeman asked if Bute Community Council were in attendance at the meeting today. He also asked Officers to confirm that the remit of the Community Council was to speak on behalf of their community. Mr Logan advised that everyone who submitted a representation was invited to attend the hearing, this included Bute Community Council, who did not take up this invite. Mr Logan confirmed that one of the roles of a Community Council was to take on board the views of the local community.

Councillor Colville referred to condition 7 and said he had noted that SEPA did not have any concerns about flooding issues and the site was well above sea level and would not have a 200 year flood event. He advised that reference had been made about other water sources and also a collapsed culvert located at the north east boundary of the site. He asked if this had been addressed and who had responsibility for it. He also sought clarification on who would be responsible for maintaining the Mill Lade as that seemed to be a source of flooding in the area. Mr Gove advised that condition 7 emanated from comments from the Council's Flooding Adviser. He said that he would expect that in fulfilling that condition a strategy for surface water drainage would have to be submitted to the Flooding Adviser for examination. In terms of Mill Lade, Mr Gove said this was located out with the application site. He advised that he did not know who owned it or who was responsible for it. He said that as Mill Lade was out with the Planning Application, Planning could not insist on things happening. He said he did not think the Applicant would have direct control of what happened at Mill Lade.

Councillor Colville referred to the Applicant's £10m investment. He asked if they had any concerns about the fact that there was no clarity in regard to Mill Lade and no clarity on the condition of the culvert. Mr Crichton confirmed that Mill Lade was not part of the application site. He said he did not think the culvert was a major issue and would action this as part of drainage if required. Mr Young confirmed that any issues with surface water drainage out with the application site would be regarded as

a civil matter. He said he did not think it was a significant issue that would affect determination of this application.

Councillor Colville referred to concerns raised about contamination and commented that surely development of the site would improve any lingering doubts of contamination and that the last thing anyone would want would be to have access to a site that was contaminated. He sought comment from Ms Hilton. Ms Hilton said any contamination would pose a threat while it was removed. She advised that currently there was no access to the site which was fenced off and padlocked.

Councillor Colville referred to construction of the building and asked the Applicant what elements were being incorporated into the building which would address climate change. Mr Crichton advised that one of the main things would be insulating panels which were cost effective and produced a control temperature in the work environment which would be highly efficient. He also advised that there would be electric charge points for cars and they would be using as much natural light as possible to reduce the amount of electricity used. Councillor Colville asked if solar panels could be considered for the extensive roof.

Councillor Blair referred to this site being designated for Business and Industry use for many years on a number of plans. He asked Ms Hilton if the community had come up with any ideas for use of this site. He also asked Planning if any amendments to the designation of this site had been suggested by anyone in the community.

Ms Hilton advised that as far as she was aware nothing has been put forward by the community other than a Garden Centre had looked at it in the past. She said the issue of contaminated land stopped anyone moving forward with that. She advised that if the community had wanted to take on the land they would have had to deal with the contaminated land. She said that funding was hard to come by and she thought that would be the main reason that no one has come forward. Mr Gove advised that he did not think there has been any representations made about this site during any of the LPD consultation periods over the last 15/16 years. He said that when a draft version of the Plan was published things like designations of established Business and Industry areas were included in the documentation. He advised he was not aware that anyone had put forward that the boundary of the purple area should be amended or that the application site be removed from it. He said that as far as he was aware this area has been designated purple for the last few versions of the Development Plan.

Councillor McCuish sought and received confirmation from Mr Gove that the community had not made any representations to change the designation of this site.

Councillor Devon referred to this being a big application with huge investment for the area. She asked the Supporters if they were aware of any other major investments on the horizon. Councillor Findlay said there were none to his knowledge. He referred to the possible expansion of Port Bannatyne Marina but nothing had been applied for in this respect as yet. He commented on the Council's investment in the pontoon area of the harbour. He advised that Mountstuart had gone through redundancies and the saw mill had to lay people off.

Councillor Freeman asked if anyone could confirm what the percentage of unemployment was on the island and what the actual numbers were of unemployed.

Councillor Findlay advised that from memory this was sitting at around 12%-15% of the economically active. He pointed out that 25% of the population was over 70 years of age. The desire was to find employment for those aged 16 and above.

Councillor Blair referred to good neighbours and good communication and asked the Applicant what steps the company take to participate in the local community and have local dialogues in respect of the existing site. Mr Crichton advised that people were always welcome to come and talk to them. The Directors and owners were nearly always on the site and they always made time for anyone that wanted to talk to them. He said they tried to support the community in various ways. He said they have tried to plan to reduce the amount of impact on neighbours and to make it the best as possible for them in the first place.

Councillor Blair commented that it was good to have good lines of communication so that issues did not fester and were dealt with promptly. He suggested that if the application was granted that the company establish good lines of communication to resolve any issues and enhance areas too.

Councillor Kinniburgh sought clarification from the Roads Officer on the waiting restrictions referred to at Barone Road and Meadows Road. He asked if double yellow lines were being considered and if a TRO would be required. Mr Farrell advised that a TRO would be required for any lines that go down on a road to be enforceable. He advised that he was aware of line introductions on Barone Road in 2006 but this was reduced to allow parking on the road for some properties. He said that the concern he had was the junction from Barone Road onto Meadows Road which seemed to have vehicles parked there right at the junction. He said that there may or may not be a requirement for a TRO to be raised but he hoped that people would realise they were causing a problem and obstruction which would be dealt with by Police Scotland.

Councillor Kinniburgh commented that there appeared to be a problem there at the moment. He sought and received confirmation from the Applicant that there were 26 car users at their existing site and there were 20 parking spaces provided at that premises. Mr Crichton said the vast number of people walked to work, some got dropped off and some came by bus or taxi. He confirmed that the new facility would provide 78 car parking spaces.

Councillor Kinniburgh asked if there would be any restrictions placed on who could use the car park. Mr Crichton confirmed that the whole site would be made secure with restricted access for employees only. He agreed that any problems of parking on the street would not be caused by this facility.

Councillor Blair asked if a TRO would be requested before major construction took place. He also asked how long it would take to have a TRO on place. Mr Farrell said it was not envisaged that a TRO would be put in place for the construction phase. If something needed done then a temporary TRO could be put in place. He advised that it would take anything up to 9 months to raise a TRO for permanent waiting restrictions and this would be dependent on there not being any objections from any consultees or members of the public. He said that currently Argyll and Bute Council was not in a position to put out TROs and this was something that was being look into at the moment. He said a Temporary TRO could be put in place for up to 18 months if required during the construction phase. He advised he was not looking



at that as an issue and he did not see that as being an issue during the construction phase.

Councillor Blair sought and received confirmation from Mr Farrell that traffic wardens did come across to Rothesay.

Councillor Kinniburgh sought and received confirmation from Mr Crichton that if there was a problem with parking on the street at the moment this was not the making of the Applicant and due to the number of parking places being provided it was unlikely to be the making of the Applicant. Mr Crichton said the number spaces being provided would be sufficient for the development.

## **SUMMING UP**

### **Planning**

Mr Young advised that Planning Officers were required to assess all applications in terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 and against Local Development Plan policies and other material considerations. Under Policy LDP DM 1 of the LDP, up to large scale development was encouraged on appropriate sites in Main towns. In view of this, it was considered that the principle of the proposal was consistent with the provisions of LDP and it was down to a site based criteria assessment of the development which was located within an established Business and Industry zone and was for the reuse of a derelict site. It would allow a much needed food production facility to expand on the island of Bute. The scale, massing and design of the proposed building are considered to be appropriate in the context of the wider townscape. The roads and pedestrian safety issues can be successfully addressed through the imposition of suitably worded conditions. Given the nature of the proposed operations and the reports that have been submitted relating to noise and odour, it is considered that the privacy and amenity of the neighbours would not be adversely affected. Other issues such as flood risk, biodiversity and contaminated land have been examined and found to be acceptable subject to suitably worded conditions. Any reports that come in as part of suspensive conditions will be available to view on the public website. Given the fact that the proposal accords with Local Development Plan policies and key material considerations, Mr Young advised he was happy to recommend approval of this application.

### **Applicant**

Mr Crichton advised that this was a superb opportunity that would make or break the company on Bute. Consideration was given very carefully to the location and this was the only viable option. A lot of information, reports and evidence was produced to support the application and all that was left was for the Committee to make their decision.

### **Consultees**

#### **Environmental Health**

Mr Gorman advised that taking into consideration concerns about contaminated land, noise, light and odour, the Applicant was asked early on to get experts to examine these areas which they have done. They produced the necessary reports

and the conditions have been based on these reports. He confirmed that if the application was granted Environmental Health would require finalised reports and these would be examined to ensure any issues have been correctly addressed.

Mr Farrell clarified the sight lines that would be required. He confirmed that 42m x 2.4m x 1.05 m was the minimum requirement for sight lines for access onto a 30 mph road. All hedges, walls and fences within these visibility spaces would require to be maintained at a height no greater than 1m above the carriageway.

### **Supporters**

#### **Robert Macintyre**

Mr Macintyre advised that 12,755 was the population of the island of Bute in 1955 and this was now under 7,000. Unemployment was the highest in Argyll and Bute and this was a golden opportunity to stop the decline of this island. He asked the Committee to do the right thing.

#### **Councillor Jim Findlay**

Councillor Findlay advised that the discussion was wide and varied with the Committee presented with a well balanced view of the facts. He said that according to the latest Highlands and Islands report the % of people aged 16-64 claiming out of work benefits on Bute was 20.4% of the working age population which was significantly above the rates in Argyll and the rest of the Highlands.

### **Objectors**

Ms Hilton referred to Mill Lade and said this was considerably higher than the site as it sat up on a bank behind the site. She advised that odour was experienced by many people around the current factory and at Columnshill. A letter was placed in the local paper regarding the odour coming from the factory. She advised that the Business Park consisted of call centres and office based businesses. All other industrial businesses, apart from Bute Fabrics, accessed the Business Park from High Street and Union Street over at the other side of the area marked in purple. They were not accessing from Barone Road. She also pointed out that the community, herself and neighbours all brought this application to the attention of Bute Community Council and asked for their opinion. She said the Community Council did not interact with anyone and did not respond to the community's request. She said the next information from them was when they put in their support of this site.

As far as the traffic was concerned there were no longer any waiting restrictions or lines on Barone Road. The cycle to work scheme was available to all companies not just Bute Foods. She advised that the company did not interact with the community. She said they knew who they were and knew of their objections and concerns but did not interact and were secretive about their business and other activities on the island. She said there were too many conditions with reports still to be finalised and flood risk issues too vague. She referred to sight lines at the junction of Barone Road onto Meadows road and the requirement for vegetation and walls to be cleared. She pointed out that the Biodiversity Officer had recommended that the wall be retained and asked if this wall was being recommended for removal by the Roads Officer.

She advised that the community have lived here for a long time and they would like the Councillors to consider if this was the type of industrial factory they would want on their door step. She said that lots of the employees did not live near the site and the owners lived out with the Rothesay area.

The Chair established that everyone had received a fair hearing. In terms of the Councillors' National Code of Conduct, Councillor Jim Findlay, Supporter, left the meeting at this point.

### **DEBATE**

Councillor Freeman commented that there were a couple of things raised which he thought were relevant. SEPA had no objection, which he said the Committee could take that they had no concerns, including with respect to any contamination of the site. He advised that given unemployment levels for the working age had just been confirmed as over 20% that was clearly significant. He referred to the parking issues discussed and pointed out that the Highway Code made it clear no one should park within 10m of a junction. He said this was a Police matter and not a Planning matter. He advised that this proposal would virtually double the number of jobs to almost 400 and said that he thought most communities across Argyll and Bute would bite off their right hand to get such a proposal on their door stop. Taking account of all concerns he said that the pros outweighed the cons and that he would be supporting this application.

Councillor Moffat advised that as Bute's only representative on the Committee she felt deeply conflicted about this. She said there would be quite an impact on Barone Road and advised that it was already extremely difficult to travel up and down it. However, she advised that the Committee had heard that Rothesay was an extremely economically challenging town. The issue with Barone Road was not the fault of the company. She said that Bute had already lost a lot of companies. Rothesay was a Victorian, tightly built town and the island had very few appropriate places to site the proposed development. She advised that Mountstuart would never sell off their farms. She said that the development had to be located at this site. She pointed out that Bute had already lost Henshaw Woods because of constant delays. She said that if you did not have the right size of property then you would have to keep turning down contracts and losing business. She said the island needed security of jobs for survival and that this application had to be passed for the continued wellbeing of Bute. She said she had concerns about those that lived on Barone Road but she believed there was a need to retain Bute Foods and for this proposal to go ahead.

Councillor McCuish said he had been impressed with the quality of presentations, including those from the objector and supporters. He advised that the Council's Officers gave the Committee all the information needed to make a decision today. He said that he welcomed this application and that it was great news not just for Bute but for Argyll and Bute as a whole due to the expansion of jobs. He said that the expansion of the company should be welcomed on a site identified for Business and Industry use. He suggested that in order to address ongoing concerns the company should consider setting up a liaison group with the community. He also advised that he was very keen on the cycle to work scheme and suggested that the company look to some of the local cycle shops and consider discounts to encourage their

employees to cycle to work. He confirmed that he would support approval of this application today.

Councillor Devon said that this application had been thoroughly and robustly looked at with various surveys and inspections carried out. She advised that she felt many of the concerns raised had been addressed with conditions. She commented that she was impressed with what the company was doing to address climate change by encouraging employees to cycle to work. She confirmed that she would have no hesitation in recommending approval of this application.

Councillor Redman said he was very happy with this application. He commented that he came from an industrial island which was very different from Bute but had similar challenges. He advised that Bute had economic problems long before the virus struck and with the worst unemployment levels, still did. He said this proposal was very welcome and would create jobs and opportunities for growth, particularly for younger people looking to get started. He advised there was a need to fight rural depopulation and this proposal was a step in the right direction. He confirmed he was minded to approve the application.

Councillor Trail commented that as this was the first hearing everyone has heard online, he would like to commend the Planning Officer for his presentation. He said he thought he had given a very good picture of the site and its surroundings both in pictures and in words. He said he agreed with the comments of the other Councillors but advised that he did not think economic benefit was the overriding consideration. He advised that land use was the most important consideration and said that this was a very good site, already zoned for industrial use, so it was appropriate to put it there. He commented that he thought the trees surrounding the site would give a good bit of shielding from the future building. He confirmed that he was in favour of the proposal and he commended the company for encouraging cycling to work.

Councillor Taylor said he understood how the community felt in terms of living close by the site which had been a piece of undeveloped land for the last 25 years that had gone back to nature. He said that developing it now in terms of an industrial development when they have lived next to what has been the same visual amenity as a park would have a huge impact on them and how they perceived the environment they lived in. He advised that the planning system sets aside appropriate zones for development and Officers have recommended approval of this proposal. He noted that concerns raised by objectors have been addressed with amendments to the design and by conditions. Like Councillor Trail, he advised that he had not considered the economic argument despite this being important. He said that land use and the ability to develop has been the main factor in his decision to support this application.

Councillor Blair concurred with the comments already made. He said the presentations had been very good and weighing it all up, and the opportunities for the area, he was minded to support the application.

Councillor Forrest commented that this site was designated for industrial use. She said the presentations had been very good and advised that she had sympathy for the residents but did believe that the conditions put on this application would address their concerns. She confirmed that she would support this application.

Councillor Douglas said she would like to affirm everything that had been said. The level of information and debate was very good and she advised that she had no hesitation in recommending that this proposal go ahead.

Councillor Colville said he agreed with the comments the other Members had made, particularly those by Councillor McCuish to the Applicant. He said he thought there was goodwill to be built here with the local community. He gave special thanks to the Planning Officer for his very comprehensive presentation. He said a great deal of effort had gone into all the presentations and that he would be supporting the application.

Councillor Kinniburgh thanked everyone for taking part in the meeting today. He commented that this was the first discretionary hearing to be held virtually and that he thought the standard of presentations and everyone's input into the meeting was admirable. He commented that concerns had been raised around the application but from what he had heard today, he believed most of these had been addressed. As far as he was concerned, he thought the company sounded like a responsible company and he noted that they were working on Bute at the moment. He pointed out that the Environmental Health Officer had never received any complaints about their existing buildings. He said that road safety issues had been adequately addressed and he commented that any road safety issues that do take place would not be the making of this company. He noted that conditions were placed on applications and said these conditions had to be adhered to and were put there to protect those who objected and covered a lot of the issues raised. He advised that employment was not the number one priority but in this instance the Applicant was going to be a major employer in the area by almost doubling the employment they already provided on the island. Which, he said, could only be good for Bute and Argyll as a whole. He commented that the site was zoned for industrial use, albeit it had been some time since it was last used for industrial use. He said he had no hesitation in recommended approval of this application. He formally moved that the application be granted subject to the conditions detailed in the report of handling. This was seconded by Councillor Redman and no one was otherwise minded.

## DECISION

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

1. The development shall be implemented in accordance with the details specified on the application form dated 17<sup>th</sup> August 2020; 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
<b>Location Plan (Scale 1:1250)</b>	<b>Plan 1 of 1</b>		<b>18/08/2020</b>
<b>Existing Site Plan</b>	<b>Drawing No. PPM-1928-P-A-002</b>	<b>P1</b>	<b>18/08/2020</b>
<b>PR Site Plan</b>	<b>Drawing No. PPM-1928-P-A-003</b>	<b>P1</b>	<b>18/08/2020</b>

<b>Proposed Block Plan</b>	<b>Drawing No. PPM-1928-P-A-004</b>	<b>P1</b>	<b>18/08/2020</b>
<b>Proposed Ground &amp; First Floor Plan</b>	<b>Drawing No. PPM-1928-P-A-005</b>	<b>P1</b>	<b>18/08/2020</b>
<b>Proposed Roof Plan</b>	<b>Drawing No. PPM-1928-P-A-006</b>	<b>P1</b>	<b>18/08/2020</b>
<b>Proposed Site Sections</b>	<b>Drawing No. PPM-1928-P-A-007</b>	<b>P1</b>	<b>18/08/2020</b>
<b>Proposed Elevations</b>	<b>Drawing No. PPM-1928-P-A-008</b>	<b>P1</b>	<b>18/08/2020</b>
<b>Proposed Entrance Layout</b>	<b>Drawing No. PPM-1928-P-A-009</b>	<b>P1</b>	<b>18/08/2020</b>

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

2. Unless the prior written consent of the Planning Authority is obtained for variation, the following works shall be undertaken prior to the food production facility hereby approved coming into use:
  - i. Sightlines of 42 metres in each direction, measured a distance of 2.4 metres back from the edge of the public carriageway at the centre point of the access, shall be cleared of all obstructions above a height of 1.05 metres from the level of road and thereafter maintained as such in perpetuity;
  - ii. The first 5 metres back from the edge of the public carriageway as it meets the vehicular access to the site shall be finished with a sealed bituminous surface;
  - iii. The hatched area of ground referred to in Drawing No. PPM-1928-P-A-004 Revision P1 as '*pathway to be reinstated*' shall be finished with a sealed bituminous surface and thereafter be retained in perpetuity for such a dedicated purpose;
  - iv. The parking spaces shown on Drawing No. PPM-1928-P-A-003 Revision P1 and Drawing No. PPM-1928-P-A-004 Revision P1 shall be fully constructed and capable of use, and thereafter be retained in perpetuity for such a dedicated purpose.

Reason: In the interests of road safety.

3. Prior to the commencement of the development (or such other suitable timescale as may be agreed in writing with the Planning Authority), a finalised Noise

Management Plan shall be submitted to and approved in writing by the Planning Authority.

The Noise Management Plan shall:

- a) Confirm the measures that will be taken to mitigate the adverse noise impact identified at the Noise Sensitive Receptors from the identified external noise sources associated with the development
- b) Review and revise the BS4142 assessment calculations based on these mitigation measures (see (a) above), so as to demonstrate the effectiveness of these measures in mitigating any adverse noise impacts

The food production facility hereby approved shall not be brought into use until the measures detailed in the approved Noise Management Plan have been implemented in full.

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

4. Unless otherwise agreed in writing with the Planning Authority, the movement of Heavy Goods Vehicles into or off the site shall be limited to:
  - No earlier than 07:00 hours on a weekday or 08:00 hours on a Saturday
  - No later than 19:00 hours on a weekday or a Saturday

There shall be no movement of Heavy Goods Vehicles into or off site on a Sunday or Bank Holiday.

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

5. Unless otherwise agreed in writing with the Planning Authority, the food production facility hereby approved shall be operated in full compliance with the terms of the Odour Management Plan prepared by Mabbett and Associates (Third Issue dated 6th August 2020).

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

6. Prior to the commencement of the development (or such other suitable timescale as may be agreed with the Planning Authority), full details of any external lighting to be used within the site shall be submitted to and approved in writing by the Planning Authority. 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 having regard to the Institute of Lighting Engineer's Guidance.

No external lighting shall be installed except in accordance with the duly approved scheme.

Reason: In order to avoid light pollution in the interest of amenity.

7. Notwithstanding the effect of Condition 1 above, prior to the commencement of the development (or such other suitable timescale as may be agreed in writing with the Planning Authority), full details of the means by which rainwater and

surface water are to be managed at the site shall be submitted to and approved in writing by the Planning Authority. Such details shall include detailed design calculations, a drainage statement, a method statement for construction and a SUDS maintenance regime. The surface water drainage shall be designed in accordance with SuDS manual CIRIA C753 and Sewers for Scotland 4<sup>th</sup> edition.

The details shall also include the results of investigations into the existing culvert located at the north east boundary of the site (flowing in a westerly direction from Mill Lade) and into the sinkhole that revealed a collapsed culvert to the north of this area, which was found during the undertaking of the topographic survey.

The rainwater and surface water drainage shall be constructed in accordance with all of the approved details and 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 rainwater and surface water drainage system and to prevent flooding in accordance with Policy LDP 10 and Supplementary Guidance policies SG LDP SERV 2 and SG LDP SERV 7 of the adopted Argyll and Bute Local Development Plan 2015.

8. Notwithstanding the effect of Condition 1 above, the development shall be implemented in accordance with the recommendations set out in the Flood Risk Assessment prepared by RSK (ref: 881048-R2(01)-FRA) and submitted in support of the development.

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

9. Prior to the commencement of the development (or such other timescale as may be agreed in writing with the Planning Authority), a report on previous site investigations and ground gas monitoring shall be undertaken and submitted to and approved in writing by the Planning Authority. The report shall also contain a risk assessment based on current guidance and include recommendations for any further investigation, remediation or the installation of ground gas protection measures.

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

10. Prior to the commencement of the development (or such other suitable timescale as may be agreed in writing with the Planning Authority), a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
  - i. Existing and proposed ground levels in relation to an identified fixed datum;
  - ii. Existing landscaping features and vegetation to be retained;
  - iii. Location, design and materials of proposed walls, fences and gates;
  - iv. Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
  - v. A programme for the timing, method of implementation, completion and subsequent on-going maintenance.



All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

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

11. Prior to the commencement of the development (or such other suitable timescale as may be agreed in writing with the Planning Authority), a scheme for the retention and safeguarding of trees during construction shall be submitted to and approved in writing by the Planning Authority. The scheme shall comprise:
- i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
  - ii) 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 in accordance with BS 5837:2012 'Trees in Relation to Design, Demolition and 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 as part of the development in the interests of amenity and nature conservation.

12. Unless otherwise agreed in writing with the Planning Authority, no development works shall take place on the site within the bird breeding season (April – August inclusive). The Planning Authority shall be informed in writing should any development be proposed within the site during the breeding bird season and confirmation shall be provided that a Suitably Qualified Ecologist (SQE) shall be employed to search the site for evidence of nesting birds immediately prior to works occurring, with a re-check undertaken for any works that are delayed for longer than 48 hours.

Should a nest be recorded, a suitable working buffer should be put in place until young have successfully fledged the nest.

Reason: In the interests of protecting bird species within the site.

13. Prior to the commencement of the development (or such other suitable timescale as may be agreed in writing with the Planning Authority), a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) shall be submitted to and approved in writing by the Planning Authority. The plan shall include details showing:

- i) All existing access points, rights of access and other routes within and adjacent to the application site;
- ii) Any diversion of paths, tracks or other routes temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage)

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first coming into use of the food production facility hereby approved or as otherwise may be agreed within the approved plan.

Reason: In order to safeguard public access both during and after the construction phase of the development.

14. Prior to the commencement of the development (or such other suitable timescale as may be agreed with the Planning Authority), details of those works that are to be undertaken within the site during construction works to protect the water course that is located to the immediate east of the development site shall be submitted to and approved in writing by the Planning Authority.

Unless otherwise agreed in writing, the protection works shall be undertaken in accordance with the approved details.

Reason: In order to protect the water course in the interests of amenity and nature conservation.

15. Prior to the commencement of construction works on the building or other structures within the site (or such other timescale as may be agreed in writing with the Planning Authority), details of the proposed finishes of the external walls, roof covering, doors and fenestration of the building and all other structures shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the building shall be constructed using the approved materials.

Reason: In the interests of visual amenity and for the avoidance of doubt.

(Reference: Report by Head of Development and Economic Growth dated 9 October 2020, supplementary report number 1 dated 20 October 2020 and supplementary report number 2 dated 13 November 2020, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held BY SKYPE  
on MONDAY, 30 NOVEMBER 2020**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Hardie
Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Jean Moffat
Councillor George Freeman	Councillor Alastair Redman
Councillor Kieron Green	Councillor Richard Trail

**Attending:** David Logan, Head of Legal and Regulatory Support  
Iain Jackson, Governance, Risk and Safety Manager  
Patricia O'Neil, Governance Manager  
David Love, Area Team Leader – Mid Argyll, Kintyre and Islay – Planning  
Derek Wilson, Planning Officer  
Mike Horner, Applicant's Agent  
Arancah Arnal, Applicant's Agent  
Sukhinder Singh, Applicant  
Rajbir Sawhney, Applicant  
Oliver Chilton, Applicant  
Mark Freeson, Applicant  
Rachel Whyte, Islay Community Council – Consultee  
James Ross, Roads Officer – Consultee  
Marina Curran-Colthart, Biodiversity Officer – Consultee  
Councillor Robin Currie – Supporter  
Dr Pat McGrann - Objector

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Sandy Taylor.

**2. DECLARATIONS OF INTEREST**

Councillor Alastair Redman declared a non-financial interest in planning application reference 19/02555/PP. He advised that this had been a contentious issue which had come up at various meetings and surgeries and he felt it was only fair that he take no part in the determination of this application. He left the meeting at this point.

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

The Chair welcomed everyone to the hearing which was being held on a virtual basis in light of government guidance and Coronavirus legislation on public gatherings in response to the Covid-19 pandemic. For the purposes of the sederunt, Mr Jackson, Clerk to the Committee today, read out the names of the Members of the Committee and asked them to confirm their attendance.

In advance of the meeting today interested parties confirmed that they would make presentations to the Committee. Mr Jackson read out the names of those representatives and asked them to confirm their attendance.

The Chair, having explained the hearing procedure that would be followed, invited the Planning Officer to present the case.

## **PLANNING**

David Love, Area Team Leader presented the application as follows gave the on behalf of the Head of Development and Economic Growth.

Good morning Members. You will recall this proposal was originally heard at the May meeting of the PPSL committee. At that meeting it was agreed that Members would endorse the associated Area Capacity Evaluation. Given the status of the ACE having been approved I have not revisited it in this presentation. However, I have managed to pull together what I hope is a comprehensive familiarisation presentation.

I would like to appraise the committee of a late representation received on Friday afternoon. Mr Andrew Campbell submitted comments directly to me. Given the lateness of this submission I was not able to provide a further supplementary report for Members however I can confirm that it does not raise any new material considerations and that its contents have already been addressed across the original report of handling and the supplementary report. In order to give this representation a fair opportunity for discussion I shall read its contents for consideration prior to starting the familiarisation exercise.

*Dear Mr Love,*

*I am writing to lodge my objections to the plans which have been submitted for the distillery and associated buildings and business at Farkin on our Isle of Islay.*

*The basis of my objections are.*

- Islay is already well served by distilleries and whilst I would not object to any new distilleries on the island, any such distilleries should add to the reputation of the island and not so blatantly seem to exploit such a reputation.*
- The scale of the development represents a more impactful industrial scale which is out of kilter with the style of other commercial operations on the island*
- Whilst employment opportunities are usually an attraction, there is currently full employment on the island and with housing and education under pressure it is unclear how additional workers could be accommodated. There must be many other rural locations in Scotland which would benefit from this additional employment opportunity.*
- The environmental impact on a beautiful area of the Island which will be a clear to those arriving on the ferry.*
- The required level of water supply will be a challenge to provide without significant disruption to the natural environment*

*In summary, this is a development that is not needed and one which will likely have a negative impact on the character, environment and resources on one of Scotland's most precious assets.*

It is considered that these comments have already been addressed by officers and do not require further consideration.

If the committee is happy with this view then I shall proceed with the site familiarisation slides.

### Slide 2

Members will have received a PDF map as shown on the screen. I apologise for not highlighting the actual site itself but it is where the number 4 is shown. The numbers indicate the location of photographs and you may wish to keep it handy to orientate yourself with the pictures as they appear on screen. However, I can always skip back to this map on request.

### Slide 3

Before getting into the photographs I thought it important to provide an aerial image showing Port Ellen and the road to Ardbeg. The site is located here. For those not familiar with the island this is Port Ellen where the ferry usually arrives. It is one of two main transport hubs on the island. The other is at Port Askaig to the north. Port Ellen Distillery is here which is under redevelopment. This area is the maltings. You can see the coastal edge and the Laphroaig distillery complex and buildings. You can see the field management system. It is largely grazed. The three distilleries footpath runs along the road. This area is Port Ellen Primary School. The reservoir would be in this location here.

### Slide 4 – photo 1

My first photo is taken from within Port Ellen as you leave the town travelling east. This gives you an impression of the edge of the settlement. Port Ellen Primary School is off picture to the right. The edge of the settlement is approximately here.

### Slide 5 – photo 2

As you travel past the primary school immediately adjacent you have a multi use games area and you leave the restricted speed limit of the town. I am standing on the three distilleries footpath. You can get an impression of the rock features along to the left and the drumlins that cover the site. These are semi constant features along the coast. Field boundaries tend to be dry stone walling and post and wire fences. You can see the telegraph poles and wires that dot the landscape.

### Slide 6 – photo 3

This is a close up shot looking across the site. You can see the landscape features here as previously described. The field boundaries, telegraph poles. This track leads down to some Scottish Water infrastructure and a rough path that leads back in Port Ellen.

### Slide 7 – photo 4

Just to assist this image is actually further away from the site looking in the same direction. You can see the landscape features previously mentioned.

### Slide 8 – photo 5

Members will note on the map that there is a track leading north from the site. This image shows the coastline, a small Scottish Water building, the site beyond.

Councillor Blair left the meeting at this point during this presentation as he lost connection and could not be re-connected.

### Slide 9 - photo 6

Again back to the site to give the previous image some context. This is the SW building I referred to.

### Slide 10 – photo 7

This is a panoramic shot taken from a location to the north looking south down over the grazed fields and over the site to the coast.

### Slide 11 – photo 8

Here we have a photo from the far end of the main site showing the main road looking over to Laphroaig. Again, landscape feature on the left showing a pinch point in the landscape.

### Slide 12 – photo 9

From the previous location if the viewer turned around this is what you would see. For orientation purposes this is the site in here. You can see the raised landscape features previously referred to. This is the SW building.

### Slide 13 – photo 10

Not an image of the site but hopefully gives an impression of the coastal strip looking east.

### Slide 14 – photo 11

Moving east from the last shot we end up with the bay on the right and this shoulder of rocky outcrop on the left. You can get the impression of the narrow coastal edge past the site and rocky features common of the coast.

### Slide 15 – photo 12

This picture is showing the rock features on the left hand side of the previous image. The house you can see is the nearest third party property.

### Slide 16 – photo 13

From the previous image you access the site for the reservoir and you can get a view of the interior away from the coastal edge. This is the track down to the coast road and this is a rough track accessing the fields. You can see the pastoral nature of this portion of the landscape.

Slide 17 – photo 14

From approximately the same position you can see how the landscape changes from the narrow coastal strip. We are looking back out over the coast. The third part property is a little to the right set amongst the rocks. The main road is here. The reservoir would be to my back. The distillery complex off picture to the right where the coastal edge widens.

Slide 18 – photo 15

From the previous image this photo shows the view slightly to the left.

Slide 19 – photo 16

Dropping down off that previous position onto the main road and looking west you can see that shoulder of rock I referenced earlier. The site would be up over this small hill.

The site is located to the east of Port Ellen Primary School on the south coast of the island. Laphroaig is some one mile to the east. The ruin of Farkin Cottage is to the north. The site is bounded by a track leading to some Scottish Water infrastructure to the west where a field separates the site from the primary school. The A846 is to the north along with the Three Distilleries Core Path which runs parallel. The coast is to the south and agricultural fields are to the east where the land narrows into a bay before widening into Loch Laphroaig and the settlement of the same name. To the North the land tends to slope upwards towards the more mountainous interior of the island. The south coast of Islay is characterised by three existing distilleries namely Laphroaig, Lagavullin and Ardbeg. This proposal would seek to add a fourth.

While the majority of the application sites lies to the south of A846 the application area includes a portion of land to the north east of Farkin Cottage which includes a natural bowl in the topography in which the proposals are looking to form a reservoir to supply water to the development. The site itself is relatively flat and characterised by a rolling topography with drumlins. It has traditionally been used for agricultural purposes.

The application site is located within land zoned as 'Countryside' wherein the provisions of policy LDP DM 1 offer general support for 'small' scale development on appropriate infill, rounding-off, redevelopment and change of use of existing buildings; plus support for up to and including 'large' scale development on appropriate sites in exceptional circumstances where this accords with an 'Area Capacity Evaluation' (ACE).

Policy SG LDP BUS 2 set out that proposals for new business and industry development (Use Classes 4, 5, 6 and 7) in the Countryside Development Management Zones will only be permitted where it meets specific criteria.

Schedule B1 sets out the scales of Business and Industry development defining 'large scale' development as buildings with a footprint exceeding 600sqm, or a gross site area exceeding 2ha. The provisions of Schedule B1 also note that within Economically Fragile Areas consideration will be given to variation of the permitted scales of development in line with the provisions of policy SG LDP BUS 5. It is worth noting that Islay is considered an economically fragile area.

Schedule B3 sets out the preferred locations for business and industry development in the countryside expressing a preference only for 'small scale' development in 'non-residential locations' out with the allocations and PDAs (Potential Development Areas). Schedule B3 also defines 'non-residential locations' as being "locations where residential use does not predominate – this includes mixed use areas".

The proposal also includes for a visitor centre (which should be viewed as an ancillary development to that of the main distillery) and accordingly regard should be had to the provisions of LDP 5 and SG LDP TOUR 1 and 3.

These policies offer broad encouragement for new and improved tourism facilities, particularly within designated Tourism Development Areas such as Islay. SG LDP TOUR 1 sets out a criteria-based approach, with a general presumption in favour of new or improved tourism facilities provided certain criteria are met. The proposal represents a 'large-scale' business and industry/tourism development within a 'Countryside Zone' where a clear locational/operational need has been demonstrated and supported by an 'Area Capacity Evaluation' which was approved by the PPSL Committee at their meeting on 20 May 2020. The provisions of SG LDP BUS 5 recognise the requirement for flexibility within Economically Fragile Areas such as Islay and make provision for the normal provisions of the Council's Settlement Strategy to be varied to accommodate up to 'large scale' development in rural areas in appropriate circumstances. Accordingly, it is considered that the principle of the development is consistent with the LDP.

The Proposed Distillery is located in the south-eastern portion of the site. I have another site plan showing just the distillery complex. However, you can see it here with the wet land areas in blue, the reservoir up in the north east and the associated pipeline. The tasting lodge, sea water intake for cooling and long sea outfall.

The reservoir is in the catchment of a small watercourse that becomes an open channel some 350m south of Bruhinny Farm. It will take some 38,000m<sup>2</sup> with potential storage up to 76,000m<sup>3</sup>. Alternative water sources would include rainwater harvesting for grey water use and a sea intake for cooling purposes.

Slide 23 shows a little clearer the location of the access point, footpaths, warehouse, and main distillery complex.

The buildings will be constructed using local building materials (where possible) sympathetic with the local area. The buildings will also incorporate significant glass frontage to maximise the outlook for visitors across the views of the Sound of Jura.

Slide 28 – LVIA visuals VP map

The darker colours show more impact lessening to the pale. Views are very much localised.



### Slide 29

I have a selection of visuals that I'll talk through.

This is from the ferry as you would come into Port Ellen. You can see the settlement hugging the bay. You can see the predominant materials and colours evident in the conservation area. The development can be seen here to adjacent the spire.

### Slide 30

This from an area south of Port Ellen looking over the eastern extent of the settlement. Laphroaig distillery is in the distance. The development can be seen here. It is demonstrated that the site is well back dropped by the upland areas to the north.

### Slide 31

A similar view as you would travel east along the coastal edge. You can see the rising landform to the north. This is a small Scottish Water building. This a third party property. The reservoir would be on the other side of this property.

It is worth noting that these visuals do not take into account the applicant's landscaping proposals that would retain and enhance the natural features across the site.

### Slide 32

The same view but further to the east. You can see Laphroaig on the right. Scottish Water infrastructure just here. The third party property here. Reservoir would be on the other side of this. Warehousing. Again, you can see the development would be well back dropped and the extent of the landscape envelope.

### Slide 33

This would be access to the site on the A846. You can see the use of stone walling as a boundary feature. The rocky feature, which is to be retained, helps to limit the view although you would be able to see it.

### Slide 34

From the other side of the development looking seaward.

### Slide 35

The same image encompassing more of the development. Again, the landscape feature is to be retained.

### Slide 36

From the Three Distilleries core path looking west. The applicant has broken up the mass of the buildings into a traditional complex.

## Slide 37

From the sea looking into the south coast of Islay. You can see Laphroaig and Port Ellen. The maltings with Port Ellen Distillery immediate in front – not visible from this distance though. The blue shed is at the ferry terminal. You can see the development located here. Again the key landscape features are to be retained and enhanced through landscaping.

There are no objections from consultees other than the community council. However, the materiality of their objections were the same as those raised by SEPA which have now been resolved.

There have been a total of 22 separate objections to this application with a further petition with 148 names. Of these, 4 people have signed the petition and submitted separate individual representations.

Furthermore, 3 letters of support have been submitted.

The proposal will deliver sustainable economic development within an 'economically fragile area' in a manner which, notwithstanding the concerns expressed by third parties, will not give rise to any unacceptable, or significant adverse effect upon the receiving environment. The proposal satisfies development plan requirements and there are no material considerations which would indicate the need to withhold consent in this case.

## **APPLICANT**

Mike Horner confirmed that the Applicant would not add anything further to what had been presented by Planning but would make themselves available for questions.

## **CONSULTEES**

### **Islay Community Council**

Rachel Whyte advised that she was speaking on behalf of Islay Community Council. She said that the Community Council always welcomed new business and industry to the island but this welcome came coupled with the reality that residents, infrastructure and the habitat would not be compromised in anyway. She put forward the following objections on behalf of the Community Council:

1. The applicant has not included staff housing within the plan. We note that Design and Access statement states, "The client intends to provide on-site family housing for staff and distillery visitors. This will form part of a separate planning application."

At present we are living in a housing crisis on Islay with indigenous islanders urgently requiring homes. The applicant states they intend to commence production in 2021. ICC formally request that Argyll & Bute Planning Department impose a Section 75 (or equivalent) obligation on the Applicant to build sufficient new housing to accommodate the quoted 25 (twenty five) visitor centre and process staff of the proposed new distillery. ICC note that no clerical or managerial staff numbers have been brought into this equation - will they be located off Islay or should they also be included in this housing equation?

Any housing development should happen at the same time as distillery construction and be completed before production begins. It should be further noted that staff housing should be an integral part of the distillery plans though ICC do not consider distillery visitor housing a necessity.

2. No significant sign of renewable energy installations, reducing carbon emissions or adapting to climate change can be seen from the Applicant within this planning application. We request that Argyll & Bute demand that the Applicant uses much more renewable/greener energy as possible to reduce the over use of our grid for example air source, solar and wind. ICC insists that Argyll & Bute requests the applicant is made fully aware and compliant in that by 2030, only nine years from now, Scotland aims to generate 50% of our energy from renewable sources and by 2050 aims to decarbonise our energy system completely. The Scottish energy statement published in December 2017 sets a 2030 target for the equivalent of 50% of business energy - heat, transport, electricity consumption to be supplied by renewable sources. Therefore with this Scottish Government time table in mind this must become an integral part of this Planning application.
3. Within the Proposed Vaulted Warehouse Plan, Section and Elevation it states 15 row of casks, 8 No in a row, 2 levels. The amount of alcohol cannot be calculated as the content of quarter casks, barrels, hogshead and butts vary greatly from containing 25 litres through to containing 500 litres. However, using the largest calculation it is noted that cask storage is only a fraction of distillery alcohol output. It therefore indicates that this warehouse is simply for visitors to have an insight to warehousing and not for the prime aim of storing alcohol produced on site.

Has the applicant got plans to build more warehouses? If so where are the plans or, if not, is the intention to transport spirit off the island thus compromising Islay's infrastructure and/or ferry capacity?

4. No up-to-date otter survey has been carried out by applicant therefore it cannot be known if licensing is required. This should be addressed before planning is approved.
5. Given to the close proximity of the distillery to the local primary school and increase in traffic to this area there is a strong feeling locally that the present 30mph speed limit is thoroughly inappropriate. We feel strongly that this point should be re-visited and reduced to 20mph speed limit from proposed distillery entrance to Port Ellen Primary school.
6. ICC object to the spreading of pot ale to agricultural land noting that, for each litre of whisky on supermarket shelves, around 8.5 litres of pot ale is produced in the first stage of distillation alone:
  - a) the continual use of heavy plant to transport the pot ale will have a massively detrimental impact on our roads.
  - b) Spreading on land as fertiliser causes much concern, due to the possible toxic effects of the pollutants contained in pot ale.

## **SUPPORTERS**

### **Councillor Robin Currie**

Councillor Currie advised that when the PPSL Committee last considered this application in May 2020 he successfully moved a Motion that a public hearing should be held before determination. He said that one of the main reasons for asking for this hearing was for the local people to be given the opportunity to comment on their concerns and he was glad that this has happened. For his part, he said he was content with the handling of the application and the responses from Planning and the statutory consultees. He advised that his only remaining concern was still the question of road safety and traffic management, particularly around Port Ellen Primary School. He said that he agreed with the comments made by Rachel Whyte, the representative from Islay Community Council. He advised that he would have thought the Roads Department could have asked for improvements to the road in order to improve safety to traffic management. He commented that a lot of reference had been made by Mr Love to the Three Distilleries Pathway but very little reference was made to the road that ran alongside it. He acknowledged that there were no material considerations which would merit withholding consent. He said he was disappointed that more reference was not made about the school and the road exiting from the village even in the presentation slides.

## **OBJECTORS**

### **Dr Pat McGrann**

Dr McGrann advised that he has known Islay since the 1970s and has been a householder since 2000 in a C listed dwelling. He said he had previously been on the Islay Community Council and that presently he was Chair of Islay Community Access Group which was responsible for the Three Distilleries Path. He advised that since 2013 this small voluntary group has raised £2.2 million to build this dual purpose pathway across Islay. He commented that Mr Love had made much of this pathway being a dominate feature across Islay. He advised that Islay Community Access Group had no direct contact with the developers regarding the development of this path. Up till now the path has passed by three distilleries. It was 3.5 km long and it required a lot of maintenance. He said that they had asked Speciality Drinks to work in the same way as the other distilleries to help maintain this pathway to ensure there was a safe transit for visitors which were now undertaking 60,000 journeys per week to Farkin hill (pre Covid measure).

As an individual resident at Frederick Crescent, Port Ellen – a Conservation Area, He said he was grateful to his colleague Mr Iain Faggeter for drawing to his attention the pre application notice (PAN) of March 2018. He commented that due to the proposal's large scale and location within a Rural Opportunity and Countryside Zone justification for an exceptional case would need to be made and he said he did not feel that this had been done. He advised that the Committee were being asked to consider a major project, a new build of an alcohol production factory on agricultural land with a long history. The major dimension is exemplified by the mass of plans, volume of multi-professional technographic reports which were engaged by Speciality Drinks attempting to capitalise on the provenance of its produce being on Islay. The main thing, he advised was to be mindful of Islay Community Access Group's objective. The main one being "to improve the quality of life for those who live on Islay and those visiting, by creating a safe and accessible range of

opportunities to access the countryside for recreation and enhanced health and wellbeing.” He said the plans and reports prepared were acting as proxy for an impact assessment on our daily lives, now and in the future. He pointed out that the vast majority of the application pre dated the Covid-19 pandemic which has had a massive personal, economic and social consequences to our daily lives now and in the future and as such should lend itself to the context of this meeting. He advised that the quality of our lives was the holistic summation and appreciation of emotional, practical, aesthetic and intellectual factors. These were particular to the individual but entirely relevant.

He advised that 22 formal objections were made and said he felt that the inability of the Committee to be able to visit Islay denied them access to this holistic view of quality of life on a remote and rural island. Referring to Mr Love’s presentation, he advised that if the Committee had come to Islay they would have seen a vibrant village with well-maintained diverse buildings in a Conservation zone. They would have seen the partial demolition of the old Port Ellen Distillery site in preparation for rebuild along similar lines to the Speciality Drinks site at Farkin ie, alcohol (whisky) production unit, visitor centre and restaurant. He pointed out that across the road from the Maltings the Committee would have seen a partially completed rum factory with a retail outlet. He said the Committee would have become aware of the poor surface condition of the road network, its route through the centre of the village along the A846 to Ardtalla, passing two hundred year old Laphroaig, Lagavullin and Ardbeg Distilleries. He said they would have realised that this was the only road through the village giving access for all traffic, especially HGVs to these sites. He said it passed Port Ellen Primary School some 500m from the proposed Farkin site.

He advised the Committee that the A846 sat on a sandy base and underneath that ran mains water pipe which repeatedly had to be repaired due to the damage caused by HGVs carrying excessive loads for this type of road. He said there were two recurring sink holes and the rendering of house walls were showing cracks. He referred to Councillor Currie’s comments about the problems around the school. He advised that the community had applied to build a childcare facility next to the school but this had been rejected because of inadequate space to deliver and collect children up to the age of 5 and for all round care.

He advised that road congestion due to ferry traffic was severe and dangerous. He advised that on a busy day, under normal circumstances, the residents of Port Ellen had to have a sixth sense to cross the road and be mindful of children and the elderly. He referred to a chronic lack of affordable housing and to the chronic failure of Cal Mac in respect of ferry capacity and delivery. He said that Ilich’s were not getting preferred bookings and that there was too much commercial traffic and campervans. He advised that construction of any scale would exacerbate this. He said air travel was expensive and stressed, and the pan Islay electricity supply was fragile, water supply was limited, sewage disposal had its problems and internet access and capability was limited. He advised that HGV journeys were increasing with most distilleries on Islay increasing production. He said that visitor numbers had been increasing pre-Covid and that Islay was always full during Feis Ilay and Islay Show Day with limited capacity for accommodation. He advised that the recovery of Islay was becoming dependent on achieving previous levels otherwise the hospitality sector would be severely impaired. He said there was a lack of available tradesmen to serve local households due to their commitment to distillery work. He said that although this was deemed an economically fragile area, unemployment was 0.6%.

There has been minimal infrastructure investment in the last 20 years. The distilleries have driven the economy with the inadequate island infrastructure and stressed it too much.

He advised that it was now Groundhog Day. Any major new development would stress all these services perhaps to the level of failure. He said a new alcohol factory would not aid the recovery from Covid-19 unless there was very significant CSR from the multiple distilleries and government support. He advised that the community did not need, nor could there be justification in stressing the local community as it recovered from Covid in the next 5 years.

He said that they had already lost a well-respected general store and the village pub both part of Port Ellen heritage. He acknowledged that change was inevitable and that he was not against change but it had to be in the right direction.

He advised that he could not see enough evidence for an exceptional case to be made for a new alcohol unit at Farkin when another unit was being resurrected now. He said there would be four such factories within 5km with increase production in the established units. We said they did not want five, that the infrastructure could not adequately support five without overall detriment to the community – this within a village with two housing complexes underway. He said the infrastructure would be challenged and the community would not gain but certainly suffer both in the short and long term. He said not to forget the law of unintended consequences and referred to the NC500 route where communities there were feeling that their way of life has been severely pressured with congested roads and stressed infrastructure. They feel they are losing their rural culture. He said this could happen to Islay too with increasing numbers of alcohol production units, of which there were nine distilleries on Islay already and one being built, two gin units and a rum factory being built.

He said that enough was enough and he objected to this application at this time until it could be demonstrated that infrastructure improvements were adequate to mitigate the detrimental effects on our way of life.

## **MEMBERS' QUESTIONS**

Councillor Devon referred to concerns raised about road safety and the intensification of traffic. She asked if it would be possible to have a 20 mph limit either side of the school and, if not there already, flashing signs outside the school. Mr Ross advised that there were flashing 20 mph signs outside the school which were enforceable due to a Traffic Order. He said he was aware of traffic congestion. He referred to the proposal to have an Early Years Centre at this location and said there had been difficulty with that as there was not enough parking for parents. He advised that the road had a 30 mph limit through the village but this could not be extended beyond the village as it would not meet the Council's policy for speed limits due to there being no buildings beyond the 30 mph zone. He advised that there was still a school crossing patroller during schools hours and also a nib on the road with give and take.

Councillor Devon sought and received confirmation from Mr Ross that the child care centre was turned down due to insufficient parking.

Councillor Devon referred to Ms Whyte's comments about there being no unemployment on Islay. She asked if the current employment was mostly seasonal and suggested that this proposal would offer full time work and more security. Ms Whyte advised that unlike other tourism places, Islay did not have any seasonal employment. She said that practically everyone was employed and that any tourism jobs had been taken up by Eastern Europeans. She advised that Islay had full employment all year round and that was why they were so worried about unemployment on the island as a result of Covid.

Councillor McCuish asked if ferry capacity, roads infrastructure, and the housing crisis etc were taken into consideration by Planning as part of their assessment of this application. Mr Love explained that planning applications could only be considered in their current form and that Planning Officers were not able to consider elements beyond that which Planning had no control of. Mr Love confirmed that he was aware of the shortage of housing on the island and issues with capacity on the ferries, but this was not something that could be taken into consideration in this case as this proposal did not directly impact on these issues. Indirect impacts could not be taken into consideration.

Councillor McCuish referred to there being nine distilleries on Islay along with two gin and one rum distillery. He asked if Islay Community Council would agree that it was time the distilleries started contributing to the infrastructure on Islay. Ms Whyte said yes. She referred to a meeting held last year with the Applicant and this was spoken about then. She said the Community Council had a great deal of communication with the Applicant in the beginning with great promises, but despite trying to push this, nothing was forthcoming. She referred to a desire to set up an Islay Fund and said they had spoken to a couple of the other distilleries who were well acquainted with this and would be willing to join in with this. She advised that the Secretary of the Community Council had written several times to the Applicant but was still waiting for replies.

Councillor McCuish referred to the Timber Transport Fund which allowed money to be put into this fund for Argyll and Bute roads. He said he could see no reason why this could not happen on Islay and commented that the island had two very active Councillors that may be able to help. He said he was sure the distilleries would want to put more into the communities.

Councillor Colville referred to page 4 of the Agenda pack and the consultation response from Roads asking the Applicant to consider constructing a bus turning area adjacent to the public road. He said he had noticed there was no mention of a bus turning area in the conditions and sought comment on this. Mr Ross confirmed that this had been discussed with the Applicant but was not something that he could enforce. He advised that the Applicant had indicated they would look to installing one but had heard nothing confirming this would go ahead. Mr Ross said it would be an advantage if a bus turning area was provided.

Councillor Colville sought comment from the Applicant on the subject of a bus turning area. Mr Horner advised that there was a plan to submit a separate application for housing and that it was the intention of the Applicant to include a bus turning area at the access into this housing development.

Councillor Colville sought clarification on whether or not the Applicant proposed to use peat as the report of handling indicated that it was not proposed to use peat but

reference was made later in the report to the use of peat fired kilns. Mr Love advised that there was permitted peat extraction on Islay at Castlehill Peat Moss so should there be a requirement to use peat there was a supply on the island. He advised that the proposal did not involve any peat cutting within the development site but if required there was a legitimate and authorised location where the peat could come from.

Councillor Colville sought comment from the Applicant on the subject of using peat. Mr Horner confirmed that there was no intention to cut peat from the site itself but a small quantity of peat would be sourced for use during the malting process.

Councillor Colville referred to Councillor Currie initiating a visit to Islay of senior officers to look at the roads infrastructure with a view to seeking a similar fund to the Timber Transport Fund. Talks were ongoing about using the Duty of whisky to improve infrastructure of Islay's roads. He asked if this came to fruition would it give Dr McGrann comfort regarding his concerns about new applications. Dr McGrann advised that he was no longer a member of Islay Community Council so could not give an up to date assessment on this nor did he attend any of the meetings. He said that he was aware of the follow up Islay Community Council received after the meeting and advised that his objection stood until there was mitigation put in place for the impact on the daily lives of residents. He advised that if such funds came forward that would be a good thing.

Councillor Green referred to archaeology and noted reference made in the report to a former dun and cairn. He asked if these were out with the site boundary and would not be affected. Mr Love advised that condition 2 required a method statement for an archaeological watching brief to be submitted and approved by the Planning Authority in consultation with West of Scotland Archaeology Service, the Council's retained advisers on these matters including the impact on Scheduled Ancient Monuments. He confirmed there were no Scheduled Ancient Monuments within the site. West of Scotland Archaeology have confirmed they are content with the proposal subject to the submission of this watching brief.

Councillor Green referred to the cooling system using sea water and there being intakes for that. He asked what the arrangements were for the discharge of water once it had been used and if there had been an assessment undertaken in respect of any impact on biodiversity. Mrs Curran-Colthart said that the raising of the temperature of the sea water was out with her remit. Her remit was limited to coastal integration and the possibility of otters. Mr Love advised that discharge to waters would require approval under separate legislation which, he believed, in this instance was from SEPA and, if not, Marine Scotland. He said this issue has not formed a significant part of his assessment as it was controlled under separate legislation. He advised that the Applicant would require a licence from SEPA to ensure there were no adverse impacts from discharges and, if there were, appropriate mitigation put in place.

Councillor Green referred to mention of the use of diesel fired boilers. Given this was a fossil fuel with wider environmental considerations, he asked if the Applicant had considered any more environmentally friendly methods which could be used such as air, ground or sea source heating. He also advised that he lived in Oban and regularly walked by the Oban Distillery. He said he was often aware of an odour from the distillery and asked if the Applicant had given consideration to any filtering methods to reduce the odour from the proposed distillery. Mr Horner confirmed that



the Application included diesel boilers, however, there was real intent by the Applicant to look at renewables. He indicated that ground source would not be applicable for the malting process but could be looked at for heating the buildings. He advised that Emission Testing would be carried out but they did not believe odour would be an issue due to the location of the development and airflows with any odours dispersed by the wind.

Councillor Trail referred to the paperwork indicating there would be no provision for coach parking at the distillery he asked if this was because they did not anticipate any coach parties coming to the distillery. Mr Horner said the intention was not to discourage large parties. He advised that they envisaged visitors coming by mini bus and these could be accommodated. He said they did not envisage 44 seater coaches turning up to the site.

Councillor Trail referred to the distillery being located in a dark area and it being indicated that it would be appropriate to impose a planning condition in respect of external lighting. He sought and received confirmation from Mr Love that condition 13 sought to secure mitigation measures in respect of the impact of external lighting on the environment.

Councillor Hardie asked what percentage of the workforce the Applicant envisaged coming from the Islay. Mr Horner advised that it was the Applicant's intention to recruit as many people as possible from the island but taking on board comments made about employment on the island this may not be possible.

Councillor Moffat asked if an otter survey had been carried out. Mrs Curran-Colthart confirmed that a survey had been done along the burn and there had been no evidence of otters there. As this was unusual, it has been agreed to keep a watching brief in terms of pre-construction and during construction monitoring of any otter activity. She referred to the requirement for a site Biodiversity Action Plan to be submitted and she confirmed she would ensure this was factored in in terms of pre start surveys for otters and other species, eg birds.

Councillor Colville asked the Applicant why they have chosen Islay as the place to have this new distillery. He asked for some background on the Applicant's commitment to the Scottish whisky industry. Mr Singh advised that he has been in the whisky industry for 35 years and has been coming to Islay for 25 years. He commented that as a whisky expert he has always loved Islay and has always loved Islay whisky. As a whisky collector he was passionate about the aura around Islay.

Councillor Hardie referred to the reasons given in the report why planning permission should be granted. He asked Mr Love to elaborate on the statement that the proposal would deliver sustainable economic development within an 'economically fragile area'. Mr Love referred to Section I of Appendix A to the report which provided further information. He advised that the Applicant estimated that up to 30 full time equivalent jobs would be created after construction of the development and that these jobs would include the requirement of skilled staff experienced in the spirit production process, and it was anticipated that these staff would be recruited at a local level. Mr Love advised that bringing people into the area would help address population decline. He said this was not just about creating jobs, but creating high value jobs. The development would also have the benefit of bringing visitors to the island. He said it would be a sustainable attraction. He said it was his view that this

would have significant economic benefit in terms of a large scale investment to a rural area of Scotland.

Councillor McCuish referred to hearing that there was almost zero unemployment on Islay. He also advised of hearing that the Applicant proposed recruiting locally which, he said, was admiral. He asked why the planning application for workers houses was not submitted at the same time as the distillery application. Mr Horner advised that when the application for the distillery was submitted the Applicant was still in the process of sourcing land for the housing. This land has now been secured but due to the current position with Covid getting the required reports pulled together for the housing application has been difficult.

Councillor McCuish asked if the Applicant was concerned at all about the infrastructure on the island. Mr Horner confirmed that his client was committed to joining any working parties and supporting any groups looking at things such as ferries. With reference to utilities infrastructure his client was looking to reduce their demand on these. With regard to the roads network, he confirmed that his client would work closely with Argyll and Bute Roads to address any issues.

Councillor Kinniburgh asked if the Applicant had any plans for more warehouses on the island. Mr Horner advised that they did have plans for more warehouses on the island if suitable sites were identified. He advised that there were also plans to purchase and develop warehousing on the mainland. This was a discussion that would be taken forward with Planning and that it was not a necessity to have more warehouses on the island.

Councillor Kinniburgh referred to Dr McGrann saying that no justification had been made for this being an exceptional case. He asked if he was correct to say that justification had been made through the ACE and LDP Policy DM 1. Mr Love confirmed that assessment of the application started with the settlement strategy wherein the provisions of policy LDP DM 1 allowed for, in this instance. large scale development proposals in the countryside by virtue of supplementary guidance SG LDP BUS 4 and SG LDP BUS 5 which allowed for large scale proposals for Economically Fragile Areas. He advised that the Applicant had went through the sequential process of identifying other sites. Bridgend Farm, Glenegedale and Coultessay were looked at and it came back to the chosen site for various landscape and infrastructure requirements. The Applicant demonstrated an exceptional case and this triggered the ACE (Area Capacity Evaluation) process.

Councillor McCuish asked, if the exceptional case has been made and this was an economically fragile area, how this was worked out if there was no unemployment on the island. Mr Love advised that it essentially came out of the Local Development Plan which stated what qualified as an Economically Fragile Area. He confirmed that the application was assessed against the 2015 LDP. Councillor McCuish commented that 5 years on Islay may no longer be economically fragile.

### **SUMMING UP**

#### **Planning**

Mr Love advised that Officers considered the proposal to be consistent with Local Development Plan policies and supplementary guidance. Applications could only be assessed on their own merits. He referred to the housing and employment on the

island and said that this application was not the forum to address these issues. With reference to an Islay Fund, he confirmed there were examples of this across Scotland, for example, Shetland and Orkney had an oil fund. He said that this planning application did not present a forum to secure such a fund but perhaps this was something that could be taken up at a higher level. He referred to school and road safety. He advised that it was not his intention to ignore this and that his assessment was based on the advice from Roads experts which considered road safety to be acceptable in this location. Finally, he advised that the application was recommended for approval on the basis that it was considered to be consistent with the Local Development Plan and it was felt that conditions would cover any issues regarding otters, birds, light pollution etc. He endorsed the recommended by Officers to Members.

### **Applicant**

Mr Horner addressed some of the points raised by the Islay Access Group regarding the Three Distilleries Path. He said that discussions had been held with Islay Community Council and that his client would be more than happy to enter into a similar maintenance agreement as the other distilleries.

Mr Horner confirmed that his client did have discussions earlier with Islay Community Council and that they had gone well. However, until such times as it was known if the application would go forward it was felt there was no point on continuing these discussions and this was agreed with the Secretary of the Community Council. He confirmed that if the application was successful these discussions with the Community Council would recommence.

Mr Horner referred to earlier discussions about why the housing application had still to be submitted. He said that the future application would include a bus turning area. He also advised that his client was committed to looking at renewables. He referred to concerns about pot ale and confirmed that there was no intention of spreading this on the land and that this would go down through the sea outfall which would be subject to legislation.

Referring to roads, ferries and utilities, he confirmed that his client was committed to working with parties on the island to address these and improve facilities on the island. His client was also committed to providing the ecology plan to ensure there were no other ecological issues. His client was committed to working with Islay Community Council and other parties on the island to ensure this development did not have a detrimental impact on the island.

### **Consultees**

#### **Islay Community Council**

Ms Whyte thanked Mr Horner for his comments which, she said, sounded very positive. She pointed out that when the Applicant first showed their plans these included housing for staff and the Community Council had shown their appreciation of that. However the next plans submitted omitted this housing which was disappointing. She advised that, going forward, if the Applicant was successful, the Community Council would be delighted that staff housing would still be part of it. She pointed out that it was very important when looking at the number of staff required that housing would be needed. She said she doubted that all staff would

come from the island so housing would be required for people moving on to the island. She referred to the local airport advertising and recruiting a new member of staff. She advised that this job had been accepted and then had to be declined as the person had been unable to secure housing. She said that was why the Community Council were asking Argyll and Bute Council to make it an obligation to run co-terminus with this application.

Ms Whyte said she was delighted to hear the pot ale would not be spread on the land and said that in the Applicant's original submission it stated that it would be spread.

On behalf of Islay Community Council she was delighted to hear the Applicant was committed to working with them. She advised that Islay's brand was international and when you took something away, it was only right to give something back to the community. She said the Community Council would be delighted to work alongside the Applicant on an Islay Fund like the Timber Extraction Fund. If this application was successful, she confirmed that Islay Community Council would be ready and willing to work right away with the Applicant.

### Roads

Mr Ross said he was a bit concerned if the bus turning area was tied into housing that might or might not happen. He asked the Applicant to look again to see if this could be incorporated into the current development. He advised that this could be used by the local service bus, dropping off visitors, which, he said, would be of advantage to the distillery. He asked if the bus turning area could be looked at now rather than sometime in the future. He pointed out that any housing over 5 dwellings would require a road to be made up to adoptable standards. He confirmed that the bell mouth issue had been addressed and concern about pedestrians walking down the distillery road had also been addressed with the Applicant agreeing to put up signage directing pedestrians to the path.

### Biodiversity

Mrs Curran-Colthart said she looked forward to receiving the Site Biodiversity Action Plan in order to ensure that it was fit for purpose and workable.

### Supporters

Councillor Currie made a direct plea that the Council, through Roads and Infrastructure, continue to hold discussions with the Applicant as he strongly believed that improvements could be made to the road in terms of road safety and traffic management, particularly at the school.

### Objectors

Dr McGrann advised that as Chair of Islay Community Access Group, he welcomed the commitment the Applicant has made to engage with the Group. He thanked Councillor McCuish for introducing the concept of partnership working.

As a resident of Islay, he accepted that this application for planning permission had to be dealt with on individual merits but pointed out that if you lived in a community you were aware of the surroundings. He referred to the development of another

distillery at the other end of the village and said there needed to be justification when applications were granted. He advised that he was grateful to Councillor Currie for raising the issue of road safety particularly around the school. He said he was mindful of the increased production of all the distilleries and the increased use of HGVs which were having a significant effect on the roads and walls continuing along these roads. He advised that continued rumblings and vibrations were causing damage to the walls. He said technographic reports did not act as a proxy for measuring quality of life. He asked Members to consider that when making their decision.

The Chair confirmed that everyone had received a fair hearing. In terms of the Councillors' National Code of Conduct, Councillor Robin Currie, Supporter, left the meeting at this point.

### **DEBATE**

Councillor Hardie advised that having heard all the evidence he was of the opinion that the application should be granted for the reasons which could be found in the planning report (page 3 of Agenda pack) – The proposal will deliver sustainable economic development within an 'economically fragile area' in a manner which, notwithstanding the concerns expressed by third parties, will not give rise to any unacceptable, or significant adverse effect upon the receiving environment. The proposal satisfies development plan requirements and there are no material considerations which would indicate the need to withhold consent in this case.

Councillor Freeman said there had been a lot of comment about fragile communities and, whether or not Islay was fragile, he considered all island communities to be fragile and it was important to do all we could to support them and to reverse the trend of depopulation of the islands. He noted that Islay has seen very low unemployment figures and suggested this was because people had to leave the island to find employment. He advised that employment figures were not a factor. He said that this was the sort of application that he believed most communities would bite their hands off to have such a development. He noted that Officers have highlighted the proposal fully complied with the Local Development Plan. He acknowledged the issues raised re road safety but said he has never believed these indirect issues could not be overcome. He advised that he believed all the conditions with this application have been achieved and that he had no hesitation in supporting the application.

Councillor Colville advised that last week he had attended a meeting of the Northern Roads Collaboration Forum to look at the work initiated by Councillor Robin Currie. He advised that Council officials were working with the Northern Roads Collaboration to get permanent funding and this application could only add weight to that argument. He welcomed the Applicant's commitment to Islay and Argyll and Bute as the proposal would benefit the whole of Argyll and Bute. He said that much was said about employment on the island and he commented that this was a good problem to have. He said he would have no hesitation in supporting this application.

Councillor Moffat advised that she did not support this application at the moment. The reason for this being there were no housing plans. She said she did not think for a moment that Covid had held everything up. She commented that intense planning had gone into how the distillery would look. The problem she had was giving planning permission in the hope that X, Y or Z happened in the future. She pointed

out that there did not necessarily need to be housing according to the LDP at the moment. She referred to hearing about housing for visitors and then that not being the case. She said she was aware of the carry on with the ferries and state of the roads and advised that unless these things were tied down she would have to agree that this was a step too far as some of the locals have been saying. She advised that she would like the housing question tied down and she wanted the roads infrastructure to be at a level the Roads Department have requested. She commented that last week the Committee had considered an application which would generate 200 jobs on the Island of Bute. She said she was the only local Member on the Committee and that development was on an appropriate site so she had to pass it as Bute was one of the most deprived areas within Argyll and Bute. She commented that Islay was fortunate not to be deprived that the Committee could allow a distillery to go through without strengthening the infrastructure. She said she would only want this to go ahead on condition that the infrastructure reports were done.

Councillor McCuish said he shared some of Councillor Moffat's concerns. He advised he was comfortable with the explanation the Applicant had given to say why these houses would not go ahead as part of this application. He said he was delighted to hear that Islay Community Council would be more than happy to get together with the Applicant to see what the requirements would be for the future. He advised that he was grateful for the work done by Councillor Currie, which would now be taken on by Councillor Colville. He commented that this was good but as it was known how slow the Scottish Government and Westminster could be, he urged Islay Community Council to get the local Islay Fund up and running as there was a real need to improve what was being done out there to make sure money was directed to proper housing and infrastructure. He advised he had no reason not to support this application.

Councillor Trail said he had been quite surprised at the number of objections that had come in against the proposal as this seemed a very good project from his point of view. He advised that his only worry was the economic diversity or lack of it. He pointed out that Islay was becoming more independent on the drinks industry with more than a dozen planned in one form or another. Apart from that, he advised he would have no hesitation in granting this application.

Councillor Devon said she felt confident that the information put before the Committee had allowed her to make an informed decision. She confirmed that she would go with the Officer's recommendation to approve this application.

Councillor Douglas said that she had listened to all that had been said by previous Councillors. She commented that she had slight concerns around housing as she thought it could have a huge impact but noted that there seemed to be something in the pipeline so the issue was not being totally ignored. She said she hoped that this would be pushed forward to find some kind of resolution as soon as possible. She advised that she felt heartened to hear from Rachel Whyte from the Community Council that there would be some kind of communication between the Applicant and the Community Council in moving this forward and as it stood she would be happy to support the Officer's recommendation.

Councillor Green said he thought this application built on the history and heritage of Islay – the tradition of whisky making - and he advised that he thought this proposal would be a positive contribution to the local economy so he was minded to support it.

Councillor Kinniburgh passed on his thanks to everyone that had made presentations today. He commented that they were very thorough and covered a lot of points and concerns people had. He referred to hearing through the Applicant that they would be willing to work with the community and he hoped that this would take away a lot of the fears the objectors had. He said it was always good to have an Applicant happy to work with the community for the betterment of an area. He pointed out that there was a need to be mindful of what was classed as a material consideration and what was not. He referred to hearing about housing and commented that this would be good to have but the Committee could only consider what was in front of them today. He said it would have been nice to see houses and it would have been nice if these had been part of the application, likewise the bus turning circle. He noted the Roads Officer had no objection but this was something he would have liked to have seen. Councillor Kinniburgh advised that this may be picked up in a future application and on that basis he would have no hesitation in support the Officer's recommendation that the application be approved. Councillor Kinniburgh formally moved that the application be granted subject to the conditions detailed in the report of handling and this was seconded by Councillor Freeman.

Councillor Moffat sought to put forward an Amendment which was found not to be competent.

## DECISION

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

1. The development shall be implemented in accordance with the details specified on the application form dated 5<sup>th</sup> December 2019 the Environmental Statement dated December 2019, Outline Peat Management Plan dated 7<sup>th</sup> April 2020 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 (as amended).

The developer and subsequent operator(s) shall at all times construct and operate the development hereby permitted in accordance with the provisions of the Environmental Statement accompanying the application with mitigation measures adhered to in full, and shall omit no part of the operations provided for by the permission except with the prior written approval of the Planning Authority.

Plan Title.	Plan Ref. No.	Version	Date Received
Landscape sections	700	P02	10/12/2019
Junction visibility splay	EC21317:00:1009	A	15/04/2020
Proposed long sea outfall and sea water intake	EC21317:00:1007	-	10/12/2019
Proposed reservoir plan and section	EC21317:00:1008	-	10/12/2019
Existing and proposed junction layout	EC21317:00:1010	A	15/04/2020

Road construction details	EC21317:00:1015	-	10/12/2019
Proposed site access road long sections	EC21317:00:1012	A	10/12/2019
Drainage Construction Details	EC21317:00:1013	-	10/12/2019
Proposed site access and road layout	EC21317:00:1011	A	15/04/2020
Timber screen fence	902	-	10/12/2019
Pedestrian gate	901	-	10/12/2019
Landscape layout	001	P05	10/12/2019
Drystone boundary wall	900	-	10/12/2019
Proposed surface and foul water drainage plan	EC21317:00:1006	B	15/04/2020
Site location plan	EC21317:00:1001	-	10/12/2019
Existing site layout	EC21317:00:1002	-	10/12/2019
Proposed distillery site plan	EC21317:00:1004	B	15/04/2020
Proposed site layout	EC21317:00:1003	A	15/04/2020
Ground floor plan	00-DR-A-00001	3	10/12/2019
First floor plan	01-DR-A-00001	3	10/12/2019
Second floor plan	02-DR-A-00001	3	10/12/2019
GA – Ground floor plan A0	00-DR-A-00002	1	10/12/2019
GA – First floor plan A0	01-DR-A-00002	1	10/12/2019
GA – Second floor plan A0	02-DR-A-00002	1	10/12/2019
Elevations	ZZ-DR-A-00100	3	10/12/2019
Courtyard Elevations	ZZ-DR-A-00101	2	10/12/2019
GA plan – Roof	RF-DR-A-27001	3	10/12/2019
GA plan – Roof A0	RF-DR-A-27002	1	10/12/2019
Proposed vaulted warehouse plan, section and elevation	EC21317:00:1005	-	10/12/2019
Tasting lodge ground floor plan	A21-01-01	2	10/12/2019
Private tasting lodge elevations	A30-02-01	4	10/12/2019
Existing culvert location	EC21317:00:1018	-	15/4/2020
Site sections	ZZ-DR-A-90001	3	10/12/2019
External lighting	96:001	-	10/12/2019

Reason: For the purpose of clarity, to ensure that the development is constructed and operated in the manner advanced in the Environmental Statement, upon which the environmental effects of the development have been assessed and determined to be acceptable.

2. No development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service.



The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to minimise the effects of construction upon the receiving environment.

3. The Noise Rating Level attributable to the operation of the approved distillery operation shall not exceed background noise levels by than 3dB (A) at any residential property measured and assessed in accordance with BS 4142:2014. Prior to the commencement of the operation of the developer shall submit a report for approval by the planning authority which demonstrates compliance with the noise limit contained in this condition.

Reason: In order to protect the amenities of the area from adverse noise impact.

4. No construction plant and / or machinery shall be operated on the site outwith the following times 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday nor at any time on Sundays or Public Holidays unless otherwise approved in writing by the planning authority in consultation with Environmental Protection.

Reason: In order to protect the amenities of the area from adverse noise impact.

5. Prior to the commencement of works the applicant shall submit a Site Biodiversity Action Plan to the planning authority for approval. Works shall then proceed as per the approved SBAP. The SBAP shall contain commentary on how it has put into practice those comments made in the Biodiversity Officer consultee response dated 30<sup>th</sup> January 2020.

Reason: In the interests of biodiversity gain and enhancement.

6. Notwithstanding the provisions of Condition 1, the proposed access to the distillery complex shall be formed in accordance with the Council's Roads Standard Detail Drawing SD08/001a and visibility splays of 136 metres to point X by 2.4 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays 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. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

7. Notwithstanding the provisions of Condition 1, the proposed access to the reservoir shall be formed in accordance with the Council's Roads Standard

Detail Drawing SD08/001a and visibility splays of 136 metres to point X by 2.4 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays 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. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter. Headwalls to be constructed at each end of the culvert under the junction.

Reason: In the interests of road safety.

8. No work shall start on site until the applicant has submitted details for the road crossing for the water supply pipe, for approval by Roads & Infrastructure Services. Details to include the following:
- Plan showing the proposed road crossing at ninety degrees to the public road.
  - Plan showing the proposed duct for pipeline out with the public road corridor.
  - Section through public road showing a duct for the proposed pipeline, minimum cover from carriageway level to top of duct to be no less than 1.00 metres. Minimum cover from invert level of roadside ditch to be no less than 600 mm. Duct to start and finish out with the public road corridor.
  - Plan showing the position of marker posts for proposed road crossing.
  - Drawing showing details of marker posts.
  - The duct to be a twinwall pipe with a concrete surround. Duct to start and finish out with the public road corridor.

Reason: To ensure the safe crossing of the water supply in relation to the public road.

9. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority. This shall be designed in accordance with Sewers for Scotland 4<sup>th</sup> Edition and CIRIA c753.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

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

10. The tasting lodge hereby approved shall be implemented with a finished floor level of 5m above ordnance datum.

Reason: In order to secure the tasting lodge from an unacceptable risk of flooding.

11. Prior to the commencement of works on the reservoir a detailed design of the storage reservoir that will include mitigation for severe weather events shall be submitted to and approved in writing by the Planning Authority.

Reason: To reduce the risk of damage caused by potential storm events.

12. 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 comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority in consultation with HES with respect to mitigation for the protection for the nearby historic environment assets.

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

13. At least two months prior to the commencement of development, an Environmental Management Plan (EMP) detailing all mitigation and pollution prevention measures to be implemented during construction and the lifetime of the development shall be submitted to and agreed by the Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This should address all aspects of the construction process which might impact on the environment, including in particular, excavations and other earthworks, a management/reinstatement scheme for peat areas, the construction works associated with upgraded watercourse crossings, the management of waste streams, the timing of works to avoid periods of high rainfall; along with monitoring proposals, contingency plans and reinstatement measures. The development shall be implemented in accordance with the provisions of the duly approved EMP or any subsequently agreed variation thereof.

Reason: In the interests of pollution control and protection of the water environment.

(Reference: Report by Head of Development and Economic Growth dated 8 May 2020 and supplementary report number 1 dated 25 November 2020, submitted)

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

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**Reference No:** 20/01688/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr C Kennedy

**Proposal:** Erection of dwellinghouse and formation of vehicular access

**Site Address:** Land East of Tigh Na Mara, Arinagour, Isle of Coll, Argyll and Bute

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## DECISION ROUTE

### Local Government Scotland Act 1973

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#### (A) THE APPLICATION

##### (i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Construction of vehicular access

##### (ii) Other specified operations

- Connection to public water main
  - Connection to public drainage system
- 

#### (B) RECOMMENDATION:

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

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#### (C) HISTORY:

19/01124/PP

Erection of dwellinghouse and construction of vehicular access. Withdrawn 20<sup>th</sup> August 2019

18/01538/PPP

Site for the erection of dwellinghouse. Withdrawn 22<sup>nd</sup> November 2018

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**(D) CONSULTATIONS:**

Area Roads Authority

No reply received and no request for an extension of time. (It is noted that no objections were raised (subject to standard construction conditions) to a near identical application subsequently withdrawn in August 2019)

Scottish Water

No objection. Available capacity for connection to the Arinagour waste water treatment works but advises that water supply capacity cannot currently be confirmed. The applicant is requested to complete a 'pre-development enquiry' directly with Scottish Water before any development commences. Letter dated 8<sup>th</sup> October 2020.

SEPA

No objection. Whilst it is noted that part of the site lies within the medium likelihood, 1 in 200 year coastal flood extent for Loch Eatharna, the built development itself is outwith the coastal flood extent margins and at a proposed finished floor level (FFL) above the likely flood extent levels at this location. Letter dated 19<sup>th</sup> October 2020.

Council Flood Risk Officer

No objection subject to condition. The site is bounded by a shingle beach to the east and the B8070 public road to the west and by grassland to the north and the south. The site varies in levels from sea level, 0 metres above Ordnance Datum (mAOD) to 7.3 mAOD at the western margins of the site where it adjoins the public road.

The SEPA 1:200 indicative limits of coastal flooding partially overlay the eastern half of this site. However, with reference to the proposed site plans, the actual structure associated with this development will be located in the western third of the site. This results in the development laying outwith the 1:200 year indicative limits of coastal flooding.

It is recommended that the dwellinghouse have a minimum FFL of 5.0 mAOD and it is noted that the drawings accompanying the application show a built development with a FFL of 6.2 mAOD. Letter dated 9<sup>th</sup> October 2020.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 procedures, closing 5<sup>th</sup> November 2020.

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**(F) REPRESENTATIONS:**

No third party representations have been received regarding the proposed development.

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**(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	No

e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:

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**(H) PLANNING OBLIGATIONS**

**(i) Is a Section 75 obligation required: No**

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**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**

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**(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

**(i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Local Development Plan, 2015

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

Supplementary Guidance

- SG LDP ENV 11 - Protection of Soil and Peat Resources
- 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 Provision
- SG LDP SERV 2 - Incorporation of Natural Features / Sustainable Drainage Systems (SuDS)
- SG LDP SERV 7 - Flooding and Land Erosion – The Risk Framework for Development
- SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN 6 – Vehicle Parking Provision

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 3/2013.**

- Argyll and Bute Sustainable Design Guidance 2006
- Scottish Planning Policy (SPP) 2014
- Planning Advice Note 72 (PAN 72), Housing in the Countryside
- Consultee Responses
- Isle of Coll Sustainable Design Guidance

Isle of Coll Landscape Capacity for New Housing Report 2006  
Argyll and Bute Proposed Local Development Plan 2 (November 2019)

<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	<b>No</b>
<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	<b>No</b>
<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	<b>No</b>
<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	<b>No</b>
<b>(O)</b>	<b>Requirement for a hearing:</b>	<b>No</b>
<b>(P)</b>	<b>Assessment and summary of determining issues and material considerations</b>	

This is an application for the erection of a dwellinghouse on a site next to the property forming Tigh Na Mara, Arinagour, Isle of Coll.

In terms of the adopted Argyll and Bute Local Development Plan (LDP) the application site is located within the southern fringe of the Key Rural Settlement of Arinagour where Policy LDP DM 1 gives encouragement to sustainable forms of development on appropriate sites subject to compliance with other relevant policies and supplementary guidance.

A previous detailed application for planning permission in principle was submitted for the same site (our ref: 19/01124/PP) however this was withdrawn by the applicant prior to formal determination. A previous application for planning permission in principle for the erection of a single dwellinghouse on the same site (or ref: 18/01539/PPP) was also withdrawn prior to determination. A supporting statement has been submitted by a planning consultant acting on behalf of the applicant which is considered in more detail in Appendix A.

The proposed site is located on the seaward side of the road opposite and to the east of the neighbouring guesthouse Tigh Na Mara which occupies a site on the opposite side of the public road. The stretch of land between the ferry terminal to the south and the small pier to the north on the seaward side of the road is rocky in nature and it is completely devoid of development.

The determining factors in the assessment of this application are whether or not this location is acceptable for the erection of a dwellinghouse having regard to its visual impact upon the landscape and its visual relationship with neighbouring properties and its integration with the existing settlement pattern.

In this case it is considered that this is not an appropriate site for the erection of a dwellinghouse as the proposed development will have a materially harmful adverse impact upon the character and setting of the landscape and would be contrary to the established pattern of development.



This application would normally have been determined as a local application under the Council's agreed scheme of delegation. In this case the applicant has raised concerns regarding the way in which this, and other planning applications submitted by him, have been dealt with by the planning authority, and in respect of the conduct of the Planning Authority in general. Therefore, in order to provide enhanced transparency within the decision making process, it is considered that the planning application for the proposed development should be determined by Members.

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

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**(R) Reasons why planning permission should be refused**

See reasons for refusal below.

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

N/A

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**

No

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**Author of Report:** Tim Williams

**Date:** 26<sup>th</sup> November 2020

**Reviewing Officer:** Sandra Davies

**Date:** 26<sup>th</sup> November 2020

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

## REASONS FOR REFUSAL RELATIVE TO APPLICATION 20/01688/PP

1. In terms of the adopted Argyll and Bute Local Development (LDP) the application site is located within the Key Rural Settlement of Arinagour which is subject to the effect of Policy LDP DM 1 and Supplementary Guidance SG LDP HOU 1 which establish a general presumption in favour of housing development within settlements, provided such development is of a scale and form compatible with the surrounding area and does not result in inappropriate densities or the loss of valuable open areas, and is acceptable in terms of siting and compatibility with the established settlement pattern and landscape character.

Development of this site would erode the open and rural character of the rocky coastline, a key environmental feature, contrary to the established pattern of development which is characterised by an absence of built development on the seaward side of the public road south of the existing pier. The undeveloped nature of the site makes a positive contribution to the village and its development with a dwellinghouse would result in the loss of undeveloped land such that the characteristics and visual amenity of the locality would be materially harmed by the extent of built development. The natural interplay between the rocks and rough grazing would be disrupted by an alien feature adversely affecting this area of common landscape character. The large property at Tigh Na Mara is a visual focal point when one approaches the village from the south whilst the largely undeveloped seaward side of the road provides clear open views across the coastal edge and across the bay to the north-east and east and this would be unacceptably compromised by the proposed development which would result in an inappropriately prominent and isolated development within a fragile and vulnerable area of undeveloped and visually uninterrupted coastal hinterland which occupies the seaward side of the public road – a key arrival point on the island from the sea.

This assessment is underpinned by the key findings of the Isle of Coll Landscape Capacity for New Housing Report 2006 which is a detailed assessment of the landscape character of the island and it identifies the appropriate opportunities and necessary constraints for new housing development. The study highlights that there is a visual pinch point to the south of the proposed development site along the public approach to Arinagour from the ferry terminal and that any new development beyond this point would intrude negatively upon the 'surprise' reveal of Arinagour (whilst acknowledging that this effect is somewhat diminished by the existing property Tigh Na Mara). Although not statutory guidance in and of itself it is considered that the 2006 report is a material consideration in the determination of the application because it was an important and professionally competent technical working document commissioned by the Council in order to inform the subsequently adopted Isle of Coll Sustainable Design Guidance and is concerned solely with the landscape impact of development proposals for new housing.

In this case it is considered that the erection of a dwellinghouse in this location would result in an unacceptable environmental impact resulting in a development which does not have regard to the surrounding settlement pattern and would be materially harmful to the wider landscape character of the area. The proposal is therefore considered to be contrary to the provisions of Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, Supplementary Guidance SG LDP HOU 1, and the Sustainable Siting and Design Principles of the LDP as well as the Isle of Coll Sustainable Design Guidance, the Isle of Coll Landscape Capacity for New Housing Report 2006, Scottish Planning Policy and Planning Advice Note 72.

**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/01688/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

Detailed planning permission is sought for the erection of a dwellinghouse on a site opposite Tigh Na Mara, Arinagour, Isle of Coll.

Whilst the application site is believed to be located on unspecified croft lands of an unknown extent and boundary, the applicant has confirmed through his Agent that he is not advancing any 'crofting need' justification for the proposed development.

In terms of the adopted Argyll and Bute Local Development Plan (LDP) the application site is located within the southern fringe of the Key Rural Settlement of Arinagour where Policy LDP DM 1 gives encouragement to sustainable forms of development on appropriate sites and subject to compliance with other relevant policies and supplementary guidance.

Policy LDP 3 assesses applications for their impact on the natural, human and built environment with Policy LDP 9 seeking developers to produce and execute a high standard of appropriate design and to ensure that development is sited and positioned so as to pay regard to the context within which it is located. The Sustainable Siting and Design Principles expands on this policy seeking development layouts to be compatible with, and consolidate the existing settlement and take into account the relationship with neighbouring properties to ensure no adverse privacy or amenity issues.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities. Supplementary Guidance SG LDP HOU 1 states that there is a general presumption in favour of housing development within settlements unless such development has an unacceptable environmental, servicing or access impact. SG LDP HOU 1 also states that such developments are also subject to consistency with all other policies and associated supplementary guidance of the Local Development Plan. An assessment of 'environmental impact' must include an examination of the scale and form of the development and its compatibility with the surrounding area such that the proposed development does not result in inappropriate densities or the loss of valuable open areas, and is acceptable in terms of siting and compatibility with the established settlement pattern.

In this case it is considered that development of this site would harmfully erode its open and rural character, contrary to the established pattern of development. The undeveloped nature of the site makes a positive contribution to the village and its development with a dwellinghouse would result in the loss of undeveloped land such that the characteristics and visual amenity of the locality would be materially harmed by the extent of built development. The large property forming Tigh Na Mara is a visual focal point when one approaches the village from the south whilst the seaward side of the road provides clear open views across the coastal edge and across the bay to the north-east and east and this would be materially harmed by the proposed development which would introduce a substantial built feature into the undeveloped and open natural landscape.

Therefore, whilst the proposed development site is within the extended settlement boundary, it is not considered that it represents an appropriate opportunity in terms of policy LDP 8 and Supplementary Guidance SG LDP HOU 1 for development. The reasons for this are discussed below.

## **B. Location, Nature and Design of Proposed Development**

The site is located to the south of the village of Arinagour which is the main settlement on Coll which contains the majority of the island services. The village is important as it provides the initial impression of the island for visitors accessing Coll via the nearby ferry terminal. The majority of development is aligned along the western edge of a narrow rocky inlet and is not widely visible when approaching Coll from the sea or ferry terminal.

The proposed site is located on the seaward side of the road immediately opposite a neighbouring guesthouse Tigh Na Mara with the proposed dwellinghouse being oriented parallel to the public road. The proposed dwellinghouse is small scale and single storey with a rectangular plan, gable ends and a pitched roof. It has a central pitched roof porch on the roadside elevation and a steep mono-pitched roof extension to the south-east elevation which faces over the loch. Materials include a natural slate roof, natural stone, vertical and horizontal Siberian larch cladding and corrugated black steel sheeting.

The proposed development has been assessed in terms of its specific potential impact upon the nearby guesthouse property Tigh Na Mara. Due to the orientation and separation distances between the two properties there is no materially detrimental impact upon the privacy and/or amenity of the occupants of the guesthouse. In this respect the development complies with the Sustainable Siting and Design Principles of the LDP.

The proposed development site occupies an area of 'common landscape character', this being a stretch of land between the ferry terminal to the south and the small pier to the north on the seaward side of the road. This is an area of undeveloped coastal hinterland situated between the public road and the natural foreshore and represents a key landscape component affording unobstructed panoramic views from the public road. The development site and its wider coastal landscape setting is exposed and open in nature and it is completely devoid of built development. The construction of a new dwellinghouse and its associated hardstandings and curtilage would introduce an alien feature into this area of common landscape character which would disrupt the natural interplay between the rocks and the areas of rough grazing.

It is considered that development of this site would harmfully erode its open and rural character, contrary to the established pattern of development. The undeveloped nature of the site makes a positive contribution to the village and its development with a dwellinghouse would result in the loss of undeveloped land such that the characteristics and visual amenity of the locality would be materially harmed by the extent of built development. The large property forming Tigh Na Mara is a visual focal point when one approaches the village from the south whilst the seaward side of the road provides clear open views across the coastal edge and across the bay to the north-east and east and this would be materially harmed by the proposed development which would introduce a substantial built feature into the undeveloped and open natural landscape.

The Isle of Coll Sustainable Design Guidance has been adopted by the Council as supplementary guidance and notes that inappropriate development can arise when new dwellinghouses are located to take advantage of views and thus are located more prominently than their older neighbours which would have been sited to make the most of shelter. It also states that new development should normally sit below the horizon rather than impacting on the skyline and which avoids significant visual intrusion onto the village setting. This development fails to do so. Within Arinagour, areas of localised higher densities - such as the long waterfront terraces on the landward side of the public road – form a successful development pattern because they are perceived as only a single visual component of a larger landscape setting. Less successful development can often be less dense but more harmful in terms of its wider landscape setting – such is the case here.

The Isle of Coll has a distinctive and important landscape character. The Isle of Coll Sustainable Design Guidance notes that the island has an intricate relationship between a range of different landscape types, from the rocky coastline experienced when arriving by ferry, through moorland and hills to machair, high dunes and beautiful sandy beaches. The strip of land between the public road and the coast which runs from the ferry terminal to the pier is open and exposed with a distinct rural character and high scenic value which should be protected. The reference to this within the design guide is significant. The value of the island landscape is also an important economic asset, where it plays a central role in sustaining the continuing growth of the tourism industry. The siting, location and design of new development is therefore of utmost importance to ensure this value is not gradually eroded. The proposed development fails to appropriately respect the character of the landscape and the established settlement pattern, being visually intrusive as it interrupts key views from the public road and it encroaches into the undeveloped countryside eroding the rural character of the landscape. There are no discernible backdrops, enclosures or landscape features with which to 'root' the development into the landscape and the proposed development would therefore appear as inappropriately prominent and isolated within a substantial area of undeveloped and visually uninterrupted coastal hinterland.

The Isle of Coll Landscape Capacity Study for New Housing Report 2006 ('the study') is a detailed assessment of the landscape character of the island and it identifies the appropriate opportunities and necessary constraints for new housing development. Although not statutory guidance in and of itself it is considered that the 2006 report is a material consideration in the determination of the application because it was an important and professionally competent technical working document commissioned by the Council in order to inform the subsequently adopted Isle of Coll Sustainable Design Guidance. The study highlights that there is a visual pinch point to the south of the proposed development site along the public approach to Arinagour from the ferry terminal and that any new development beyond this point would intrude negatively upon the 'surprise' reveal of Arinagour (whilst acknowledging that this effect is somewhat diminished by the existing property Tigh Na Mara).

Similarly, the 'Opportunities and Constraints' section of the study identifies a strip of land along the coastal edge and along the seaward side of the public road as being not generally suited to housing development as it would intrude on views and affect the setting of the distinctive row of 19<sup>th</sup> century cottages. The proposal in relation to the specific development the subject of this application is considered to be contrary to the advice contained within the Isle of Coll Landscape Capacity for New Housing Report 2006.

A settlement boundary review has been undertaken as part of the proposals for the new Local Development Plan (the proposed LDP2). It is proposed to remove this part of the extended Arinagour settlement and that it become 'countryside zone' due to its limited capacity to successfully accommodate new built development in terms of its potentially harmful landscape impact. It is understood that the Council has received 1 objection to this proposal and, therefore, this issue, like the overwhelming majority of the proposals within the proposed LDP 2, will be the subject of examination by Scottish Ministers in due course. Whilst this is a material planning consideration it is acknowledged that it may be afforded little weight at this time.

Whilst Scottish Planning Policy recognises that the rural landscape of Scotland is changing, it states that it is essential that new development is appropriate in terms of its scale and location in order to ensure that the character and quality of the countryside is not eroded. Planning Advice Note 72 (PAN 72), Housing in the Countryside, reinforces these expectations, specifically in relation to the design and siting of new houses in the countryside whereby good quality rural housing respects the landscape and building traditions. It is considered that the proposed development would be materially harmful to

the character and quality of this part of the Coll coastline and is therefore contrary to national policy.

In this case it is considered that the erection of a dwellinghouse in this location would result in an unacceptable environmental impact resulting in a development which does not have regard to the surrounding settlement pattern and would be materially harmful to the wider landscape character of the area. The proposal is therefore considered to be contrary to the provisions of Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, Supplementary Guidance SG LDP HOU 1, and the Sustainable Siting and Design Principles of the LDP as well as the Isle of Coll Design Guidance, the Isle of Coll Landscape Capacity for New Housing Report 2006, Scottish Planning Policy and PAN 72.

**C. Archaeology**

The site lies within an archaeological trigger zone, however the West of Scotland Archaeology Service have not commented on the application. No archaeological mitigation is required and the proposal complies with Policy LDP 3 and Supplementary Guidance SG LDP ENV 20.

**D. Road Network and Parking**

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 expands on this policy seeking to ensure that developments are served by a safe means of vehicular access and have an adequate on-site parking and turning area.

The Area Roads Engineer has previously raised no objections to the proposed development subject to conditions. The development is considered to comply with Policy LDP 11 and Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 of the LDP.

**E. Infrastructure**

Connection is to be made to the public water and drainage network and Scottish Water have not raised any objections to the proposal. However, they have advised that they cannot guarantee capacity with regard to water supply and the applicant should contact them direct in this matter. This can be added as a 'note to applicant'. The proposal is considered to be in accordance with Policy LDP 11 of the LDP.

**F. Flooding**

Part of the application site lies within the medium likelihood coastal flood risk zone and therefore consultation with SEPA and the Council's flood risk engineer has been carried out. SEPA has not raised any objections as the proposed dwellinghouse itself is located on higher ground to the western margins of the site and above the 1 in 200 year CFB level. The Council's flood risk engineer has recommended that the finished floor level be set to a minimum of 5 mAOD to take account of climate change, wave action and freeboard. The plans submitted with the application indicate a proposed finished floor level of 6.2 mAOD to be achieved through some relatively minor recontouring of the existing site; the proposed dwellinghouse being located between the 5 metre and 6 metre contours. The proposal will therefore accord with Policy LDP 10 and Supplementary Guidance SG LDP SERV 7 of the LDP.

**G. Supporting Statement**

A planning law consultant from the Shepherd and Wedderburn law firm and engaged by the applicant has submitted a detailed supporting statement as part of this current planning application.

This statement is summarised below with direct quotes identified as such by inverted commas and with comments/corrections/redactions by the planning authority added in italics. Officers agree with much of the descriptive content of this statement and therefore this summary concerns itself mainly with matters of opinion and interpretation.

A full and unabbreviated copy of the submission in support of the application is available for review on the public planning file.

Supporting statement submitted with the application on 18<sup>th</sup> September 2020

- “The Proposed Development can draw support from the LDP vision and key objectives. It would provide support to the rural community of Arinagour, contributing to the growth of the local population through a sympathetically designed and appropriately sited additional family dwelling. The contribution of the Proposed Development towards achieving the key objectives of the LDP should be noted when assessing the compliance of the proposal with the detailed policies of the LDP, all of which have been informed by the overall vision of the LDP and the key challenges (understood to include the associated key objectives).”
- “The Proposed Development has been designed to use materials sourced locally as far as possible, and would involve the use of local labour. Additionally, it would contribute to the long-term regeneration of the community of Arinagour.”
- “The Proposed Development would provide an additional dwellinghouse, which would contribute to the population of Arinagour and Coll more generally. It would also contribute to supporting the services and infrastructure on the island.”
- “The Proposed Development offers efficient use of the otherwise vacant land within the Key Rural Settlement of Arinagour, which would contribute to the community by supporting the existing services and growth of the local population. On that basis, it benefits from the support of Policy LDP 8.”

*Comment: The proposed development is for a single dwellinghouse and whilst it is accepted that this would marginally support the rural community of Arinagour through a potential nominal growth in its local population and therefore support one of the key objectives of the LDP, it is considered that this not an appropriate site for the erection of a dwellinghouse as the proposed development will have a materially harmful adverse impact upon the character and setting of the landscape and would be contrary to the established pattern of development.*

*Similarly, it is considered that any modest support of the island economy to be derived from the construction of a single private dwellinghouse is outweighed by the material harm to the character and quality of the local landscape and an erosion of the very qualities that make the island an attractive and unique place to live, visit and work.*

- “At the time of preparation of the LDP, the Council decided that the Site was an appropriate location for development. This is evidenced by inclusion of the Site within the Key Rural Settlement of Arinagour.”
- “It is not suggested that inclusion of the Site within the boundary of this Key Rural Settlement automatically guarantees that a development proposal in this location

would be granted planning permission. However, Policy DM 1's encouragement for sustainable forms of development within the Key Rural Settlement Boundary represents a policy presumption in favour of development of a scale which includes single dwellings."

*Comment: As clarified by the planning law consultant, the fact that the site currently forms part of the wider settlement boundary of Arinagour does not mean that it is necessarily 'an appropriate location for development'. The defined settlements are not mapped or defined on an individual site-by-site basis. Rather, they form a broad 'area of search' within which appropriate scales and forms of development may be considered acceptable provided they comply with all other relevant policies and associated supplementary guidance. In this specific case, the proposed development on this site is not considered acceptable for the reasons outlined above.*

- "The Proposed Development would positively contribute to the established character and local distinctiveness of the landscape and seascape, and the built environment. Taking account of its scale, location and design, the Proposed Development would not have a significant adverse impact on the character of the landscape."
- "It is submitted that criteria (b)(i) and (c) of Policy LDP 3 are not contravened by the Proposed Development. Criterion (b)(i) relates to protecting, conserving or where possible enhancing the established character and local distinctiveness of the landscape and seascape in terms of the location, scale, form and design of the Proposed Development. Criterion (c) relates to protecting, conserving or where possible enhancing the established character of the built environment in terms of the location, scale, form and design of the Proposed Development."

*Comment: The applicant (in this case, through his planning law advisor) is entitled to arrive at this conclusion. This is largely a subjective matter, but one which is fundamentally disagreed with by officers in their assessment of this specific planning application. Officers advise that, in their professional opinion, the development proposed would have a materially harmful impact on the character and local distinctiveness of the landscape and would be detrimental to the existing pattern of built development. It is submitted that the proposed development would not conserve or enhance the established character and local distinctiveness of the area and is therefore contrary to the provisions of the Local Development Plan as outlined above.*

- "The Proposed Development is sited sympathetically in terms of the surrounding topography, being set back from B8070 on lower ground towards the coast line. ... It would complement the existing larger property known as Tigh Na Mara, and in doing so reinforce the perception that one approaching from the south is entering Arinagour. It would complete the rural settlement edge bounded by the sea on the eastern side of the Site. Additionally, it would complement the distinctive edge of the existing village formed of the existing properties on the western side of B8070."
- "The Proposed Development would positively contribute to the established character and local distinctiveness of the landscape and seascape, and the built environment. Taking account of its scale, location and design, the Proposed Development would not have a significant adverse impact on the character of the landscape."
- "[The assessment and conclusions within the published report of handling for the previous withdrawn planning application do] not appropriately recognise the



positive contribution of a new dwellinghouse on the Site to the sense of arrival at Arinagour. The existing large property forming Tigh Na Mara is broadly aligned with the semi-detached residential properties on the western side of B8070 viewed travelling north from the ferry terminal. The proposed development together with the existing larger structures on the western side of the road and the existing building associated with the Mid Pier would effectively create a visual “gate” of built development viewed by visitors travelling from the ferry terminal and a sense of place.”

*Comment: Again, this is a matter of opinion. Officers contend that development of this site would erode the open and rural character of the rocky coastline, a key environmental feature, contrary to the established pattern of development which is characterised by an absence of built development on the seaward side of the public road south of the existing pier. Officers assert that, in their considered opinion, the undeveloped nature of the site makes a positive contribution to the village and its development with a dwellinghouse would result in the loss of undeveloped land such that the characteristics and visual amenity of the locality would be materially harmed by the extent of built development. The natural interplay between the rocks and rough grazing would be disrupted by an alien feature adversely affecting this area of common landscape character. The large property at Tigh Na Mara is a visual focal point when one approaches the village from the south whilst the largely undeveloped seaward side of the road provides clear open views across the coastal edge and across the bay to the north-east and east and this would be unacceptably compromised by the proposed development which would result in an inappropriately prominent and isolated development within a fragile and vulnerable area of undeveloped and visually uninterrupted coastal hinterland which occupies the seaward side of the public road – a key arrival point on the island from the sea.*

*This assessment is underpinned by the key findings of the Isle of Coll Landscape Capacity for New Housing Report 2006 which highlights that there is a visual pinch point to the south of the proposed development site along the public approach to Arinagour from the ferry terminal and that any new development beyond this point would intrude negatively upon the ‘surprise’ reveal of Arinagour (whilst acknowledging that this effect is somewhat diminished by the existing property Tigh Na Mara). It is considered that the argument that the proposed development would create a ‘visual gate’ of development and that this would enhance a sense of place is, respectfully, without substantive merit in the context of the site and the characteristics of the wider landscape.*

- “[It is considered that] the Argyll and Bute Landscape Wind Energy Capacity Study adopted by the Council’s Planning Protective Services and Licensing Committee on 20 September 2017 ... which has been considered for in the context of landscape-related issues [should be a material planning consideration of relevance] in the context of the current Application.”
- “While the Energy Capacity Study was undertaken for a different purpose and is not directly related to housing, it provides a recent review of the overall landscape character of Coll. The Energy Capacity Study identifies the area surrounding Arinagour as part of the Small Island Marginal Farmland Mosaic landscape character type (16a). It is recognised that this landscape character type occurs in Coll where it forms settled and farmed valleys and some flatter areas of ground close to the coast. The landscape features a characteristically scattered settlement pattern of small crofts and houses. These are usually located on drier slopes between rocky outcrops above more productive pastures. It is also recognised that the landscape is characterised by generally small cottages, crofts and farms. This description provides a more holistic approach to assessment of landscape, and

highlights that small cottages (such as the Proposed Development) contribute to the landscape of the area.”

*Comment: The Energy Capacity Study is not considered to be a material planning consideration in the assessment of the current planning application. It is used to assess developments of an entirely different character to that currently proposed (i.e. wind turbine development). Whilst it is acknowledged that its landscape assessment was produced more recently than that of the Coll Landscape Capacity Study, officers can find no fundamental contradictions within the conclusions of both. Nowhere in the Energy Capacity Study does it state that a wind turbine development upon the exposed and undeveloped coastal site the subject of the current application would likely be considered appropriate or acceptable in terms of its landscape impact. The Energy Capacity Study actually specifies the more intricate, smaller scale coastal edge within the ‘Small Island Rocky Moorland’ landscape character type as an area of ‘key constraint’. In addition, it is accepted that small cottages may well contribute to the landscape of the area. However, this does not mean that small cottages should dominate the landscape to the material detriment of its landscape qualities, character and local distinctiveness.*

- “[The Coll Landscape Study includes the application site within a specific area of largely undeveloped coastal margins and describes it] as follows: “*Development along this coastal edge would intrude on views and affect the setting of the distinctive row of 19th century cottages.*” It is important to note that the description applying to [the defined area] does not recommend avoidance of development (as is the case with some of the other areas of constraint). Rather, the Coll Landscape Capacity Study (2006) comments on the potential intrusion of the setting of the existing 19th century cottages. To put it another way, it is highlighting that any development within the [specifically defined area] will have to be sympathetic to the setting of the cottages. It is not on any interpretation, advocating a prohibition on any form of development. It is submitted that the potential intrusion could be managed through appropriate design and siting of development in the Purple Area, ensuring that the resulting magnitude of change does not lead to effects that are unacceptable.”

*Comment: The Coll Landscape Study is not prescriptive; it is a guide to new housing development and suggests both opportunities and constraints for such development based on landscape impact. It was independently produced by a qualified landscape architect and, whilst it is a material consideration in the assessment of this planning application, it has not prescribed the recommendation that this development be refused to any overwhelming extent. The findings of the Landscape Study happen to align with officers own assessment of the development and not the other way round. Even without the Landscape Study, the recommendation would be fundamentally the same and for the substantive reasons expressed above.*

*Notwithstanding that, however, the area of land including the current application site and its description as highlighted above falls beneath the sub-heading ‘Constraints’. It is noted that this important heading has, for whatever reason, been cropped from the extract of the document reproduced by the applicant’s consultant.*



**Location Plan Relative to planning application: 20/01688/PP**



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**ARGYLL AND BUTE COUNCIL****PLANNING PROTECTIVE SERVICES  
AND LICENSING COMMITTEE****Development and Economic Growth****16 December 2020**

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**Scottish Government - Biodiversity Duty Compliance Report 2021 (Argyll & Bute Council)**

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**1.0 EXECUTIVE SUMMARY**

'Biodiversity is the variety of all life and includes the wildlife, habitats and other forms of nature. The Biodiversity Duty aims to do more than safeguard ecosystem services by protecting habitats and species; it is also about connecting people and their environment, contributing to health and wellbeing and inspiring communities.

- 1.1 The Nature Conservation (Scotland) Act 2004 places a duty on all public bodies to further the conservation of biodiversity. The Wildlife and Natural Environment (Scotland) Act 2011 requires the publication of a report (BIODIVERSITY DUTY COMPLIANCE REPORT) for the Scottish Government, every three years on how we as a public body are meeting this duty. The last report was drafted in 2017 and approved on 22 November 2017 by PPSL Committee and submitted to the Scottish Government.
- 1.2 The purpose of this report is to seek PPSL Committee approval of the Scottish Government Biodiversity Duty Compliance Report (Argyll and Bute Council), for the period Jan 2018 to Jan 2021. See Appendix 1.
- 1.3 The Compliance Report details progress over the last three years in the activities as set out in the Argyll and Bute Council Biodiversity Duty Action Plan 2016-2021, link: [https://www.argyll-bute.gov.uk/sites/default/files/argyll\\_and\\_bute\\_council\\_biodiversity\\_duty\\_action\\_plan\\_final\\_version\\_april\\_2016\\_2.pdf](https://www.argyll-bute.gov.uk/sites/default/files/argyll_and_bute_council_biodiversity_duty_action_plan_final_version_april_2016_2.pdf)

**1.4 RECOMMENDATIONS**

It is recommended that the Committee:

- Note achievements made across the Council to meet Argyll and Bute Council's Biodiversity Duty under the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011;
- Approve the Scottish Government Biodiversity Duty Compliance Report 2018-21 (Argyll and Bute Council) for submission to Scottish Government and publication on the Councils website.

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**ARGYLL AND BUTE COUNCIL**

**PLANNING PROTECTIVE SERVICES  
AND LICENSING COMMITTEE**

**Development and Economic Growth**

**16 December 2020**

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**Scottish Government - Biodiversity Duty Compliance Report 2021 (Argyll & Bute Council)**

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**2.0 INTRODUCTION**

2.1 The Nature Conservation (Scotland) Act 2004 places a duty on all public bodies to further the conservation of biodiversity. The Wildlife and Natural Environment (Scotland) Act 2011 requires the publication of a report, every three years, on how public bodies are meeting this duty.

2.2 The purpose of this report is to seek Committee approval of the Scottish Government Biodiversity Duty Compliance Report (Argyll and Bute Council), for the period January 2018 to January 2021. The report details the activities across the Council that support and conserve biodiversity and demonstrates the great variety and range of the work being carried out.

**3.0 RECOMMENDATIONS**

It is recommended that the Committee:

- Note achievements made across the Council to meet Argyll and Bute Council's Biodiversity Duty under the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011;
- Approve the Scottish Government Biodiversity Duty Compliance Report 2018-21 (Argyll and Bute Council) for submission to Scottish Government and publication on the Councils website

## 4.0 DETAIL

### Biodiversity Duty

- 4.1 Biodiversity is the variety of all life and includes wildlife, habitats and other forms of nature.
- 4.2 On a global scale, human activity is causing biodiversity to be lost at a greatly accelerated rate with irreversible losses that can damage the vital ecosystem services on which our lives depend. International targets to halt biodiversity loss are reflected in the Scottish Biodiversity Strategy.
- 4.3 The Biodiversity Duty aims to do more than safeguard ecosystem services by protecting habitats and species. It is also about connecting people and their environment, contributing to health and wellbeing, supporting sustainable economic development and inspiring communities.
- 4.4 The Scottish Government Biodiversity Duty Compliance Report (Argyll and Bute Council) 2018-2021, contains a summary of work carried out by all Council Services in order to comply with the biodiversity duty. This includes details of projects on the ground, the inclusion of biodiversity in policies and plans and examples of partnership working.
- 4.5 The report demonstrates the breadth of activities delivered by the Council which help to enhance Argyll and Bute's biodiversity. Particular strengths in Argyll and Bute are the high level of partner involvement in both habitat and species projects, and the extent of partnership working both within and out with the Council.
- 4.6 Particular initiatives which are highlights of the last three years are:
- Local Development Plan 2 (LDP2): <https://www.argyll-bute.gov.uk/ldp> is a key service in the delivery of biodiversity conservation through land use and management policies, and protection and designation of a range of International, National and Local sites. This ensures that land use planning and the management of Council-owned land delivers protection and enhancements for biodiversity.
  - The Biodiversity Technical Note for Planners and Developers and the Biodiversity Checklist:  
[https://www.argyll-bute.gov.uk/sites/default/files/cfgstrategy\\_final\\_version\\_4.0\\_april\\_2020\\_mcc.pdf](https://www.argyll-bute.gov.uk/sites/default/files/cfgstrategy_final_version_4.0_april_2020_mcc.pdf)
  - Community Food Growing Strategy:  
[https://www.argyll-bute.gov.uk/sites/default/files/cfgstrategy\\_final\\_version\\_4.0\\_april\\_2020\\_mcc.pdf](https://www.argyll-bute.gov.uk/sites/default/files/cfgstrategy_final_version_4.0_april_2020_mcc.pdf)  
Advice on benefits of and to biodiversity.
  - Ecosystem Gardening for Biodiversity on line leaflet:  
[https://www.argyll-bute.gov.uk/sites/default/files/ecosystem\\_gardening\\_for\\_biodiversity\\_leaflet\\_2018.pdf](https://www.argyll-bute.gov.uk/sites/default/files/ecosystem_gardening_for_biodiversity_leaflet_2018.pdf)

- Annual campaign – ‘What’s for the garden stays in the garden’ along with information on the identification and control of Invasive non-Native Species: <https://www.argyll-bute.gov.uk/planning-and-environment/guidance-gardeners-invasive-or-harmful-plants>
- Argyll and the Isles Coast and Countryside Trust <https://www.act-now.org.uk/en/> Argyll and Bute Council specialist officers (Biodiversity, Access, Marine and Planning) advice on biodiversity, access, planning and marine and coastal projects.
- Argyll and Bute – Estate: Maintenance of properties provides opportunities to incorporate and encourage some bird nesting boxes and bat roost provision both priority species in the LBAP
- Airports- Oban, Coll, Colonsay- monitoring and recording of bird activity and at Oban Airport management of Irish Ladies Tresses- a native orchid

## 5.0 CONCLUSION

- 5.1 The Scottish Government Biodiversity Duty Compliance Report 2018-2021 (Argyll and Bute Council) demonstrates a number of valuable outcomes. The key deliverables are largely at no cost or as added value to existing operations. The impacts of this report in relation to the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered and the Council’s relevant Sustainable development policies have been taken into account and noted.
- 5.2 Compliance with the statutory biodiversity duty will help achieve a sustainable Argyll and Bute by incorporating biodiversity into many of the Council’s existing activities and actions, thus helping to create a resilient natural environment, reduce carbon emissions, improve social justice, economic wellbeing and good environmental stewardship.

## 6.0 IMPLICATIONS

- 6.1 **Policy:** Argyll and Bute Biodiversity Duty Action Plan 2016-2021  
Local Development Plan and the emerging Local Development Plan 2.
- 6.2 **Financial:** none as the report is published online.
- 6.3 **Legal:** Biodiversity Duty under the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011
- 6.4 **HR:** None
- 6.5 **Fairer Scotland Duty:** There are no predicted negative impacts



- 6.5.1 **Equalities:** There are no predicted negative impacts on rights and equality.
- 6.5.2 **Socio-economic Duty:** There are no predicted negative impacts
- 6.5.3 **Islands:** There are no predicted negative impacts
- 6.6 **Risk:** The submission of this Biodiversity Duty Compliance Report to Scottish Government supports the Argyll and Bute Council Biodiversity Duty Action Plan 2016- 2021 and contributes to the reduction in risk of the Council as public body failing to meet its statutory duty for biodiversity.
- 6.7 **Customer Service:** assisting council officers, individuals and community groups

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

**Policy Lead - Cllr. David Kinniburgh**

[6 November 2020]

**For further information contact:** Marina Curran-Colthart Local Biodiversity Officer,  
t: 01631 569191; e: [marina.curran-colthart@argyll-bute.gov.uk](mailto:marina.curran-colthart@argyll-bute.gov.uk)

**APPENDIX 1:**

**Scottish Government Biodiversity Duty Compliance Report (Argyll and Bute Council) 2018-21.**



Scottish Government:  
Biodiversity Duty Compliance  
Report-

Argyll and Bute Council-

2018-2021.





## CONTENTS (Key Themes)

1. **Introductory Information**- Governance, Decision Making Process and Promotion of Biodiversity.
2. **Mainstreaming** – integrating biodiversity into corporate projects, plans and strategies.
3. **Action Taken** – activities to protect and enhance biodiversity.
4. **Communication**
5. **Highlights and Challenges**
6. **Monitoring**
7. **Contribution to Targets**

**Appendix 1. Aide Memoire on Invasive Non Native Species**



## **1: INTRODUCTORY INFORMATION**

- 1.1 Under the Nature Conservation (Scotland) Act 2004, all public bodies are required to further the conservation of biodiversity when carrying out their responsibilities. Following an amendment in the Wildlife and Natural Environment (Scotland) Act 2011; every three years public bodies are also required to publish and make publically available their report on the actions they have taken to meet their biodiversity duty (Biodiversity Duty Compliance Report). Our last report was published online in January 2018 following Council approval. The report must be available on line by the end of 2020. The report follows a Scottish Government recommended template.

### **Overview of Argyll and Bute Council organisation's regulatory role.**

#### **1.2 Governance.**

Overall governance is provided by the elected Members of Argyll and Bute Council. All policies and key strategies are reported to Council for discussion and approval. Environmental policies and initiatives which include biodiversity are reported to the relevant Council committee. Progress on delivering the Argyll and Bute Council Biodiversity Duty Action Plan is updated annually.



### **1.3 How biodiversity feeds into Argyll and Bute Council decision-making structure.**

Our elected members have championed biodiversity through representation on: the Planning, Protective Services and Licensing Committee, the Local Nature Reserve Management Team at Holy Loch, the Argyll and Bute Local Biodiversity Partnership and the Argyll and the Isles Coast and Countryside Trust. Our Chief Executive, Directors and the relevant Heads of Service have also recognised the importance of environmental initiatives and given their support to a wide range of projects. Since our last reporting round the Council continues to represent the Local Biodiversity Officers Network on the working group involved in ‘Future Land Management Business Models Working Group’, the National Peatland Action Group and the Scottish Group for Invasive Non-Native Species.

### **1.4 Some examples of Council promoted biodiversity initiatives:**

- i) Local Development Plan (LDP): <https://www.argyll-bute.gov.uk/ldp>. The LDP is a key tool in the delivery of biodiversity conservation through land use and management policies, protection and designation of a range of International, National and Local



sites. This ensures that land use planning and the management of Council-owned land delivers protection and enhancements for biodiversity.

- ii) The Biodiversity Technical Note for Planners and Developers and the Biodiversity Checklist: [https://www.argyll-bute.gov.uk/sites/default/files/biodiversity\\_technical\\_note\\_feb\\_2017\\_4.pdf](https://www.argyll-bute.gov.uk/sites/default/files/biodiversity_technical_note_feb_2017_4.pdf)
- iii) Community Food Growing Strategy : [https://www.argyll-bute.gov.uk/sites/default/files/cfgstrategy\\_final\\_version\\_4.0\\_april\\_2020\\_mcc.pdf](https://www.argyll-bute.gov.uk/sites/default/files/cfgstrategy_final_version_4.0_april_2020_mcc.pdf)

Provides advice on the benefits of Community Food Growing of and to biodiversity.

- iv) Argyll and Bute Biodiversity Duty Action Plan Monitoring Report 2020- reporting on ongoing actions and providing advice on community biodiversity projects: [https://www.argyll-bute.gov.uk/sites/default/files/argyll\\_and\\_bute\\_biodiversity\\_duty\\_action\\_plan\\_annual\\_monitoring\\_report\\_2020\\_002\\_2.0.pdf](https://www.argyll-bute.gov.uk/sites/default/files/argyll_and_bute_biodiversity_duty_action_plan_annual_monitoring_report_2020_002_2.0.pdf)
- v) Ecosystem Gardening for Biodiversity on line leaflet: [https://www.argyll-bute.gov.uk/sites/default/files/ecosystem\\_gardening\\_for\\_biodiversity\\_leaflet\\_2018.pdf](https://www.argyll-bute.gov.uk/sites/default/files/ecosystem_gardening_for_biodiversity_leaflet_2018.pdf)
- vi) Annual campaign – ‘What’s for the garden stays in the garden’ along with information on the identification and control of Invasive non-Native Species:



<https://www.argyll-bute.gov.uk/planning-and-environment/guidance-gardeners-invasive-or-harmful-plants>

- vii) Argyll and the Isles Coast and Countryside Trust: <https://www.act-now.org.uk/en/> Argyll and Bute Council specialist officers provide advice on biodiversity, access, planning and marine and coastal projects.
- viii) Argyll and Bute Property Services: Maintenance of Council properties provides opportunities to incorporate and encourage some nest and bat roost provision, with particular emphasis on swift nest sites, a priority species in the LBAP
- ix) Council Airports- Oban, Coll, Colonsay- monitoring and recording of bird activity and at Oban Airport management of Irish Ladies Tresses- a native orchid

### **Partnership Working**

- 1.5 Partnerships in Argyll and Bute have a number of common key principles: openness, trust and honesty between partners with:
- agreed shared goals and values
  - regular communication between partners openness and
  - trust and honesty between partners





### **1.5 Argyll and Bute Local Biodiversity Partnership**

This partnership has the responsibility for the delivery of the Argyll and Bute Local Biodiversity Action Plan – the refresh has been put on hold due to funding, BREXIT uncertainty and the current pandemic, however, an updated report on the LBAP on ongoing projects is attached.

### **1.6 Argyll and Bute Outcome Improvement Plan (ABOIP) 2013-23**

The main aim of the Community Planning Partnership is to deliver the outcomes within the Argyll and Bute Outcome Improvement Plan (ABOIP). The purpose of the ABOIP is to set out the needs and circumstances of citizens living in Argyll and Bute, identify the outcomes to which priority is to be given by the community planning partnership, with a view to improving these, and set out what success would look like in achieving the outcomes and how this will be measured and monitored. The ABOIP has an overarching objective: “Argyll and Bute’s economic success is built on a growing population” and 6 long term outcomes to support this as follows:

1. The economy is diverse and thriving.
2. We have infrastructure that supports sustainable growth.
3. Education, skills and training maximises opportunities for all.



4. Children and young people have the best possible start.
5. People live active, healthier and independent lives.
6. People live in safer and stronger communities.



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## 2: MAINSTREAMING

**2.1** This section highlights the wide variety of activities undertaken by Argyll and Bute Council to further the conservation of biodiversity. While not exhaustive, it illustrates the range of activities that have taken place and continue to take place.

**2.2 Argyll and Bute Council Biodiversity Duty Action Plan 2016-2021:**

This was approved in April 2016 by the Planning, Protective Services and Licensing Committee and can be seen here (it is due for refresh in 2021):

[https://www.argyll-bute.gov.uk/sites/default/files/argyll\\_and\\_bute\\_council\\_biodiversity\\_duty\\_action\\_plan\\_final\\_version\\_april\\_2016\\_2.pdf](https://www.argyll-bute.gov.uk/sites/default/files/argyll_and_bute_council_biodiversity_duty_action_plan_final_version_april_2016_2.pdf)





## 2.3 Biodiversity and Local Development Plan Policy (LDP):

The current development plan is Argyll and Bute Local Development Plan 2015, but its replacement LDP2 is progressing towards examination and adoption in 2022. The LDP can be viewed at: <https://argyll-bute.maps.arcgis.com/apps/MapJournal/index.html?appid=36b54584028245019f8edca605511213>

*The Local Development Plan sets out a range of policies and guidance to protect and enhance biodiversity:*

***Extract from POLICY LDP STRAT 1 – Sustainable Development***

- i) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources;*
- ii) Respect the landscape character of an area and the setting and character of settlements;*
- iii) Avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground instability; and*
- iv) Avoid having significant adverse impacts on land, air and water environment.*

***Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment, along with the following Supplementary Guidance:***

***Natural Environment***

- *SG LDP ENV 1 – Development Impact on Habitats, Species and Biodiversity (i.e. biological diversity)*
- *SG- Local Biodiversity Action Plan (LBAP)*
- *SG LDP ENV 2 – Development Impact on European Sites*
- *SG LDP ENV 3 – Management of European Sites*
- *SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs)*
- *SG LDP ENV 5 – Development Impact on Local Nature Conservation*



- *SG LDP ENV 6 – Development Impact on Trees/Woodland*
- *SG LDP ENV 7 – Water Quality and the Environment*
- *SG LDP ENV 8 – Protection and Enhancement of Green Networks*
- *SG LDP ENV 9 – Development Impact on Areas of Wild Land*
- *SG LDP ENV 10 – Geodiversity*
- *SG LDP ENV 11 – Protection of Soil and Peat Resources*
- *SG LDP CST 1 – Coastal Development*

[https://www.argyll-bute.gov.uk/sites/default/files/written\\_statement\\_0.pdf](https://www.argyll-bute.gov.uk/sites/default/files/written_statement_0.pdf)

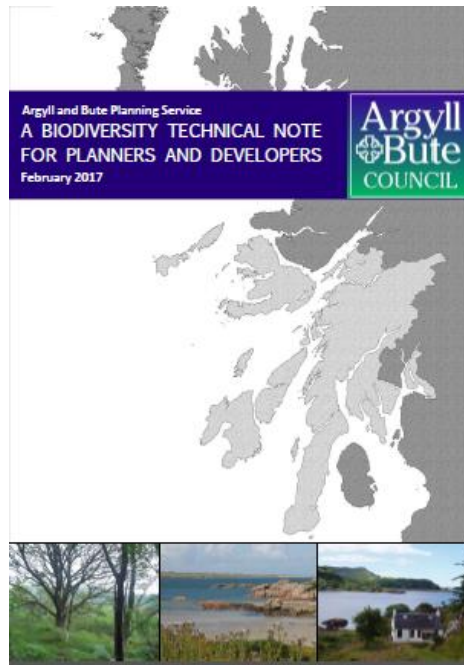
## **2.4 Biodiversity Technical Note for Planners and Developers**

To assist Argyll and Bute Council as the Planning Authority- a Biodiversity Technical Note for Planners and Developers along with the Biodiversity Checklist has been developed to ensure developers take biodiversity into account when carrying out site selection. The checklist includes, European Protected Species, Invasive Non-Native Species and a framework for eradication. In terms of planning application determination, biodiversity is a material consideration. [https://www.argyll-bute.gov.uk/sites/default/files/biodiversity\\_technical\\_note\\_feb\\_2017\\_4.pdf](https://www.argyll-bute.gov.uk/sites/default/files/biodiversity_technical_note_feb_2017_4.pdf)

2.5 This Technical Note has proved invaluable to developers and planning colleagues in factoring in biodiversity from the start of the development of building projects.



2.6 The Local Biodiversity Officer provides advice to Planning colleagues, developers, community groups and members of the public on appropriate ecological surveys and assessment required for planning applications and in particular development activities likely to impact on European protected species along with priority habitats and species.





### **3: ACTION TAKEN**

- 3.1 The Collaborative Action for Natura Network (CANN) project is ongoing:** a partnership with Argyll and the Isles Coast and Countryside Trust<sup>1</sup> as the management authority with funding partners including: European Unions' INTERREG VA Programme, Scottish Natural Heritage and Forestry Commission Scotland. The project focuses on peatland habitat improvements and helping protect endangered species: <https://www.act-now.org.uk/cann>
- 3.2 Glen Creran Gardens Rhododendron ponticum eradication project:** the project is nearing completion, final report will be available in 2021: <https://www.act-now.org.uk/glen-creran>
- 3.3 Community Food Growing Strategy-:** The Council has adopted a food growing strategy which can be accessed here: [https://www.argyll-bute.gov.uk/sites/default/files/cfgstrategy\\_final\\_version\\_4.0\\_april\\_2020\\_mcc.pdf](https://www.argyll-bute.gov.uk/sites/default/files/cfgstrategy_final_version_4.0_april_2020_mcc.pdf)

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<sup>1</sup> The Argyll and the Isles Coast and Countryside Trust was developed by Argyll and Bute Council 2013 in partnership with Scottish Natural Heritage, Forestry Commission Scotland, the National Health Trust and the Argyll and Bute Social Enterprise Network. <https://www.act-now.org.uk/en/> The Argyll and Bute Council Local Biodiversity Officer is an advisor to the Trust.



- 3.4 Islay Roadside Verge Pollinator project-** the Council play a supporting role in terms of verge maintenance for pollinators. We are working with the Islay Natural History Trust on this project where 14km of roadside verges are subject to a prescribed planting and maintenance regime.
- 3.5 B-Line National Project:** Hermitage Park is on the John Muir Way route which is part of a B-Lines pollinator project, the project has been extended to the rest of Argyll and Bute, the Council are working in partnership with Buglife on this project.
- 3.6 (LBAP)The Argyll and Bute Local Biodiversity Action Plan:** currently the ongoing projects.
- 3.7 Planning Officers – Use of Aide Memoir on Invasive Non-Native Species for Planning Officers-** Appendix 1.
- 3.8 Ecosystem advice-** back to basics leaflet which can be seen here: [https://www.argyll-bute.gov.uk/sites/default/files/biodiversity\\_ac.pdf](https://www.argyll-bute.gov.uk/sites/default/files/biodiversity_ac.pdf)
- 3.9 Hermitage Park- Helensburgh-** this 5 year Heritage Lottery funded park restoration project is almost completed - with a variety of habitat improvements including pond, river and riparian habitat enhancements, grassland (wet and dry), invasive non-native





species removal and installation of bat and bird boxes. <https://www.argyll-bute.gov.uk/hermitage-park>

**3.10** Airports- Oban, Coll, Colonsay- monitoring and recording of bird activity and at Oban Airport management of Irish Ladies Tresses- a native orchid



## 4: COMMUNICATION

### **4.1 Examples of Argyll and Bute Council's Biodiversity Officer's involvement in partnership working on biodiversity.**

- Argyll and the Isles Coast and Countryside Trust- partner funded projects.
- Argyll and Bute Local Biodiversity Partnership- LBAP refresh continues with delivery of projects by partners such as Buglife, the Islay Natural Heritage trust by supporting their pollinator projects.
- Working with a range of officials on Master Planning projects.
- Working with Roads Officials on promoting roadside verge maintenance for to enhance biodiversity as well as providing technical information for building, stonewalls and bridge biodiversity inspections
- Working with major developers on a number of housing developments to integrate biodiversity gains.
- Working with Airport Staff – Oban, Coll and Colonsay re. Bird monitoring and other species i.e. Irish ladies Tresses- a native orchid.



- 4.2 Our website is key to communicating biodiversity;** many topics relating to Biodiversity including and for example Invasive Non-Native Species and the Local Development Plan.  
<https://www.argyll-bute.gov.uk/home>
- 4.3** We have a Twitter account #argyllbiodive and post weekly news items.
- 4.4** We also communicate with schools and community groups through email.
- **Website and Twitter promotion-** for the Biodiversity Technical Note for Planners and Developers and the Biodiversity Check List- [https://www.argyll-bute.gov.uk/sites/default/files/biodiversity\\_technical\\_note\\_feb\\_2017\\_4.pdf](https://www.argyll-bute.gov.uk/sites/default/files/biodiversity_technical_note_feb_2017_4.pdf)
  - **Community Food Growing Strategy-** [https://www.argyll-bute.gov.uk/sites/default/files/cfgstrategy\\_final\\_version\\_4.0\\_april\\_2020\\_mcc.pdf](https://www.argyll-bute.gov.uk/sites/default/files/cfgstrategy_final_version_4.0_april_2020_mcc.pdf)
  - **Ecosystem Gardening Leaflet:** [https://www.argyll-bute.gov.uk/sites/default/files/ecosystem\\_gardening\\_for\\_biodiversity\\_leaflet\\_2018.pdf](https://www.argyll-bute.gov.uk/sites/default/files/ecosystem_gardening_for_biodiversity_leaflet_2018.pdf)



## 4.5 Training

- The Local Biodiversity Officer is a member of the National Local Biodiversity Officers Network and represents them on the Scottish Biodiversity Strategy Invasive Non-Native Species group, the National Peatland Group and is the L.A. representative on the Scottish Forum for Natural Capital- 'Future Land Management Business Models Working Group'
- The Local Biodiversity Officer attends a number of Sharing Good Practice events as part of her CPD
- The Local Biodiversity Officer has provided input to community lead projects in relation to habitats private woodland projects
- The Local Biodiversity Officer has given several awareness raising presentations to elected members on Biodiversity, the Biodiversity Technical Note, an annual Biodiversity update presentation to elected members and colleagues and the Community Food Growing Strategy.

## 4.6 Opportunities for staff to take part in practical action such as volunteering,

- Bat Conservation Trust- Bat sighting reports
- Butterfly Conservation- Butterfly recording
- Big Garden Bird Survey- promotion and participation.
- Family and school related activities- Bumble Bees, Growing Wild



- Leaf miner on Horse Chestnut Trees
- Community Growing Spaces
- Growing Wild- scheme run by Kew Gardens



## 5: BIODIVERSITY HIGHLIGHTS AND CHALLENGES

### 5.1 The main biodiversity highlights over the reporting period has been:

- **The Community Food Growing Strategy** which meets our duty to draft and adopt the strategy under The Community Empowerment (Scotland) Bill - Part 9 which was enacted on the 24th July 2015. The strategy promotes food growing in various forms which has a wide range of benefits for people's health and wellbeing along with doing their bit on a local level for biodiversity and climate change.
- **The Local Development Plan-** continuous input and influence on the protection, management and enhancement measures for biodiversity in relation to the current and emerging Local Development Plan and Development Management. The promotion of the Biodiversity Technical Note for Planners and Developers continues along with a series of Aide Memoirs for Planners on site visits.
- **Public engagement:** continuous assistance given to local biodiversity projects such as the Islay Natural History Society and Roadside Verge enhancement measures for pollinators.



## 5.2 The Future challenges over the next three years are mainly:

- Funding,
- Resource- capacity to deliver,
- Covid-19 impact and implications
- The outcome of BREXIT negotiations in relation to funding key delivery sectors such as estates, farmers and crofters through Agri-environment schemes.



## **6: MONITORING**

### **6.1 Monitoring activity**

Monitoring of the Argyll and Bute Council Biodiversity Duty Action Plan, which is submitted alongside this document is annual report with a note of future actions for the next refresh: [https://www.argyll-bute.gov.uk/sites/default/files/argyll\\_and\\_bute\\_biodiversity\\_duty\\_action\\_plan\\_annual\\_monitoring\\_report\\_2020\\_002\\_2.0.pdf](https://www.argyll-bute.gov.uk/sites/default/files/argyll_and_bute_biodiversity_duty_action_plan_annual_monitoring_report_2020_002_2.0.pdf)

Monitoring of the (LBAP) Argyll and Bute Local Biodiversity Action Plan- communicating project progress is the responsibility of Lead Partners.

### **6.2 Emerging Trends**

6.3 In terms of input to the processing of planning applications and the emergence of new development, , the emerging trend is for much more input by the Local Biodiversity Officer at the early stages of Master Planning and as a result biodiversity gains in individual implemented developments. There is a general increase in requests for the Biodiversity Officer's input to planning applications by planning officers and applicants.





6.4 There are concerns regarding difficulties to access funding for community based habitat restoration where Invasive Non-Native Species are a feature of the proposal

**6.5 Data is added to the National Biodiversity Network Gateway (NBN)**



View to the Isle of Luing © MCC



## 7: CONTRIBUTION TO TARGETS

[Six Big Steps for Nature](#) or the [Aichi Targets](#).

Targets/key steps from Chapter 1 (Healthy ecosystems) of the "2020 Challenge for Scotland's Biodiversity"	Contribution to key step?	Justification
(1.1) Encourage and support ecosystem restoration and management, especially in catchments that have experienced	yes, Agri-environment schemes and Peatland Action	Achnacree Croft.



the greatest degradation		
(1.2) Use assessments of ecosystem health at a catchment level to determine what needs to be done		
(1.3) Government and public bodies, including NatureScot (SNH), SEPA and FCS, will work together towards a shared agenda for action to restore ecosystem health at a		



<p>catchment-scale across Scotland</p>		
<p>(1.4) Establish plans and decisions about land use based on an understanding of ecosystems. Take full account of land use impacts on the ecosystems services that underpin social, economic and environmental health</p>	<p>Master Planning</p>	<p>Dunbeg Master Plan; Inveraray Master Plan.</p>
<p><b>Targets/key steps from Chapter 3 (Biodiversity, health and quality of life) of the "2020</b></p>	<p><b>Contribution to key step?</b></p>	<p><b>Justification</b></p>



<b>Challenge for Scotland's Biodiversity"</b>		
(3.1) Provide opportunities for everyone to experience and enjoy nature regularly, with a particular focus on disadvantaged groups	Argyll and Bute Council work with the Argyll and Bute Coast and Community Trust	
(3.2) Support local authorities and communities to improve local environments and enhance biodiversity using	Local Development Plan: <a href="https://argyll-bute.maps.arcgis.com/apps/MapJournal/index.html?appid=36b54584028245019f8edca605511213">https://argyll-bute.maps.arcgis.com/apps/MapJournal/index.html?appid=36b54584028245019f8edca605511213</a>	



<p>green space and green networks, allowing nature to flourish and so enhancing the quality of life for people who live there</p>		
<p>(3.3) Build on good practice being developed by the National Health Service (NHS) and others to help encourage greenspace, green exercise and social prescribing initiatives that will</p>	<p>Argyll and the Isles Coast and Countryside Trust- ACT Branching Out, Argyll's Atlantic Rainforest: <a href="https://www.act-now.org.uk/atlantic-rainforest">https://www.act-now.org.uk/atlantic-rainforest</a> MAKI Pups; ACT and Mid Argyll's first outdoor nursery (Mid- Argyll's' first outdoor nursery),</p> <p>ACT Now is our brand new climate change awareness project that will offer free support to Mid-Argyll communities to help them adopt strategies to tackle</p>	<p>Branching Out project  <a href="https://www.act-now.org.uk/en/what-we-do/233-branching-out">https://www.act-now.org.uk/en/what-we-do/233-branching-out</a></p>



improve health and wellbeing through connecting people with nature	climate change by reducing their impact on the environment	
(3.4) Increase access to nature within and close to schools, and support teachers in developing the role of outdoor learning across the Curriculum for Excellence	yes	Through regular communication .
(3.5) Encourage public organisations and businesses to review their responsibilities and	Business and Biodiversity Booklet	Information available in booklet form



action for biodiversity, and recognise that increasing their positive contribution to nature and landscapes can help meet their corporate priorities and performance





<b>Targets/key steps from Chapter 4 (Wildlife, habitats and protected places) of the "2020 Challenge for Scotland's Biodiversity"</b>	<b>Contribution to key step?</b>	<b>Justification</b>
(4.1) Ensure that the management of	Local Nature Reserve at Duchess Woods and Holy Loch	Management Teams and



protected places for nature also provides wider public benefits		Action Plans in place.
(4.3) Integrate protected areas policy with action for wider habitats to combat fragmentation and restore key habitats	Wildlife Corridors and Community Woodlands. SUDs as functional biodiversity enhanced habitats.	Within developments to ensure connectivity. E.g. Dunbeg Master Plan- Oban and Glenoran Road- Helensburgh
(4.5) Involve many more people than at present in this work and improve understanding of	Delivered by members of the Argyll and Bute Local Biodiversity Partnership	Individual organisations are better set up to do this as there funding



the poorly known  
elements of nature

facilitates such  
activities.



<b>Targets/key steps from Chapter 5 (Land and freshwater management) of the "2020 Challenge for Scotland's Biodiversity"</b>	<b>Contribution to key step?</b>	<b>Justification</b>
(5.1) Promote an ecosystem approach to land management that fosters sustainable use of natural resources and puts biodiversity at the heart of land-use	<ol style="list-style-type: none"> <li>1. Under development – Why Biodiversity Matters information</li> <li>2. Refresh LBAP</li> </ol>	<ol style="list-style-type: none"> <li>1. Within the emerging Local Development Plan</li> <li>2. Ecosystem approach in current draft document.</li> <li>3. A reminder about our</li> </ol>



<p>planning and decision-making</p>	<p>3. Ecosystem Services information Leaflet</p>	<p>dependency on Biodiversity to sustain us.</p>
<p>(5.2) Ensure that measures taken forward under the Common Agricultural Policy encourage land managers to develop and retain the diversity of wildlife habitats and landscape features</p>	<p>Yes , await post BREXIT outcomes</p>	<p>Await post BREXIT outcomes</p>
<p>(5.3) Support 'High Nature Value' farming and forestry</p>	<p>Yes: both LBAP and Forestry Strategy</p>	<p>Through the current CAP and SRDP activities.</p>



<p>(5.4) Put in place the management necessary to bring Scotland's protected areas into favourable condition and improve the ecological status of water bodies</p>	<p>Partner activity- with SEPA</p>	<p>SEPA</p>
<p>(5.5) Ensure that biodiversity and ecosystem objectives are fully integrated into flood risk management plans, and restore wetland habitats and</p>	<p>Yes,</p>	<p>Through our Flood Management Plan and emerging Climate Change Plan- along with the current and</p>



<p>woodlands to provide sustainable flood management</p>		<p>emerging Local Development Plan.</p>
<p>(5.6) Restore and extend natural habitats as a means of building reserves of carbon and to help mitigate climate change</p>	<p>1. Currently involved with CANN project on Islay and providing information on an emerging project.</p> <p>2. A number of Peatland Action funded Projects are active in Argyll and Bute.</p>	<p>Collaborative Action for Natura Network.</p> <p>10 projects in total</p>
<p>(5.7) Provide clear advice to land and water managers on best practice</p>	<p>Partner involvement</p>	<p>SEPA and the Argyll Fisheries Trust</p>



Targets/key steps from Chapter 6 (Marine and coastal) of the "2020 Challenge for Scotland's Biodiversity"	Contribution to key step?	Justification
(6.4) Achieve good environmental status for Scottish seas	Through Planning process and working with Marine Scotland, SEPA and NatureScot	Through the Local Development Plan Supplementary Guidance.

This report will be made available on the Argyll and Bute Council's website: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk) a copy can be requested from Council's Local Biodiversity Officer: [marina.curran-colthart@argyll-bute.gov.uk](mailto:marina.curran-colthart@argyll-bute.gov.uk)





## APPENDIX 1

### Aide Memoire – for Planning Officers.

- 1. Invasive Non-Native Species Plants:** Some of the species you are more likely to come across on a site visit.
- 2. Further information on the following link to the:**  
<http://www.nonnativespecies.org/index.cfm?sectionid=47>
- 3. SEPA Advise:** <https://www.sepa.org.uk/environment/biodiversity/invasive-non-native-species/>
- 4. Advise for the Construction Industry:**  
<https://www.sepa.org.uk/media/163480/biosecurity-and-management-of-invasive-non-native-species-construction-sites.pdf>
- 5. Legal:** <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/invasive-non-native-species/law-non-native-species-scotland>



**Note: if unsure take a phone and post to the Local Biodiversity Officer.**

**Terrestrial Invasive Non-Native Species:**

1. Japanese Knotweed: *Fallopia japonica*- Herbaceous perennial.



Early Growth: Late April/May  
stalks hollow and brittle.



Flowering June/July/August



Winter: dieback-



Leaf and branch structure. Zig zag leaves    Flowers.

2. **Himalayan Balsam:** *Impatiens glandulifera* – annual plant





Early Growth- April/May

Flowers and leaves



Flowers attract bees.



Usually in abundance on sunny sites.



**Warning: Please do not touch this plant as it is a public health hazard.**

### 3. Giant Hogweed: *Heracleum mantigazzianum*



Tall- can grow up to 5m



Looks like cow parsley, leave are very large.



If in doubt, please photograph and email to the Local Biodiversity Officer...DO NOT TOUCH.



#### 4. *Rhododendron ponticum*



Purple flowers and dark green leaves,



Flowers late April/May... note abundance of plants if on a site visit.



5. Giant Rhubarb: *Gunnera tinctoria* - a relative of the rhubarb plant spreads rapidly



Exceptionally Large leaves- flower on a spike. Gunnera in late autumn.



## 6. Freshwater Invasive Non-Native Species:

### 1. Canadian and Nuttall's Waterweed- Elodea species:



Can be found in ponds and fresh water habitats.

### Salt Water Invasive Non-Native Species:1. Wireweed: *Sargassum muticum*







## 2. Sea Squirt or Sea vomit: *Didemnum vexillum*.



Infections can be found on marine structures i.e. cages/ tressels/chains/moorings.

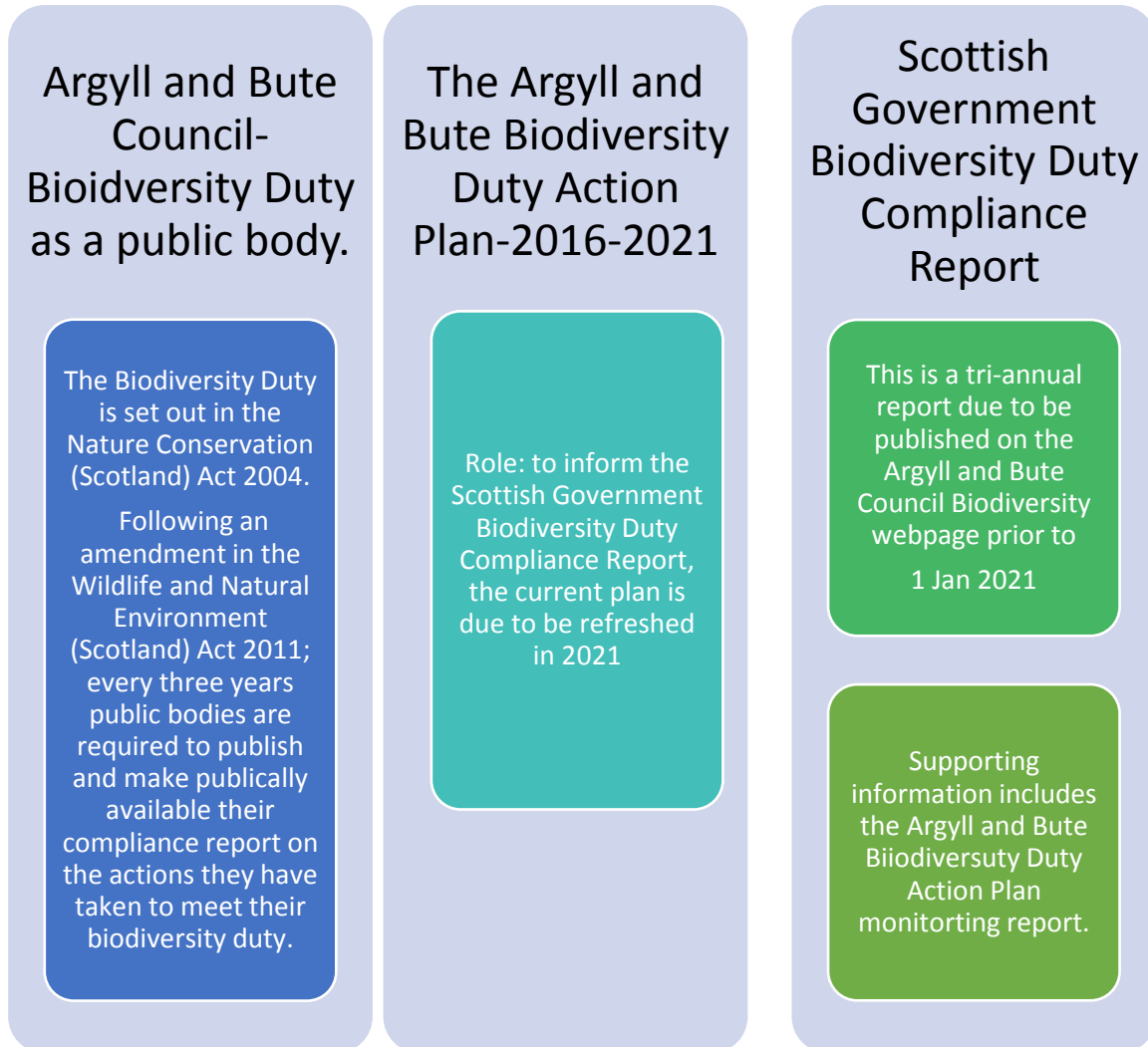
There are many others species which are considered Invasive Non-Native Species or garden escapees, if in doubt, take photo and check with the Local Biodiversity officer for identification

**End.**

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**Argyll and Bute Biodiversity Duty Document Chart:**



Note: the Argyll and Bute Local Biodiversity Action Plan- the LBAP is a partnership lead document.

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**ARGYLL AND BUTE COUNCIL**

**PLANNING, PROTECTIVE  
SERVICES AND LICENCING  
COMMITTEE**

**DEVELOPMENT AND ECONOMIC GROWTH**

**16 DECEMBER 2020**

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**DRAFT SERVICE PLAN 2021-22:**

**DEVELOPMENT AND ECONOMIC GROWTH SERVICE**

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## **1.0 EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to present to the Planning, Protective Services and Licencing (PPSL) Committee the Draft Service Plan 2021-22 for Development and Economic Growth.
- 1.2 Service Plans set out the Business Outcomes that each Service will work to deliver over the period of the plan. The Strategic Management Team agreed at their meeting on 21 September 2020 to proceed with one-year service plans with a one-year budget allocation. The Draft Service Plans attached covers the 2021-22 period for budget allocation for 2021/22.
- 1.3 It is recommended that the PPSL Committee review the Draft Service Plan 2021-22 (no finance) as presented prior to onward travel to the Policy and Resources Committee on 18 February 2021 and Full Council on 25 February 2021 for budget allocation.

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**ARGYLL AND BUTE COUNCIL**

**PLANNING, PROTECTIVE  
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**16 DECEMBER 2020**

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**DRAFT SERVICE PLAN 2021-22:**

**DEVELOPMENT AND ECONOMIC GROWTH SERVICE**

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## **2.0 INTRODUCTION**

- 2.1 The purpose of this report is to present to the Planning, Protective Services and Licencing (PPSL) Committee the Draft Service Plan 2021-22 for Development and Economic Growth.
- 2.2 Service Plans set out the Business Outcomes that each Service will work to deliver over the period of the plan. The Strategic Management Team agreed at their meeting on 21 September 2020 to proceed with one-year service plans with a one-year budget allocation. The Draft Service Plans attached cover the 2021-22 period for budget allocation for 2021/22.

## **3.0 RECOMMENDATIONS**

- 3.1 It is recommended that the PPSL Committee review the Draft Service Plan 2021-22 (no finance) as presented prior to onward travel to the Policy and Resources Committee on 18 February 2021 and Full Council on 25 February 2021 for budget allocation.

## **4.0 DETAIL**

- 4.1 The Strategic Management Team agreed at their meeting on 21<sup>st</sup> September 2020 agreed to proceed with one-year service plans with a one-year budget. The Draft Service Plan attached covers the 2021-22 period for the 2021/22 budget allocation.
- 4.2 Service Plans are a core part of the Council's Performance and Improvement Framework (PIF). They set out the 17 Business Outcomes that each Service will work to deliver over the period of the plan. They include the resources, both revenue and personnel, that are available to deliver on these Outcomes.

Service Plans clearly identify how different Services are contributing to the same Business Outcome along with the appropriate resources. Once approved the Service Plans are built in Pyramid and illustrated as Service Scorecards.

Appendix 1 illustrates the Business Outcomes mapped to the Corporate Outcomes.

- 4.3 Work has also continued to improve the format, consistency and use of plain language in the Service Plans. This has resulted in the Service Plans containing more appropriate and less operational success measures. To enable a better overview high level strategic plans and strategies are now also noted in the Service Plans. The Service Plans remain 2-part with a strategic 'locked-down' top level and operational, flexible lower level. These changes support high-level scrutiny and strategic focus by Elected Members.
- 4.4 The Draft Service Plans 2021-22 include the Challenges that the Services are currently aware they face, along with key Improvements that each Service has identified it will work towards. The Operational Risk Register is aligned to the Challenges. Improvements are monitored and reported on by Senior Officers with additional Improvements added as they arise.
- 4.5 HR & Organisational Development supported Heads of Service throughout the service planning process and performed a quality assurance exercise.
- 4.6 Appendix 2 presents the Development and Economic Growth Draft Service Plan 2021-22.
- 4.7 Work is underway to identify appropriate Outcome Measures. It is expected that a progress report will be presented during the 2021/22 financial year.

## 5.0 CONCLUSION

- 5.1 The Draft Service Plan 2021-22 for 2021/22 budget allocation support high-level scrutiny and strategic focus by Elected Members with a more consistent use of plain language throughout and are aligned to the delivery of the Corporate Plan.

## 6.0 IMPLICATIONS

- |       |  |      |
|-------|--|------|
| 6.1   | Policy                                 | None |
| 6.2   | Financial                              | None |
| 6.3   | Legal                                  | None |
| 6.4   | HR                                     | None |
| 6.5   | Fairer Scotland Duty:                  | None |
| 6.5.1 | Equalities - protected characteristics | None |
| 6.5.2 | Socio-economic Duty                    | None |
| 6.5.3 | Islands                                | None |
| 6.6.  | Risk                                   | None |

- 6.7 Customer Service The Draft Service Plans 2021-22 for the 2021/22 revenue budget allocation show improved use of content, consistency and use of plain language.

**Executive Director with responsibility for Development and Economic Growth Service**

**Policy Leads: David Kinniburgh, Alasdair Redman**

10 November 2020

**For further information contact:**

Jane Fowler, 01546 604466

Sonya Thomas, 01546 604454

**APPENDICES**

Appendix 1 Business Outcomes mapped to the Corporate Outcomes

Appendix 2 Development and Economic Growth Service Draft Service Plan 2021-22



Joint Over-arching Vision	Argyll and Bute's Economic Success is built on a growing population						
Council Mission	Making Argyll and Bute a place people choose to Live, Learn, Work and do Business						
	Choose Argyll, Love Argyll						
	A Place people choose to Live			A Place people choose to Learn	A Place people choose to Work and Do Business		Getting It Right
Corporate Outcomes	People live active healthier and independent lives	People will live in safer and stronger communities	Children and young people have the best possible start	Education, Skills and training maximise opportunities for all	Our economy is diverse and thriving	We have an infrastructure that supports sustainable growth	
Business Outcomes	<b>BO101</b> We Ensure Information And Support Is Available For Everyone.	<b>BO104</b> Our Communities Are Protected And Supported.	<b>BO106</b> Our Looked After Young People Are Supported By Effective Corporate Parenting.	<b>BO108</b> All Our Children And Young People Are Supported To Realise Their Potential.	<b>BO110</b> We Support Businesses, Employment And Development Opportunities.	<b>BO113</b> Our Infrastructure Is Safe And Fit For The Future.	<b>BO115</b> We Are Efficient And Cost Effective.
	<b>BO102</b> We Provide Support, Prevention And Opportunities To Help People Make Better Lifestyle Choices.	<b>BO105</b> Our Natural And Built Environment Is Protected And Respected.	<b>BO107</b> The Support And Lifestyle Needs Of Our Children, Young People, And Their Families Are Met.	<b>BO109</b> All Our Adults Are Supported To Realise Their Potential.	<b>BO111</b> We Influence And Engage With Businesses and Policy Makers.	<b>BO114</b> Our Communities Are Cleaner And Greener.	<b>BO116</b> We Engage And Work With Our Customers, Staff And Partners.
	<b>BO103</b> We Enable A Choice Of Suitable Housing Options.				<b>BO112</b> Argyll & Bute Is Promoted To Everyone.		<b>BO117</b> We Encourage Creativity And Innovation To Ensure Our Workforce Is Fit For The Future.
CROSS-CUTTING	Socio-Economic Duty, Equalities, Gaelic						
OUR VALUES	<p style="text-align: center;"><b>Caring, Committed, Collaborative &amp; Creative</b>  <b>Cùramach, Dealasach, Cruthachail agus Com-pàirteach</b></p>						

**The principal purpose of the Service is to:**

Enhance access to housing, supporting businesses, protecting public health and safety, and improving the economic, social and environmental wellbeing of the area. This is done by ensuring that new development and the monitoring of business activities takes place in a sustainable manner in accordance with our Local Development Plan where economic opportunities are harnessed for all.

The Service is leading on the delivery of the £50 million Rural Growth Deal. The aim of which is that the Council and its partners will deliver success across Argyll and Bute, based on three key economic drivers:

- Attracting.
- Growing.
- Connecting.

The Service employs            174 FTE

**The Service faces the following significant challenges:**

Leaving the EU will bring an end to European structural funding programmes such as LEADER, ERDF and EMF. This will have an impact on what our staff do and have a negative impact on our communities if this is not replaced with UK Structural funds.

Ensure that service priorities for planning, building standards and regulatory services are aligned with available resources to meet our current and emerging statutory duties.

Addressing potential shortfalls in planning fee income.

To meet the increased demands on the food export market in light of EU Exit.

The risks that food consignments exported to the EU and other countries following EU exit will require additional certification. These risks relate to the impact to the sustainability of businesses to incur additional costs or regulations, and also to the local authority, which will require to meet new demand.

Recognition that many SMEs across Argyll and Bute have shifted from a growth agenda to a survival agenda as a result of the COVID-19 pandemic, exacerbated by EU exit.

Address the challenges faced from COVID-19 as it relates to service delivery, the economy, and regulation to protect public health, and deliver the Recovery Strategy.

Continued uncertainty over future replacement funding that previously came from Europe.

**The difference the Service makes:**

The Service contributes to the following Business Outcomes:

- |       |        |   |
|-------|--------|---|
| BO102 | DEG102 | We provide support, prevention and opportunities to help people make better lifestyle choices |
| BO103 | DEG103 | We enable a choice of suitable housing options  |
| BO104 | DEG104 | Our communities are protected and supported   |
| BO105 | DEG105 | Our natural and built environment is protected and respected                                  |
| BO110 | DEG110 | We support businesses, employment and development opportunities                               |
| BO111 | DEG111 | We influence and engage with businesses and policy makers                                     |
| BO112 | DEG112 | Argyll and Bute is promoted to everyone   |
| BO113 | DEG113 | Our infrastructure is safe and fit for the future   |

# Development and Economic Growth (2021-2022): Success Measures

	SM Code	Success measures	Target	Timescale	Benchmark
<b>BO102</b>		<b>We provide support, prevention and opportunities to help people make better lifestyle choices</b>			
	DEG102_01	Protecting health of our people through the delivery of the formally approved Joint Health Protection Plan. (18-20 plan)	90%	FQ4 2021/22	No benchmark

To monitor progress against the plan, to target our own and, multiagency work with partners, and to take corrective actions where appropriate.

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SM Code	Success measures	Target	Timescale	Benchmark
<b>BO103</b>	<b>We enable a choice of suitable housing options</b>			
DEG103_01	Number of new affordable homes completed per annum.	75	FQ4 Annually	Strategic Housing Investment Plan: 75 per annum
We aim to have a good supply of affordable housing across the area. This will help keep people in the area and attract inward migration. This is a core requirement of the Local Housing Strategy and Strategic Housing Investment Plan (SHIP).				
DEG103_02	The percentage of positive homeless prevention interventions (prevent 1).	50%	Quarterly	Local Housing Strategy: 50%
We personalise preventative measures to help people access a housing option that meets their needs. This statutory measure recognises the importance to prevent homelessness.				
DEG103_03	The number of empty properties brought back in to use per annum.	25 per annum	FQ4 Annually	Local Housing Strategy: 25 per annum
We want to reduce homelessness, improve affordability and help prevent dereliction. We aim to do this by improving the housing supply.				

SM Code	Success measures	Target	Timescale	Benchmark
<b>BO104</b>	<b>Our communities are protected and supported</b>			
DEG104_01	Maintain the percentage of broadly compliant food businesses as a result of our enforcement interventions. [This will be replaced by a national measure.]	85%	Quarterly	National benchmark: 87%
To protect the public we assess how compliant a food business is with recognised hygiene standards. 'Broadly' compliant is the middle compliant level.				
DEG104_02	Undertake an enforcement intervention programme to high risk premises in respect of environmental health, animal health and welfare and licensing standards.	95%	Quarterly	Internal benchmark: 95%
High risk premises and activities with the area are proportionally targeted. If any issues are identified, then corrective action takes place.				

SM Code	Success measures	Target	Timescale	Benchmark
<b>BO105</b>	<b>Our natural and built environment is protected and respected</b>			
DEG105_01	Respond to Building Warrant applications within 20 days.	80%	Quarterly	Previous quarter performance: FQ1 2020/21: 99.5% FQ1 2019/20: 99.0%
Providing a prompt service helps support the local economy. This national target allows us to benchmark our performance.				
DEG105_02	The percentage of building warrants and amendments issued within 6 days from receipt of all satisfactory information.	90%	Quarterly	National benchmark: TBC
Providing a prompt service helps support the local economy. This national target allows us to benchmark our performance.				
DEG105_03	Market the Building Standards service commercially to become self-funding and to assist with budget reconciliation.	£100k annually profiled quarterly	Quarterly	No benchmark
Additional income stream assisting Building Standards to become self-funding. Also assists with junior staff development.				

SM Code	Success measures	Target	Timescale	Benchmark
<b>BO110</b>	<b>We support businesses, employment and development opportunities</b>			
DEG110_01	Increase visitor numbers by working in partnership with the tourism industry.	24,558 (1.5% on previous calendar year 2019 24,195)	FQ2 2020/21 FQ4 2020/21	STEAM (Scottish Tourism Economic Activity Monitor): 2.799m visitors
Tourism is a key sector for Argyll & Bute both in terms of securing and retaining a skilled workforce and with Argyll & Bute being a world-class destination. The Economic Strategy aims to increase visitor numbers by 15% by 2030.				
DEG110_02	The 12 month survival rate of new small and medium sized businesses.	77%	Quarterly	2020/21: TBC 2019/20: 90% 2018/19: 85%
We support new small and medium sized business start-ups during the difficult first 12 months by offering free, impartial and confidential advice. This is a key driver to growing our economy.				
DEG110_03	The number of new business start-ups supported.	100 per annum	FQ4 2020/21	2020/21: TBC 2019/20: 138 2018/19: 116
Topical or legislative workshops and/or advisory support is offered to new business start-ups. The advice given is free, impartial and confidential. This is a key driver to growing our economy.				
DEG110_04	The time it takes to determine 'local' planning applications is no longer than 10% above the National Average.	10 weeks	Quarterly	Scottish National Average: 2019/20: TBC 2018/19: 9 weeks
This indicates the efficiency of the Council's planning process. Prompt planning application decisions is a driver to support and help grow the local economy.				
DEG110_05	Maintain up-to-date Local Development Plan replaced in accordance with the approved Local Development Plan scheme.	On track	Quarterly	No benchmark
An up to date LDP is essential to ensure that the appropriate supply of land for homes and economic development is in the right areas. Correct future development is crucial for underpinning investment and funding activity. It is also a key indicator of planning performance.				



SM Code	Success measures	Target	Timescale	Benchmark
<b>BO111</b>	<b>We influence and engage with businesses and policy makers</b>			
DEG111_01	An enforcement intervention is performed in a consistent and fair manner with businesses fully supported throughout.	80% measured by customer survey responses	FQ2 2020/21 FQ4 2020/21	2020/21: TBC 2019/20: 90%

This is a requirement of the Scottish Government's Regulators Strategic Code. We seek feedback from our customers on a range of issues including fairness and officer behaviours. This is also essential evidence for the Customer Services Excellence award.

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SM Code	Success measures	Target	Timescale	Benchmark
<b>BO112</b>	<b>Argyll and Bute is promoted to everyone</b>			
DEG112_01	Deliver the Dunoon CARS (Conservation Area Regeneration Scheme) project.	60% delivery complete £s TBC	FQ1 2022/23	No benchmark
	Percentage of project delivery to date Total spend to date			
This strategic development project is delivering Stronger Places. It focuses on delivering physical improvements and creating an outstanding built environment and a sense of place.				
DEG112_02	Deliver the Rothesay TH (Townscape Heritage) project.	60% delivery complete £s TBC	FQ4 2022/23	No benchmark
	Percentage of project delivery to date Total spend to date			
This strategic development project is delivering Stronger Places. It focuses on delivering physical improvements and creating an outstanding built environment and a sense of place.				
DEG112_03	Deliver the Tarbert and Lochgilphead Regeneration Fund project.	70% delivery complete £s TBC	Quarterly	No benchmark
	Percentage of project delivery to date Total spend to date			
This strategic development project is delivering Stronger Places. It focuses on delivering physical improvements and creating an outstanding built environment and a sense of place.				
DEG112_04	Deliver the Lochgilphead CARS (Conservation Area Regeneration Scheme) project.	10% delivery complete £s TBC	FQ4 2024/25	No benchmark
	Percentage of project delivery to date Spend to date			
This strategic development project is delivering Stronger Places. It focuses on delivering physical improvements and creating an outstanding built environment and a sense of place.				

SM Code	Success measures	Target	Timescale	Benchmark
<b>BO113</b>	<b>Our infrastructure is safe and fit for the future</b>			
DEG113_01	Percentage of scheduled flights flown as compared to planned.	75%	Quarterly	New measure, no benchmark

A viable airport is vital for services to our islands as well as supporting our economic and tourist sectors and providing employment opportunities.

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## Development and Economic Growth (2021-2022): Service Improvements

SI Code	Improvement Action	Completion date	Source of improvement	Source detail
<b>BO105</b>	<b>Our natural and built environment is protected and respected</b>			
DEG105_01i	Replace CIVICA with the Idox document management system.	FQ4 2021/22	Employee suggestion	This improvement seeks to ensure a faster and more customer focused on site service delivery.

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SI Code	Improvement Action	Completion date	Source of improvement	Source detail
<b>BO115</b>	<b>We are efficient and cost effective</b>			
DEG115_01i	Develop a project evaluation procedure to capture our lessons learned and use the knowledge to help inform future projects and service delivery and investment opportunities.	TBC	Other	Economic profiles and committee papers.
DEG115_02i	Fully digitalise all document and evidence exchanges for LDP2 Examination in Public.	TBC	Employee suggestion	Previous successful partial digital transfer at the previous Examination and encouragement by the Scottish Government.
DEG115_03i	Review current performance measures and identify appropriate outcomes with targets across Regulatory Services.	TBC	Self-evaluation	Association of Public Services and Excellence Performance Network.
DEG115_04i	Increase the use of digital technology to improve mobile/remote working and new enforcement interventions including virtual inspections.	FQ4 2022/23	Other	

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**ARGYLL AND BUTE COUNCIL**

**PLANNING, PROTECTIVE SERVICES  
AND LICENSING COMMITTEE**

**DEVELOPMENT AND ECONOMIC  
GROWTH**

**16 DECEMBER 2020**

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**FQ2 2020/21 PERFORMANCE REPORT**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 The Council's Performance and Improvement Framework (PIF) sets out the presentation process for the Quarterly Performance Reports. This paper presents the Planning, Protective Services and Licensing (PPSL) Committee with the Development and Economic Growth Service (PPSL only) FQ2 2020-21 (July - September) Performance Report and accompanying PPSL Scorecard.
- 1.2 It is recommended that the PPSL Services Committee reviews the FQ2 2020/21 Performance Report as presented.

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**FQ2 2020/21 PERFORMANCE REPORT**

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**2.0 INTRODUCTION**

2.1 The Council's Performance and Improvement Framework (PIF) sets out the presentation process for the Quarterly Performance Reports. This paper presents the Planning, Protective Services and Licensing (PPSL) Committee with the Development and Economic Growth Service (PPSL only) FQ2 2020-21 (July - September) Performance Report and accompanying PPSL Scorecard.

**3.0 RECOMMENDATIONS**

3.1 It is recommended that the PPSL Services Committee reviews the FQ2 2020/21 Performance Report as presented.

**4.0 DETAIL**

4.1 The performance report has been extracted from the Council's Pyramid performance management system. It comprises of key success measures extracted from Development and Economic Growth Service.

4.2 Commentary on the success measures within the Scorecard can be interrogated via the Pyramid system.

**5.0 IMPLICATIONS**

5.1 Policy None

5.2 Financial None



- 5.3 Legal The Council has a duty to deliver best value under the Local Government in Scotland Act 2003
- 5.4 HR None
- 5.5 Fairer Scotland Duty:
  - 5.5.1 Equalities - protected characteristics None
  - 5.5.2 Socio-economic Duty None
  - 5.5.3 Islands None
- 5.6 Risk Ensuring performance is effectively scrutinised by members
- 5.7 Customer Service None

**Kirsty Flanagan, Executive Director with responsibility for**

Development and Economic Growth Service

**Policy Leads: David Kinniburgh, Alastair Redman**

November 2020

**For further information contact:**

Jane Fowler, Tel 01546 604466

**Appendices**

FQ2 2020/2021 Performance report

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## FQ2 2020/21 PERFORMANCE REPORT

This report provides an overview of the FQ2 2020/21 performance for the Development and Economic Growth Service.

Delivering Our Outcomes – This highlights past performance as illustrated through the Services' Key Performance Indicators

### KEY TO SYMBOLS

**R** Indicates the performance has not met the expected Target

**G** Indicates the performance has met or exceeded the expected Target

**↓ ↑ →** The Performance Trend Arrow indicates the direction of travel compared to the last performance reporting period

# FQ2 2020/21 PERFORMANCE REPORT

This report provides an overview of the FQ2 2020/21 performance for the Development and Economic Growth Service.

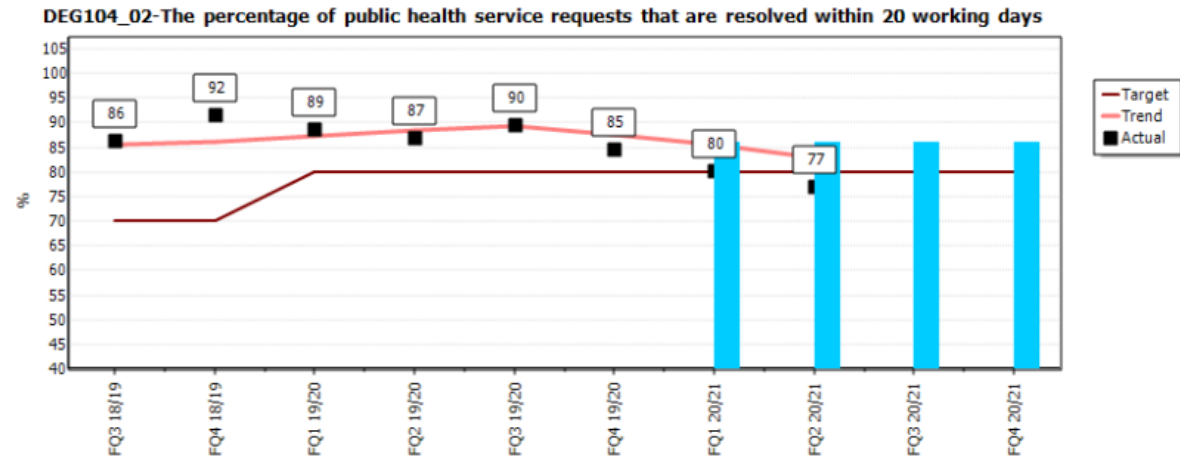
**Indicator:** DEG104\_02- The percentage of public health service requests that are resolved within 20 working days.  
**Why measure this?** We work quickly to protect public health or nuisance conditions that impact on health and wellbeing. Any justified corrective action is taken quickly. This measure is also reported to the national performance network.

**Commentary:** Service requests 79% for Q2. A total of 1403 service requests were received in Q2. However, restrictions in the ability to visits business or domestic premises impacted on our service response, although we have identified innovative ways of responding, including better communication with customers, and use of photo and other documentation. Notwithstanding this, it has been difficult to respond to all service requests within the 20 working day period due to access difficulties and also the increased level of activity around COVID regulations and supporting the Test and protect regime through Incident Management Teams and assessment of businesses. Over this reporting period, we have been actively involved in 2 Incident Management teams relating to COVID outbreaks, as well as a number of COVID assessment groups and responding to 369 requests from business or complaints regarding COVID standards. The increasing number of positive COVID cases and potential “local or national lockdown” will create additional work for the service and it is anticipated that response to service requests will not meet the target for Q3 and possibly even Q4.

**This indicator is below target and performance has decreased since the last reporting period**

TARGET FQ2	ACTUAL FQ2	BENCHMARK	PERFORMANCE TREND
80%	77% <b>R</b>	86%	↓

Latest status  
 FQ2 20/21  
 77 %



# FQ2 2020/21 PERFORMANCE REPORT

This report provides an overview of the FQ2 2020/21 performance for the Development and Economic Growth Service.

<b>Indicator:</b> DEG105_01-Respond to Building Warrant applications within 20 days. <b>Why measure this?</b> Providing a prompt service helps support the local economy. This national target allows us to benchmark our performance.																																				
<b>Commentary:</b> Respond to building warrant applications within 20 days: 98.2% (down from 99.5% in Q1) but above target of 80%. This is one of the 5 national building standards performance measures providing an indication of response times for building warrant applications. Performance by the team continues to be good and whilst there was a reduction in building warrants in Q1 due to COVID lockdown, there has been a gradual increase in building warrant applications in quarter 2. Whilst levels are down compared to 19/20., the profile is the same. Over this period, the team have reviewed procedures, developed new ways of working through the introduction of virtual inspections. This uses Skype calls to undertake inspections via video, and has allowed building warrant completion certificates to be issued at a time when travel and visits were difficult. Given the success of this measure, this “inspection type” will continue to be used and extended in the future to improve effectiveness, and provides benefits to rural areas. Income is below target running at 80% of projected due to COVID. This is being closely monitored. Correction Actions 1. Maintain current performance and deliver services 2. Continue to deliver commercial services to other local authorities although this work has reduced this year, with only East Lothian Council requiring our services. 3. Review potential future demand from other local authorities, as lack of commercial income affected our income targets.																																				
<b>This indicator is above target, however performance has decreased since the last reporting period</b>																																				
<b>TARGET FQ2</b> 80%	<b>ACTUAL FQ2</b> 98.2% <span style="color: green; font-size: 1.5em; font-weight: bold;">G</span>	<b>BENCHMARK</b> 99%	<b>PERFORMANCE TREND</b> ↓																																	
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">Latest status</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">FQ2 20/21</div> <div style="border: 1px solid black; padding: 5px;">98.2 %</div>	<table border="1" style="margin: 10px auto; border-collapse: collapse;"> <caption>DEG105_01-Respond to Building Warrant applications within 20 days</caption> <thead> <tr> <th>Period</th> <th>Actual (%)</th> <th>Target (%)</th> </tr> </thead> <tbody> <tr><td>FQ3 18/19</td><td>98.1</td><td>80.0</td></tr> <tr><td>FQ4 18/19</td><td>98.1</td><td>80.0</td></tr> <tr><td>FQ1 19/20</td><td>99.0</td><td>80.0</td></tr> <tr><td>FQ2 19/20</td><td>96.1</td><td>80.0</td></tr> <tr><td>FQ3 19/20</td><td>98.6</td><td>80.0</td></tr> <tr><td>FQ4 19/20</td><td>98.8</td><td>80.0</td></tr> <tr><td>FQ1 20/21</td><td>99.5</td><td>80.0</td></tr> <tr><td>FQ2 20/21</td><td>98.2</td><td>80.0</td></tr> <tr><td>FQ3 20/21</td><td>-</td><td>80.0</td></tr> <tr><td>FQ4 20/21</td><td>-</td><td>80.0</td></tr> </tbody> </table>			Period	Actual (%)	Target (%)	FQ3 18/19	98.1	80.0	FQ4 18/19	98.1	80.0	FQ1 19/20	99.0	80.0	FQ2 19/20	96.1	80.0	FQ3 19/20	98.6	80.0	FQ4 19/20	98.8	80.0	FQ1 20/21	99.5	80.0	FQ2 20/21	98.2	80.0	FQ3 20/21	-	80.0	FQ4 20/21	-	80.0
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# FQ2 2020/21 PERFORMANCE REPORT

This report provides an overview of the FQ2 2020/21 performance for the Development and Economic Growth Service.

<p><b>Indicator:</b> DEG110_05-The above national average level of planning application approval rates is maintained.</p> <p><b>Why measure this?</b> We commit resource at an early stage in the planning process to improve/negotiate any substandard submissions. The high approval rate indicates the Council's commitment to delivery positive outcomes.</p> <p><b>Commentary:</b> Comparison of applications received during FQ1&amp;2 19/20 with receipts during FQ1&amp;2 20/21 does not show any significant difference in the volume of any specific application type in response to Covid 19. The main application types are noted below for reference as a % of total submissions during the respective period:          N01 (Householder) 17% 19/20, 14.6% 20/21; N03B (Housing - Local) 15.3% 19/20, 16.3% 20/21; N010B (Other - Local) 13.3% 19/20, 15.2% 20/21; N14 (Listed Building) 5.9% 19/20, 4.3% 20/21; N17A (Other Consents) 5% 19/20 6.9% 20/21; Other Not Included in Statutory Returns (including pre-apps) 37.4% 19/20, 38.5% 20/21. Note that there is a proportionate increase in the submission of more complicated application types relating to new housing and commercial development, and a decrease in householder development. There is also an increase in prior notifications and submissions which are not required for statutory reporting. The other item of significance to note is the general lack of major application submissions in 20/21 which would deliver a significant proportion of fee income (5 in FQ1&amp;2 19/20 and only 1 in the same period 20/21).</p>																																															
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<p><b>TARGET FQ2</b> 95%</p>	<p><b>ACTUAL FQ2</b> 97.7%</p> <p style="color: green; font-size: 2em;"><b>G</b></p>	<p><b>BENCHMARK</b> 93.7%</p> <p>Scottish Average</p>	<p><b>PERFORMANCE TREND</b></p> <p style="font-size: 2em;">↓</p>																																												
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">Latest status</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">FQ2 20/21</div> <div style="border: 1px solid black; padding: 5px;">97.7 %</div>	<p><b>DEG110_05-The above national average level of planning application approval rates is maintained</b></p> <table border="1" style="display: none;"> <caption>Chart Data: Planning Application Approval Rates (%)</caption> <thead> <tr> <th>Quarter</th> <th>Rural Average</th> <th>Scottish Average</th> <th>Actual</th> </tr> </thead> <tbody> <tr><td>FQ3 18/19</td><td>95.0</td><td>93.5</td><td>96.7</td></tr> <tr><td>FQ4 18/19</td><td>95.0</td><td>94.0</td><td>97.9</td></tr> <tr><td>FQ1 19/20</td><td>95.0</td><td>94.5</td><td>97.5</td></tr> <tr><td>FQ2 19/20</td><td>95.0</td><td>94.5</td><td>97.7</td></tr> <tr><td>FQ3 19/20</td><td>95.0</td><td>94.5</td><td>97.0</td></tr> <tr><td>FQ4 19/20</td><td>95.0</td><td>94.5</td><td>96.9</td></tr> <tr><td>FQ1 20/21</td><td>95.0</td><td>94.0</td><td>98.5</td></tr> <tr><td>FQ2 20/21</td><td>95.0</td><td>94.0</td><td>97.7</td></tr> <tr><td>FQ3 20/21</td><td>95.0</td><td>94.0</td><td>-</td></tr> <tr><td>FQ4 20/21</td><td>95.0</td><td>94.0</td><td>-</td></tr> </tbody> </table>			Quarter	Rural Average	Scottish Average	Actual	FQ3 18/19	95.0	93.5	96.7	FQ4 18/19	95.0	94.0	97.9	FQ1 19/20	95.0	94.5	97.5	FQ2 19/20	95.0	94.5	97.7	FQ3 19/20	95.0	94.5	97.0	FQ4 19/20	95.0	94.5	96.9	FQ1 20/21	95.0	94.0	98.5	FQ2 20/21	95.0	94.0	97.7	FQ3 20/21	95.0	94.0	-	FQ4 20/21	95.0	94.0	-
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