

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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

10 February 2021

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY SKYPE** on **WEDNESDAY, 17 FEBRUARY 2021** 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 20 January 2021 at 11.00 am (Pages 3 - 8)
 - (b) Planning, Protective Services and Licensing Committee 20 January 2021 at 2.00 pm (Pages 9 - 12)
 - (c) Planning, Protective Services and Licensing Committee 20 January 2021 at 2.30 pm (Pages 13 - 18)
 - (d) Planning, Protective Services and Licensing Committee 20 January 2021 at 3.00 pm (Pages 19 - 20)
 - (e) Planning, Protective Services and Licensing Committee 26 January 2021 (Pages 21 - 88)
- 4. MR GARY MULVANEY: ALTERATIONS AND EXTENSIONS TO DWELLINGHOUSE AND ERECTION OF DETACHED GAMES ROOM: 91D EAST PRINCES STREET, HELENSBURGH (REF: 20/02200/PP)**

Report by Head of Development and Economic Growth (Pages 89 – 100)

5. TAYLOR WIMPEY UK LTD AND HELENSBURGH GOLF CLUB: PROPOSAL OF APPLICATION NOTICE FOR RESIDENTIAL DEVELOPMENT, INCLUDING AFFORDABLE HOUSING, DEMOLITION OF EXISTING CLUBHOUSE AND ERECTION OF NEW CLUBHOUSE, REVISION OF NEW AND RETAINED GOLF HOLES PROVIDING A REFRESHED 18 HOLE GOLF COURSE AND CREATION OF NEW 6 HOLE PAR 3 GOLF COURSE: HELENSBURGH GOLF CLUB, 25 EAST ABERCROMBY STREET, HELENSBURGH (REF: 21/00029/PAN)

Report by Head of Development and Economic Growth (Pages 101 – 106)

6. UPDATE ON SCOTTISH GOVERNMENT NPF4 POSITION STATEMENT

Report by Executive Director with responsibility for Development and Economic Growth (Pages 107 – 168)

7. FQ3 2020/21 PERFORMANCE REPORT

Report by Executive Director with responsibility for Development and Economic Growth (Pages 169 – 178)

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, 20 JANUARY 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Hardie
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
Councillor Kieron Green	

Attending: Shona Barton, Committee Manager
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Howard Young, Area Team Leader (Bute & Cowal/Helensburgh & Lomond)
Arlene Knox, Senior Planning Officer
Brian Close, Planning Officer
Iain MacInnes, Graduate Digital Liaison Officer

Due to connectivity issues the Vice Chair, Councillor Rory Colville, Chaired the meeting until Councillor David Kinniburgh was able to join the Skype call.

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Donald MacMillan.

Councillor Kinniburgh joined the meeting and Chaired the proceedings from this point.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minutes of the Planning, Protective Services and Licensing Committee held on 14 December 2020 were approved as a correct record.
- b) The Minutes of the Planning, Protective Services and Licensing Committee held on 16 December 2020 at 11.00 am were approved as a correct record.
- c) The Minutes of the Planning, Protective Services and Licensing Committee held on 16 December 2020 at 2.00 pm were approved as a correct record.
- d) The Minutes of the Planning, Protective Services and Licensing Committee held on 16 December 2020 at 2.30 pm were approved as a correct record.
- e) The Minutes of the Planning, Protective Services and Licensing Committee held on 16 December 2020 at 3.00 pm were approved as a correct record.

4. KEITH AND DENICE PUNLER: REMOVAL OF PLANNING CONDITIONS 2D (PATH IMPROVEMENTS) AND 4 (FOOTPATH LINK) RELATIVE TO PLANNING PERMISSION 17/02052/PP - ERECTION OF 1800MM HIGH DEER FENCE (RETROSPECTIVE): LAND SOUTH-EAST OF CASTLE TOWARD, TOWARD, ARGYLL (REF: 19/00447/PP)

Prior to presenting the application, the Planning Officer referred to a supplementary report which advised of a late objection and a request from the Applicants' Agent for continuation of this application for 4 weeks. The Committee were advised that the late objection raised no new information. The Planning Officer provided further information on why continuation of consideration of this application was sought and gave reasons why granting this extension was not recommended. Members were invited to consider whether or not to continue consideration of this application.

Motion

To agree to continue consideration of this application to a future meeting.

Moved by Councillor Rory Colville, seconded by Councillor George Freeman

Amendment

To agree to proceed with consideration of this application today.

Moved by Councillor Jean Moffat, seconded by Councillor Audrey Forrest

A vote was taken by calling the roll.

Motion

Councillor Colville
Councillor Freeman
Councillor Hardie
Councillor Kinniburgh

Amendment

Councillor Blair
Councillor Devon
Councillor Forrest
Councillor Green
Councillor McCuish
Councillor Moffat
Councillor Redman
Councillor Taylor
Councillor Trail

The Amendment was carried by 9 votes to 4 and the Committee resolved accordingly.

The Planning Officer then proceeded to present the application and spoke to the terms of the report. Planning permission was previously granted (ref. 17/02052/PP) to allow the Applicants to erect a deer fence on condition that access elsewhere on the estate was improved to mitigate the loss of public access to land within the area enclosed by the deer fence. Conditions 2, 3 and 4 attached to this consent were appealed against by the Applicants and an appeal (reference 18/0005/LRB) was submitted to the Argyll and Bute Local Review Body on 28 June 2018. The Local Review Body unanimously recommended that the conditions remain as per the Officer's recommendation and that the appeal be dismissed.

The current application to remove planning conditions 2d (path improvements) and 4 (footpath link) without carrying out necessary improvements for alternative path systems would be contrary to Policy LDP 11 – Improving our Connectivity and Infrastructure and Policy SG LDP TRAN 1 – Access to the Outdoors, of the Argyll and Bute Local Development Plan. The proposal to remove these conditions would also be contrary to the decision taken by the Local Review Body.

Letters of objection have been received from 18 individuals, the details of which were contained within Section F of the report of handling. The determining factor of this application is procedural in that the Applicants are attempting to remove planning conditions previously appealed to a Local Review Body but dismissed on the grounds that the original planning conditions were reasonable. As the application is recommended for refusal, it is not considered that a hearing would add value to the determination process.

In the absence of any notable improvements in the last year, the Applicants have left the department no other option than to recommend refusal of this application as it does not address the previous breaches of planning conditions and the decision taken by the Local Review Body in 2018.

It is considered that the proposal is inconsistent with the relevant development plan policies and it was recommended that planning permission be refused for the reasons stated in the report of handling.

Decision

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

1. The Council previously granted planning permission (ref. 17/02052/PP) to the applicants to allow them to erect the deer fencing on condition that access elsewhere on the estate was improved to mitigate the loss of public access to land within the area enclosed by the deer fence. The current application to remove these conditions without carrying out necessary improvements for alternative path systems would be contrary to Policy LDP 11 – Improving our Connectivity and Infrastructure and Policy SG LDP TRAN 1 – Access to the Outdoors of the Argyll and Bute Local Development Plan that requires development proposals to safeguard and enhance public rights of access to the outdoors in a manner that is appropriate and proportionate to the specific site characteristics and the scale and impact of the proposed development on access issues. The proposal to remove these conditions would also be contrary to the decision taken by The Local Review Body on 28th June 2018, when the applicants lodged an appeal (ref. 18/0005/LRB) against conditions, 2, 3 and 4 of Planning Permission (ref. 17/02052/PP) for the erection of an 1800mm high deer fence.

Whilst the route of the '*southern access path*' and '*eastern flank*' path systems have been agreed and are currently in use, these informal paths are considered to be unsatisfactory in providing suitable alternative paths for those closed off by the erection of the deer fence. The '*southern access path*' and '*eastern flank*' path systems would benefit from better surfacing, additional signage, improved drainage measures, regular strimming and removal of obstructions in the form of fallen trees or tree roots. Without these necessary improvements to provide

suitable alternative public access routes, the proposal would be inconsistent with policies to Policy LDP 11 and SG LDP TRAN 1 of the adopted Argyll and Bute Local Development Plan which seek to safeguard and enhance public rights of access to the outdoors in a manner that is appropriate and proportionate to the specific site characteristics and the scale and impact of the proposed development on access issues.

Councillor George Freeman, having failed to find a seconder for a proposed Amendment, asked that his dissent from the foregoing decision be recorded.

(Reference: Report by Head of Development and Economic Growth dated 5 January 2021 and supplementary report number 1 dated 19 January 2021, submitted)

Councillor Gordon Blair joined the meeting during consideration of the foregoing item.

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

The Senior Planning Officer spoke to the terms of the report. The Section 36 consultation was originally considered by the Committee on 20 May 2020. The Committee agreed to object to the proposal as per the reasons outlined in the report of handling dated 6 May 2020 subject to including reference to the proposal having an adverse landscape and visual impact on the villages of Clachan and Whitehouse and that the Scottish Government be notified accordingly.

Since the Committee's consideration of the original Section 36 Consultation, the Applicant has submitted Additional Information to the Energy Consents Unit. In accordance with the EIA Regulations the Council has been consulted on this Additional Information and a response is required by 25 January 2021.

It is considered that the Additional Information and accompanying appendices do not facilitate any necessity to alter the details of the recommendation to object and it was recommended that the Energy Consents Unit be notified accordingly.

Decision

The Committee agreed not to alter the details of the Council's objection to this proposal and that the Energy Consent's Unit be notified accordingly.

(Reference: Supplementary Report by Head of Development and Economic Growth dated 22 December 2020, submitted)

6. BRITISH TELECOM'S PUBLIC PAYPHONE RATIONALISATION CONSULTATION

Consideration was given to a report informing Members of the current consultation that was being undertaken in respect to BT's Public payphone rationalisation programme.

Decision

The Committee agreed that:

1. no objection be raised to the removal of the phone boxes that are outlined in Appendix 1 of the Executive Director's report where the Community Council has agreed that they are content for it to be removed;
2. the Council formally object to the removal of those phone boxes which have received public objections or have not had a response from a Community Council as outlined in Appendix 1; and
3. Officers make contact with BT to highlight the comments of Members in relation to the way future consultations are conducted.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 20 January 2021, submitted)

Councillor Lorna Douglas joined the meeting during consideration of the foregoing item.

7. PLANNING PERFORMANCE FRAMEWORK 2019/20

A reporting containing recent feedback from the Scottish Government in relation to the Council's Planning Performance Framework was considered.

Decision

The Committee agreed the content of the report and to publicise (press, Twitter, Facebook and website release) the positive feedback from the Scottish Government.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 23 December 2020, submitted)

8. UPDATE ON CALL IN DECISION - 17/01205/PP - SITE WEST OF TAIGH SOLAIS, LEDAIG, TOBERMORY

A report summarising the Scottish Minister's decision in respect of planning application reference 17/01205/PP was before the Committee for information.

Decision

The Committee noted the contents of the report.

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

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following 2 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

9. ENFORCEMENT REPORT REFERENCE 18/00197/ENBOC3

Consideration was given to Enforcement case reference 18/00197/ENBOC3.

Decision

The Committee agreed to the recommendations detailed in the report.

(Reference: Report by Head of Development and Economic Growth dated 5 January 2021, submitted)

Councillor George Freeman left the meeting during consideration of the foregoing item.

10. ENFORCEMENT REPORT REFERENCE 18/00198/ENBOC3

Consideration was given to Enforcement case reference 18/00198/ENBOC3.

Decision

The Committee agreed to the recommendations detailed in the report.

(Reference: Report by Head of Development and Economic Growth dated 5 January 2021, submitted)

Councillor Mary-Jean Devon left the meeting during consideration of the foregoing item.

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 20 JANUARY 2021**

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 Alastair Redman
Councillor Audrey Forrest	Councillor Richard Trail
Councillor Kieron Green	

Attending: Shona Barton, Committee Manager
Graeme McMillan, Solicitor
John Cameron, Applicant
PC Raymond Borland, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors George Freeman, Jean Moffat and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR RENEWAL OF TAXI DRIVER LICENCE NUMBER 5890 (J CAMERON, DUNOON)

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 and Police Scotland opted to proceed by way of Audio Call and they both joined the meeting by telephone.

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

APPLICANT

Mr Cameron advised that he had applied for renewal of his Taxi Driver's Licence in September but heard nothing further until he got in touch with the Licensing Section. He was advised that there would be hearing because an objection had been received as a result of a conviction he had in respect of his personal car. He explained that he had no insurance for the car and at the time of his conviction he had not been aware that he had no car insurance. He advised that his ex-partner had made arrangements to have a multi car insurance policy and that all notifications in respect of this were sent direct to her either by text or email. Mr Cameron advised that he paid for the insurance, with all payments coming out of his bank account. He

advised that when he and his partner split up she had taken his car off the multi car insurance policy. Mr Cameron said that he was unaware that this had happened and that he had been driving all over Scotland without car insurance. He said he was unaware he had no insurance until he was stopped by the Police in Dunoon in October 2019 where he was given an on the spot fine and points on his driving licence.

POLICE SCOTLAND

PC Borland referred to a letter of representation from the Chief Constable dated 30 September 2020 which advised that the Applicant, on 4 November 2019, had received a fine and 6 points on his driving licence due to driving his motor vehicle without insurance.

MEMBERS' QUESTIONS

Councillor McCuish asked Mr Cameron why he was stopped by the Police. Mr Cameron said that as far as he was aware it was because he had no car insurance and that this had been flagged to Police Officers.

Councillor McCuish sought and received confirmation from PC Borland that on this occasion it appeared that a moving vehicle PNC check had been carried out which revealed no insurance.

Councillor Blair asked if Mr Cameron now had his car insured. Mr Cameron explained that he no longer had the car in question. He confirmed that his present car was insured.

Councillor Blair sought and received confirmation from Mr Cameron that the multi car insurance policy had allowed him to drive his ex-partner's vehicle.

Councillor Blair asked Mr Cameron if he had not been stopped would a reminder notice to renew the car insurance have been sent to him 2 months later. Mr Cameron said no as he had moved address by then.

Councillor Hardie referred to Mr Cameron paying for the insurance policy and asked Mr Cameron if he was no longer insured, had he not noticed that money was no longer coming out of his bank account. Mr Cameron explained that he continued to pay the insurance payments not realising his car had been taken off the multi car insurance policy. He advised that all notifications in respect of the policy were sent to his ex-partner as she had set it up.

Councillor Kinniburgh sought and received confirmation from Mr Cameron that the policy would have been due for renewal either the end of December or beginning of January. Mr Cameron advised that he had been stopped by the Police at around 11.30 pm and he arranged for his car to be insured the next day.

Councillor Kinniburgh sought and received confirmation from Mr Cameron that there had not been much difference to the monthly car insurance payments when his car was removed from the Policy. He explained why the small reduction in cost did not cause him to think the policy had changed.

Councillor Colville asked when Mr Cameron's tax for his car would have been due. Mr Cameron advised that he could not recall the exact date as he had not had the car since March 2020.

Councillor Colville asked Mr Cameron if it was not the case that you had to show you had car insurance to be able to tax a car. Mr Cameron said he was not sure what the procedure was.

Councillor Kinniburgh sought and received confirmation from PC Borland that if there was a valid car insurance certificate, even for a few days, it would be possible to tax a vehicle in that instance.

Councillor Kinniburgh sought and received confirmation from Mr Cameron that he had declared his conviction on his application form.

Councillor Green sought and received confirmation from Mr Cameron that he had not notified the Council at the time when he received his conviction. Mr Cameron said that he had assumed the Police would have advised the Council of his conviction.

The Council's Solicitor, Mr McMillan, advised that the endorsement was not notified to the Council. He confirmed that it was part of a taxi driver's licencing conditions to disclose any material changes or any convictions. He advised that he had noted Mr Cameron's misunderstanding in this respect.

SUMMING UP

Police Scotland

PC Borland advised that he was content with the representation made by Police Scotland and that he had nothing further to add to that.

Applicant

Mr Cameron advised that he had nothing further to add.

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

DEBATE

Councillor Trail said that he thought that Mr Cameron had made a mistake. He pointed out that he had paid the price and advised that he did not think there was any problem and that he would have no trouble in supporting the application.

Councillor Green advised that he was of a similar view. He too thought a mistake had been made which was acknowledged. He said he was sure there was no ill intent behind this and that he was happy to support the application.

Councillor David Kinniburgh lost connection to the Skype call and Councillor Rory Colville Chaired the meeting from this point.

Support for the application was noted from Councillors Douglas, Devon and Forrest.

Councillor Blair said that he agreed with the previous comments made. He advised that he was sure Mr Cameron would ensure this situation would not happen again and that he was happy to support the application.

DECISION

The Committee agreed to grant the renewal of Mr Cameron's Taxi Driver's Licence.

It was noted that Mr Cameron would receive notification of this decision in writing within 7 days and that his renewed licence would be issued when the statutory appeal period ended in 28 days.

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

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 20 JANUARY 2021**

Present: Councillor Rory Colville (Chair)

Councillor Gordon Blair	Councillor David Kinniburgh
Councillor Mary-Jean Devon	Councillor Donald MacMillan BEM
Councillor Lorna Douglas	Councillor Roderick McCuish
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor Kieron Green	Councillor Richard Trail
Councillor Graham Hardie	

Attending: Shona Barton, Committee Manager
Graeme McMillan, Solicitor
Morgan Tyreman, Applicant
George Finlay, Objector

Councillor David Kinniburgh advised that due to connectivity issues he had joined this meeting by telephone. As he would be unable to see requests from Members to speak he asked that the Vice Chair, Councillor Rory Colville, Chair the hearing.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors George Freeman, 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 A PRIVATE HIRE CAR LICENCE (M TYREMAN, 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 and Objector opted to proceed by way of Video Call and they both joined the meeting by Skype.

The Chair advised that an objection had been received outwith the time period allowed by the Civic Government (Scotland) Act 1982 for making objections or representations. The Council's Solicitor, Mr McMillan explained the procedure to be followed in this respect.

The Chair invited Mr Finlay to explain why his objection had been submitted late.

Mr Finlay advised that for over 20 years any applications for this area were displayed inside or outside Council Offices on a noticeboard. He said that due to lock down everyone had assumed nothing was being processed. He advised that sometime later he found out that some applications had been received and he had phoned up

the Licensing Section at Kilmory to ask why these had not been displayed on the noticeboard. He said he was told that the notice board was only a courtesy and not the way of publicising applications. He advised that he was give the details of the website where he could access the Civic Government (Scotland) Register where applications were put. He said that this was new to the Helensburgh taxi trade and that they had found it hard to access but they did eventually get in. He advised that the site was awkward but they got used to it and made a point of checking it once per month. He advised that when they checked the site and had seen this application it was on the day of expiry for objections. He said that he phoned the Licensing Section to ask if he could put an objection in and was told to email it in, which he did. Following that he was asked to put a signed copy in the post, which he did.

The Chair sought the view of the Applicant as to whether or not this late objection should be taken into consideration.

Mr Tyreman advised that from what he had heard from Mr Finlay he had worked out the process for checking applications during the summer. He advised that he had applied for his licence in September and questioned why Mr Finlay would not have been aware of it.

The Chair sought the views of Members as to whether or not this late objection should be taken into consideration.

The Committee agreed to take this late objection into consideration and a copy was displayed on screen and read out by the Committee Manager.

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

APPLICANT

Mr Tyreman said that he had applied for a Private Hire Licence on 27 August 2020 for Argyll and Bute and that unfortunately, due to Covid, that was 149 days ago now. He commented that this was possibly for the best and said that it seemed the country was approaching the end of Covid. He said he hoped to be able to put a 9 seater vehicle on the road as the town grew bigger. He referred to the 300 homes that would be built in Helensburgh at the golf course and to the opening of the Morrisons store. He advised that he believed there was no over provision as stated in survey report. He said there was definitely space for another private hire vehicle in the town.

OBJECTOR

Mr Finlay advised that due to the Covid situation at the moment many taxi owners were surviving on grants from the Government. He said the problem seemed to be a substantial over provision of taxis and private hire vehicles with not enough work to justify them. He advised that the Scottish Government were now recognising this problem with the taxi trade and were talking about issuing £1,500 grants over the next few months. He said that he could see this situation going on for this year and possibly longer. He advised that the time for issuing new plates while having this situation would not be a wise decision. He said that the trade would take a long time to recover from this.

Mr Finlay also said there was an unfair distribution of licences across Argyll and Bute with 21 in Helensburgh, 1 in Campbeltown, 21 in Islay and 4 in Oban and the rest scattered throughout the area. He said the only area comparable was Islay. He asked how it was fair for Helensburgh and Lomond to carry the burden for the whole of Argyll and Bute. He pointed out that there was provision in the Civic Government (Scotland) Act to zone areas for the purposes of private hire and he advised that he thought this was something that has been discussed for 3, 4 or 5 years. He said that it was time to start looking at this now.

Mr Finlay referred to competition. He said that Helensburgh and Lomond was probably the only area that had any real competition, and not only from within the area. He said there were at least 10 companies advertising within Helensburgh and Lomond with 50 taxis and 21 private hires. He said that taxis were also coming in from West Dunbartonshire. He said Helensburgh was facing competition from private hires outwith Helensburgh which, he advised, was not seen in any other part of Argyll and Bute.

Mr Finlay also referred to the noticeboard. He said that he had assumed that all notices had to go up but was told that this was only a courtesy. He suggested that it might have been a courtesy to have informed the public. He said that if the public don't know it is only a courtesy it may be good to advise on the noticeboard where they can go to receive information.

QUESTIONS FROM APPLICANT

Mr Tyreman sought and received confirmation of the names of the 10 companies Mr Finlay had referred to in his presentation.

MEMBERS' QUESTIONS

Councillor Kinniburgh referred to Mr Finlay advising that there were 21 private hire vehicles in Helensburgh and Lomond and asked Mr McMillan to confirm if this figure was correct. Mr McMillan advised that when the survey was carried out there were 14 private hire vehicles registered to addresses within Helensburgh and Lomond. He said that since the survey was carried out 7 new licences had been granted and one had been surrendered so currently the total was 20 private hire vehicles registered to addresses in the Helensburgh and Lomond area.

Councillor Kinniburgh referred to Mr Finlay advising that under the Act it would be possible to zone private hire vehicles. Councillor Kinniburgh suggested that this would be 4 zones for Argyll and Bute and asked Mr McMillan if this would be possible. Mr McMillan confirmed that it would be possible to do this and that a policy decision would need to be made with current licences restricted to these zones. He said there was a process that would need to be followed.

Councillor Redman referred to a lot being said about over provision and too much competition. He asked Mr Tyreman if he felt that the residents of the area where he wished to operate would benefit from competition and choice if the licence was granted. Mr Tyreman said that his background was in transport and that he strongly believed that competition for any area was good. He said that it would be for the public to decide. He advised that he did not believe as many companies actually operated in the area. He said a new company would improve things.

Councillor McCuish referred to Mr Finlay advising that it was only Operators in Helensburgh and Lomond that were facing external competition. He asked Mr Finlay if these Operators could also travel to Dumbarton if they wished. He also referred to Mr Finlay advising of the number of licences that were granted in Helensburgh and Lomond compared to other areas of Argyll and Bute. He asked Mr Finlay if he would agree that this was the case because it was only possible to grant licences for applications that were received and that was why there was such a high number in Helensburgh and Lomond compared to Campbeltown. Mr Finlay said that private hires could only go to Dumbarton if they received phone calls. He referred to a company that worked in both areas which made it easy for them to send cars elsewhere. He said he agreed with Councillor McCuish's comment about granting licences that were applied for. He said that Helensburgh and Lomond was now at the stage of being flooded with private hires and that it was getting to the stage where private hires were sitting in front of the station plying for trade. He pointed out that there was a taxi rank at the station. He said he agreed that competition was good but it had come to a stage where people were starting to steal off others and to steal hires that were not theirs.

Councillor Hardie referred to the Covid situation which has resulted in pubs, hotels and clubs having to close. He suggested there had to be a fall in the need for private hires and taxis due to these lock down restrictions and sought comment on this from Mr Tyreman. Mr Tyreman said he strongly disagreed. He advised that from what he was seeing from friends within the industry, especially in Helensburgh and Lomond, that more people were wanting to use taxis as they were scared to use public transport. He said there was a need to look to the future and advised that the end of Covid was in sight and that he was sure that Argyll and Bute Council wanted things to get back to normal.

SUMMING UP

Objector

Mr Finlay said he believed that there was vast over provision of taxis and private hires all over Scotland. He advised that the number of taxis required had reduced significantly due to the loss of travel and tourism, the loss of hospitality, and the loss of travel to and from work. He said he did not know when these things would come back and advised that there were not more people using taxis. He said there were less and less taxis on the road. He advised that he thought zoning was desperately needed. He pointed out that he could see the only reason for refusing private hires was over provision so there was a desperate need for zones to be set up.

Applicant

Mr Tyreman said that the majority of Mr Finlay's objections were not directly about him but about the system. He referred to the major point being cross border competition from Dumbarton with taxis from Dumbarton coming into Helensburgh and he suggested they were not working in Argyll and Bute. He questioned whether Mr Finlay had ever travelled into Dumbarton from Helensburgh. He noted that if a hire needed to go to Dumbarton from the train station Mr Finlay could take them and would have every right to do that. Mr Tyreman said his background was in transport and that he believed the new housing developments, the opening of Morrisons, and the end of Covid in sight would mean there was room for more private hires. He

pointed out that the survey said there was no over provision. He said it was not possible to work out with Helensburgh with the plate.

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

DEBATE

Councillor Colville advised that he had listened to the Applicant and Objector and was sure that the questions raised by the Objector would be taken cognisance of by Governance and Law. He said he was not convinced there was a need for any further private hires but welcomed the views of other Members.

Councillor Redman said he was minded to disagree. He advised that he was a great fan of competition and free markets and that he believed consumer choice was a good thing. He said the government picking winners and losers was a bad thing. He referred to the situation with the coronavirus and said that it would not be around forever now that vaccinations were under way. He said that there was a need to think about post coronavirus and that he believed the Argyll and Bute economy would come rolling back. He said he believed the more choice there was the better and that he was minded to approve the application.

Councillor McCuish said he disagreed. He advised that he did not think this application should be approved as he thought that Helensburgh had reached saturation point.

Councillor Trail said that it was important to remember why the taxi business was regulated. He advised that it was for the benefit of customers and passengers otherwise if the taxi trade was not regulated people could be ripped off. He said that having standard fares meant people knew how much to pay from A to B. He said that he also thought there were too many taxis and private hires in Helensburgh. He said there was a need for a healthy taxi trade and that he was not in favour of approving this application.

Councillor Hardie advised that when he visited Helensburgh and spoke to taxi drivers and the hospitality trade, most were of the opinion that there were too many and that he would agree that the application should be rejected.

Mr McMillan pointed out to the Committee that this was a private hire operator licence and that a lot of Members were referring to taxis. He said that this was an application for a private hire operator licence and that there was distinction between that and a taxi car licence. He advised that the survey concluded that there was no significant unmet demand for taxis and no over provision of private hires ie not too many private hires. He said it was important that he made this distinction clear to the Committee.

Councillor Kinniburgh said that he strongly believed that there was an over provision of private hire vehicles in Helensburgh and Lomond but there was a need for evidence to back this up. He pointed out that as far as he could make out the evidence the Committee had was the LVSA report. He said there was no hard evidence that he could confidently turn too to back up saying that there was over provision. He advised that personally he would be very wary about refusing this application on over provision grounds today as he did not believe he had grounds to back this up. He said he believed there was over provision but found this a difficult

position as he did not think the Committee had any alternative to refuse the application. He said he would be very reluctant to grant it though.

Councillor McCuish said he was still of the same mind. He advised that he fully understood what Councillor Kinniburgh was saying but he was basing his decision on the objection in front of the Committee.

Councillor Colville said he took on board what has been said. He said that differentiating between private hires and taxis was getting harder and harder so based on the objection today he was minded to refuse the application.

Motion

Based on the objection heard today, to agree to refuse the application.

Moved by Councillor Rory Colville, seconded by Councillor Roderick McCuish.

Amendment

To agree to approve the application.

Moved by Councillor Alastair Redman, seconded by Councillor Gordon Blair.

A vote was taken by calling the roll.

Motion

Amendment

Councillor Colville
Councillor Douglas
Councillor Forrest
Councillor Hardie
Councillor Kinniburgh
Councillor MacMillan
Councillor McCuish
Councillor Trail

Councillor Blair
Councillor Devon
Councillor Green
Councillor Redman

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

DECISION

The Committee agreed to refuse Mr Tyreman's application for a Private Hire Operator Licence based on the objection received.

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

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 20 JANUARY 2021**

Present: Councillor Rory Colville (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor Kieron Green	Councillor Richard Trail
Councillor Graham Hardie	

Attending: Shona Barton, Committee Manager
Graeme McMillan, Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors George Freeman, David Kinniburgh and Jean Moffat.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraphs 3 and 14 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE - CONTINUED

This matter was previously considered by the Committee at a Hearing on 18 December 2019 where it was agreed to continue determination of the request until the outcome of legal proceedings was known.

As this was a continued matter, only those Members who were present at the hearing held on 18 December 2019 were able to participate in consideration of this item and as such the following Members were asked to remain in the meeting:

Councillor Rory Colville
Councillor Lorna Douglas
Councillor Alastair Redman
Councillor Donald MacMillan
Councillor Sandy Taylor
Councillor Richard Trail

Councillors Gordon Blair, Mary-Jean Devon, Audrey Forrest, Kieron Green, Graham Archibald Hardie and Roderick McCuish left the meeting at this point.

The Council's Solicitor advised on the outcome of the legal proceedings and Members were invited to decide whether or not they wished to take any action in relation to the request to suspend the Taxi Driver Licence.

DECISION

The Committee agreed to take no action.

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

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on TUESDAY, 26 JANUARY 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor George Freeman
Councillor Rory Colville	Councillor Kieron Green
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Alastair Redman

Attending: David Logan, Head of Legal and Regulatory Support
Iain Jackson, Governance, Risk and Safety Manager
Peter Bain, Development Manager – Planning
Sandra Davies, Major Applications Team Leader – Planning
Howard Young, Area Team Leader – Helensburgh & Lomond – Planning
Mark Lodge, Senior Planning & Strategies Officer – Planning
Pelham Olive – Applicant
Bruce Jamieson – Applicant’s Agent
Mike Hyde – Applicant’s Agent
Chris Calvey – Applicant’s Agent
Watson Robinson, Chair of Garelochhead Community Council – Consultee
Fergus Madigan, Planning Officer, Garelochhead Community Council – Consultee
Hilary Worton, Secretary of Garelochhead Community Council – Consultee
Donna Lawson, Traffic and Development Officer – Consultee
Marina Curran-Colthart, Biodiversity Project Officer – Consultee
John Urquhart – Supporter
Ron Fletcher, Chair of Portincaple Residents Association – Objector
Ian Cowan, Save Loch Long Protect Portincaple Campaign Group – Objector
Rory Hobbs, Save Loch Long Protect Portincaple Campaign Group – Objector
Ross Greer MSP - Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Graham Archibald Hardie, Donald MacMillan, Sandy Taylor and Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MR PELHAM OLIVE: ERECTION OF 12 DWELLINGHOUSES, ALTERATIONS TO VEHICULAR ACCESS AND INSTALLATION OF PRIVATE DRAINAGE SYSTEM: LAND EAST OF LOCHSIDE, PORTINCAPLE (REF: 19/00094/PP)

The Chair welcomed everyone to the meeting 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,

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

The Chair then raised a preliminary matter and referred to the number of objections to the hearing proceeding on a virtual basis. He invited the Development Manager, Peter Bain, to comment on the supplementary report that was issued in relation to the requests received for continuation of this hearing.

Mr Bain referred to supplementary report number 4 and the requests for postponement of the hearing. The recommendation in the report raised a number of concerns regarding the ability of third parties to properly engage in the hearing process. Following advice from the Head of Legal and Regulatory Services a joint response to these requests was made. This confirmed that the hearing process was discretionary and not statutory and the important element was for Members to decide on how they would wish to proceed. In response to the issues raised Officers had noted and had regard to the advice issued by the Chief Planner which suggested that planning authorities should take a pragmatic and flexible approach in seeking to maintain development management functions in planning at this time. It was contended that the approach to deal with this application by way of a virtual meeting was open, fair and transparent.

The Chair opened the discussion to Members.

Councillor Green referred to the number of ways that people could join this meeting and asked if Officers were aware of anyone that had been unable to join. The Head of Legal and Regulatory Support, David Logan advised that the practicalities of making sure those making presentations had the ability to do so had been discussed. He advised that parties who wished to participate in the hearing today and make a presentation were in attendance. With 35 presenters and 30 plus observers he was not sure if anyone was unable to join. He pointed out that whether a physical or virtual setting, there would always be circumstances when people could not attend.

Councillor Freeman referred to the request for adjournment which he had discussed with Officers. He said it was quite clear that given the previous decision by the Committee to hold virtual hearings was taken less than six months ago, it would not be possible to go back on and review that decision without suspending standing orders and if there was a material change in circumstances.

Mr Logan acknowledged that he had received Councillor Freeman's request for comment and advice on this and advised that he would agree that the decision to move to virtual hearings was taken less than six months ago and could not be changed without suspending standing orders. He pointed out that if a Member sought to move to a physical hearing his view, at the moment, was that it would be difficult to form a competent Motion in this respect as there would be uncertainty as to how and when a physical hearing could take place.

Councillor Freeman commented that if the Committee decided not to proceed today the developer would have a right of appeal to the Scottish Ministers for non-determination which would mean a strong possibility that the decision on the application could be taken out of the Committee's hands.

At this point it was noted that Councillor Gordon Blair had lost connection to the meeting. A short adjournment was taken to enable him to be reconnected.

Councillor Freeman sought confirmation from Mr Logan that given the timescale since the application was submitted, the developer would have a right of appeal to the Scottish Ministers for non-determination. He said that as far as he was concerned applications should always be dealt with locally. Mr Logan confirmed that the Applicant did have the right of appeal to the Scottish Ministers for non-determination. He advised that he could not say if such an appeal would be competent or successful. He added that objectors had no right of appeal but could have a Judicial Review. He advised that it was important to have regard to the advice of the Chief Planner. He said that this process was envisaged so that all participants would be able to access the meeting in a meaningful way.

Councillor Devon commented that the Committee had held several of these hearings over recent months and that she believed that all parties involved in these went away satisfied with the outcome. She asked Mr Logan if he could confirm if any adverse comments in respect of the previous hearings had been received. Mr Logan advised that as far as he was aware no adverse comments had been received and that everyone was happy that they were able to put their case across.

The Committee unanimously agreed to proceed with the hearing today.

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

Before proceeding with the main part of her presentation, the Major Applications Team Leader, Sandra Davies, advised Members of a number of late representations received which were contained within supplementary report number 7. This report was circulated and a short adjournment was taken to allow time for it to be read.

Mr Bain then gave a verbal update on further additional representations received after preparation of supplementary report number 7. He advised that a further 10 emails were received from the Save Loch Long, Protect Portincaple Campaign Group which contained 202 pro-forma representations objecting to the application. The content of the submission related to the manner in which planning policy had been applied in the assessment of the application. This issue, along with the content of the pro-forma, was contained within earlier supplementary reports.

With the aid of power points slides, Mrs Davies gave the following presentation:

This application is for the erection of 12 houses at a site within Portincaple, a small settlement which is located to the north of Garelochhead. The proposal also involves the realignment of an existing section of private access so that the development can be served by a public road. The installation of a low carbon water based district heating system is also proposed as is a private sewage treatment

plant. Portincaple is a minor settlement which is located on the eastern banks of Loch Long.

I will begin this presentation with a series of photographs of the site in order that Members can better understand the proposal. These comprise photos from in and around the site as well as overhead drone photographs which the applicant has kindly provided. The first slide here shows an Ordnance Survey map extract with the boundary of the application site marked on it.

Slide 2 is a drone photograph showing the site after a large amount of *Rhododendron ponticum* had been removed. It shows that the area is not heavily wooded although there are a number of individual trees across the site with areas of denser woodland around the site. The drone footage also shows the houses located in the vicinity of the site along with Feuins Road. Feuins Road leads from the A814 to the start of the private access which leads down to the existing houses at the shore at the northern end of Portincaple. This aerial shot shows the red line of the site indicated. You can see Loch Long to the west. I will now follow on with a few more of the drone photographs taken from different angles.

Slide 3 shows the site in the centre of this photograph. Loch Long is just visible in the top right hand corner.

Slide 4 is taken from the other direction with Loch Long at the bottom of the photograph. Again the site is in the centre. This should hopefully give Members a flavour of the pattern of development surrounding the site.

Slide 5 provides a closer view of site. Again the shore of Loch Long is at the bottom of the slide with Feuins Road and the neighbouring houses at the top.

Slide 6. I am now going to show you some photographs of the access into Portincaple. This location plan shows the application site and the road network in the vicinity of Portincaple. The pink coloured road which is orientated from north to south is the A814. This runs along the eastern side of Loch Long from Garelochhead to Arrochar. The access to Portincaple comes off this road and leads down to the settlement and the application site. Feuins Road is a public road. I have a series of photographs taken from the the A814 all the way down to the site access.

The photograph on Slide 7 is taken from the A814 looking towards Arrochar. The junction of the public road which leads into Portincaple is on the left.

Slide 8 is taken from Feuins Road, approaching the junction with the A814.

Slide 9 is taken further down Feuins Road just before the sharp bend.

In Slide 10 we have now come round the bend and this is looking along the public road heading in the direction of the site. The private access that leads down to the houses that form the southern part Portincaple is located to the left.

Slide 11 is again further along Feuins Road.

Slide 12 ...further along again.

In Slide 13 we are now moving into a point of Feuins Road where there are houses on both sides.

In Slide 14 we are again heading north approaching public road end and turning area.

Slide 15 is taken at the end of the public road at the junction of the existing private access. This is the section of private access that will be realigned and upgraded to an adoptable standard. Land to the left hand side of the private access forms part of the application site and this will be used to realign the existing private access in order to form a road to adoptable standards into the site.

Slide 16 shows the existing private access that leads down to the site access and northern shore houses. As I have just mentioned this would be realigned and upgraded to form the new public road. The access to the site is on the left hand side where the gate is in the centre of the photo.

Slide 17 shows access to the site looking up the private access.

I will now show you some photographs of the site itself. Slide 18 is taken at the access to the site. There is a watercourse which flows down the northern end of the site. In this photograph there is a culvert immediately in front of the photographer. It is in this location that the adopted road will cross the watercourse into the site.

Slide 19 is taken from the southern end of the site and is looking in a north west direction. This is the main footprint where the houses will be built.

Slide 20 is taken looking west across the site. One of the shore level houses is just visible on the right hand side of the photograph.

Slide 21 is taken at the lower level of the site looking up the slope. You can just see one of the higher level houses which is accessed from Feuins Road at the top right hand side of the photograph.

Slide 22 is taken at the top of the site looking down towards Loch Long in a south westerly direction. This concludes the site familiarisation section of my presentation.

Slide 23 shows an extract from the LDP along with the red line of the site. The settlement boundary of Portincaple is shown in the buff colour and designated areas of ancient woodland of semi natural origin are shown hatched in green. This is a standalone application for 12 dwellings and it does not form part of a masterplan or larger proposal. The proposal also comprises a realigned road to allow the development to be served by a road to adoptable standards and a low carbon district heating system along with a private sewage treatment plant. Portincaple is identified in the adopted LDP as a village / minor settlement and is located on the banks of Loch Long located between Coulport to the south and Finnart Oil Terminal to the north. The area is designated as an Area of Panoramic Quality and parts of the site are also covered by a semi natural ancient woodland designation as shown on Slide 23.

The proposal is for a medium scale housing development in a settlement categorised as a village / minor settlement within the adopted Local Development Plan. In terms of dwellings, medium scale development is defined by the plan as being between 6

and 30 units. The proposal is being recommended for approval as a minor departure from Policy DM1 subject to conditions and a s75 agreement to secure a commuted sum for affordable housing and the provision of three terraced houses for the MOD or other personnel associated with the base.

This application has attracted a large number of objections which have continually been submitted from the first submission of the application about a year ago until this morning. Advised there were just over 3000 objections, 2 support and 15 representations.

In this presentation I wish to highlight what I consider to be the main determining issues in relation to this proposal. These are:

- The siting, design and scale of the proposal;
- Road and Access issues;
- Flooding and drainage issues;
- Impacts on trees;
- impacts on biodiversity, protected species and the landscape which is designated as an Area of Panoramic Quality.
- The principle of a medium scale development in a minor settlement and the justification for a departure;

Firstly I wish to look at the siting, design and scale of the proposal and I have moved forward to Slide 24.

The planning application site measures approximately 1.5 hectares in size and it is located wholly within the settlement boundary of Portincaple. The site is bounded by settlement boundary on three sides with Loch Long to the west.

The site varies in level from approximately 30m AOD to sea level at the shoreline. The proposed houses would be located around the 18m to 22m AOD range. Due to the sloping nature of the site, the houses would be split level. The proposed layout of the site is shown on slide 24. The proposed development would comprise:

- 6 no. terraced dwellings which would either be 5 bed cabins or 4 bed terraced houses at the north end;
- 4 no. semi-detached 4 bed houses in the middle;
- 2 detached 4/5 bed houses at the south end.

All of the houses would be located to the west side of the access road. This plan also shows the water course which runs down the northern end of the site.

Slide 25 shows the architect's site layout plan. The proposed water source heat pump would be located within Loch Long and is annotated as PG7 on this plan.

Slide 26 shows the elevations and floor plans for the terraced houses at the northern end of the development. The cabin houses are at the northern end of this terrace and these are the houses that are intended to meet the requirements of the expansion of the naval base. They would have a shared kitchen / living area and two bedrooms on the ground floor and three bedrooms on the upper floor which

would also provide the access to the houses. All houses would be finished in a mix of white render and timber cladding with anthracite grey metal roofs.

Slide 27 shows the upper floors of the terraced houses along with the parking. Additional parking has been allocated to the cabin houses.

Slide 28 shows the ground floor plan for the four semi-detached houses as well as the elevations.

Slide 29 shows the first floor plan and also the second floor plans for the houses with pitched roofs. The entry is at the first floor level and the parking is also shown on this plan.

Slide 30 shows the ground floor level for the detached houses as well as the elevations.

Slide 31 shows the upper floor plans of the detached houses as well as the elevations. Again the access is from first floor level and the parking is shown.

As a result of the sloping nature of the settlement of Portincaple, the pattern of development is currently a mix of detached properties at shore level, mid level and top level. The proposed development would be located in the mid level area at the northern end of the settlement and would look over the top of the lower level houses and sit below the top level houses. Slide 32 shows some cross sections which illustrate this point. It is not considered that the proposal would cause any overshadowing issues on the lower houses due to the distances involved and the intervening vegetation. The development would respect the natural contours of the site and the split level houses would be built into the landscape to avoid the need for unsightly underbuilding.

The Council's Design and Conservation Officer has been consulted on this planning application and was involved in discussions regarding the design and form of these houses. Amendments were made by the architect following these discussions. These included the introduction of varying roof heights, intermittent pitched roofs and the use of render and timber.

The proposal would introduce terraced and semi-detached properties of a contemporary design into Portincaple. The use of varying roof heights, intermittent pitched roofs and the use of render and timber would break up the elevations so they do not appear as a solid terrace allowing the development to sit sensitively in the landscape. The development of this proposal would also facilitate public access with footpaths and seating areas proposed.

Roads and Access Issues

With regard to roads and access issues Supplementary guidance policy SG LDP TRAN 4 requires that developments in excess of 5 dwellinghouses which do not form part of a housing court development be served by a public road. The entrance to the site is currently taken off an existing private access which runs from the termination of the adopted road and serves a number of dwellings within the north most section of the Portincaple settlement. In accordance with this policy, it is proposed to extend the limit of the public road from where it currently ends in the vicinity of a property named Woodstock all the way into the proposed site to serve the development. A

section of the private access from end of the existing public road requires to be realigned in order to achieve gradients and widths which would be suitable for adoption. The Area Roads Officer has offered no objection to this proposal subject to conditions relating to road condition and culvert surveys, visibility splays, gradients and phasing.

The Area Roads officer is also content with internal layout of the development and the level of parking.

Impacts on trees

I will now turn to impacts on trees. Parts of the site are covered by semi natural ancient woodland designations. These semi-natural ancient woodlands are important because they contain remnants of the country's original woodland and their flora and fauna.

As has been seen from the earlier drone footage and the photographs, the application site is not uniformly covered in trees. There are trees on the site but there are also large clearings. A tree survey has been submitted by the applicant and this has identified that the trees on the site are predominantly Oak although there are also some birch, rowan, holly and ash.

The tree survey identified that there were 188 trees with 89 of these being of moderate quality and 99 being of low or very low quality. 26% of these trees were considered to be mature and 76% were semi mature to early mature.

The tree survey also notes that there has been lack of natural regeneration of trees due to the presence of *Rhododendron ponticum* which is a highly invasive non native species. Prior to the landowner undertaking *Rhododendron* clearance this woodland was absolutely choked with this invasive species. This has been severely detrimental to biodiversity and the natural regeneration of the woodland. Slide 33 was taken prior to the *rhododendron* being removed. The site which has been cleared in the foreground does not form part of the application site.

The supporting planning statement advises that the proposal would require the removal of 50 to 60 trees whilst the more recent woodland management plan suggests that 30 to 50 trees may need to be removed. Of these trees, 12 moderate quality trees would be removed at the north end and 8 moderate quality trees would be removed at the south end. It is noted that the final number will be confirmed following a pre start construction survey and a condition is proposed requiring these details prior to the commencement of development.

The aim of the WMP is to provide a framework to restore the amenity and biological values of the woodland. In order to secure the survival of the woodland it is imperative that the trees are managed and the *Rhododendron* continues to be suppressed.

The WMP proposes to restore the currently absent understorey of the woodland by planting small trees and shrubs. This notes that it is the intention to fell as few trees as possible and where they are felled they will be replaced on a 3:1 basis. Taking account of the depleted condition of the existing trees due to the invasion of *Rhododendron* and the proposals to regenerate and actively manage the woodland, it is considered that, on balance, the proposed level of tree removal is acceptable. The end result will be a site with more trees and a higher biodiversity value.

Flooding and drainage issues

Slide 34. I will now move on to consider the flooding and drainage issues associated with the proposal. The proposal would be served by a private sewage treatment plant. SEPA initially objected to this application on the grounds that discharge to groundwater via a soakaway would be the preferred option rather than discharge to an inland watercourse. The applicant's engineers subsequently submitted details of percolation tests which concluded that the site is unsuitable for an insitu soakaway. Therefore, the design was amended to incorporate peat modules for filtration after treatment prior to discharge to coastal waters. SEPA removed the objection following the submission of the additional information. SEPA has confirmed that the foul drainage arrangements being proposed are considered to be a betterment to the aforementioned discharge to the inland watercourse. Taking account of the above, it is considered that the proposal would comply with Policy SG LDP SERV 1.

The applicant has submitted drainage information which considers the impact of the development on its catchment areas with regard to flood risk and pollution. The observations from the Council's Flood Advisor notes that the overall site boundary lies within the indicative limits of the 1 in 200 coastal flood extent on the SEPA Flood Map (2014). The main limits of flooding are to the western edge of the site where it adjoins the coast. The proposed houses are located much further up the slope outwith the 1 in 200 year flood area starting at a height of about 18m AOD. The small burn which runs to the north of the site has a catchment area of less than 3km square and this is too small to be included on the SEPA map. A culvert is required along a short stretch of the watercourse in order to facilitate road access into the site. As details of this small burn are unknown, the Council's Flood Advisor has recommended that the culvert upgrade is sufficient to convey the 1 in 200 year plus climate change flow plus a 0.6m freeboard and be designed in accordance with CIRIA C689. A condition is proposed to this effect.

In terms of surface water drainage, the drainage plan shows that a filter drain along the side of the access road is proposed with an outfall to the burn to the north of the site and that all roof run off from the properties will be discharged to private soakaways in each of the gardens. In addition, tree pit soakaways and bio-retention features are proposed to assist in the management of surface water. The plans also include other SuDS features such as permeable paving to be used in the private driveways and a flush kerb arrangement on the side of the access road to allow for surface water run-off. The Council's Flood Advisor has confirmed that this approach is acceptable subject to a condition requiring drainage calculations and details of the maintenance of the drainage system. These conditions are proposed should Members be minded to grant this application.

Impacts on biodiversity, protected species and the landscape which is designated as an Area of Panoramic Quality

I will now summarise the issues in relation to biodiversity, protected species and the Area of Panoramic Quality local landscape designation.

There are no statutory or non-statutory designated areas for nature conservation within the boundaries of the application site. A number of supporting documents have been submitted in relation to the natural environment.

The Council's Biodiversity Officer has been consulted on this application and is satisfied with the supporting information subject to conditions. These conditions are proposed and it is considered that the proposal would accord with Policy LP ENV 1. The site is located within an Area of Panoramic Quality. This is a local landscape designation and policies LDP 3 and SG LDP ENV 13 apply. This policy resists development where its scale, location or design would have a significant adverse impact on the character of the landscape. The policy also states that the highest standards in terms of location, siting, design, landscaping and boundary treatment will be required.

In terms of the Scottish Natural Heritage Landscape Assessment of Argyll and the Firth of Clyde, Portincaple is located within a landscape type no. 5, Open Ridgeland. A more recent landscape / seascape assessment was published in March 2013. The Loch Long section of this study sub-divides the loch in eight coastal character areas with Portincaple falling within the one entitled Finnart Oil Terminal to Coulport. The study notes that this stretch of coast is dominated by the large structures associated with the MOD site at Coulport and Finnart Oil Terminal. These sites are separated by a stretch of hill slope and extensive regenerating broadleaved woodland as well as the small village of Portincaple. The study further notes that Portincaple sits on an alluvial fan and that Clyde Steamers used to call at Portincaple.

Opportunities and guidance which relate to Portincaple are noted in the study as follows:

- There may be opportunities for additional housing associated with the alluvial fan at Portincaple;
- Modest, domestic scaled jetty or slipway structures could be located at Portincaple;
- The expansion of semi-natural woodland along this coast should be encouraged as it creates a unifying element which provides a context for development.

In order to make an informed assessment on the impact of the development on the landscape and character of Portincaple, the applicant has submitted a series of photomontages. The following slide illustrates before and after scenarios from three view points on the loch.

SLIDE 35 - This is a viewpoint looking toward Portincaple before the development.

SLIDE 36 - And here is the montage with the development shown.

SLIDE 37 - Here is the next viewpoint as existing.

SLIDE 38 - And here is the development.

Slide 39 shows the final viewpoint from a bit further away.

Slide 40 shows the viewpoint with the proposed development included. It is considered that the landscape has the capacity to absorb the scale of development proposed. The montages demonstrate that while some terraced houses have been introduced into Portincaple, these have been designed in such a

way so as to break up their appearance through the use of materials and intermittent pitched roofs. The Council's Sustainable Design Guide advocates that new developments should include a range of housing types and sizes so that the scale and density varies through the development. It is considered that mixed developments help ensure a more sustainable community in the long term.

The principle of a medium scale development in a minor settlement and the justification for a departure

Finally I wish to look at the principle of a medium scale development in a minor settlement and the justification for a departure.

Portincaple is defined as a village / minor settlement within the adopted LDP. The proposal is for 12 dwelling houses which is defined as medium scale within the plan. Medium scale is defined as between 6 and 30 dwelling units inclusive. Policy DM1 establishes the acceptable scales of development within each of the zones identified in the LDP. Within villages and minor settlements Policy DM1 is supportive of small scale development on appropriate sites. As 12 dwelling houses constitutes medium scale development the proposal is a departure from Policy DM1.

It is, however, considered that a development of this scale could be accommodated on this site without detriment to the amenity of the surrounding area. It is considered that there is capacity in the landscape for this scale of development and that the design of the proposal would respect the existing rural settlement character of Portincaple.

Other than breaching the 5 dwelling limit stipulated in the policy, there would be no other reason to resist the proposed development. There would be nothing to prevent the applicant from applying for this proposal in groups of 5 or less houses. This piecemeal approach to development has the potential to result in poorly coordinated schemes with the added disadvantage that the Council are not able to take advantage of planning gain for affordable housing. In addition, it is proposed that three of the houses each with five single rooms will be made available to Royal Navy personnel or people in other employment which is associated with the expansion HMNB Clyde. While this does not meet with the criteria for affordable housing as defined by the LDP, it would satisfy a housing need in the area. It is considered that an exceptional case has been demonstrated and that the policy would comply with policy SG LDP HOU 1. The proposal accords with all other relevant policies in the adopted plan and it is considered that the proposal could be viewed as a minor and justifiable departure from Policy DM1.

In conclusion, this is an application for 12 houses only and it does not form part of any greater scheme. The proposal would accord with all of the policies within the LDP with the exception of policy DM1 for which there are material considerations of sufficient weight to justify a minor departure. In these circumstances the application is recommended for approval subject to the amended conditions in sup report 4 and a s75 agreement in order to secure a commuted sum for affordable housing and limit the occupancy of three of the houses to naval personnel and workers associated with the expansion of the naval base.

Thank you Chair.

APPLICANT

With the aid of a power point slides Bruce Jamieson, on behalf of the Applicant, gave the following presentation:

Thank you to Councillors and the Council's Governance for facilitating this hearing, and to the Planning officer for the overview of the site, seen here from the water.

The Officer has explained in detail why these proposals have been recommended for approval and I emphasis here these proposals.

Because these proposals are not the ones distributed by objectors in local papers and on social media, and I am glad that I can finally present the proposals that have been submitted with all the detailed information shown on slide 4.

The submission has included architectural drawings and photomontages, diagrams of planning gains and benefits, engineering drawings for drainage and road layouts, a full feasibility study for the Energy Performance of the site, tree surveys and a woodland management plan, sustainability and bio-diversity checklists, an ecological appraisal, Otter walkover survey, Bat PRA and invasive species survey, qualified dismissals of the unsubstantiated concerns about sea squirts and great crested newts, a landscape strategy and masterplan, two expert rebuttals to the woodland trust objection, and agreement for provision of affordable housing via commuted sums.

All of this information has been carefully considered and excepting the Garelochhead Community Council, there are no objections from any other statutory consultees including the Roads department, the biodiversity officer, the Built Heritage Conservation Officer, the MOD, the HSE, Marine Scotland, Environmental Health, SEPA and Scottish Water and the Officers have also recommended this application for approval.

I am not covering all of this material today. My presentation will however be about 36minutes long, covering 44 slides, highlighting how positive these proposals are, then confirming the aims of the applicant Mr. Olive, and finally will address the letter that launched a thousand objections.

I will reference the numbers of each page for anyone following with sound only. If there are technical interruptions, I will repeat any, or all of the presentation in the interests of a fair and thorough hearing, and can provide answers to any questions afterwards, assisted by planning consultant Mike Hyde, tree expert and Arboriculturist, Chris Calvey and the applicant Mr Olive.

These proposals are actually a happy story of 'rediscovering' the unique location of Portincaple and its special connection to Ardgail and Lochgoilhead, reversing the destruction of woodland from highly invasive species, and improving bio-diversity at the heart of Portincaple so it can be enjoyed by everyone as an easily-accessible, welcoming and healthy Lochside community, which is not dominated by, but in fact 'characterised' by, forward-thinking, gold-standard, sustainable housing, with a ground-breaking Loch water district heating system at its core, and that accords with the aims of the Local Development Plan.

Slide 6 shows that land subject to this development is wholly within the settlement boundaries, identified as Pink, and therefore the most suitable land for development. It is also a key piece of ground near the centre, connecting the top level of the Feuins road continuously down to the Loch, so has unique potential. By replacing a part of the sub-standard road, responsibly managing neglected natural space, and unblocking connection to the Loch, it can reverse steady overburdening of infrastructure and decline of amenity that has come from continual small-scale infill in Portincaple that has not provided wider improvement.

Portincaple is also located within an Area of Panoramic Quality and slide 7 shows it in the wider setting of Loch Long.

Guidance for development in the APQ is found in the recent 'Land and Seascape Assessment of the Firth of Clyde (2019)'.

This important document is a Firth-wide assessment of landscape character, going beyond individual authority boundaries, and placing the overall seascape of the Clyde Estuary at the centre of the assessment.

It states that this stretch is dominated by the large features associated with the Finart and Coulpport terminals and that there are no exceptional coastal landmark features and no significant aesthetic qualities associated with this coastline.

It states that the village of Portincaple wraps round the alluvial fan and that Clyde steamers once called in, with people ferried to and from the landings by small boats. Slide 8 highlights the alluvial fan.

The study concludes with three specific recommendations for this location:

Firstly, there may be opportunities for additional housing associated with the alluvial fan at Portincaple.

Secondly, modest domestic scaled jetty or slipway structures could be located at Portincaple.

Thirdly, the expansion of semi-natural woodland along this coast should be encouraged as it creates a unifying element which provides a context for development.

The assessment strongly asserts the association between the alluvial fan and the settlement at Portincaple should be maintained if possible.

And in case you missed it, here are the houses highlighted in their setting- slide 12

It is therefore manifestly true that the overarching potential for development on the site is acceptable both by the designation as 'pink land' in the local plan, and in the wider context of the Clyde Estuary Seascape assessment, and all three of its recommendations are found in these proposals.

Clearly, the development of this stretch of coastline does not overwhelm the character of Loch Long, is entirely appropriate to the location, and indeed what you might expect to see in an exemplar development that also delivers specific Planning Gain.

On the left, supplementary guidance Policy SG LDP HOU1 shows that more than 5 houses in a 'village or minor settlement,' is deemed a 'minor' departure from Policy DM1.

It is worth noting that the emerging LDP is removing the upper limit of 5 houses to discourage piecemeal development that does not deliver wider planning gain. In any case, HOU1 section D allows minor departure if at least one specific planning gain can be delivered, which includes 'helping deliver affordable housing; or meeting a particular local housing need.

Only one is required to satisfy HOU1, but these proposals deliver two, and may also indirectly stop population decline if the exemplar is duplicated in similar loch side locations.

Discussion with Argyll Homes and the Housing Needs Assessment Officer established that other sites in the Helensburgh & Lomond area need urgent investment, and therefore the affordable housing quota will be delivered by option 3 in the supplementary guidance by the payment of a commuted sum, calculated by the council's District Valuer and accepted by all parties.

It will be a vital injection for affordable housing where it is needed most.

Meeting a particular housing need

On the right, p17 of the Council's SHIP addresses the specific priority for housing in the Faslane area, ensuring sufficient and suitable capacity to accommodate Base expansion over the next 5 – 10 years.

There will be a 25% onsite provision of single living accommodation SLA's exclusively for rent or sale by Royal Navy personnel or people in other employment associated with expansion of the base.

Sale or rent may take a number of procurement avenues, guaranteed by a section 75 agreement.

The MOD and their liaison officers have established that 'The Future Accommodation Model (FAM)' is the most likely avenue, which gives service personnel greater choice, and an incentive to live in private accommodation and integrate with the local population.

The remaining 9 houses also meet the specific housing need since the site is around 3 miles from the Base. It is an ideal location for anyone wishing to cycle to work, and the proximity along with all the other benefits of the proposals- open space, access to the water and highly efficient houses, will have a great bearing on choice.

Slide 14 shows that as well as helping deliver affordable housing and meeting a specific local housing need, a grant of planning permission will deliver numerous other planning gains, listed as follows:

- Exemplar, highly sustainable housing;
- A ground breaking Loch Water district heating system;
- A Woodland Management and Landscaping Plan;
- The creation of public open space;

Improved access to Loch Long;
A link between core path networks on land and sea;
Major road and safety improvements;
The installation of public electric car charging points;
Potential for public transport.

Most of this would not be required for multiple applications of 5 houses or less.

I'd now like to deal with these each in turn starting with the highly sustainable, exemplar housing slide 15.

The design follows the Local Plan supplementary design guidance that all new development should be designed, sited and built to be sustainable. The aim was to go further and deliver a housing project that achieves as close to zero carbon as possible and the highest possible sustainability rating that can be achieved on the site.

Band 'A' will be achieved for both energy efficiency and carbon dioxide ratings, as well as Gold compliance across all 8 aspects of sustainability, including Co2 emissions, energy for space and water heating, Water use efficiency, smart 'heating, lighting and ventilation controls', flexibility and adaptability, wellbeing and security, sustainable material specification, and minimising of waste.

The proposals have been designed to deliver appropriate access, recreation, and Open space for Special Needs Access Provision and in full compliance with LDP HOU 2.

The design delivers the core maxims of modern living-

- Public open space
- Off-street car parking
- Electric car-charging
- Convenient bicycle and bin storage
- Level access for full accessibility
- Generous patio garden spaces
- And wide-fronted, bright and naturally lit living areas

Slide 16 demonstrates the efficiency of the design.

Houses have a small footprint, with a wide frontage and shallow plan. This allows the houses to fit tightly on the contour line in terms of section, sitting down into the landscape, benefiting from earth sheltering and avoiding wasteful underbuild.

An interior view is shown on slide 17.

The level garden space with decking to the front and natural planting and screening avoids overlooking to properties below.

Slide 18 shows a street elevation of the 4 semi-detached houses. It demonstrates that on the street side, windows are fewer and smaller, but there are large, bright and welcoming bridge entrances. The houses sit down a level from this

side, thereby presenting themselves as one and a half storey to the road and the existing houses behind.

Slide 19 shows more private elevation facing West of the same houses. Large windows take advantage of the uninterrupted views over the loch. A key part of the sustainability of this design is the flexibility which ensures that a large variety of internal arrangements are possible to meet 'varying needs' both now and in the future.

Typical plans are shown on slide 20. A fully structural external envelope and floor plates allows all internal walls to be reconfigured without altering the exterior.

As well as being flexible and compact, the houses will use modern, modular off-site construction and will have a positive impact, with an easily understood sustainable identity.

District Heating System

In addition to the sustainable design, world renowned Engineers Ramboll, undertook a full Energy performance study, which used computer modelling and analysis of available data to determine the best energy solution for the site, shown on slide 21. This ground-breaking district heating system will be optimised by use of an ambient loch water loop, submerged beyond Low water, and secured above the seabed. These 'sea-mats' will take up a small area approximately 5m by 5m and being a closed loop, will be completely inert- neither taking out nor adding material to the loch and extracting heat solely through immersion.

Slide 22 shows the layout of the ambient loop which will be driven by the individual heat pumps in each house, with no other external equipment required.

We believe construction of this Loch water district heating system will be the first of its kind in Scotland and will create jobs and expertise in this greatly underdeveloped and exciting energy sector.

Ramboll calculations demonstrate that the Loch water design will use 28% less energy than an equivalent system using individual air source heat pumps, 15% less than a district air source heating system, and an incredible 70% less energy of an equivalent, heated with oil or electricity. The Gold standard design of the housing envelopes will reduce Co2 emissions by a further 27% below Scottish Government Target Emission Rates.

The SEA mats will be maintained by a floating pontoon applied for under a separate Marine Licence, which will be offered for community ownership. It will enable public access to the water at all states of the tide.

On request the loop can be extended to other existing houses in Portincaple.

It will be an exemplar for other off-grid coastal communities that wish to avoid fuel poverty whether new build or retrofit.

I will now explain our Woodland strategy, how it will mean a greater than 50% increase in Woodland, and why it is a major planning gain from this being 12 houses and not multiple applications for 5 houses or fewer.

Slide 23. shows pictures taken on the first visits to the site.

They demonstrate the neglect of the woodland, its displacement by rhododendron, and an overall lack of access to and across the site. This valuable natural asset has been unmanaged, with no formal interest by the community, who have neglected it, cut down trees at will and discarded waste on it for decades, with right to roam actively discouraged.

Here is slide 24 with pictures taken during the clear up operation.

You can see how the operators were dwarfed by the rhododendron. They were instructed to leave all existing trees standing and did so with considerable skill.

Slide 25 is a drone picture of the application site taken after the Rhododendron had been cleared.

During the whole operation, only two trees were removed, to avoid danger to life - one blocking the ramp down to the shore and the other a narrow pinch-point on the cliff edge both shown here with red dots.

After this operation was completed it was clear that there were far fewer native trees on the site than apparent when it was densely congested with rhododendron. The initial Tree Survey report, states "Within the large area where rhododendron has recently been cleared there is a complete absence of 'Category A' trees. Existing biodiversity is remnant, the lower quality trees are threatened, and the entire ecosystem has virtually been lost. Without intervention, the site will revert to rhododendron, which has the lowest biological value of any green space. The survival of what remains of the woodland in the long term will therefore be dependent upon managing trees, replacing trees, and keeping the site clear of invasive specie.

Therefore in posing the direct question, will the woodland and associated wildlife benefit from this development or not? the factual answer is YES. The woodland can only be restored by intervention, with the allocation of resources, and through the implementation of a Woodland Management Plan.'

We therefore produced a Woodland Management Plan seen here slide 26.

This plan can only deal with the current condition of trees on the site, in terms of invasive species, and the health of remaining trees, and any woodland inventory, or claims of what was, should, or might be there are completely irrelevant! The submitted Plan (WMP) provides a framework to restore the amenity and biological values of existing woodland areas, whilst also accommodating new woodland areas alongside the development.

The application site has been divided into 4 labelled compartments, each of which will enhance and preserve the woodland in specific ways. It is anticipated that at least 320 new trees will be planted, made up from 80 full canopy species, 50 understorey species, 40 shrub species, and 150 hedge species of tree, all of which will be carefully planted and managed over a five-year period.

This presents a significant enhancement to the current natural bio-diversity of the site, removing Rhododendron and supplanting it with trees indigenous to the area.

It will result in a measurable 52% overall increase in Woodland.

But it's not just about trees. In addition to planting new trees, a full and detailed Landscape plan was prepared by TGP Landscape Architects, shown on slide 27.

This plan ensures that the woodland understorey and the ground cover will be filled with species-rich grassland and wildflower mixes, along with native shrubs and bulbs consistent with its coastal setting.

The Landscape Plan also defines the private gardens with soft planted hedgerows and specimen trees that will identify and root the houses in the woodland landscape.

Together then, the Woodland management and landscape plans combine to ensure that a coordinated natural biodiverse theme runs right through the development from the trees, to the woodland floor, the gardens and the pathways, integrating the house plots into the woodland, improving the amenity, biodiversity, and ecology of the site.

Three experienced, highly qualified and independent Ecologists have made four different ecological studies of the site at various times of year, and confirmed no evidence of protected species was recorded within the site and no native bluebells were found on the specific development footprint.

In addition to the surveys, Tetrax Ecology submitted a full Biodiversity checklist, which supported the holistic approach of woodland and landscaping plans and added a robust woodland statement confirming that 'rhododendron scrub had already depleted the woodland's biodiversity,' and that 'the proposed management of the woodland will promote a positive ecological affect for local biodiversity, especially when compared to the 'do nothing' scenario wrongly suggested by Local opposition and the Woodland Trust, that will allow a return of rhododendron and continued unmanaged depletion of the woodland's biodiversity.'

Therefore, the simple facts of this planning application in regard to Woodland is that it will eradicate invasive species from the site and implement a detailed Woodland Management Plan that will extend the Woodland by an extra 52% over and above trees that currently exist, and with all the retained woodland being in a much better state of health and with a positive effect on the woodland's biodiversity. It accords with the Land & Seascape Assessment of the Firth of Clyde that 'expansion of semi-natural woodland along this coast should be encouraged as it creates a unifying element which provides a context for any development.'

Just a reminder then, without a grant of planning permission, the Council has no mechanism to implement any Woodland improvement...and if there is no Woodland improvement, land will revert to the previous status quo shown here again slide 28.

In addition to the lost biodiversity Portincaple's history has also been forgotten.

What exactly has been lost?

Slide 29 shows the historical fishing, ferry and rail activity that used to exist, since Portincaple was always a crossing and landing point. In fact the name derives from the cattleman's 'Caple, or Mare, who led the herd across loch long and chose to land in the shelter of the alluvial fan. A record of ferry house can be traced back at least as far as the Jacobite uprising.

Until 1925, plans show the jetty located where the pontoon is proposed, and rowing boats beached at the groin further south and ferried people to and from the steamers.

It was a bustling little place!

Slide 30. demonstrates how different things are now.

Steamers, and the ferry route to Ardgoil disappeared and at the same time, several kilometres of land north and south of Portincaple have been developed by the MOD and the oil terminal, both of which block access to the shore, shown with a red line on the left-hand plan.

In addition to this, the red line on the right-hand plan shows that access between MOD and oil terminal land is mostly prohibited by private access and private gardens, except for the stretch of beach at the centre of Portincaple, which as demonstrated, has been blocked for decades.

A combination of all these factors means easy public access to the water in the Loch Goil vicinity is currently impossible, putting far greater emphasis on the importance of reversing neglect in this particular location, opening up the shoreline that leads to the loch for everyone.

A grant of this planning permission will therefore not only implement the Woodland Management Plan but will also reinstate the historical access to the shore at the only remaining viable location.

Slide 31 demonstrates that the accessibility of the site comes not only from unblocking the shoreline, but from improvement of the main artery that serves Portincaple.

The Feuins road is only adopted to the point of the north bridge, where it becomes a private access, narrowing dramatically as it makes a sharp turn down a steeper than 1 in 5 incline. It also does not lead to the shoreline. This means that that all land and houses beyond the north bridge are served by a hazardous stretch of road terminating with a dead end and no arrival at Loch Long.

Slide 32 shows how the road will be rebuilt to adoptable standards on an adjacent piece of ground. This will allow the Feuins road to continue at the same width, with much a safer gradient of 1 in 10, turning on a gentle radius until the section identified by the Roads Department as dangerous, has been bypassed.

This will mean safe access for emergency services, public utilities, and home deliveries for all existing houses at the north end of Portincaple as well as the 12 proposed houses.

The new section of Feuins road will also branch onto the site at the mid-level, providing new access to the beach with public parking and termination of the road with a professionally engineered hammer head for turning of larger vehicles.

Slide 33 shows the woodland walks and designated pathways detailed by the Landscaping plan that will improve movement through the new managed woodland

space, turning this neglected and blocked site into a proper public open space and amenity.

Slide 34 shows how the open space gives safe descent down to the beach.

The new pontoon will facilitate easy access to the water at this strategic point, encouraging a healthy land & sea lifestyle for residents, improved right to roam for visitors, and connection to the greater core path networks by completing the link between the 3 loch way by foot or on bicycle, and Loch Long's Sea Kayak trail on water, thereby promoting green outdoor leisure and tourism.

Slide 35 shows the important Green transport credentials of the application, which come from improvement to road and utility infrastructure.

There will be Public electric charging points, and all houses will be electric car ready.

Improved turning will allow reconsideration of an extension of the local bus service if the Council or SPT consider it viable.

I have explained that minor departure from Policy DM1 is justified under SG LDP HOU1 because the proposals deliver specific planning gains. The policy also asks that any proposal should not overwhelm the townscape character, or the capacity of the settlement, so the next slides show the Context for Development within the village.

Slide 36 compares the existing and proposed settlement pattern side by side, showing the context and available space for development in plan.

The colours identify houses at the shore (blue) at the mid-level (pink) and at the high level (green). The proposed housing shown on the right, sits neatly between the upper and lower levels and corresponds to many other houses coloured pink in the overall settlement pattern of Portincaple.

The ROH states, 'It is considered that this site is capable of accommodating the scale of development proposed without detriment to the amenity of the surrounding area.'

The Built Heritage Conservation Officer's report also agrees that the application proposal provides 'a balance of mid-level properties at the north end of the village where, in their opinion, there is capacity for limited development.'

By way of comparison a recent 12 house proposal in Garelochhead currently sits on approximately 0.5Ha, so this proposal of 12 houses on 1.5Ha has 3 x more land available within the red line application boundary.

These diagrams therefore confirm that in terms of the plan, the houses have sufficient room and the arrangement does not dominate the pattern of Portincaple. Slide 37 and 38 show how it works in cross section.

These are accurate sections taken from the digital topographical survey, from the upper level of the Feuins road to the lower level of the loch and demonstrate that new housing does not block views from existing houses above, nor overlook any below. There is not only plenty of space between houses on plan, but also a 15m

drop between each level in section. This spacing is clearly better than the existing layout along the Feuins road.

The new unifying element of woodland will also not interfere with views from above, but will bed the new houses very nicely into the settlement. (Click 38)

The Built Heritage Conservation Officer's report states that 'the proposal to build the dwellings into the landscape will not only avoid underbuilding, but also adopts a more traditional response to siting, and respects landscape context.

Slide 39 is a true elevation from the new mid-level road, and shows all 12 houses and the 'entirety' of this application.

As well as improving the section, siting the houses down clearly reduces the impact of the houses from the new road.

The Conservation report adds 'Building smaller houses as semi-detached and terraced houses respects the scale of existing houses in Portincaple. In addition, varying roof heights and the interjection of a few pitched roofs results in massing appropriate to landscape and the setting of the existing built environment housing pattern.'

Slide 40 shows a view of Portincaple from the loch.

White render respects the finishes of many of the existing houses as seen in the picture.

The next slide 41 shows the development in the context of the same view. The use of timber provides a contrast to the white render, breaking up the elevations and introducing a softer complementary palette.

Having heard the positive case for this development, can I now compare this with the sustained campaign of misinformation from objectors which has falsely decried: widespread woodland destruction, overdevelopment, and deliberate misrepresentation of these well-designed proposals, and the integrity of the applicant and his team.

I would like to clarify the character and aims of Mr Olive.

He wishes to re-establish access across to Loch Goil, whilst fulfilling long held ambitions to create the greenest possible prototype housing to be used by others as an exemplar. He wants to deliver this project to the highest standard and already has a record for delivering exceptional green projects, for example in nearby Carrick Castle.

In familiar circumstances the case there went to a hearing due to unsubstantiated concerns by residents, the Community Council and politicians

However, planning permission was granted and the proposals built to an extremely high standard, complying with every condition set by the National Park. The Gold level of sustainability was achieved, but he went further and added a first and then a second, large array of solar PVs which will render the whole building complex not just sustainable, but completely carbon zero.

He is also building a hydroelectricity scheme at Invernodan, which will produce more than enough power to offset the entire electrical demand of Carrick Castle.

Biodiversity is a passion for Mr Olive. He has instigated the planting of more than 2 million trees which, for absence of doubt, includes more than 100 hectares of non-commercial, Atlantic Rainforest. He has established pockets of 'true' indigenous mountain woodland by planting an additional 13,000 low-density broadleaf trees at high altitude and he has enriched the montane scrub by planting dozens of fenced enclosures near the upper treeline which create pockets of natural biodiversity, allowing native flora to seed and spread naturally on the hill.

Professional surveys and recording of the natural biodiversity at Carrick Castle show that within the last 5 years there has been a substantial regeneration in "Red List" endangered species, including the Golden eagle population, confirming that managed intervention can quickly reverse depleted biodiversity.

Not only has he done a commendable job re-wilding the land, but he has worked with the community, made friends, provided jobs and actively improved other assets in the village.

Councillors can ask him direct questions, but in the meantime does Mr Olive strike you as a person intent on environmental vandalism, or is he in fact actively combating climate change and making balanced and measurable changes to the local ecology and economy?

I'd like to finish now by drawing your attention to slide 42 and the Pro-forma letter that was dropped onto social media in March 2020 by the Green Party and posted to a large list of email contacts and members.

After presenting an inaccurate and distorted view of the proposals, objectors were then encouraged to click a button which automatically generated this objection. At the same time it did not facilitate viewing of the proposals or consideration of the site. There is no doubt that it was this mechanism that launched a thousand objections.

Although an objection letter, it paradoxically calls on the Council to, and I quote,

'Work with the local community to access support and funding to remove invasive species and support and protect biodiverse woodland and access to the shoreline. Work with the applicant and architect to ensure that the best practice in energy efficiency, renewable energy generation and building materials are used in future affordable housing development in Argyll and Bute.

Work with the local community to establish and improve active travel infrastructure in and around Portincaple.'

Given the truth of the central features of the proposals that I have just described to you, it should be noted that all the above can and will be achieved by the grant of Planning Permission for this application and the vast majority of objections therefore imply significant support for the Woodland management plan (WMP), the loch water district heating system, road improvement and the generally very Green credentials embedded in this highly sustainable, exemplar design.

The same objection letter also states

'Many aims of the developers are highly laudable, particularly the very high standards of energy efficiency and the groundbreaking use of loch-sourced heat. However, this is simply not the right location.'

Despite apparent recognition then of the positives of the proposals, these one thousand objections state that they are negated because 'this is simply not the right location,' but the contrary all the measures in this application are tailored directly to the location.

In fact the exact design could not exist if Portincaple; was not off gas-grid and adjacent to the loch with its heat source; if the woodland and paths along the alluvial fan and coastline were not already neglected and completely overgrown with Rhododendron; if there was not a dangerous private section of road serving the whole north end of Portincaple; if the village had not lost historical sea access to the Goil and to 'core-path networks' on land; and if an urgent requirement for housing in the local area was not required.

It is therefore exactly the right location where one 12 house proposal can make a huge difference.

That is perhaps why an examination of the list of objections shows that only 52 people out of the total of around 130 residents in Portincaple have objected to these proposals, which asks the question, why have around 60% not objected? Surely this is material in considering whether this is really even a consolidated local opinion or just a 'protest' vote from the most vocal residents?

The 'save loch long group' seem to argue that Loch Long, and Portincaple's entire ecosystem depends on rejecting this 12 house proposal, which is of course is fundamentally flawed. The science shows that to the contrary, this exemplar design addresses the issues of depleted biodiversity, as well as tackling climate change and fuel poverty, and the nucleus of the existing woodland ecosystem will be saved by these proposals and regenerate as a direct result.

I would argue very strongly that it is in fact the 'survival of our coastal communities,' and reversal of population decline in Argyll and Bute that is dependent on embracing bold ideas for off-grid energy solutions and undertaking careful environmental and infrastructure improvements in order to attract younger people and their families.

So I thank the councillors for your time, I hope you now understand the care and thought put into this application, and will take into account that apart from the Garelochhead Community Council, all other statutory consultees including the Roads department, the Biodiversity Officer, the Built Heritage Conservation Officer, the MOD, the HSE, Marine Scotland, Environmental Health, SEPA and Scottish Water all have not objected to this application, and I hope that you will support the officers recommendation to approve these proposals.

CONSULTEES

Garelochhead Community Council

With the aid of power point slides the following presentation was given by representatives from Garelochhead Community Council:

Watson Robinson

Good morning. My name is Watson Robinson and I am the Convenor of Garelochhead Community Council. I'd like to thank the Committee and the organisers for the opportunity to speak at this hearing today.

Before I go into the main body of my presentation today I would like to state clearly for the record that Garelochhead CC does not believe that today's hearing allows for fair representation of the community's overwhelming opposition to this planning application.

We would like to summarise the pertinent points of concern as follows:

Under the stay at home regulations currently in place, mixing between households and individuals meeting up are severely restricted. This causes significant difficulties for members of the community to adequately prepare for the hearing as well as restricting their ability to support one another during the hearing itself.

The objectors (residents) are lay-people, they are not a professional body, do not have professional planning expertise, and do not possess the resources to remotely access and exchange documents freely. They are currently unable to meet up to discuss and to research an effective presentation for the planned hearing. They are under government instruction to stay at home and some do not possess the necessary electronic communication equipment that would allow them to communicate remotely.

Effective consultation with private industry consultees or community advice consultants is severely restricted as many have temporarily closed or running on a reduced staffing level due to furlough and/or working from home.

The inability for the objectors to communicate together freely during the hearing nor be able to support each other nor offer advice to each other whilst responding to questions from professional bodies and organisations is unjust and does in no way constitute nor enable a fair and balanced hearing.

There are over 1110 objections to this proposal, which is agreed by all parties to be contrary to the adopted LDP. We feel that the objectors are being denied the opportunity to present their strongest possible case and that this process is not fair or just.

Given the current industry pressure on the Scottish government to further restrict construction work, there is no urgency for this hearing to take place. We note there is a very real possibility of holding a more 'normal' public hearing including perhaps a site visit in the next 2-3 months and strongly recommend that the hearing is postponed until a date that allows a fair hearing and minimises the chance for any future legal challenge with regard to due and fair process being followed.

The Community Council's presentation today will focus on three important key topics:

Firstly, as I've said, there is overwhelming local opposition to this planning application and we will explain to you the details of this and why we do not feel it has adequately been considered by the Planning officer.

We'd like also to discuss with you the rationale that has been presented in the report of handling for why a departure from the provisions of the local development plan is apparently warranted. We'll explain why we feel this is flawed and should be disregarded.

Finally, against the background context of the climate emergency we are facing, as well as the Scottish Government's current prioritised approach to the protection of semi-ancient woodland, we'll discuss the threat posed to the precious natural resources by this planning application.

I'll start by explaining to you about the strength of feeling on this matter in our community.

In order to understand why it's important to focus on this initially, I'd like to start with a reminder of the role and remit of Community Councils. Whilst they stand at the lowest tier of local government, as you can see in bold at the top of this slide, they have a key role to play as a voice for the local area. Community Councils are made up of friends and neighbours of local people and as such have a duty and an obligation to seek and reflect the interests of the community. The Community Council in Garelochhead is an example of how this works successfully in practice, having been operating actively and effectively for many years. We believe we are a trusted partner to local people and an important link between them and both the Council and the elected representatives. Our support and advice is frequently sought navigating the perceived complexities and bureaucracies of the system. Planning can be an emotive issue; it is well-known that humankind has a natural resistance to change, and in particular any suggestion of change to the places where we live and we call home can invoke strong feelings. The Community Council has therefore to take a neutral and objective approach when we are asked to consider a planning application that members of the community believe should be refused. In this instance there is overwhelming local opposition to the application and this is something that we, nor the council can ignore. The weight of community opposition should be taken into account as a material consideration in this case and we do not believe that it has been done by the Council Planning Department.

Comment was made that the Community Council was the only statutory body to object. This is because we are there to reflect our community no other statutory body has that or is expected to carry that out. So it is reasonable that we would object. Many points of objection have been raised formally by members of the public that have not been fully addressed. Some of these were simply dismissed by the planning officer with no attempt to justify or explain the conclusion that they were not relevant. This has certainly caused a significant amount of frustration within the community and has led to the questioning of how adequately or indeed how seriously the community's point of view has been taken into account. We have been contacted by several members of the public who have called into question the

impartiality of the council planners based on the Report of Handling that was issued for this application.

It is important to state that there is widespread support for the current, adopted, LDP which is based on sound principles and aims, and appears to offer the protections and guidance required to adjudicate on planning applications such as this. All those reading and referencing the appropriate documents have been able to identify clearly and robustly why this planning application should be refused. This is why so many objectors cannot understand why a recommendation for approval has been made. It also has to be said that we have real sympathies with the officer dealing with such a huge number of comprehensive and detailed objections. However, a lack of staffing and time to deal with such a volume cannot be an excuse not to engage with objectors or to ignore and dismiss relevant and evidenced objections.

On the next slide Fergus will highlight a few of the points of objection that were raised and dismissed without comment or explanation by the Planning Department, leading to, I'm afraid, an unfortunate deterioration in the public trust in the decision-making process.

Fergus Madigan

Objectors have spent a huge amount of time and effort scrutinising both Scottish Government policy and the National Policy Framework documents to detail comprehensively where exactly contraventions exist. To dismiss these arguments without any reasoning is disrespectful. It offers no clue as to why so many members of the public are wrong; those members of the public who have concluded that this development contravenes these documents deserve a more complete explanation at the very least.

The numerous ways in which objectors believe that the LDP is contravened is also given very scant attention and the Report of Handling concludes that only DM1 is contravened and in a minor way. As such the Report of Handling fails to address adequately the genuine and sincere concerns of residents and the wider community that the LDP is indeed contravened. Robust and referenced arguments have been made by residents that both National and local policy have been contravened regarding for example: the location, scale and nature of the development; the impact on the local community; the introduction of day tripper facilities (bringing with it issues of litter, & lack of toilet facilities), the future use of the buildings and use of adjacent land, huge environmental concerns, road congestion and safety, and the lack of existing connectivity in the village.

These valid community concerns deserve to be taken more seriously than it appears they have been so far. The Planning Department state that they can only make a decision based on what is in front of them. What is in front of them is a planning application for 12 houses and public realm space that does not fulfil the obligation to provide affordable housing. On this basis a bus service, a heating system, a jetty, the MOD commitment and HMO licence must not be considered as they are not part of the current application, only future aspirations.

If there is a Section 75 for the MOD commitment, then why not also a Section 75 or Condition for the securing of a marine licence for the heating and jetty, a commitment to the provision of a bus service, and the HMO licence? It is not clear to us in the RoH what the Section 75 actually covers. Does the applicant have to

obtain a firm written commitment from the MOD and an HMO licence within 4 months? When does the 4 months start? And what is the penalty if that is not achieved?

If these future possibilities are considered as reasons for approval, then other future possibilities such as the use of adjacent land, future use of buildings, day tripper facilities, and traffic issues must equally be considered as reasons for refusal. The council has the powers under SG Circulars 4/1998 and 3/2012 to place restrictions on what can and cannot be done in the future with adjacent land and the buildings in the development. Why is this not being proposed?

Watson Robinson

The second key point which we want to stress is that this application is contrary to the constraints of the local development plan.

I would ask you to consider the history of the delineation of the settlement boundary that occurred in 2003 and what the delineation was to provide. Although the council certainly met the statutory minimum in its consultation process, the very idea that a protective boundary around the village envelope being delineated without a single representation can only be accurately interpreted as an example where no meaningful nor effective consultation took place.

I ask you to consider the only available written guidance statement pertaining to Planning in Portincaple that is buried that was agreed upon by both the planning office and the representative of the Scottish Govt (The reporter) who made the following observation 'The Scottish Ministers appointed reporter made the following observation :

1. I note that the delineation of Portincaple's settlement boundary, as shown in the proposed local development plan, is unchanged from the one shown in the current adopted local plan. As there has been no significant change in circumstances which has occurred in the meantime, the issue for me to address is whether the boundary is inappropriate and, therefore, that its retention would not be justified.
2. Unless they are specifically allocated for housing development, the inclusion of particular areas of land within a settlement boundary does not mean that they will be appropriate for new housing development. None of the land within the settlement boundary of Portincaple has been allocated for housing development.
3. Policy LDP DM1(C) would apply within Portincaple's settlement boundary. It gives encouragement to "sustainable forms of development, ...up to small scale on appropriate sites". I consider that this provides a reasonable and appropriate framework within which to assess the merits of individual proposals. It would provide a sound basis for the refusal of proposals'

The planning office made a very similar yet more precise observation 'The Proposed Local Development Plan (CD012) has not altered the settlement boundaries at Portincaple from those which are identified in the current Adopted Local Plan (CD001). There were no objections to these boundaries at that time (2009) which were delineated in order to provide some opportunities for small scale infill and

rounding off development. The settlement boundaries therefore provide a framework within which development proposals can be assessed. The requirement that these be small scale infill and rounding off'. At the bottom of this slide you can see Argyll and Bute's definition of infill, which this proposed development clearly does not fulfil.

Hilary Worton

As we've already stated, the Local Development Plan is something that is of vital importance in planning and community development and one which we fully support. Councils across the country have local development plans in place which protect and support the economic and cultural development of neighbourhoods. I'd like to spend a few moments describing the hamlet of Portincaple for those of you on the committee who have not had the opportunity to get to know it.

Portincaple is a small hamlet on the shores of Loch Long opposite the mouth of Loch Goil, almost within sight of the applicant's existing hotel/estate at Carrick Castle. Portincaple has some historical significance, being the landing/departure point for the ferry across to Mark, on the Ardgoil peninsula. According to local legend this may have originally been the route to market for cattle as well as for Victorian day trippers visiting local celebrity, James Grieve, at the time, Scotland's oldest man who lived at what is now the Mark Bothy. This history is well acknowledged and known locally and has never been 'lost'.

Today there is a single road which leads down to the beach providing access for residents and visitors as well as a well-used footpath across the hillside down to a popular site for fishing. The shoreline from the high water line is owned by Luss Estates, whilst the remainder of the land and property in Portincaple is all privately owned. The existing housing is exclusively single family houses on relatively large plots. The housing has built up slowly and organically over the past couple of hundred years. It's a place with no local amenities; no village hall, no street lighting, no pavements. There's a single track road through Portincaple leading from the main A814, but blink and you'd miss the turning, almost certainly because you're taking in the spectacular views across the loch from the top of the road. It's a place where residents of all ages feel safe to take their daily walk along the road and on the beach. Pre-lockdown, kids run around between one another's houses and everyone knows whose dog that is that's wandered into your garden today. In the heart of Portincaple is an area of ancient woodland, listed on the ancient woodland inventory and the housing has built up slowly around that woodland and the beach. It's home to families, extended families, retirees and a significant number of small independent business run from home offices. Portincaple is a positive generator to the economy of A&B. The addition of public realm space with picnic tables, parking and paths along with the additional requirements associated with HMOs will inevitably mean increased costs to the council.

Portincaple is a minor settlement in an area of panoramic quality. These sort of places are rightly protected from over-development in terms of control on the scale, and nature of any proposed planning applications. This means that no planning application can be permitted for more than 5 houses unless there are exceptional circumstances. The community should be able to have faith in the protection afforded by the local development plan.

What we are showing on this slide is an extract from a document dating back to 2014, when the current local development plan was being consulted upon. A

Portincaple resident at the time raised concerns about the potential for over-development at some point in the future and requested that further protection should be included within the LDP. This request was referred to the Scottish Ministers as part of the consultation process, and an extract from their Reporter's decision is shown on this slide. The Reporter asserted that the LDP as proposed and subsequently adopted did not need to be amended since this would be sufficient to prevent the exploitation of the special nature of this landscape and community. At that time they reassured the community that the LDP would protect Portincaple because no planning application for more than 5 houses could be approved, and that would be restricted to minor infill and rounding off. Portincaple currently has planning permission or planning permission in principle already granted and in place for 14 new houses on top of the 12 we are discussing here today. The 14 already granted have all been approved by the planning department within the terms of the LDP.

The planning application that we are discussing today would require a relaxation to be permitted by this committee to the protection afforded by the LDP. The Planning Officer's recommendation would require you to ignore the commitment previously given to the community of Portincaple by the Scottish Ministers Reporter that we are highlighting on this slide.

So let's now turn to understanding the rationale given by the planning officer to justify a deviation from the protection afforded by the LDP. The latest report of handling (supplementary report number 3) states that there is a specific local housing need that warrants this departure from the LDP. The Planning Officer asserts that there are 3 housing units in the plans that will meet the needs of the Ministry Of Defence, driven by the expansion of the naval base at Faslane and the Maritime Change programme. In addition the report states that a Section 75 order will be imposed on the developer. For the lay people present today, I'd like to briefly explain what a Section 75 agreement is. We've taken some professional advice and done a little research on this, since those of us on the Community Council are not planning experts.

Here's a definition:

In order to obtain planning permission, a planning authority may require developers to enter into a contract to offset adverse impacts of their project. Such a contract contains provisions designed to overcome obstacles to the grant of consent

In this particular case, what seems to be being proposed, to offset the negative impact of this development, is that there is no requirement for this development to include the usual statutory provision for affordable housing, but instead the developer will pay the council a sum of money, and in return the council can impose a requirement that the terraced housing in the plans is leased to the MOD to satisfy a need for additional housing for a period of 5 years. It is also worth pointing out here that this will be the first time that a commuted sum will have been accepted in lieu of affordable housing in Argyll & Bute. Here we have two questions for the committee: firstly, is £72k really an appropriate sum to release a developer from the obligation to provide affordable housing: And secondly, this is already a very controversial planning application - is this the most appropriate case to set this precedent?

Let's for a moment go along with this hypothesis. If this does go ahead, then please pause for thought and consider what the impact of this will be on Portincaple.

Remember how I just described the existing community. It is difficult to imagine how up to 15 individual MOD staff or contractors will not alter the existing character and distinctiveness of Portincaple. This development as envisaged by the Planning Officer's report would represent a dramatic and significant change to the very nature of this sleepy rural hamlet. Think now about how these new residents would get to work. The latest submission by the applicant's team wants us to believe that they will jump onto their bicycles and pedal off to work. The proposed development site we are talking about sits almost on the shore, at the bottom of a very steep hill. The topography of the landscape makes the prospect of commuting on foot or by bicycle unrealistic. Travel to the base from Portincaple would have to be by private vehicle. Any other suggestion is completely fanciful. Ask yourself, are these aspects of the plans being recommended to you really in line with the stated goals of planning policy being for the right development in the right place and a low carbon society? The folks we are representing here today certainly do not believe it is.

Watson Robinson

We also have written statements from the Ministry of Defence stating that they have no interest in the housing at Portincaple. Members of our communities asked their MP, Brendan O'Hara, and their constituency MSP, Jackie Baillie to find out the reality of what, if any agreements have been made between the developer and the MOD. Both of the letters you can see on the screen now directly address this question, and they both have the same answer. The MOD state that 'The MOD has not commissioned any properties within this development, and no commitment has been made, nor has any agreement been entered into or inferred'

In fact they go further than that. They go so far as to say: 'the requirements of the establishment (ie the MOD) and the Portincaple development differ'.

Yes, you heard and read that right. The MOD state clearly here that their needs differ from what is on offer in Portincaple.

Why therefore you may ask does the Planning Officer's report of handling suggest that a condition would be imposed to insist that the housing in question is offered to the MOD? You may ask that indeed. Several members of our community have brought that exact same question to us. It seems completely illogical that this should be used as the justification to deviate from the LDP. We are left baffled by this and hope that the discussions here today will shed some light on this matter since the information that has been provided prior to today's hearing leaves important questions unanswered.

Let's take a look in a bit more detail at the information we have on the slide in front of us. Much has been made in the report of handling of the predicted increase demand for MOD housing owing to the Maritime Change programme. Brendan O'Hara MP, therefore specifically asked some key questions in his request to the Minister of State for Defence Procurement, Jeremy Quin MP:

- When asked about the current supply of service accommodation, Mr Quin's response indicates that they currently have a surfeit of such housing, with 145 premises currently unoccupied and plans to bring on stream accommodation for a further 68 service men and women early in 2021. When considering the longer term need for the stated 450-500 housing units, Mr Quin clearly states that the housing in Portincaple is not part of their plans.

It stretches the bounds of credibility for us to accept the MOD's need for housing as a valid justification to deviate from the LDP, and I would urge Committee Members to think long and hard about if they are happy to accept this rationale.

Fergus Madigan

The final point I would like to discuss today is the impact on our natural resources.

As has already been mentioned, the site for this proposed development sits within a designated APQ, or area of panoramic quality. It currently comprises mostly woodland, listed on the Scottish National inventory of ancient woodlands. I'm sure that other speakers will follow with far more expertise that I have on this, but allow me to mention a few points by way of introduction to the subject and I'll leave it to other experts to complete the picture.

This type of woodland is known as Celtic Rainforest – and it's globally significant. It's the sort of precious landscape that people like David Attenborough make documentaries about. As I mentioned earlier, the existing houses in Portincaple have grown up around the woodlands that are in the heart of the hamlet, both literally and figuratively.

The Community Council welcomes the public statements from the new landowner of the site in question about his commitment to protecting our rich natural heritage. As I'm sure committee members are aware, one of the biggest threats to ancient woodland like the site the applicant now owns, and the adjacent plot next to it which he also owns, is from non-native invasive species, in particular rhododendron ponticum. We would expect therefore that he, like other property owners in Portincaple, will continue to work to keep the ponticum under control and allow the native species to reestablish and thrive successfully after some years of neglect on those sites. (It's perhaps worth mentioning at this point that we understand the applicant also has an exclusive option to buy another plot in Portincaple alongside the area in question that he has already purchased. The Community Council hopes he will be proactive in protecting and restoring the precious woodland areas across all the land he has an interest in in Portincaple).

We strongly support the Scottish government initiatives to protect and enhance these ancient woodlands and are proud to have a piece of this coastal temperate rainforest biome in Portincaple. It is considered to be globally rare and according to the Woodland Trust is considered to be more threatened than tropical rainforest.⁵ We therefore strongly oppose the plans outlined in this application to build housing and car parking across this special landscape; whatever promises may be made for 'compensatory planting'.

Watson Robinson

So to summarise, the Community Council's objection centres on three important key topics:

Firstly, as I've shown, there is overwhelming local opposition to this planning application. I've explained some of the details of this and how we do not feel local voices have been adequately considered in the Report of Handling.

Secondly, the Planning Officer is asking the Committee to agree to a deviation from the LDP based on a justification that is flimsy and opaque at best, and potentially also misleading and flawed. As has been well-documented in SHIP, the LDP and SDDF minutes, there is in fact more than sufficient housing land already allocated for the MOD expansion without Portincaple or any other windfall sites. Indeed the PPSL received a report from the Planning Department on 23.9.20 showing that there is more than enough housing land already identified in the Helensburgh and Lomond area in the current LDP to last until 2025.

Finally, the third important consideration we have put to you is the very real risk of irreparable ecological damage. I will leave it to other speakers from the Objectors teams to cover this in more detail and finish by asking, on behalf of the Community that the Committee refuses this application.

Many thanks for your time.

A short video prepared by the local community was then shown.

Roads

The Council's Traffic and Development Officer, Donna Lawson advised she would address her comments submitted in respect of this application. She advised that the proposed development would be accessed via the existing public road, Feuins Road which, she said, had the capacity to serve the proposed development of 12 dwelling houses. In accordance with the 'Roads Development Guide' the residential road, Feuins Road, had the capacity to serve up to 100 dwelling houses before any extensive carriageway widening works would be required to be implemented. She advised that there were currently 58 dwelling houses within both the existing adopted section and the private access. Referring to an extract from the Roads Development Guide, which advised that for 50 – 100 dwellings the width of the road should be 4.8 metres, she said that Feuins Road had more width and passing places. She said that Feuins Road provided access to properties within a residential area and linked with the traffic distributor road (A814). She said that the definition of a residential road was a road with no through traffic, did not link to settlements, and did not lead to either industry or leisure destinations.

She referred to concerns raised regarding the existing bridge and culverts and the existing road and potential damage to them if the development went ahead. She advised that prior to any works commencing a full inspection and engineer reports of Feuins Road, the existing bridge, and culvert structures should be submitted by the developer to Argyll and Bute Council. Any remedial repairs required to Feuins Road, the existing bridge, and culvert structures as a result of construction traffic should be carried out within 12 months of completion of the development.

She also advised that full details of the proposed road alignment to the private access road should be submitted to, and agreed in writing with, the Planning Authority in consultation with the Council's Road Network Manager. Thereafter the proposed road alignment should be fully implemented in accordance with these details prior to construction of the first dwelling house. The road thereafter would be maintained by the Council.

She said that the realignment works would reduce the gradient and improve the alignment of the road, providing an adopted road from the end of the adopted road to the junction of the proposed development.

She also advised that the provision of car parking within the curtilage of each dwelling should be in accordance with the Council's Local Development Plan supplementary guidance SG LDP TRAN 6 Vehicle Parking Provision. She said that parking for each dwelling house should be constructed prior to occupation of each dwelling house. For Housing (Use Class 9) and Flatted Dwellings there should be 1.5 spaces per 1 bedroom unit, 2 spaces per 2-3 bedroom unit, and 3 spaces per 4 or more bedroom units. She advised that they tended to round these figures up and that the proposed development would more than accommodate the minimum requirement.

She concluded by advising that Argyll and Bute was very diverse in nature and environment and that every planning application was looked at on its own merit. One rule did not fit all, especially with the vast difference in traffic volumes, speeds, and types of vehicles using the roads. Engineering judgement was a must to ensure a safe environment for all road users.

SUPPORTERS

John Urquhart

Mr Urquhart gave the following presentation:

I am a retired teacher of Geography, convener of Helensburgh and District Access Trust and Vice Chair of the conservation charity Friends of Loch Lomond and the Trossachs, but I do not speak for these organisations here. I do not know Mr Olive.

- 1 I am concerned this application is being targeted for external political purposes in a similar way to the nearby application for Balloch's West Riverside site, where misleading information spread on social media has been used to whip up large numbers of objections, many of which are based on a proforma and more or less identical. Typically the misinformation includes unsubstantiated claims of threats to endangered species and ancient woodlands or imagined road traffic issues or breaches of the planning process.
- 2 I am also concerned about the use of sensational language designed to inflame opinion - slogans like "Save Loch Long" and statements like "Portincaple will be destroyed". When looked at dispassionately this kind of stuff has no basis in reality. The language seems particularly misplaced (even ludicrous) when set against the very real visual impact of large nearby facilities such as at Coulport, Finnart, Glenmallan and Glen Douglas, not to mention the blot of the abandoned torpedo station at Arrochar as well as the ecological damage being done by invasive rhododendron and the huge areas of commercial forestry monoculture which already disfigure substantial areas along the shores of Loch Long. There is also Loch Long's well documented marine litter problem. Any impact the development might have pales into insignificance when set against these issues.
- 3 On issues such as scale and setting, Portincaple's 4 separate nucleations gives an envelope with ample room for future development while the wide variety and

quality of existing architectural styles means there is little ground for the concerns raised about character and design.

- 4 Scenic quality concerns also have little foundation since the views looking onto Portincaple from the west are heavily compromised by the storage tanks and jetties of Finnart oil terminal and the MoD's Glenmallan Armaments jetty, currently being extended for the Navy's two new giant aircraft carriers. The views looking west from Portincaple towards Ardgoil and the knobbly outline of Argyll's Bowling Green are of course very attractive, but the new housing will have no impact on that.
- 5 Apart from the availability of some new state of the art green housing, what the public have to gain from this development are better management of the woodland, jobs in construction and the re-establishment of historic access to the foreshore which bit by bit has been denied by Portincaple residents. There is also the promise of a jetty, another lost historic feature which will be widely welcomed. There is also the possibility of planning gain. In this respect I would make the case for joining Portincaple to the area's wider path network with links to Garelochhead and the nearby Three Lochs Way, which is becoming popular as one of Scotland's suite of 29 "Great Trails". This would benefit Portincaple residents as well as the wider public.
- 6 In conclusion, it seems to me that there is little wrong with this application. In contrast there is a great deal wrong with the objections which are largely motivated by the entirely understandable, but essentially irrational ("NIMBY") fear of change which has been exploited by a largely external and politically motivated opportunistic campaign which perhaps has more to do with the coming election than any real concern for the environment. I am a strong supporter of the green agenda. I have already referred to the many serious environmental issues afflicting Loch Long. These are the issues Portincaple residents and the Green Party should be concerning themselves with, not the provision of 12 energy efficient homes.

OBJECTORS

Ron Fletcher

Mr Fletcher gave the following presentation:

Good afternoon,

My name is Ron Fletcher. I speak as chair of the Residents Association, on behalf of the community, but with limited time can only address a few of our objections. Before I took early retirement I was a site based Project Manager for one of the large national construction companies.

I moved to Portincaple in 1974, so have witnessed the slow, what could really be called "sustainable" and therefore easily assimilated, growth of the village. This proposal, if approved, would change that dynamic irrevocably and destroy it for ever. It's for that reason, amongst others, that not one household in the village, has written in support of this application. It demonstrates with clarity that this is against the

principle in para. 28 of Scottish Planning Policy 2014, which seeks, “the right development in the right place, it is not to allow development at any cost!”

The Report of Handling concludes this is only a MINOR departure from the LDP. However, taking the 12 dwellings, plus their 44 associated parking spaces, when set against the 58 houses and 120 residents in the village at present, would result in the following:

An approx. 20% increase in the number of dwellings in one go.

A possible 93% increase in residents if all 56 bedrooms were full, and a 75% increase in car traffic.

I would ask the elected members present, whether such huge increases would be welcomed if it affected the community where they reside. This is another reason why there have been no letters of support from Portincaple.

As a construction manager with 35 years' experience of both commercial developments and housing, there are a number of things which concern me and which are not clear from the Report of Handling. For example:

The drawings for the buildings, indicate extensive rock breaking, possibly up to 10,000 cu.m, because the proposed ground floor levels are below existing rock levels. This means many months of continuous noise and dust will occur during this operation, if percussive methods are used. This will be further compounded by the proposal to put the arisings through a crusher plant. We raised this as a material consideration in our objections, but it was not addressed at all in the R o H, and was not mentioned at all in either of the presentations by the planners or the developer. While conditions have been proposed e.g. 14 and 22, full details will only be submitted after permission is granted, which will be too late for residents to object. All this in a quiet, totally residential setting with many endangered species known to frequent the site.

Portincaple is a mainly linear settlement with many of the houses fronting on to Feuins Road. This is described by the Council as a single track, rural, residential road with passing places, (none signposted), providing access to a small number of dwellings, but not leading to a destination or linking to another settlement. It has no speed limit signs (so 60 is the theoretical limit), and it can just about cope with present traffic levels. The earlier video shows how a delivery can cause delays on the road, sometimes lasting between 20- 30 minutes. However, it's still quiet enough for children to learn to ride their bikes, or play along its length, under supervision, safely. This existing amenity will be destroyed if approval is granted, because all construction related traffic will use this route, so will condemn the residents to at least 2 years of disruption, while the works are ongoing. This also has possible serious consequences should one of the two ancient bridges on the adopted road suffer damage, or even worse a collapse, due to the incessant loading from constant heavy goods vehicles. No load assessments have been carried out on either of the bridges affected, so I fail to see how approval can be given in advance of a full safety and structural assessment being carried out by independent assessors, rather than a standard base line survey, as intimated in Condition 4.

Finally I turn to the mythological “9 material planning gains” document submitted by the developer, some 4 months after the application, in an effort to justify the

departure from policies LDP STRAT 1 and LDP DM1, although I noted that some new items had been added.

- 1 Lost history will be re-discovered. It was never lost, so can't be re-discovered.
- 2 Invasive Rhododendron will be removed. This could be done by the landowner, the Local Authority or community, so is a weak justification for development.
- 3 Lost connection to the water restored. It was never lost, so can't be restored.
- 4 Large part of road will be reconstructed etc. No work is proposed on the existing Feuins public road, so no safety improvement there. Only the residents of the 10 shore level properties, could be regarded as having an improved access but will have to endure 2 years of disruption.
- 5 Woodland created and restored etc. An irreplaceable semi natural ancient woodland is being destroyed to achieve this.
- 6 New open space and access to water, again, never lost (see 1,2, 3 and 5 above)
- 7 New District Heating scheme. The only benefit should it proceed will be for the new houses, with none for the existing community.
- 8 New highly sustainable Exemplar houses. Quite a statement for something not yet built
- 9 Land for bus turning and connection to core paths. Bus service has been tried previously but withdrawn due to lack of demand, and infrequent connections to regular services. Any connection to 3 Lochs Way would have to cross MOD land so is not guaranteed in any recognisable time span, if at all.

As chair of the Residents Association, I would respectfully ask you to refuse permission for this development.

Ian Cowan

With the aid of power point slides, Mr Cowan gave the following presentation:

Introduction

Ian Cowan, qualified solicitor, 10 years as regional solicitor at SEPA, but practising as environmental and planning law consultant. Appearing on behalf of Save Loch Long Protect Portincaple Campaign Group and many of the 1000 + objectors.

We attend under strong objection that this hearing is procedurally unfair:

- remote hearing puts individual objectors at a disadvantage
- time allocation was completely disproportionate.

There was never enough time to cover all the points of objection to this proposal, so we are concentrating on following:

- Inadequate information provided on trees and woodland
- Unrealistic renewable energy proposals
- Key omissions and misjudgements in the ROH.
- Flawed justification for departure from the development plan

Rory Hobbs

Good morning,

My name is Rory Hobbs. I am a senior Arboricultural Consultant and managing director of an established Arboricultural Consultancy company. I have a limited time and as such can only briefly highlight my concerns, however, I would be happy to take any questions following this statement and help direct anyone to relevant British Standard guidance in more detail. All slides used in this presentation can be found in the BS:5837 guidance document.

I have many years' experience working in the industry and provide professional advice to a range of clients including government bodies such as Highways England where I have recently developed their tree policy, multiple domestic and commercial clients and currently am employed by two local planning authorities to comment on arboricultural implications of development proposals and appraise arboricultural impact assessments, arboricultural method statements and condition discharge requirements.

I was engaged by a member of the Save Loch Long group who is a mutual friend and asked to give my opinion on this application provisionally as a desk top study from my office in Suffolk. After assessing the documentation provided, I then decided to travel to the site to fully understand what would/should be appropriate in this instance to satisfy a planning application under guidance provided by the BS:5837 2012; Trees in relation to design, demolition and construction document. This document is a UK standards publication and as such is accepted as relevant national standards body following the 2002 memorandum of understanding between the UK government and the British Standards Institution. It is also worth noting at this point that Argyll and Bute have correctly applied these guidelines in multiple previous planning applications as per public records.

But in this instance, it is clear that the requirements leading to the scheme design approvals as stated in this document have not been met.

The preservation of existing trees is a material consideration in the planning process, whether they are subject to existing statutory protection or not. Trees are at risk from the pressures of development. Damage can be sustained to both below and above ground parts of trees. Any failure to evaluate fully the impact of development at the earliest opportunity could lead to needless loss of tree cover. Under the UK planning system, local planning authorities have a statutory duty to consider the protection and planting of trees when deciding whether to grant approval to planning applications. The level of information required to help inform this decision varies between applications, however table B.1 (delivery of tree-related information into the planning system), shown here, gives a minimum detail of information that authority would be expected to seek.

In all cases, by this stage of a planning application, as a minimum requirement:

- a tree survey (of all trees within influencing distance of site as included in the topographical survey),
- a tree retention/removal plan (finalised),

- a tree constraints plan showing retained trees and their calculated Root Protection Area (in most cases a radius of 12x the diameter of the stem when measured at 1.5m)
- a strategic hard and soft landscaping plan including the location of new planting, and
- an Arboricultural Impact Assessment should have been completed and submitted.

On sites where large levels of mitigation would be required, it would also be usual at this point to receive a draft tree protection plan and method statement outlining key mitigation requirements to protect retained trees from damage during construction and begin to outline key responsibilities and provide an auditable time line of actions. This slide shows the sequence of when each element should be requested.

To date, only a survey of 188 of the 392 trees recorded on the topographical survey (inside the site boundary or within influencing distance of the site) has been submitted. The document states that the tree survey should include all trees included in the topographical survey. It has been noted that one section of trees not included in the tree survey will be directly impacted by the installation of a car park area well within the root protection area of those trees (AKT Partnership drawing ref 12864-01 rev D). Given the proximity of the carpark area to this section, some assessment of potential for harm to any retained trees or indeed if removal of trees would be required to facilitate the proposal should have been requested. There may be other groups of trees impacted by the development but without the benefit of information such as the sweep analysis for the entrance to the site, it would be impossible to satisfy that concern without a further request for information.

The survey contains a subjective tree categorisation for each tree (as per the slide cascade chart), no calculations for root protection areas have been provided (in the form of a tree constraints plan), no indication of trees to be retained/removed has been submitted and no assessment of the impact of the development on trees to be retained (if any) has been issued.

In short, no detail as to the volume of trees to be removed, potentially damaged or placed under future pressure for removal as a consequence of this development has been requested and as such approval would enable an open chequebook on tree removal under the discretion of anyone involved in the project. There is also no clear evidence that the findings of the report produced have been considered at any point within the project design phase.

At this stage it is important to say that the report would have likely been completed before the design stage as is the norm (and preferable). In most cases, the arboricultural consultant is engaged to complete a site survey only of the site as per the instruction of their client. The information would then be passed to the designer who would use the report to help inform them of site constraints. Once the draft proposal is finalised, the arboricultural consultant would then proceed to complete the impact assessment and subsequent arboricultural method statement and tree protection plan, often in communication with the planning authority. It is often the case (as I believe is likely in this instance) that the consultant is not engaged following the submission of the initial report to the designer. It is then the responsibility of the local authority to request further information (i.e. Arboricultural Impact Assessment, Arboricultural Method Statement) to help appropriately inform them of site issues and satisfy requirements at the feasibility stage before

progressing with the application. It is clear that this has not happened in this instance.

As of this time, I have not received a final drawing that overlays the tree locations and their constraints onto the final proposal so I am unable to give a full assessment of the site, but I would suggest from the information provided and during my two site visits, it is clear that this proposal would have a significant impact on the woodland and its current character. The woodland is a mix of broadleaf species and has been given the impressive designation of Ancient or Semi Natural Origin as a reflection of its character (not the age or condition or age of individual trees within it but as a reflection of it group as a whole) and is also recorded in the Ancient Woodland Inventory. The amenity value of the woodland is made all the more important given the surrounding softwood. It plays a crucial role within the wildlife corridor that currently exists along the entire east side of Loch Long.

It is likely that should trees be retained as part of the design, they would cause future conflict with the development due to their close proximity to structures. An assessment on pressure for future removal from issues such as light blocking, leaf litter and lifting of hard surfaces through secondary root growth or subsidence (though subsidence is extremely unlikely in this location given the soil type) have not been requested by the local authority at this stage. I would suggest that given some images showing an artist's impression of the final design, future pressure for removal of trees to allow views across the loch would be great indeed, should trees along the north west boundary closest to Inverallt and through to T6118 be retained.

To summarise, it is the ultimate responsibility of the local authority to safeguard the future of tree stock and prevent needless damage of removal of trees during development. The minimum level of information should be sought in any event to accurately assess this potential during the feasibility and design stage. As mentioned, it would also be appropriate at this stage on many sites of high amenity value to begin to draft method statements and tree protection plans. I cannot see how when applying this guidance, it can be seen that the Local Planning Authority have the information to accurately assess the impact of this development on the woodland. At no stage have I seen evidence of the input of a dedicated arboriculturalist on behalf of the Local Planning Authority which is highly unusual or have I been shown evidence of any consideration for the tree stock on site outside the original report produced in January 2019 by either the Local Planning Authority or indeed the designer of the project.

It is of my opinion only that should the guidance be applied in this instance following the final design, the proposal would exceed the capacity of this site to maintain its current woodland character. It is clear that high levels of encroachment into calculated RPA's would be required to facilitate the proposals and as such, an assessment of these activities alone is critical.

It is public record that the authority has applied BS5837 requirements in the past as per historic planning cases such as development at the Argyll and Bute Hospital (re 14/01083/PP) and application 16/02515/PP (which was a small scale erection of a dwelling in Helensburgh) where a request for further information on storage of site materials be provided in accordance with BS:5837. With this precedence set, it is unclear as to why this level of scrutiny has not been applied on this occasion where potential damage to or removal of large numbers of trees of good amenity value is possible. It shows a concerning inconsistency in requirements across sites in what

the authority deem appropriate information required to inform a decision and with a decision of this calibre and the future of a woodland of this value at stake, every opportunity should have been given for the client to provide ample information.

I ask the committee to consider the implications to the future of this woodland should approval be given, based on the current information provided to the local authority.

Ian Cowan

Renewable energy systems

Planning gain no. 7 is a district heating system for the proposed 12 dwellings. The developer's consultants, Ramboll, recommended the installation of a water source heating system using pipework and supporting pillars to be installed in the loch. The system is totally dependent on a licence being granted by Marine Scotland, who have to consider, amongst other things, the potential impacts on Priority Marine Features such as horse mussels and firework anemones, both of which are reportedly present in the area. A 2016 report by SNH (now NatureScot) identifies firework anemones as being of 'international and possibly global importance'. A serious developer would have been in contact with the regulator to discuss their licensing requirements, but Marine Scotland has no record of any such contact.

If a marine licence is not granted Ramboll recommends the alternative would be to place photovoltaic panels on the roofs of the dwellings. It is suggested that the glare these would create is not appropriate in an Area of Panoramic Quality where development is not essential nor of economic benefit.

If a water source heating system is licensed, existing dwellings could link into it, but individual householders would bear the cost of doing this, and for adapting or replacing their heating systems to make it compatible. Unlike the developer they would not be eligible to claim Renewable Heat Incentive payments and the cost would mean community uptake is likely to be extremely limited.

It is suggested therefore that as there is no certainty that the water source heating system will be permitted, that air source heat pumps have been discounted by Ramboll and photovoltaic panels would not be in keeping with the Area of Panoramic Quality designation, that planning gain 7 is purely aspirational and should be discounted by the committee.

Any questions, please inform the Convenor and I will arrange for Paula Coopland to join the meeting.

Key omissions in ROH

1. Page 2, section (C) – no planning history? This is wrong.

In 2019 the applicant submitted a pre-application enquiry and an EIA screening request for a 36-house development and a 22-bed hotel on this site and land to the south which he also owns. These were part of the planning statement that supported this application.

As the ROH says, there is nothing to stop a developer from using successive applications to achieve the proposal they want [and the current proposal is

economically unsustainable, as has been pointed out] so it is not surprising that many residents fear that this is phase 1 of a much larger development on land owned by the applicant.

2. Page 21, section (Q) – minor departure? No justification is given for classifying this as a minor departure, perhaps because it is not a minor departure.

The LDP states that in minor settlements or villages, only small-scale development is supported, meaning up to 5 houses. A minor departure might be 6 houses or 7, but not 12 – that is more than double the supported scale of development. And as Mr Fletcher hints, in the context of a village with only 58 dwellings, this is clearly a significant departure, and socially unsustainable.

3. Page 20, section (P) – determining issues

No mention of 3 key issues of road traffic, built heritage or ancient woodland, which make the proposal environmentally unsustainable. This omission is a result of flawed assessments which I will now describe.

Flawed assessments in ROH

1. Pages 9-10, section (F) – in response to representations on roads and transport

Mr Fletcher mentioned the impact of construction traffic, but another major objection is that:

- once built, the development generates unsustainable levels of new traffic
- Feuins Road is a rural road with no passing places, no pavements and a 60mph speed limit
- road safety has not been properly assessed.

The ROH repeatedly responds that “The Area Roads Officer has offered no objections to the proposal”.

When consulted, the Roads Officer’s observed that

“In accordance with the ‘Roads Development Guide’ Feuins Road has the capacity to serve up to 100 dwelling house before any road widening works are required to be carried out. There are currently 58 dwelling houses.”

a. The Roads Development Guide says that 50 to 100 dwellings can be served by a “4.8 metre wide carriageway with passing places”. But in other correspondence, she wrote that Feuins Road is “a single-track road with passing places” – in which case, according to the Roads Development Guide, it can only accommodate up to 50 dwellings. In fact, within the village, the width varies between 4.3 and 4.6 metres wide, so it does qualify as a single-track road. But it has no passing places, so, as can be seen from these slides (6 and 7), an oil delivery can quickly and unpredictably cause congestion lasting up to 20 minutes, and the road does not meet the Council’s standard even for the 58 dwellings that already exist.

b. The Roads Development Guide allows for one car per dwelling in rural settings. No account has been taken of the fact that the development provides 44 parking spaces for just 12 houses, because of the multiple occupancy, meaning up to 44 additional cars travelling the full length of the public road, on top of the estimated 58

already using all or part of it. That represents an unsustainable increase in the number of trips along Feuins Road.

c. Scottish Planning Policy says that “Where a new development is likely to generate a significant increase in the number of trips, a transport assessment should be carried out” and “Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where direct links to local facilities via walking and cycling networks are not available or cannot be made available”.

The recommendation is therefore in direct breach of Scottish Planning Policy.

2. Page 33, Appendix A – assessment of impact on listed building

According to the ROH, Inverallt is a Category B listed building immediately to the northwest of the site (Slide 7). The Built Heritage Conservation Officer said nothing about listed buildings in her consultation response, so the following assessment in the ROH is by the planning officer:

“The principal elevations of the listed building are orientated towards Loch Long with the closest house in the proposed development sitting behind this at a higher level approximately 16.7m from Inverallt.”

This is what that will look like (Slides 8 and 9). It is incredible that the planning officer can find that the “would not have an adverse impact on the setting of the listed building.”

These photomontages, submitted by the applicant, show clearly that it will have a significant adverse impact on the setting of Inverallt.

The recommendation is therefore in direct breach of local plan policies.

3. Page 35, Appendix A – assessment of impact on ancient woodland

According to the ROH, ancient semi-natural woodland is “important”. Nevertheless, on the basis of the applicant’s tree survey, which Mr Hobbs has shown to be utterly misleading, the planning officer concludes that the removal of ancient woodland on this site is in accordance with policy.

However, according to Scottish Planning Policy, ancient semi-natural woodland is not just important, it “is an irreplaceable resource and ... should be protected from adverse impacts resulting from development”.

Another clear breach of Scottish Planning Policy.

Final point: Flawed justification for departure from the development plan

As the ROH says, local planning policy states that medium-scale housing development in a village or minor settlement “would only be supported by a deliberate attempt to counter population decline in the area, to help deliver affordable housing, or else meet a particular local housing need.”

Section (S) of the ROH (Reasoned justification for a departure to the provisions of the LDP) says that “an exceptional case has been demonstrated that the proposal would not only provide money for affordable housing by means of a commuted sum but would also result in the provision of housing to serve an identified housing need.” But provision for affordable housing is a requirement of the same policy, for all developments of 8 houses or more, so can hardly be used to justify a departure from another provision of that policy. The only real justification is that an identified housing need is said to be met. But there is no evidence that it will be met.

The ROH goes on to say: “The identified housing need relates to the Ministry of Defence’s Maritime Change programme which has ... created a need for housing for military personnel and houses will be made available within this development specifically for this purpose.” This benefit will supposedly be secured by the proposed section 75 agreement, for up to 5 years, but unless the MOD is a party to the agreement, it will be under no obligation to take up a single one of the 15 single living units reserved for them, and they are just as likely to remain vacant.

Even if this benefit is secured, the same policy states that such a departure is only justified where the proposal will “not overwhelm the townscape character, or the capacity, of the settlement and be consistent with all other policies ... of the Local Development Plan.”

This proposal obviously does “overwhelm BOTH the townscape character AND the capacity of the settlement” and is NOT “consistent with all other policies ... of the Local Development Plan” or indeed with Scottish Planning Policy.

It must be rejected.

Thank you for listening.

Ross Greer MSP

Mr Greer responded to a number of points that Mr Jamieson made.

He advised that Mr Jamieson, on behalf of Mr Olive, dismissed the community’s objections characterised as some kind of vocal minority. If 40% of a community can be dismissed as unrepresentative what does that say of the supporters, none of which came from Portincaple. None of us, including the developers, are in any doubt about how the community feel here – overwhelmingly opposed to the development. 40% is remarkably high for individual objections.

Mr Jamieson suggested objections lodged through the portal on the Scottish Green Party site were somehow really supportive. Mr Greer advised that his role was to make it as easy as possible for the community to engage with the process which allowed objectors to send either a pro-forma or an objection in their own words.

He said that to dismiss those using the pro-forma was intellectual snobbery and dismissed the many people who would otherwise find it impossible to navigate complexities of local planning policy and national planning law to express their objection in a manner material to this process

He advised that Mr Jamieson also mentioned the points made about rhododendron removal in his objection and most of those submitted through the portal on the Greens' website.

This takes us to a key point in their argument – that environmental and ecological improvement of this site can only take place through their development – this is false. Local authority and communities are not dependent on private developers coming along before rhododendron can be removed – precisely why my objection includes proposals for what we can do instead of this development. Funding can be made available to communities, landowners and local authorities to eradicate invasive species. Eradication of invasive species should not and does not need to be transactional, only happening when a landowner or developer is looking to profit from a site decides it is in their interest. Therefore, it is not material to the developer's case

We also heard that the development would not overwhelm the character of Loch Long. As residents have demonstrated, it would overwhelm the character of Portincaple.

Mr Jamieson said this is the 'exact right location' because of an 'urgent need for local housing'. This is false, therefore not grounds on which to approve.

This takes us to wider point around housing. We have been told repeatedly that housing need is from the MoD – where is the evidence for this?

Evidence submitted to the contrary – this development would not meet the MoD's need – in their own words!

This is a point against the proposal, not in its favour.

No MoD need for this housing, there isn't any affordable housing, so it's not meeting that need either – so comes down to whether it's worth disregarding council planning policy for sake of small payment. This could set an unfortunate precedent in the future – to accept developments for a small sum.

One brief additional response, to the contribution made by Mr Urquhart.

Firstly I would suggest that it's rarely advisable for those outwith a community to police the language that a community uses to describe something which so materially affects them. If residents feel this will destroy their community, we should consider why they feel that way, rather than dismiss their concerns on the basis of language.

Mr Urquhart suggests this process has been driven by external political factors.

Wrong on two counts.

Firstly, the community have already demonstrated their overwhelming opposition and their leadership of the campaign.

Secondly, the fact that none of Portincaple's parliamentarians live in Portincaple does not make our objections external. Most councillors on this Committee will

represent a number of different communities whilst only living in one. It does not make their representation any less legitimate. The same applies to MSPs and MPs.

We were all asked by the community to help them – and we did.

I would also draw members' attention to the submission by Michael Russell, neighbouring constituency MSP, who has past experience with this developer, leading to his expressing considerable concern in regards to this development.

The suggestion that I have objected to this development for purely electoral reasons is wearily familiar. I am sure councillors are familiar with those who do not know you casting aspersions as to your motivations too.

The reality is that all of Portincaple's MSPs and its MP object to these proposals.

We are not working against each other for political advantage. We are working together, at the request of our community.

I would like to finish with two additional points of objection not previously covered.

Firstly, as per my written submission, David Nairn of Clyde Porpoise CIC has clearly identified that nearby Loch Goil is one of few known homes to the Sea Squirt *Styela Gelatinosa*. Due to military restrictions the bed of Loch Long has not been examined for many years, but it is highly likely that the sea squirt population extends to this part of the loch. Adding to the existing challenges posed by differences in temperature caused by the climate crisis, sea squirts are highly vulnerable to changes in water composition that can be affected by loss of flora close to the shore.

For these reasons, the application clearly fails the tests set out in policy LDP3.

I also ask that particular consideration is given to brown long-eared bats, a European protected species. These have been present in the local area for many years, as shown by surveys done on surrounding properties. The survey conducted as part of the application was completed during a period of hibernation for this species. Given the likelihood of a protected species present on the site, development without a full and satisfactory bat survey in this location would be unlawful. Scottish planning policy states that planning permission must not be granted for development that would be likely to have an adverse effect on a European protected species.

To round off, this development would not deliver the planning gain it claims.

It is clearly in breach of planning policy – both local and national and it would fundamentally change the character of Portincaple, whose residents overwhelmingly oppose it,

I would ask that councillors take on board the material considerations we have outlined and, on this basis, reject this development.

MEMBERS' QUESTIONS

Councillor Redman commented that one of the objectors had stated there was a European Protected Species that would stop development. He asked if Officers would agree with this. He also asked if this would still apply now the UK were no

longer in the EU. Mrs Curran-Colthart confirmed that the UK adopted European Law as part of the transition in the Brexit process so nothing changed in this respect and those species were still afforded protection. She advised that there was mitigation in terms of the timing for developers to work around these protected species but they must be under licence from Nature Scotland (formerly SNH). In terms of the bat survey, she confirmed that she had seen the report and responded to it at the time. She said the report was appropriate and that the survey was carried at the optimum time to give the best results. She said that any impacts could be mitigated and that she had noted from the landscape strategy that more bat boxes would be put in. Through the clearance of the rhododendrons there would be less vegetation, but still be plenty of foraging for them. The bats would also continue to forage within the gardens so this issue was not a deal breaker.

Councillor McCuish referred to more than 5 dwellings being the figure to trigger a proposal being a minor departure to the LDP. With more than double this figure proposed, he asked why this was still classed as a minor departure. Mrs Davies advised that when Planning Officers determine that something is a departure from policy consideration had to be taken as to whether the departure was strategic and going to affect the strategic aims of the LDP. She said that in this case there was capacity for 12 dwellings so the proposal was considered to be a minor departure.

Councillor McCuish asked if there would be anything to stop the developer coming back in again with another application for more development on the site. Mrs Davies said there would be nothing to stop the developer submitting a further application. She said it would be considered against the policies in the LDP along with any other material considerations.

Councillor McCuish sought and received confirmation from Mr Olive that he had no plans to develop any more of the site.

Councillor Devon referred to statements made about the overwhelming objection to this application. She sought clarification on how many objections had come from the village itself. Mr Robinson advised that the Community Council had looked at the electoral role which listed 94 adults in the village. He said that 53 of these adults had taken the time to object. He commented that a lot of the villagers were elderly and he advised that some people would struggle, or not go to the bother, or have the capability to access the Council's site, to submit their own objection. He pointed out that when that was taken on board, and when considering that not everyone had IT, or the ability to access it, this was a rather large percentage. He said it was probably closer to 55 – 60% that have objected. Mr Cowan advised that 90% of the 3,000 objections received came from residents or from their friends and family. He acknowledged that some people would have put in more than one objection. He also added that this area of land was the subject of a community right to buy application which 52% had signed up to. He said the community were keen to use this for woodland uses and not for this type of development.

Councillor Colville referred to slide 5 of the Planning presentation which showed an aerial view of the site. He pointed out a fairly steep earth bank and received confirmation from Mrs Davies that this did not form part of this application. Mrs Davies highlighted on the slide where the site was.

Councillor Colville sought and received confirmation from Mrs Davies that she had no concerns about the suitability of the site. She said that sufficient information had

been submitted to satisfy Planning Officers that this site could be developed sensitively without impacts on amenity.

Councillor Colville sought assurance from the Applicant that the earth bank would not be disturbed. Mr Jamieson referred to the alluvial fan and its location. He said it was nothing to do with the site itself. He advised that an extensive site investigation report had been undertaken with over 20 trial pits. There was very shallow top soil for most of the site. Rock would be taken away to make the base for the houses. He advised that the house in front of the site had nothing to do with their project and excavations of the bank behind the house had nothing to do with their project.

Councillor Colville questioned how suds drainage would work if it would just be going into rock. Mr Jamieson advised that drainage plans had been submitted to SEPA. SEPA were originally concerned that discharge would go into the burn. It had since been confirmed that it would go into coastal waters. The standard model was accepted by SEPA.

Councillor Colville, referring to the steep earth bank, asked Mr Fletcher to comment on how stable the ground was likely to be. Mr Fletcher said there were a couple of things to mention first. He said that a huge amount of rock removal would have to take place. He referred to the area in the slide showing where the vegetation had been cleared and advised that based on ground floor levels of the new buildings which would be between 1.7 and 2.7 below the existing rock level, he calculated that 9500 cubic metres would require to be removed. He said the rock itself was Columbian gist rock. He said that as the rock level was 0.5m in height in most places he could not see how surface drainage of roof water would be handled.

Councillor Colville referred to affordable housing and the section 75 legal agreement. He asked the Planning Officer how much weight could be given to the MOD requirement which would only last 5 years. Mrs Davies advised that when looking at this application regard was given to policies in the LDP. Policy SG LDP HOU 1 states that where a proposal involves large scale housing development in a Key Rural Settlement, or medium scale and above in a Village or Minor Settlement, there is a general presumption against development. These larger scale developments would only be supported by a deliberate attempt to counter population decline in the area, to help deliver affordable housing, or else meet a particular local housing need. She advised that they were aware from the Strategic Housing Investment Plan (SHIP) that the naval base was growing and have stated there was requirement for more housing. There is no contract in place between the developer and the MOD but the developer has always been keen to pursue this. Given the SHIP document and the fact of the MOD having a future accommodation model where they want to house people outside the base, it was reasonable to accept this proposal as a justification for a minor departure from policy.

Councillor Colville asked if a section 75 agreement had ever been approved before for affordable housing. Mrs Davies thought this may have been taken up in the past but the development had not gone ahead.

Councillor Douglas sought clarification around the affordable housing element of the proposal and what this meant. She asked how much validity there was to the claim of the MOD as letters produced by objectors clearly stated there was no need yet this departure was based on that need. Mrs Davies said that 25% affordable housing was required as part of the policy if a proposal was for 8 units or more. The

Applicant was asked to consider a Registered Social Landlord (RSL) on site but there was no uptake on this so moved down to the level of a commuted sum which would go into the Helensburgh and Lomond fund and used to fund housing elsewhere. The commuted sum was £72,000. In regard to MOD housing, Mrs Davies drew Members' attention to supplementary report number 3 which quoted a response received from Jeremy Quin dated 12 October 2020 in reply to Brendan O'Hara MP. It was stated that currently estimated over the next 5 years the base would require 450 to 500 single living accommodation (SLA). Mrs Davies said she believed this was an identified need.

Councillor Douglas sought comment from objectors. Mr Cowan said affordable housing was a requirement of policy and could not be used as justification to depart from the LDP. He said the only justification for departure from the LDP was the alleged need of the MOD. He referred to the letter from Jackie Baillie MSP to the Community Council which said the MOD need differed from what the provider was developing. He said that was why the community could not understand or believe that the MOD would take up this offer. He said that if the section 75 agreement forbid them from leasing or selling the units to anyone else this would mean the houses would remain empty for 5 years and then the developer could sell them if he wanted.

Councillor Douglas commented that she still did not have clarity on the quite serious issue around departure for so many reasons. She said she really wanted clarity around the situation of the MOD requirement of need. Mrs Worton advised that the Community Council shared her confusion over this. She said it was unclear where the link was being made and that was why the Community Council had approached Jackie Baillie MSP and Brendan O'Hara MP to see if they could seek clarification on this from the MOD. This was done and copies of the letters received from the MOD were provided. These were also submitted to the Council. The MOD were asked for their current capacity and their future needs and if the proposal would meet any of that need. She said the MOD were very explicit with their numbers. It was very clearly said that the need was 450 but none of these would be satisfied by the proposed development. The letter to Jackie Baillie MSP refers to the FAM pilot which would allow service personnel to opt to live in private market accommodation of their choosing. The letter states that the MOD has not commissioned any properties within this proposed scheme and no commitment has been made, nor any agreement entered into or inferred.

Councillor Green said he had 2 questions on the same theme. He said he was surprised that the commuted sum was £72,000 - £24,000 per unit. He sought and received confirmation from Planning that there was a methodical way to how this was calculated. Mr Lodge explained that this involved the equivalent value of land adjacent to the site. He said that in 2013 the Council commissioned the District Valuer to carry out calculations for the whole of Argyll and Bute. In terms of Helensburgh the difference between the cost of development of a private house on land and affordable housing on land was calculated to be £24,000 per house.

Councillor Green asked if this figure would be updated in line with inflation. Mr Lodge advised that this was the figure that was currently being used and that it was up to the developer if he wished to question that and commission the District Valuer for an updated calculation. He said that no updated calculation has been asked for since 2013 as market in land has been pretty static and did not justify recalculating. He said this was something that would need to be done in the future.

Councillor Green referred to the properties identified as suitable for MOD occupation and asked the developer if there was a timeline proposed for that. He asked if there was a general agreement in place at the moment that once planning permission was in place the developer would look at getting this agreement or would it only be secured once the properties were built. He also asked if no agreement was secured with the MOD was there an alternative plan for those units. Mr Jamieson referred to the MOD letters in response to the question asked by both Jackie Baillie MSP and Brenda O'Hara MP about whether not the MOD had a contract with the developer. Mr Jamieson advised that they had never said anything about having a contract with the Navy. He said that they'd had many discussions and the MOD had said, and which, he pointed out, was in the letter to Jackie Baillie MSP as part of the explanation about the FAM pilot, there was no need for a contract with the MOD. Referring to the section 75 agreement, he said that they may go into contract with the MOD or they may just market the properties directly to Navy personnel or others on the base that could make use of the FAM grant.

Councillor Green asked the developer if there were any alternative plans. Mr Jamieson advised that in the same letter referred to above and in discussions with the Navy, the MOD had advised of their accommodation needs and the accommodation was designed with Navy personnel in mind. Mr Jamieson said he thought that there would be a big take up for these properties.

Councillor Moffat asked Planning Officers how critical the water source heating system would be to granting this planning application. Mrs Davies said that the water source heating system was a positive thing in terms of tackling climate change but was not critical to the determination of this application.

Councillor Moffat sought and received confirmation from Mrs Davies that the road would be realigned through the woodland to the other side of the private access to where the houses were.

Councillor Moffat referred to it being said that any remedial repairs to the Feuins Road, the bridge and culverts had to be completed within 12 months of completion of the project. She questioned why such repairs could not be carried out at the time of any damage. Ms Lawson advised that the reason for putting it within 12 months was to ensure that an assessment was carried out at the end of the project. She advised that any repairs found during that assessment would have to be completed within 12 months. She also advised that if any damage occurred during construction which was deemed to be dangerous or in need of urgent repair this would be done whilst the works were ongoing.

Councillor Freeman sought and received confirmation from Mr Jamieson that the total cost of the development would be just over £3m.

Councillor Freeman sought and received confirmation from Mr Jamieson that Mr Olive owned the piece of land to be brought up to adoptable standard. Mr Jamieson pointed out that although the road would be realigned through woodland, it was identified in the woodlands inventory that there were very few trees at that part of the site.

Councillor Freeman referred to the section 75 agreement and affordable housing. He said that normally 25% of a development was looked at for affordable housing.

He suggested that if the Council was to take 25% of the total cost of the project this would come to £750,000 if the project cost £3m. He said that the £72,000 on offer was only a fraction of what it would cost the developer to develop on the site. He asked Planning if they would agree this was saving the developer money. Mrs Davies advised that the 25% related to the number of units not the amount of money. She said this was done in the same way in other areas.

Councillor Freeman referred to the MOD requirements detailed in the letters and correspondence available to Members. He said that the MOD had clearly confirmed at this time they have service family accommodation lying empty with 105 unoccupied units. He said they were also in the process of converting further units for personnel and the correspondence clearly stated that this proposal was not in their plans at this time. He asked if Mrs Davies could confirm if the developer had approval, then built these homes, and then offered them to the MOD and they said 'no thanks', that the developer would be free after 5 years to sell as he sees fit. Mrs Davies said the section 75 agreement did not exclusively require the developer to go to the MOD. The developer could go direct to the people who worked at the MOD and that there were a range of ways the developer could provide this housing requirement. She said that the reason for the section 75 agreement was to ensure that this happened. She referred to a previous application for Homes for Heroes that did not have a section 75 agreement and on that occasion the development just went mainstream and Planning Officers were trying to prevent that from happening again.

Councillor Freeman said that the proposal appeared to come across as barracks accommodation. He asked Mrs Davies if she would agree that a large amount of military personnel living in a small community would be out of keeping with the current residents of that community. Mrs Davies said that part of the proposal was for 3 units with 5 bedrooms viewed as Class 9. She said that was how the proposal had been assessed and that there was a potential that there will be a need for HMO licensing.

Councillor McCuish asked how much consultation the developer had with the local community. Mr Olive advised that right at the beginning he voluntarily made a presentation to the local Community Council about possibilities for the site. He said he came away from that meeting with the view that the community did not want a commercial development on this site and that they wanted a smaller scheme. He said that he had listened to them and reacted to their request. He advised that since then he has had a number of correspondences, particularly with Watson Robinson the Chair of the Community Council, and he said that he had urged Mr Robinson to pass on his enthusiasm to help this area become reinstated as a native woodland. He said that there was a lot of rhododendrons, not just on the site, but in other people's private gardens. He advised that he has suggested several times that everyone get together as a community and apply for community funds to eradicate this invasive species not just from his site but from other sites. He said that he has received no response to this suggestion. He advised that he has also had one or two bits of correspondence with individual members of the community and in each case he replied by letter or email as appropriate. He said that he had tried as far as possible to engage with the community. He said that he was afraid that there was an element of the community determined to consider something quite different to what was being proposed.

Councillor McCuish asked Mr Robinson the same question. Mr Robinson acknowledged that Mr Olive and consulted with the community. He advised that the

Community Council certainly did communicate with Mr Olive early doors. He said that Mr Olive came along to the Community Council AGM in July 2019. He said that they had made sure that everyone that would be affected was in attendance at the meeting. He said that they had a fair number of local residents in attendance. He said that at that time, when Mr Olive showed his proposal, a lot of people present were horrified and upset. He advised that the Community Council had also tried to engage with Mr Olive prior to this to find out what be proposed for the land. He said their lives had not been the same since. He confirmed that Mr Olive has communicated by email and that he has passed these on to the community. He said that the Community Council has hidden nothing or kept anything to themselves and that they have always done their very best to engage. He said they have not only engaged with Mr Olive and engaged with local people, but they have also engaged with one or two people that have supported the proposal and engaged with the architect and his representatives. He said that the Community Council have done all they could and obtained all the relevant information for the community.

Councillor Blair sought and received confirmation from Ms Lawson that there were no weight restrictions that she knew of on the bridges. She confirmed that the Council had bridge inspectors and a monitoring schedule and that they would continue to assess while works were carried out. Any concerns raised would be investigated and made safe.

Councillor Colville sought and received confirmation from Mr Jamieson that Mr Olive owned the private road.

Councillor Colville asked Ms Lawson if she could confirm how many passing places were on Feuins Road. Ms Lawson said she could not as every time she had gone out to count them people have been parked in them. She referred to a caravan and trailer. She said that the road had various widths and it was her understanding that there were adequate passing places.

Councillor Freeman asked Mr Robinson if he would agree that there was one small pull in at the top of the road that was used as a lay by and from there all the way down to the far end there were no passing places. He also referred to a small turning area and entrances to properties. Mr Robinson said that Councillor Freeman was correct to say there were no passing places on Feuins Road. He said that there was no way that this road was adequate for this development.

Councillor Kinniburgh referred to pictures shown of the road today and of vehicles having difficulty passing. He asked if it was still Ms Lawson's view that the road was wide enough. Ms Lawson advised that she had taken the opportunity of looking on google maps which showed that from the bend to the private road there were 4 localised widenings. She said that people were parking there and suggested that passing place signs may be required to be put up to stop people from parking in them.

Councillor Kinniburgh asked if there was a requirement to upgrade the road going into Portincaple. Ms Lawson said there was no requirement to upgrade the existing road. There was only a requirement to upgrade the private road as the gradient was very steep and it was to be made up to adoptable standard.

Councillor Kinniburgh sought clarity on the section 75 agreement. He asked if the section 75 agreement needed to be agreed with the MOD. Mrs Davies said it did not

need to be agreed with the MOD. She said there were a number of ways in which the Applicant could let the units to MOD personnel. She said the section 75 agreement was there to try and secure units for the identified housing need.

Councillor Kinniburgh sought and received confirmation from Mrs Davies that the section 75 agreement related to 3 units.

Councillor Kinniburgh sought and received confirmation from Mrs Davies that the terms of the agreement meant the units could only be let, not sold.

Councillor Kinniburgh asked if it would be possible for the developer to not do anything with the units for 5 years and then sell them. Mrs Davies said this would be possible but she hoped that the developer would want to move on the section 75 agreement as they have always advocated that they wanted houses associated with the MOD expansion. She said that this was something they brought to the table.

Councillor Kinniburgh sought and received confirmation from Mrs Davies that the section 75 agreement would be solid for 5 years to see if the identified need was going to happen. She said that the developer feels that it will happen. She said it helped justify the departure from the LDP.

Councillor Moffat sought and received confirmation from Ms Lawson that local residents had off street parking in their driveways. Ms Lawson said that the properties she has seen all had private driveways but she did not know if they were easy or not to use. She said that the passing places were not parking spaces.

Councillor Moffat redirected her question to Mr Robinson. Mr Robinson said that Ms Lawson had continued to refer to caravans and a trailer in passing places. He said there were no passing places. He said the caravan she referred to was his and he had it parked in an area he had dug out. He said Ms Lawson was misleading the Committee with her own opinion which, he said, clearly held no water.

SUMMING UP

Planning

Howard Young advised that as indicated the application was for 12 houses and associated works. No hotel was proposed as part of the development. The key determine issues related to the siting, design and scale of the proposal; roads and access issues; flooding and drainage issues; impacts on trees; impacts on biodiversity, protected species and the landscape which is designated as an Area of Panoramic Quality; and the principle of a medium scale development in a minor settlement and the justification for departure.

Portincaple is defined as a village in the LDP. The proposal is for 12 houses, which is defined as medium scale within the plan. Policy DM 1 is supportive of small scale development on appropriate sites. As 12 dwelling houses constitutes medium scale development the proposal is a departure from Policy DM 1. However, it is considered that a development of this scale could be accommodated on this site without detriment to the amenity of the surrounding area. Other than breaching the 5 dwelling limit stipulated in the policy, there would be no other reason to resist the proposed development. There would be nothing to prevent the Applicant from applying for this proposal in groups of 5 or less houses. This piecemeal approach to

development has the potential to result in a poorly coordinated scheme with the added disadvantage that the Council are not able to take advantage of planning gain for affordable housing.

The proposed development is located within the mid level area at the northern end of the settlement and would look over the top of the lower level houses and site below the top level houses.

There are no statutory or non-statutory designated areas for nature conservation within the boundaries of the application site. A number of supporting documents have been submitted in relation to the natural environment. The Council's Biodiversity Officer has been consulted on this application and is satisfied with the supporting information subject to conditions.

It is considered that the proposed woodland management plan will add to the biodiversity of the area. In terms of landscape capacity it is considered that the landscape has the capacity to absorb the scale of this development.

With reference to Affordable Housing a sequential approach is taken. ACHA was approached but in terms of their timetable they could not take on the build of the 3 units. Consideration was then given to the commuted sum approach. Much as Planning would like to take development land value of the site, under the Community Land Act we can longer take the value of land.

The Roads Officer has offered no objection to this proposal subject to conditions.

Planning Officers are 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. It goes without saying that this has been done in a professional manner. Material considerations include woodland management plan and other improvements. The 3,000 objections are also a key material consideration. Other Councils have a cut off when they no longer consider representations. Argyll and Bute Council does not think that this a fair thing to do. We have communicated any last minute representations in reports or verbally. Officers do their best to advise on the various viewpoints of representatives, even if submitted on the day of a hearing. Objectors have also had the opportunity to speak at the hearing today.

In conclusion the proposal has been assessed as a minor but justified departure from policy give the scale of the development proposed. The proposal accords with all other LDP policies and there are no other adverse material considerations which would indicate that planning permission should be refused.

Applicant

Mike Hyde, on behalf of the Applicant, summed up as follows:

Thank you for giving me the opportunity to sum up on behalf of the applicant. It has been a long day so I will be as quick as I can.

This is an application for the erection of 12 houses on land within the boundaries of an identified settlement, where there is a presumption in favour of new development. It should not therefore have been such a contentious proposal.

However, the Council's systems have been swamped by objections to the application that have been engineered by the Scottish Green Party. These have largely been submitted by people who have no detailed knowledge of either the application, or the application site, and they should thus be given limited weight.

The applicant could have avoided controversy by simply applying for 5 houses in the first instance, and then another 5, and each of these applications would have been fully supported by Policy DM1 of the Local Development Plan.

Instead, in order to have an economically viable development, he has applied for 12 houses. In doing so, he has also provided the Council with the opportunity to secure a wide range of public benefits, which would otherwise not have been a possibility.

Just because the application proposal is for more than 5 houses, this does not mean that it cannot be supported. It also cannot be assessed on the basis that it might be 'Phase 1' of a larger development. In law, every planning application must be considered on its own individual merits.

As your officers have stated, Policy HOU 1 of your Supplementary Guidance states that "housing development, for which there is a general presumption against, will not be supported unless an exceptional case is successfully demonstrated.

Exceptional cases can include a deliberate attempt to counter population decline in the area, helping to deliver affordable housing, or otherwise meeting a particular local housing need.

Meeting the housing needs of the Faslane base is recognised in the Council's Strategic Housing Investment Plan (SHIP) which states that "ensuring sufficient and suitable capacity within the local housing system to address the anticipated increased demand will be a priority for the SHIP over the next 5 to 10 years."

Meeting this specific need is also identified in the Council's Proposed Local Development Plan, which designates Helensburgh and Lomond as a growth area in the new spatial strategy. Policy 01 of the Proposed Plan removes the 'upper limit' of 5 houses in a Village/Minor Settlement. The Council have accepted that having this arbitrary limit in place has, in other locations, led to a piecemeal approach to development, without the Council being in a position to secure any public benefits.

Both the SHIP and the Proposed Local Development Plan are material planning considerations, and the Committee must therefore take them in to account.

The current proposal will deliver affordable housing, via the payment of a 'commuted sum' of £72,000, and will also meet a particular housing need, i.e., it will meet the demand for new housing in the area that will be required as a direct result of the expansion of the Faslane base. This does not mean that there has to be direct involvement by the base, the fact is that 3 of the houses will be available for occupation by navy personnel or other base staff and, as your Planning Officer has advised, could be privately rented. Both will be secured through the signing of a S75 Planning Obligation.

In terms of the principle of the development your officers have therefore concluded that there are compelling and justifiable reasons to approve the application as a

minor departure from the provisions of the Local Development Plan. They have also advised that other than breaching the 5-dwelling limit contained in Policy DM1, there is no other planning reason to refuse the application.

With respect to the site-specific issues none of the consultees with professional expertise in the relevant areas have raised any objections to the application.

Your Biodiversity Officer has supported the proposals, and the application is accompanied by a detailed Woodland Management Plan. This notes that the survival of the woodland in the long term will be dependent on the ongoing removal of *Rhododendron ponticum*, which will in turn allow the biodiversity value of the woodland, enriched under this proposal, to be sustained. Where trees do need to be felled, in order to accommodate the development, these will be replaced on a 3 to 1 basis with appropriate native species. In the long term, the biodiversity value of the woodland will increase significantly.

Your Conservation Officer has said that the proposed development is appropriate for this site from a design point of view. There will be no adverse impact on the Area of Panoramic Quality, and the Landscape/Seascape assessment published in March 2013 specifically notes that there are opportunities for additional housing development associated with the alluvial fan at Portincaple.

A specific question has been asked about rock removal. The Design Statement makes it clear that any rock removed will be used and regraded within the site boundary. A condition is recommended to require further details of this to be submitted prior to the commencement of development.

Your Roads Officer has confirmed that Feuins Road has sufficient capacity to accommodate the additional traffic that would be generated by the 12 new houses. The proposed new access to the site will also resolve a recognised highway safety concern, i.e., the steep and potentially dangerous section of the private road beyond the end of the adopted public highway. Once completed the section of new road will be of a standard that will enable it to be adopted by the Council. With respect to parking provision the development goes beyond the requirements of the current policy, by providing additional visitor parking and electric charging points.

Finally, there have been no objections to the application on the grounds of flood risk from either SEPA or the Council's Flood Officer.

For all of these reasons, your planning officers have recommended that this application should be approved as a minor departure from the provisions of Policy DM1 of the Local Development Plan. This on the basis that, as set out in Policy HOU 1 of the Supplementary Guidance, it will both secure the provision of affordable housing and will meet an identified housing need.

In addition, the granting of planning permission, subject to the proposed Section 75 Agreement and the imposition of the recommended conditions, will secure the implementation of a long-term Woodland Management Plan, improvements to a potentially dangerous section of road, the provision of informal public access to the lochshore and the installation of an innovative loch water district heating system.

The application proposal has been described as an 'exemplar' development, i.e., one that will set the future standard for low-carbon sustainable development throughout Argyll and Bute.

I would therefore request that you agree with your Planning Officer's recommendation in this instance, and that you grant planning permission for the erection of the 12 houses proposed, subject to the prior conclusion of the Section 75 Agreement and the imposition of the suggested conditions.

Thank you.

Consultees

Garelochhead Community Council

To answer Mr Hyde, a presumption in favour of sustainable development does not change the status of the LDP. Planning applications need to be determined in accordance with the LDP unless there are other material considerations. Regarding the query about roads – some houses do not have driveways and no suitable off street parking. It was pointed out that rhododendrons was not listed as an evasive species on the Council's website in 2015. It was noted that this had now been updated. Reference was made to the residents of Portincaple having to remove fly tipping annually. Reference was also made to illegal camping and fly tipping along the A814. The community would not want to encourage further day trippers. Reference was also made to comments from Mr Urquhart about the Three Lochs Way. Portincaple has no transport links and it would be easier to access the Three Lochs Way 6 miles further on at Garelochhead. It was difficult to establish new paths on MOD land, railway etc. This would have to be given serious consideration. Reference was also made to the developer's previous application for a hunting lodge which was now being advertised on Airbnb as a wedding venue.

In terms of commuted sums. A question was put in an foi to the council. It asked for a list of all approved planning applications in Argyll and Bute where commuted sums have been accepted in lieu of providing 25% of the project as affordable housing. The response was that no commuted sums have been paid to the Council.

I am afraid the presentation by the planning department has not taken into account several important considerations.

This development is described as infill by both planning and the applicant. Can I remind you that the definition of infill in Argyll and Bute's own glossary is to allow no more than the number houses that border the development plot to be built. This number is four. Thus this aspect of the LDP is breached.

The density of this development in comparison to existing housing density style and type is completely out of keeping despite protestations to the contrary.

The increased access to the shore through the increased provision and development of tourist and day tripper facilities - picnic tables, public seating, public realm space and paths has been ignored by planning and by roads who stated clearly that they thought the Feuins road is currently purely residential and will continue to be after the development. This is manifestly untrue given what has been said. As such, this is not purely a development of 12 houses as stated by the planning officer, and the

impact on the character of the existing settlement of HMOs and the public realm space has simply not been addressed.

Allowing 12 houses rather than five just means proposals will come in batches of 12 not 5.

It is important to point out that neither planning nor the developer acknowledges that the Clyde seascape study also warns of visual clutter in this stretch of Loch long.

Rather than stop piecemeal development it encourages larger developments in minor settlements and poses a danger elsewhere in Argyll and Bute.

SHIP has been referenced by planning and the developers but it is important to note that the SHIP steers development to towns and key settlements and does not identify Portincaple for any housing development. As stated in our presentation earlier the council itself has identified that there is more than enough land to address all housing need and the MOD has stated this development is neither in their planning or desired.

The heating system among many other aspects of this development are speculative so the assertion that they will be delivered is incorrect. The developers make much of this as central to the development yet it cannot be guaranteed at this stage. The future plan for a jetty is not part of this proposal so has to be disregarded at this stage.

The formal and increased public access to the water very much touted as an important part of this development will impact significantly and negatively on the existing character of the settlement. There has been no consultation with the community by the council or developer with regard to turning the hamlet into a tourist development.

We ask the committee to give due and thorough consideration to the presentations of the residents and those representing them. These are ordinary people, they are simply people like you and me, trying to protect and preserve Portincaple for future generations by outlining its unique characteristics and explaining why such a widespread and well informed movement has mobilised to protect and preserve a clearly very unique minor settlement in an Area of Panoramic Quality. There is good evidence that there is a wisdom in crowds.

To try to convey what it means to live in Portincaple, and what it provides has not been easy. It is a hideaway, a bolthole, a place of solitude and serenity, the very type of settlement that fulfils a need in the modern world and is a vital cog in the wheel of housing diversity. Portincaple is also an economically active collection of freehold detached houses isolated by any form of transport except for car. As has been clearly demonstrated, you cannot cycle or walk safely out of Portincaple due to the narrowness and lack of shoulders on the A814. We need to stress that this is the wrong development in the wrong location.

We have all listened carefully to the arguments for and against this development, and it is clear that there is an overwhelming acceptance that Portincaple is both unique and beautiful. The characteristics which make this minor settlement so unique will be irreparably damaged if this application is approved. The development will provide no affordable housing for the area and there is a distinct absence of any

evidence that this development is either desired or required to accommodate the expansion of HMNB Clyde. Indeed there is a wealth of evidence, much of it from the council's own documentation, that it is not. As such we do not believe that there is a clearly defined need that would justify a departure from the LDP in this case.

We would urge you to focus on the justification for departure and on whether or not the material considerations clearly and unequivocally meet the criteria for approval as a justified, minor departure from the LDP.

We can summarise the case for refusal the objectors have collectively proved as follows:

- There is no community support for this development;
- It has been shown to be contrary to planning policy, other laws and policies;
- It is not in keeping with the context or scale of the area;
- It will have a negative impact on APQ and ancient woodland;
- It will have a negative impact on the amenity of properties;
- The layout and density is totally inappropriate for the area;
- It will cause traffic congestion, access and safety problems;
- It will make it much more difficult to refuse similar proposals that contravene DM1 in the future;
- It will create a precedent making it difficult to resist commuted sums in future applications;
- It will impact on environmental health, an APQ and the natural environment
- It will create visual clutter from the loch;
- It will not be able to be serviced by local infrastructure;
- It will have a damaging, cumulative impact alongside other previously approved applications.

We would implore you to ignore the expert marketing and lobbying by the applicant and to dismiss the suggestion of supposed planning gains which are speculative at best and wishful, cynical marketing, at worst and to refuse this application.

Thank you for your time.

Roads Officer

Ms Lawson advised that Feuins Road was residential and had the capacity for an additional 12 dwellings. She said it would still be residential as it did not feed any industry or leisure or sporting destinations. She said that the road and bridges would be inspected and assessed for any damage during and after construction. The parking proposed was well within the requirements of policy SG LDP TRAN 6 so from a Road's point of view, Feuins Roads was capable of handling the proposed development.

Biodiversity Officer

Mrs Curran-Colthart advised that in terms of the surveys carried out these were appropriate. The proposed management plan for the woodland, including tree planting and landscaping proposed would raise the biodiversity of the area. In terms of choice of species, there would be a lot more variety to enjoy.

Objectors

Ron Fletcher

Comments in reverse order rather than as originally raised.

Biodiversity

The Biodiversity Officer said she was happy with the surveys but most of the surveys submitted by the applicant were generally carried out at the wrong time of year.

Roads

Suddenly the category of leisure was introduced as a descriptor of rural road classification. The additional visitor parking spaces, plus the over supply of places relative to the 12 houses could be interpreted as leading to a leisure destination. I've already addressed the concerns about the capacity of the road to support the extra traffic demand.

New drawings

Some new information was introduced during earlier presentations, which had not been in the public domain previously. Drawings displayed totally new.

Submitted information

Throughout the period from when the application was submitted, it has been a story of late, incomplete, inaccurate or misleading documents being supplied and accepted by the Council. If that had been the case when I was in employment, I would have quickly lost my job.

Alluvial fan

Various presentations mentioned the alluvial fan at Portincaple. For clarity that is at the mouth of the burn which reaches the loch down past Ferry House, not in the location hinted at by the developer.

Rock Work

Neither the Planners nor the developer mentioned the huge amount of break out/excavation required, (c10,000 cu. m), to achieve the formation levels proposed, when describing the various cross section drawings in their presentations.

Planning gains list

Again new items were introduced during the applicant's presentation which were not in the public domain previously.

Section 75 agreement

The confusion regarding this item is understandable, and further compounded by the statement in the MH Planning Document, submitted with the application last year. On Page 17, item 7.19, refers to "Argyll Homes have expressed an interest in taking

over the responsibility for the affordable homes once the Navy have ended their 10-year lease”.

Consistency

Finally I would bring to the attention of elected members, some of whom may have been involved at the time, that on land directly opposite the entrance to this site, an application for 3 houses was made under reference 17/03205/PPP. This was withdrawn following discussion with the council because the houses were located in part of an ancient woodland area. A site inspection was carried out by officers and a TPO was subsequently issued.

The houses were relocated within the plot and the application resubmitted under reference 18/01787/PPP and it was given approval at a subsequent PPSLC meeting. The terraced block in this application is situated within an area of ancient woodland, so in the interest of consistency and democratic integrity, it should have been moved to a new location, on advice from the officers concerned, when the original pre-application meetings were held and before the site layout drawings were put into the public domain as part of this application.

Precedent

I would ask the elected members to carefully consider the precedent that may be set for the whole of the rest of Argyll and Bute, should they grant approval today.

Thank you Chair that concludes my summing up.

Ian Cowan

1. Feuins Road is a single-track road, less than 4.8 metres wide for much of its length, with no passing places, as has been made very clear. It is not even suitable for 58 dwellings, let alone the extra 44 cars that the proposal is capable of generating, and would be likely to generate.
2. Affordable housing is a requirement so cannot be used to justify what is a significant departure.
3. The architect repeated that the developer has never claimed that an agreement was in place with the Navy or MOD. Developer's planning statement para 7.19 refers to a "10-year lease" with the Navy.
4. The MOD claims to have a housing need, but it owns many properties in the area which have been vacant for years, so the need is questioned.
5. It is clear that the MOD knows about, but has no specific interest in this development.

Ross Greer MSP

The Applicant again asked you to give limited weight to the applications lodged through Green portal. Those include objections lodged by Portincaple residents. My team made this process more accessible for those who, for reasons of technology, knowledge or confidence, would otherwise be unable to engage. To give lesser weight to submissions made by those most likely to otherwise be marginalised and excluded would be completely inappropriate.

With reference to Councillor Devon's question about the number of objections and their connection to Portincaple, I am aware of a number that came from elsewhere in Argyll and Bute and would again refer Councillors to the submission from Michael Russell MSP, referring to his previous experience and that of other communities in Argyll and Bute with this developer. That experience, particularly of a development going beyond what was originally presented to the council, is quite relevant here. Past experience only strengthens the case for rejection.

Building new houses is not helping to tackle the climate crisis and meet council climate policies unless they are somehow absorbing more carbon and other greenhouse gases than they and their occupants are generating - which these are not. They just produce less than normal but will still mean increased emissions – in this case particularly from private cars. If they are replacing old, inefficient housing stock it might represent a net saving but these are not Council or housing association stock, replacing older stock, so that's not really the case.

There are plenty of material grounds on which to reject. All acknowledge this breaches local planning policy - granting it despite that seems to rest on the single argument about housing need, specifically MoD housing need, which has been revealed as essentially speculative. Council planning policy, agreed after extensive community consultation and only with the agreement of elected members, should only be overridden when the benefit is clear and unquestionable. In this case it is not, it is deeply uncertain and there is clear evidence against it.

Councillor Freeman has pointed out the substantial number of vacant properties the MoD have themselves with which to fulfil much of their housing need.

The Portincaple community are concerned that, if this development is granted, it will fundamentally change the character of their home – and not for the better.

The development is simply unnecessary and it is clearly unwanted.

On the basis of the material considerations set out over the last seven hours, I would ask that you protect Portincaple and reject the proposal.

The Chair asked everyone who had participated if they had received a fair hearing.

The Planning Officers and Applicant confirmed that they had received a fair hearing.

Mrs Worton advised that Garelochhead Community Council did not believe they had received a fair hearing. She said there had been great discussions today but they felt they had been significantly hampered in terms of preparing for this hearing and that feedback had been very difficult.

The Roads Officer and Biodiversity Officer confirmed that they had received a fair hearing.

Mr Fletcher advised that he had not received a fair hearing.

Mr Cowan advised that in the circumstances, reluctantly he would say he had received a fair hearing but in terms of the bigger picture he did not think the community had been properly served by this process.

Mr Greer said he was very grateful for the work of Officers and that he echoed the words of Mr Cowan.

DEBATE

Councillor Freeman referred to the volume of last minute paperwork submitted. He also referred to the Community Council meeting in 2019 and confirmed that he was in attendance. He said that when the presentation was given by Mr Olive there was anger on that night and it was clear that there were residents from Portincaple in tears. He then referred to roads issues and advised that he had looked up the Council's own mapping system which showed photographs of Feuins Road. He said that the photos showed that lots of properties on Feuins Road did not have their own off street parking and it was quite clear that there were no passing places. He said that the only way to secure passing places would be for the Council to go down the route of compulsory purchase as there was no other place to put passing places. He advised of there being a number of empty MOD properties in Helensburgh and Rhu and that the MOD had just finished demolishing 100 houses in Rhu. He said it was clear that they had no need for them. He referred to planning gain and advised that the upgrade of the A814 onto Feuins Road was not planning gain. He said this upgrade has been in the Council's Capital Programme for some time and had nothing to do with this application so could not be considered as planning gain. He advised that Community Councils were required to reflect the views of the community and that he had no doubt whatsoever that Garelochhead Community Council and Portincaple Residents Association had 100% represented the views of the community and that no one in that area supported the application. He said that he would put far greater weighting on the views of the local community than from those from other countries or elsewhere. He said that the Committee were required to assess all applications based on the LDP unless there were material considerations to do otherwise. He referred to the issues raised about affordable housing and planning gain. He pointed out that policies LDP DM 1 and SG LDP HOU 1 were quite clear. He said he did not think the affordable housing issue was, in his view, being used as it should and it really concerned him that a developer could end up offering 5% or 10% of the value of the development if delivery of onsite affordable housing was not possible. He advised that he had listened to all the representations and he congratulated all those who had made them. He said that having considered all the issues he had a motion which he would email to Officers and which he intended to table at the appropriate time.

Councillor Douglas said that the standard and quality of the presentations given had been excellent. She advised that she had concerns about the impact that this development would have on the community and not just the environment around it. She referred to the number of adults in Portincaple being 92 and then referred to the number of dwellings proposed and the number of adults likely to occupy these. She calculated that 9 units with 2 adults in each would be 18 adults and 3 units with 5 adults would be 15 adults. She said she thought the increase to the area would be really high and that this high a percentage had to be taken into account. She also referred to Councillor Freeman describing the 3 units as barracks and she said she thought this would have an impact on the community too. She said that she too had a motion ready but would like to hear what Councillor Freeman said first. She advised that what stuck in her mind was the video prepared by the local community and one resident describing what it was like to live in Portincaple – 'living together and being together'. Councillor Douglas said this was what it was all about and that she thought this development would totally impact on the residents 'living together

and being together'. She referred to this being a medium development in a small community.

Councillor Moffat advised that for the first time her sole aim of this was to look at how this would affect the community because the Committee were used to considering applications for 400 houses in places such as Oban where, she said, the impact was not as strong on the community. For this proposal, she said, this was quite a large percentile of the area being developed. She advised that she could not see this being of benefit to the people and could only see it harming their way of life. She said she did not think there was anything that could draw her to approve this and advised that the proposal was the wrong size, in the wrong place, at the wrong time.

Councillor Colville said that he had took on board what Mr Young had said in his summing up. He had emphasised that the number of representations received was a material consideration. He said he too was impressed with the presentations made, particularly the one from the Save Loch Long Protect Portincaple Group. He said his concern was the use of the MOD requirement as identified need appeared to be weakened. He said he thought it unlikely this would be implemented with 5 years. He advised that from what he had heard, the influx of navy workers was not going to happen immediately. It could happen in 5 years but there was no guarantee. He referred to comment made that if this proposal was being assessed against the LDP2 it would be more acceptable. He pointed out that the reality of this was this was under review and has been challenged so may not be the case and may be thrown out. He said the Committee needed to deal with current LDP. He advised that one of the issues that caused him concern was the scale of the development. He referred to slide 5 of the Planning Officer's presentation and said that he had counted 12 houses in that picture. He advised that to build another 12 in the middle of that area, the scale and massing of the development, seemed not to fit with that.

Councillor Kinniburgh thanked everyone for their presentations made today. He commented that handling a hearing in this manner was a difficult process. He said that the main aim of a hearing was to make sure that everyone had a fair hearing and listening to all the arguments put forward, he believed that this had been carried out today. He advised that listening to the various arguments he was finding it difficult in reaching a decision. He advised that he had reservations about the section 75 agreement as he was unclear on how that would be implemented. He understood that it put the requirement on the developer to produce houses for the MOD but he advised that he was unclear on how that could be properly implemented. The other issue he said he had was on the access. He advised that he had listened to what the Roads Officer had said and that he respected her view and that passing places could be made available, but looking at the development as a whole, he said there would be quite an increase in traffic. He said he would wait to hear Councillor Freeman's motion.

Councillor Blair said that he too had reservations and concurred with the comments made by his colleagues. He said there appeared to be surplus MOD properties that were being knocked down. He referred to organisations not wanting to pay for accommodation for employees. He said he would wait to hear the motion before deciding.

Councillor Freeman read out the following Motion which had been circulated to the Committee:

Members of the Planning, Protective Services and Licensing Committee (PPSLC) note the contents of the report and all the representations that have been made with regards to Planning Application 20/00094/PP for the erection of 12 dwellinghouses, alterations to vehicular access and the installation of a private drainage system within the settlement boundary of Portincaple.

Members note that:

- a. Officers have confirmed that this proposal is a medium scale residential development within Portincaple which is classified as a minor settlement within the Local Development Plan (LDP). As such, the proposed development fails to comply with Policy DM1 which only supports small scale developments in minor settlements which, in terms of dwellings, equates to a maximum of five units.
- b. Officers have confirmed that supplementary guidance policy SG LDP HOU 1 presumes against medium scale housing development in villages / minor settlements and that these larger scales of development would only be supported by a deliberate attempt to counter population decline in the area, to help deliver affordable housing, or else meet a particular local housing need.
- c. Officers state that the proposal would not overwhelm the townscape character or the capacity of the settlement and have stated that the identified housing need relates to the Ministry of Defence's (MoD) Maritime Change Programme which has resulted in all UK submarine operations being delivered from the Clyde which has created a need for housing for military personnel and that houses will be made available within this development specifically for this purpose.
- d. Officers state that in the circumstances set out at c. above, it is considered that there are compelling and justifiable reasons to approve this application as a minor departure from Policy DM1. Officers confirm that Policy SG LDP DEP 1 seeks to minimise the occurrence of departures to the Local Development Plan and to grant planning permission as a departure only when material considerations so justify. Officers confirm that the argument that this proposed development will help to address the housing need created by the MoD's Maritime Change Programme justifies a minor departure from this policy.
- e. Within correspondence from the MoD dated 12 October 2020, details have been provided on MoD general housing needs and housing availability within the Helensburgh & Lomond Area. The MoD have confirmed that there are two types of properties available to Service personnel within the travel to work area which includes 515 Service Family Accommodation (SFA) of which 145 are unoccupied. Although they have confirmed that the majority of the Single Living Accommodation (SLA) is located within HM Naval Base Clyde, 57 SFA houses have been converted to SLA which accommodates 114 personnel and that a further 34 SFA are due to be converted to SLA to accommodate a further 68 personnel. All these properties are located within Helensburgh.

- f. Although the MoD correspondence confirms that they are undertaking a period of options analysis and are seeking to understand the development options that may be available via MoD owned estate, Defence Infrastructure Organisation (DIO) surplus housing, Council owned land and properties and private land, including new developments for housing, no decisions have been made nor implied. The MoD have confirmed that they have spoken with the developer concerning the Portincaple proposal and obtained a high understanding of the project but no further action has been taken.
- g. The MoD have confirmed that “When the time comes, this proposal will be analysed along with any other options and proposals within the travel to work area, but no further developmental sites have been included in the planning at this stage”.
- h. Officers have stated that the affordable housing requirements will be addressed via a total commuted sum of £72,000 (three units at £24,000 each) and that this will be used to fund affordable housing off-site and elsewhere within the Helensburgh and Lomond Housing Market Area.

PPSLC agrees that:

- a. The proposed development fails to comply with Policy DM1 which only supports small scale developments in minor settlements which, in terms of dwellings, equates to a maximum of five units.
- b. The Proposed development fails to comply with supplementary guidance policy SG LDP HOU 1 that presumes against medium scale housing development in villages / minor settlements.
- c. The proposed development does not meet a specific identified local housing need that would allow a departure from supplementary guidance policy SG LDP HOU 1 to be supported.
- d. The proposed development does not meet any specific housing need at this location relating to the MoD as they have confirmed in correspondence that they currently have 145 unoccupied properties in the Helensburgh / Rhu area and that further properties are due to be converted to accommodate a further 68 personnel.
- e. The proposed development has not been included by the MoD in their planning assumptions relating to local housing need.
- f. The proposed payment of a commuted sum of £72,000 would be a very minor contribution to any other affordable housing development within the Helensburgh & Lomond Housing Market Area (out with Portincaple) and, based on current estimated costs, is unlikely to even meet 50% of the cost of one affordable unit.

- g. Portincaple falls within an Area of Panoramic Quality (APQ) and as such, is a sensitive location. Historic Scotland's New Design in Historic Settings such as APQ's states that "Scotland's historic villages, towns and cities are celebrated for their unique natural and man-made character" and that "It is important not only to identify and protect their character and setting but also to ensure that new development responds to their existing form and layout". The proposed development and its scale is out of character with the existing form and layout at Portincaple and therefore fails to comply with Policy LDP3 (Supporting the Protection, Conservation and Enhancement of our Environment), Supplementary Guidance SG LDP ENV 13 (Development Impact on Areas of Panoramic Quality (APQ)) and Historic Scotland's Design Guide for historic villages / settlements and APQs.

Given the information above, the PPSLC agrees that:

- a. The proposed development fails to comply with Policy DM1 and supplementary guidance policy SG LDP HOU 1 and that no information has been provided by the developer and / or the MoD on housing need that would justify a departure from policy.
- b. The relatively insignificant contribution via a commuted sum to affordable housing within the Helensburgh & Lomond Housing Market Area would provide no benefit to the Portincaple settlement. When assessed against the negative impact of the proposed development on the Portincaple settlement, the reduced weighting placed on affordable housing delivery does not merit consideration of an exceptional case status to justify any departure from Policy DM1 and supplementary guidance policy SG LDP HOU 1.
- c. Given that Portincaple is a sensitive area and falls within an Area of Panoramic Quality (APQ), the proposed development and its scale are out of character with the existing form and layout at Portincaple and therefore fails to comply with Policy LDP3 (Supporting the Protection, Conservation and Enhancement of our Environment), Supplementary Guidance SG LDP ENV 13 (Development Impact on Areas of Panoramic Quality (APQ)) and Historic Scotland's Design Guide for historic villages / settlements and APQs which requires the character and setting to be protected and also to ensure that new developments respond to their existing form and layout and as such, would have a negative impact on this unique community.

Given the above, the PPSLC agrees to refuse this application.

Peter Bain, Development Manager, and David Logan, Head of Legal and Regulatory Services confirmed that this Motion was competent.

The Motion was seconded by Councillor Lorna Douglas and as no one was otherwise minded the Committee resolved accordingly.

DECISION

The Committee unanimously agreed to refuse planning permission for the following reasons:

1. The proposed development fails to comply with Policy DM1 and supplementary guidance policy SG LDP HOU 1 and that no information has been provided by the developer and / or the MoD on housing need that would justify a departure from policy.
2. The relatively insignificant contribution via a commuted sum to affordable housing within the Helensburgh & Lomond Housing Market Area would provide no benefit to the Portincaple settlement. When assessed against the negative impact of the proposed development on the Portincaple settlement, the reduced weighting placed on affordable housing delivery does not merit consideration of an exceptional case status to justify any departure from Policy DM1 and supplementary guidance policy SG LDP HOU 1.
3. Given that Portincaple is a sensitive area and falls within an Area of Panoramic Quality (APQ), the proposed development and its scale are out of character with the existing form and layout at Portincaple and therefore fails to comply with Policy LDP3 (Supporting the Protection, Conservation and Enhancement of our Environment), Supplementary Guidance SG LDP ENV 13 (Development Impact on Areas of Panoramic Quality (APQ)) and Historic Scotland's Design Guide for historic villages / settlements and APQs which requires the character and setting to be protected and also to ensure that new developments respond to their existing form and layout and as such, would have a negative impact on this unique community.

(Reference: Report by Head of Development and Economic Growth dated 10 August 2020, supplementary report number 1 dated 13 August 2020, supplementary report number 2 dated 18 August 2020, supplementary report number 3 dated 19 January 2021, supplementary report number 4 dated 25 January 2021 and supplementary report number 5 dated 25 January 2021, supplementary report 6 dated 25 January 2021, submitted and supplementary report number 7 dated 26 January 2021, tabled)

This page is intentionally left blank

Argyll and Bute Council
Development Economic Growth

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 20/02200/PP

Planning Hierarchy: Local

Applicant: Mr Gary Mulvaney

Proposal: Alterations and extensions to dwellinghouse and erection of detached games room

Site Address: 91D East Princes Street, Helensburgh, Argyll and Bute

DECISION ROUTE

(i) Local Government Scotland Act 1973

The planning application relates to a householder scale and nature of development which would normally be determined under the local delegated powers, however a report has been presented to Committee for determination in this instance as the applicant is an Argyll and Bute Elected Member.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Alterations and extensions to dwellinghouse
- Erection of detached games room.

(ii) Other specified operations

- Demolish detached garage
 - Remove shed and greenhouse
 - Demolish chimney
 - Remove and replace all windows
 - Remove all render and replace
 - Internal alterations
-

(B) RECOMMENDATION:

That planning permission be approved subject to the conditions set out in this report.

(C) HISTORY:

None.

(D) CONSULTATIONS:

Network Rail (letter dated 5th January 2021) – Proposal will have no impact on railway infrastructure

Roads (e-mail dated 6th January 2021) - The provision for car parking and turning within the curtilage of the dwelling shall be in accordance with the Council's Local Development Plan supplementary guidance SG LDP TRAN 6: 2 spaces for 3 bed, 3 spaces for 4+ bed.

(E) PUBLICITY:

None.

(F) REPRESENTATIONS:

(i) Representations received from:

None

(ii) Summary of issues raised:

Not applicable

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Statement: No

(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No

(iii) A design or design/access statement: No

(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: No

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

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

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

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

Sustainable Siting and Design Principles

SG LDP TRAN 6 –Vehicle Parking Provision

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

Argyll and Bute Council Sustainable Design Guide, 2006;

Argyll and Bute Proposed Local Development Plan 2 November 2019.

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

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

(O) Requirement for a hearing: No

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

The site comprises a single storey detached dwellinghouse with a detached garage within the settlement boundary of Helensburgh, outwith the Conservation Area. The proposal involves the demolition of the detached garage and the erection of an extension on the east gable comprising a single storey garage attached to a two storey extension. The single storey garage projects beyond the front (south) elevation/building line while the two storey element extends beyond the existing building line of the rear (north) elevation. The entire property will be re-rendered in a smooth buttermilk render. All the windows will also be replaced with new uPVC windows in anthracite grey. A detached single storey games room measuring 8m x 5m is proposed in the rear curtilage where a shed and greenhouse will be removed.

The proposed extension and games room is considered to be acceptable in terms of scale and design. The design and materials would complement the existing dwellinghouse. There is ample separation to the properties to the east and the extension presents a blank gable to adjacent gardens to the south with two small windows on the east elevation comprising a utility and shower room. The proposals raise no scale, design, privacy or overlooking issues and are considered to be acceptable. This is consistent with policies LDP 3, LDP 9 and Supplementary Guidance on Sustainable Siting and Design Principles. No representations have been received. As such it is recommended that the application be approved.

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

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

The proposed development is considered to be acceptable with regard to all relevant material considerations including national and local planning policy and all other guidance and should be approved in the absence of any other material land-use considerations which would warrant refusal of development otherwise fully in accordance with the Local Development Plan.

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

Not applicable.

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

Author of Report: Howard Young

Date: 29.01.2021

Reviewing Officer: Peter Bain

Date: 03.02.2021

Fergus Murray

Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 20/02200/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 24th November 2020 and the approved drawing reference numbers 1 – Location Plan, 2 – Existing Site Plan, 3 – Existing Elevations, 5 – Down takings, 6 – Proposed Site Plan Rev. E, 7 – Proposed Elevation, 8 – Proposed Elevations of Games Room and stamped approved by the planning authority unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Prior to the completion of the dwelling hereby approved 2 no. car parking spaces shall be provided in the location shown on plan 06 Rev E and retained thereafter to the satisfaction of the Planning Authority.

Reason: In order to ensure that off street car parking is provided in accordance with policy SG LDP 6.

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

APPENDIX A – PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site comprises an existing residential property located within the settlement boundary of Helensburgh (outwith the Conservation Area) wherein policy LDP DM 1 gives encouragement to sustainable forms of development from small to large scale on appropriate sites subject to assessment against all other material policy considerations. In terms of settlement strategy, the proposal to extend and improve the internal layout and external appearance of the building for domestic purposes together with a games room is considered to be a redevelopment of an existing residential building and consistent with the settlement strategy.

B. Location, Nature and Design of Proposed Development

The site comprises a single storey detached dwellinghouse with a detached garage in front and at right angles to the house. It sits to the east of and within the grounds of a separate two storey detached property of more traditional design. On the other side of the two storey property is a separate single storey detached dwellinghouse. The proposal involves the demolition of the detached garage and the erection of an extension on the east gable comprising a single storey garage attached to a two storey extension. The single storey garage projects beyond the front (south) elevation/building line by 3.5 metres while the two storey element extends beyond the existing building line of the rear (north) elevation by the same 3.5 metres. The two storey element adds a further 2 metres to the overall height of the dwellinghouse. The entire property will be re-rendered in a smooth buttermilk render. All the windows will also be replaced with new uPVC windows in anthracite grey. As the site is not within a conservation area these other operations are permitted development. A detached single storey games room measuring 8.5m x 5.8m x 4.3m is proposed in the rear curtilage where a shed and greenhouse will be removed.

The existing property has three small bedrooms and the extension will provide a large en-suite master suite, study, dressing room and toilet at ground floor level. On the same level will be a larger kitchen, lounge and utility room. At first floor level there will be two bedrooms and shower room.

Assessment

Supplementary Guidance on Sustainable Siting and Design Principles of the LDP states that:

“Alterations and extensions should be in scale and designed to reflect the character of the original dwelling house or building, so that the appearance of the building and the amenity of the surrounding area are not adversely affected. Approval will not be granted where the siting and scale of the extension significantly affects the amenity enjoyed by the occupants of adjoining properties, taking into account sunlight, daylight and privacy. Care should be taken not to over-develop the site (see paragraph 4.2 on Open Space/Density). The following criteria will also be taken into account when considering house extensions:-

- (a) *Extensions should not dominate the original existing building by way of size, scale, proportion or design;*
- (b) *External materials should be complementary to the existing property;*

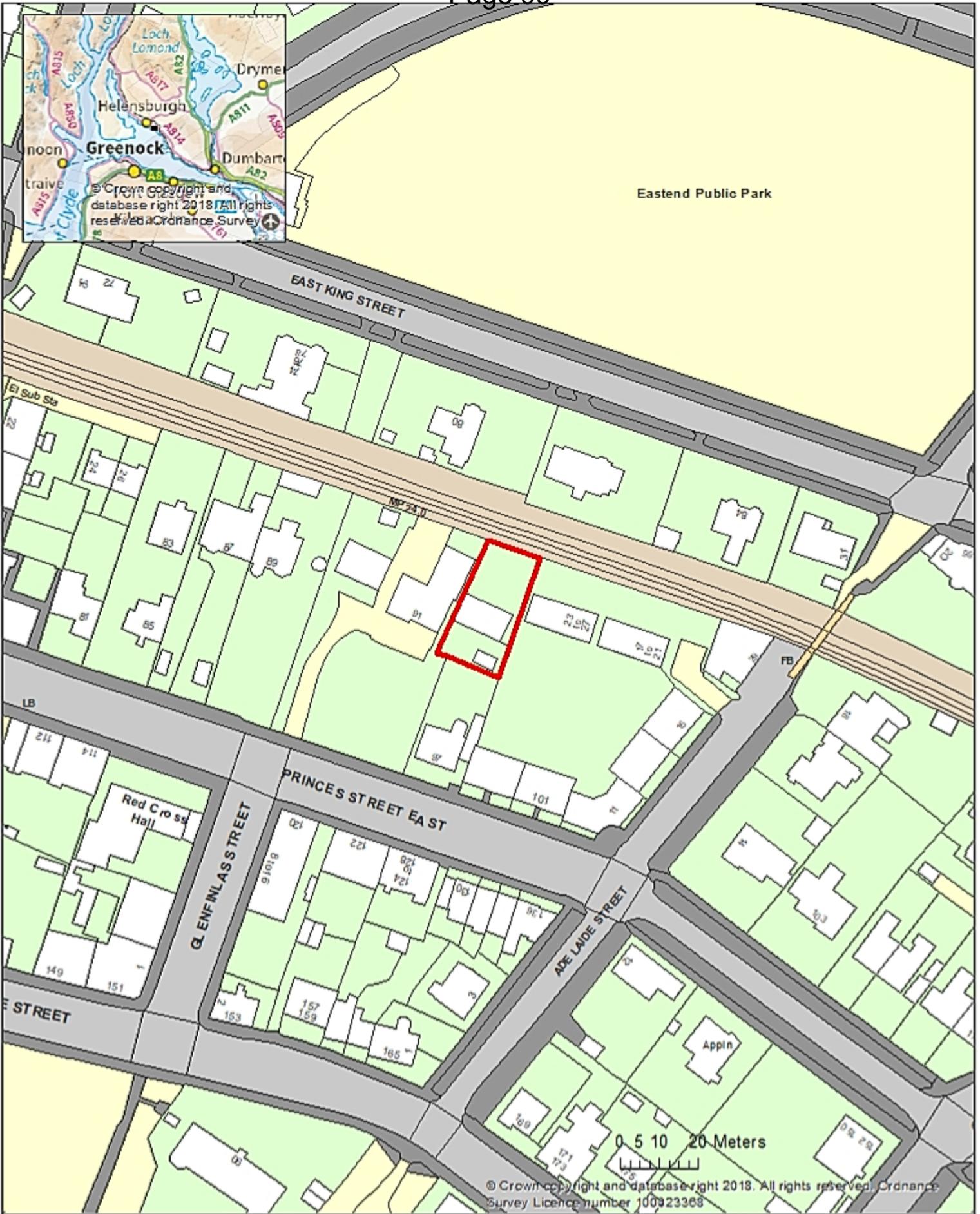
- (c) *Extensions should not have a significant adverse impact on the privacy of neighbours, particularly in private rear gardens.*
- (d) *Flat-roofed extensions, and multiple dormer window extensions, which give the appearance of a flat roof will not be permitted where they do not complement the existing house style and design.”*

The proposed extension and games room is considered to be acceptable in terms of scale and design and would complement the existing dwellinghouse. There is ample separation to the properties to the east and the extension presents a blank gable to adjacent gardens to the south with two small windows on the east elevation comprising a utility and shower room. The wider built environment comprises a cluster of buildings of mixed age and design. Material finishes in the area are varied including a mix of dry and wet dash render and slate. The proposed development raises no scale, design, privacy, daylighting or overlooking issues and is consistent with the existing character of built development. As such it accords with policies LDP 3, LDP 9 and Supplementary Guidance on Sustainable Siting and Design Principles.

C. Road Network, Parking and Associated Transport Matters.

The dwellinghouse is accessed from an existing access on to East Princes Street which also serves both adjoining properties. These access arrangements won't change. The Area Roads Manager was consulted and has advised no objections subject to conditions that the provision for car parking and turning within the curtilage of the dwelling should be in accordance with the Council's Local Development Plan supplementary guidance SG LDP TRAN 6: 2 spaces for 3 beds, 3 spaces for 4+ beds. The dwellinghouse already has three bedrooms and the property as extended will still have three bedrooms albeit larger. In addition, a turning area is shown on the plans. A condition requiring the creation and retention of two car parking spaces is proposed. On this basis officers are satisfied that the proposed development can be implemented without impact upon the local road network and without an intensification of associated traffic or demand for off-road parking consistent with LDP 11 and SG LDP TRAN 4 & TRAN 6.

This page is intentionally left blank



Location Plan Relative to Planning Application 20/02200/PP



1:1,250

This page is intentionally left blank

**Argyll and Bute Council
Development and Economic Growth**

PROPOSAL OF APPLICATION NOTICE (PAN)

Reference: 21/00029/PAN

Applicant: Taylor Wimpey UK Ltd and Helensburgh Golf Club

Proposal: Proposal of Application Notice for residential development, including affordable housing, demolition of existing clubhouse and erection of new clubhouse, revision of new and retained golf holes providing a refreshed 18 hole golf course and creation of new 6 hole par 3 golf course

Site Address: Helensburgh Golf Club, 25 East Abercromby Street, Helensburgh

1.0 INTRODUCTION

Proposal of Application Notices only relate to Major Applications as defined by the Government's planning hierarchy and are a statutory requirement prior to the submission of the planning application. The PAN heralds the start of a minimum 12 week period to allow for community consultation before an application can be lodged. The Proposal of Application Notice took effect from 20th January 2021 and therefore an application cannot be made before 14th April 2021.

In considering this item Members should restrict comments to issues relating to the material considerations which may be relevant in the determination of the proposed development and should refrain from expressing opinion as to the likely acceptability of development in advance of any subsequent application being presented for determination. Any opinions or views expressed by Councillors at the pre-application stage must be made mindful of the overarching requirements of fairness, impartiality and of keeping an open mind. The process provides opportunity for Officers to give feedback to the prospective applicant on issues which Members would wish to see addressed within the planning application submission.

Members are requested to note that the Scottish Government has provided additional guidance to Planning Authorities and applicants on appropriate community consultation measures due to current Covid 19 restrictions on the holding of public meetings. This new advice requires applicants to demonstrate that enhanced measures to compensate for the lack of a public meeting are provided to the satisfaction of the Planning Authority. The applicant has set out in detail their proposals to ensure that in the absence of a public meeting, appropriate steps are proposed to ensure sufficient opportunity is provided for the community to view and comment on the proposals in advance of the submission of a formal planning application.

In this instance the applicants propose to establish a project website to provide local residents and other stakeholders with information on the proposals. The applicants also propose to hold two separate two hour virtual meetings where details of the proposals can be viewed, questions asked by members of the public, and answers provided. In addition a specific online presentation will be made to the Community Council of a similar format, and a commitment to offer additional meetings with the Community Council has been

made. The applicants will also be sending an information leaflet to surrounding residential occupiers to make sure that they are aware of the proposals. A press notice will also be published in the Helensburgh Advertiser.

Officers are content that the proposed steps are commensurate with the scale of the development and the likely level of public interest in the proposal and accord with the current Covid 19 pre application guidance and regulations of the Scottish Government.

]

For Members general information the project website, which allows online feedback and also the opportunity to register for updates on the project, can be found at the link below:

<https://www.taylorwimpey.co.uk/proposed-developments/scotland/argyll-and-bute/helensburgh/helensburgh-golf-club>

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- Erection of residential development (circa 300 Units) including 25% affordable;
- Demolition of existing club house and construction of new clubhouse and associated facilities
- Provision of refreshed 18 hole golf course and creation of new 6 hole golf course.
- Construction of roads;
- Formation of amenity open space
- Provision of SuDS compliant drainage solution
- Provision of footpaths and cycle paths
- Provision of landscaping
- Associated site works and infrastructure connections

3.0 SITE DESCRIPTION

The site comprises a part of Helensburgh Golf Course which includes both a number of existing holes and also the club house with the fairways being located between belts of mature trees. A core path bisects the site and continues northwards. The land is located adjacent to existing housing and is at the southern part of the existing golf course.

The new 6 holes are proposed to be within the more open greenbelt to the north of the existing golf course which is also at this point known as the “Helensburgh Mire”. This comprises a large expanse of peatland with less tree cover and a more open and exposed appearance.

The land covering the whole application boundary generally slopes downwards north to south with varying undulations on both the peatland and the existing golf course. Overall the general site is attractive and clearly well used by both golfers and walkers as a core path/public right of way bisects the site forming part of the Old Luss Road.

4.0 DEVELOPMENT PLAN POLICY

The adopted Argyll and Bute Local Development Plan under LDP PROP 2 identifies the site as Housing Allocation H2004 – Helensburgh East, Helensburgh Golf Course with an indicated capacity for 300 units to include 25% affordable housing. The allocation site is identified in Proposals Map 55.

‘Argyll and Bute Local Development Plan’ adopted March 2015

Relevant Policies which will require to be considered include:

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 5 – Supporting the Sustainable Growth of our Economy
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

SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity
SG LDP ENV 5 – Development Impact on Local Nature Conservation Sites (LNCS)
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 8 – Protection and Enhancement of Green Networks
SG LDP ENV 10 – Geodiversity
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP REC/COM 1 – Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services

SG LDP DEP 1 – Departures to the Local Development Plan
SG LDP ENV 14 – Landscape
SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (ie. drainage) systems
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP SERV 5 – Waste Related Development and Waste Management Development
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 2 – Development and Public Transport Accessibility
SG LDP TRAN 3 – Special Needs Access Provision
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 5 – Off-Site Highway Improvements
SG LDP TRAN 6 – Vehicle Parking Provision

A number of other LDP land use designations are relevant and will be material to the determination of any future application as follows:

- I. Local Nature Conservation Site - Blackhill Mire. Parts of the extended golf course will be located within the designated local nature conservation site.
- II. TPO Woodland – A large TPO woodland (TPO 30) exists on the northern edge of site with a second section of this protected woodland forming a boundary on the western edge of the site following the boundary from the existing Clubhouse north and west.
- III. Open Space Protection Area – Parts of the indicated site are designated as Open Space Protection Areas and any development which would impact upon these will require to address the requirements of SG LDP REC/COM 1.
- IV. Core Path: The Old Luss Road which bisects the site north to south is a core path which provides accessibility both for residents and as part of an important wider recreational link between Helensburgh and the Countryside beyond, including links to the John Muir Way a nationally important walking route.

5.0 POTENTIAL MATERIAL CONSIDERATIONS

In respect of this proposal it is considered that the following matters will be material considerations in the determination of any future planning application;

- Scottish Planning Policy 2014 (and emerging SPP advice)
- Argyll & Bute Sustainable Design Guidance (2006)
- Argyll and Bute Proposed Local Development Plan 2 November 2019.
- Designing Streets: A Policy Statement for Scotland (2010)
- Creating Places: A Policy Statement on Architecture and Place for Scotland (2013)
- Green Infrastructure: Design and Placemaking
- A&B Local Biodiversity Action Plan
- Statutory/Non-Statutory Consultee Comments

Localised flooding is known to occur on the south of the site (within housing site H2004) where Old Luss Road leaves the existing golf course and given the high level of peat coverage soft engineering drainage and SuDS proposals will require to be designed to ensure the whole of the site combining both the golf course and housing site are to an acceptable design and operational standards in respect of flooding and drainage solutions. It is essential that any drainage solution for the housing site should not result in water being drawn out of the peatland above and changing its carbon storage or habitat characteristics.

6.0 CONCLUSION

The report sets out the information submitted to date as part of the PAN. Summarised are the policy considerations, against which any future planning application will be considered as well as land use designations and potential material considerations and key issues based upon the information received to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

7.0 RECOMMENDATION

That Members' note the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN to allow these matters to be considered by the applicant's in finalising any future planning application submission.

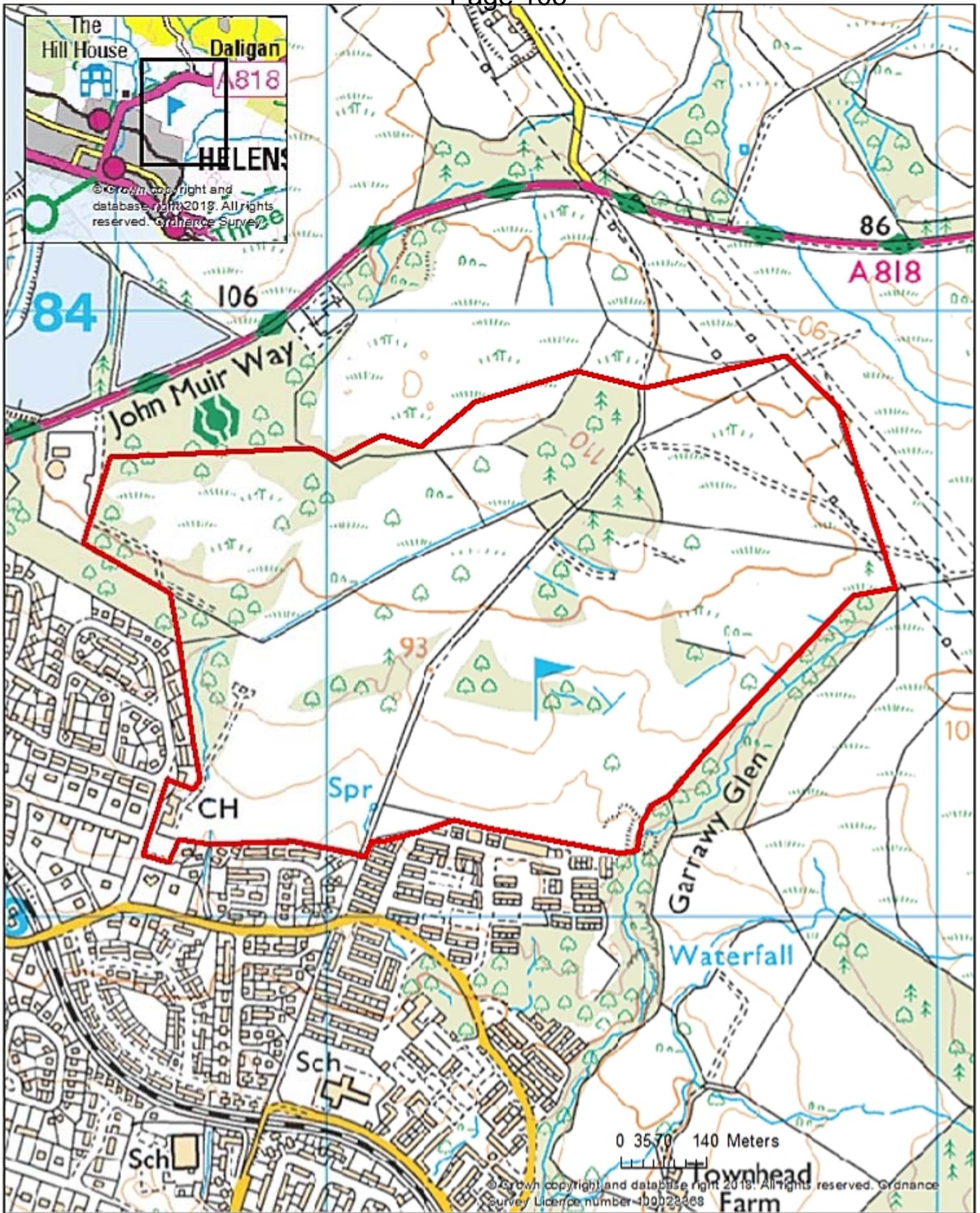
Author of Report: David Moore

Date: 02.02.2021

Reviewing Officer: Sandra Davies

Date: 02.02.2021

Fergus Murray
Head of Development and Economic Growth



Argyll & Bute COUNCIL **Location Plan Relative to Planning Application 21/00029/PAN**  **1:8,000**

This page is intentionally left blank

ARGYLL AND BUTE COUNCIL

PPSL Committee

DEVELOPMENT AND ECONOMIC GROWTH

17 February 2021

UPDATE ON SCOTTISH GOVERNMENT NPF4 POSITION STATEMENT

1.0 EXECUTIVE SUMMARY

- 1.1 The Scottish Government is currently preparing National Planning Framework 4 (NPF4). The Planning (Scotland) 2019 Act has changed the nature of the National Planning Framework when it is produced, giving it enhanced status. It will provide a renewed focus on rural development including rural repopulation, give a stronger steer on housing delivery and diversification including the setting of targets on land for housing, and will become part of the statutory development plan, requiring to be taken into account in determination of planning applications and preparation of local development plans.
- 1.2 It is therefore important that Argyll and Bute participates in the NPF4 engagement to ensure that the Area's strategic priorities for infrastructure and economic investment are considered for inclusion in the Plan and the Area's unique rural nature is reflected in the policy context which is set.
- 1.3 Scottish Government has produced what it calls an NPF4 Position Statement which has been prepared in response to ideas submitted as part of the early engagement that took place in the first half of 2020 and to which Argyll and Bute fed in. The Position Statement aims to inform further discussions and is not itself a document setting out policy. It is important to emphasise that no decisions have been made and the Scottish Government will extensively consult on the detail in Autumn 2021.
- 1.4 This report highlights the Position Statement and Proposed Comments on it. Full text of the Position Statement is in **Appendix 1**. The Position Statement invites comments by February 19th and Argyll and Bute's proposed comments are included in **Appendix 2**.

2.0 RECOMMENDATIONS

- 2.1 Members note the contents of the NPF4 Position Statement and endorse the proposed comments, or amend as appropriate, in **Appendix 2** of this report for submission to the Scottish Government.

ARGYLL AND BUTE COUNCIL

PPSL Committee

DEVELOPMENT AND ECONOMIC GROWTH

17 February 2021

UPDATE ON SCOTTISH GOVERNMENT NPF4 POSITION STATEMENT

2.0 INTRODUCTION

- 2.1 This report highlights the recently produced Scottish Government NPF4 Position Statement. The Position Statement is an update on progress made towards production on the draft NPF4 which is anticipated in Autumn 2021 when there will be further consultation. Presently comments are invited on the Position Statement by mid-February and the report contains proposed comments for endorsement by members.

3.0 RECOMMENDATIONS

- 3.1 Members note the contents of the NPF4 Position Statement and endorse, or amend as appropriate, the proposed comments in **Appendix 2** for submission to the Scottish Government.

4.0 DETAIL

- 4.1 The Scottish Government is currently preparing National Planning Framework 4 (NPF4). The Planning (Scotland) 2019 Act has changed the nature of NPF4 when it is produced, giving it enhanced status. It will have a longer time-horizon, fuller regional coverage and improved alignment with wider programmes and strategies, including on infrastructure and economic investment. NPF4 will also provide a renewed focus on rural development including rural repopulation, which is the key priority for the Council (Argyll and Bute Outcome Improvement Plan). NPF4 will also give a stronger steer on housing delivery and diversification

including the setting of targets on land for housing. For the first time, NPF4 will also become part of the statutory development plan, requiring to be taken into account in determination of planning applications and preparation of local development plans.

4.2 It is therefore important that Argyll and Bute participates in the NPF4 engagement to ensure that the Area's strategic priorities for infrastructure and economic investment are considered for inclusion in the Plan. It is also important to try to ensure that the policy that emerges in NPF4 has considered Argyll and Bute's unique context and needs with remote rural areas, islands, edge of conurbation and as gateway to the Loch Lomond and Trossachs National Park.

4.3 The Scottish Government has produced what it calls an NPF4 Position Statement.



4.4 The Position Statement has been prepared in response to ideas submitted as part of the early engagement that took place in the first half of 2020 and to which Argyll and Bute fed in. This included submission of the Indicative Regional Spatial Strategy for Argyll and Bute and all other Councils which can be seen diagrammatically below.

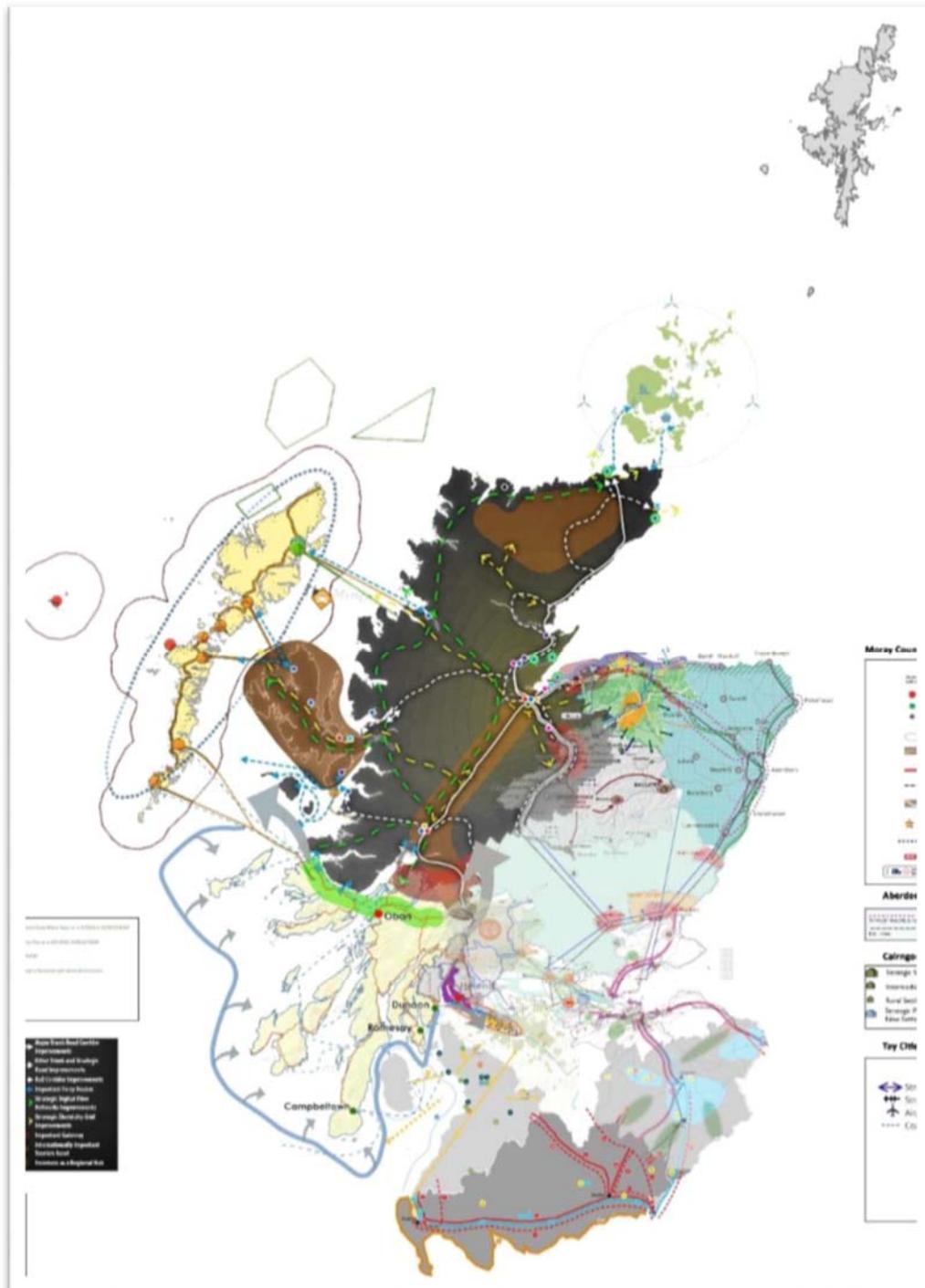


Fig 2: Scottish Govt. Amalgamation of All Local Authority iRSS Spatial Diagrams.

4.5 The Position Statement aims to inform further discussions and is not itself a document setting out policy. It is important to emphasise that no decisions have been made and the Scottish Government will extensively consult on the detail in Autumn 2021.

- 4.6 The current National Planning Framework (NPF3) and Scottish Planning Policy remain in place until NPF4 is adopted which we anticipate will be by the summer of 2022.

Summary of Potential Key Policy Shifts for NPF4 indicated in the Position Statement

- 4.7 The Position Statement signals a key shift towards a net zero agenda and sets out thinking over 4 key themes – net zero emissions, resilient communities, wellbeing economy and better greener places.
- 4.8 Some of the most significant changes Scottish Government expected to explore in the development of NPF4 are:
- Stronger support for sustainable, low and zero carbon developments.
 - A renewed emphasis on design, quality and place.
 - Support for development that reduces the need to travel, in line with the concept of 20 minute neighbourhoods.
 - A shift in the way we plan our homes so that we focus on meeting our diverse needs, and improve the quality of our places.
 - New policies to promote an infrastructure-first approach to development at all scales.
 - A new approach to ensure our places work for everyone, and are greener and healthier.
 - Enabling development and investment, including inward investment, that improves our collective wellbeing and supports fair work.
 - New policies to address key economic sectors including food and drink, culture and the creative sectors, and tourism.
 - Reimagining our city and town centres as a place to live, work and enjoy.
 - Prioritising development on vacant and derelict land.
 - Support for development that improves the resilience and sustainability of our rural economy and communities.
 - Facilitating improvements to our biodiversity and the significant expansion of green infrastructure.
- 4.9 The full text of the Position Statement is in **Appendix 1**. The Position Statement invites comments by February 19th and Argyll and Bute's proposed comments are included in **Appendix 2**.
- 4.10 A summary of key proposed Argyll and Bute comments are as follows:

- There is a limit to what can be achieved by applying twenty minute neighbourhoods in Argyll and Bute and any framework should reflect rural areas.
- Improving the energy efficiency of new buildings is an aim we support but Building Standards is the more appropriate regulatory framework not planning.
- Housing targets set by NPF4 must not merely reflect current demographic trends. If we are to reverse rural depopulation they must identify targets above those trends.
- Increased support for more renewable energy development should also include supporting the wellbeing economy, in other words deriving local benefits during construction and operation.
- An infrastructure first approach is welcomed but it must be recognised that in remote rural areas there is little if any opportunity to see private finance for infrastructure, and public investment must be aligned with planned development in a timely fashion. We need a system of front ended strategic investment in new infrastructure capacity so that development can be brought forward in a planned and strategic manner following that investment, not piecemeal.
- Redistribution of public sector jobs to remote rural areas, shown possible by the last 12 months home working, will not only align with this sentiment, but make the most significant difference to achieving repopulation of rural areas. It is a huge opportunity which is within the gift of Scottish Government.
- Request clear support for identifying and delivering a permanent solution to the Rest and Be Thankful.
- Argyll and Bute submitted its iRSS to Scottish Government and would wish to see elements of that document identified within NPF4 as National Proposals or sites. Particularly, three major areas of existing growth potential as identified in Argyll and Bute's iRSS: Tobermory-Oban-Dalmally Growth Corridor; Helensburgh and Lomond Growth Area; and Argyll and Bute Western Seaboard.

4.11 After submission of these comments, the immediate next steps for Scottish Government are:

- Further collaborative work will allow development of the indicative Regional Strategies (iRSS) if required so that they can be submitted for the end of April 2021.
- The iRSS submissions will help to inform the preparation of a national spatial strategy.
- Work will progress to update Scottish Planning Policy.

4.12 Following this there will be a period during which a draft NPF4 will be prepared, to be presented to Parliament in the autumn of 2021. Following the draft NPF4 being laid in Parliament in autumn 2021 there will be a period

of formal public consultation after which a finalised NPF4 will be adopted in the spring / summer of 2022. The table below shows this timetable.

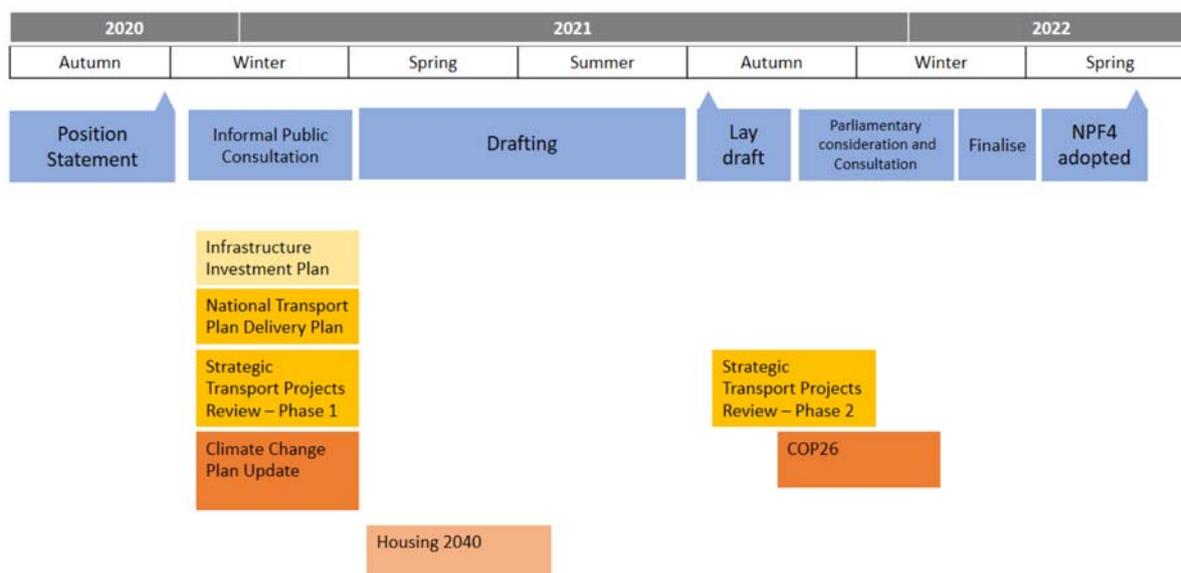


Fig3: Scottish Govt. Timetable for NPF4 Production.

5.0 CONCLUSION

- 5.1 The Scottish Government is currently preparing National Planning Framework 4. The NPF4 will become part of the Development Plan for determining planning applications and will include a statement of Scottish Planning Policy. It is therefore important that Argyll and Bute participates in the NPF4 engagement to ensure that the Area’s strategic priorities for infrastructure and economic investment are considered for inclusion in the Plan.
- 5.2 Scottish Government has produced what it calls an NPF4 Position Statement. This is not a statement of policy but reflects the consultation discussion that has been ongoing so far. Comment has been invited on the Position Statement for the 19th February and this report outlines the proposed Argyll and Bute response subject to Member comments.

6.0 IMPLICATIONS

- 6.1 Policy The Position Statement will feed in to the NPF4 which will eventually become part of the Development Plan for determining planning applications.
- 6.2 Financial None.
- 6.3 Legal None.
- 6.4 HR None.

- 6.5 Fairer Scotland Duty: Scottish Government will be required to carry out appropriate assessments.
 - 6.5.1 Equalities - protected characteristics Scottish Government will be required to carry out appropriate assessments.
 - 6.5.2 Socio-economic Duty Scottish Government will be required to carry out appropriate assessments.
 - 6.5.3 Islands Scottish Government will be required to carry out appropriate assessments.
- 6.6 Risk That Argyll and Bute is not represented within the NPF4 as we would wish it to be.
- 6.7 Customer Service None.

**Executive Director with responsibility for Development and Economic Growth
Policy Lead Cllr David Kinniburgh**

[report prepared 22.01.21]

For further information contact:

Author: Matt Mulderrig; matt.mulderrig@argyll-bute.gov.uk

Head of Service: Fergus Murray; Fergus.murray@argyll-bute.gov.uk

APPENDICES

Appendix 1: NPF4 Position Statement

Appendix 2: Argyll and Bute Proposed Comments on NPF4 Position Statement



Scotland's Fourth National Planning Framework Position Statement

November 2020



Contents

	01	Ministerial Foreword
	02	Our Future Places
	04	A Plan for Scotland in 2050 Outcomes for 2050
	06	A Plan for Net-Zero Emissions You told us... Our new spatial strategy will: Prioritise emissions reduction Integrate land use and transport Facilitate design solutions and innovation Promote nature-based solutions Deliver infrastructure to reduce emissions Potential policy changes
	11	A Plan for Resilient Communities You told us... Our new spatial strategy will: Apply the concept of 20 minute neighbourhoods Strengthen community resilience Promote inclusion and equality and eliminate discrimination Improve our health and wellbeing Actively plan and support the delivery of good quality homes Promote an infrastructure-first approach to community development Enhance and expand natural infrastructure Achieve more sustainable travel Potential policy changes
	20	A Plan for a Wellbeing Economy You told us... Our new spatial strategy will: Support a sustainable and green economic recovery Reduce inequality and improve health and wellbeing Provide certainty and flexibility to encourage investment Grow our food and drink sector Support sustainable tourism development Stimulate culture and the creative industries Transition to a circular economy Promote sustainable resource management Secure strategic transport connectivity Improve digital connectivity Potential policy changes
	29	A Plan for Better, Greener Places You told us... Our new spatial strategy will: Focus on place-based outcomes Achieve higher quality design Re-imagine city and town centres Re-use vacant and derelict land and empty buildings Actively promote working and living in rural Scotland and the islands Protect and restore Scotland's natural environment Protect and enhance our historic buildings and places Adapt our coastline to the impacts of climate change Potential policy changes
	37	Delivery
	40	Next Steps

Ministerial Foreword



Kevin Stewart MSP
Minister for Local Government,
Housing and Planning

The quality of our places really matters.

Scotland has many strengths and assets that we have depended on throughout the global pandemic. We have an exceptional environment with great buildings and a strong sense of character and identity. Many of us live in places that can provide the facilities we need within a short walk from our homes. However, that experience hasn't been shared by everyone. By not always considering the needs of all people, irrespective of their age, gender, geography, disability or socio-economic status, it has become clear that decisions about our places that were made in the past have locked in future problems. Inequality persists – within our society, and between the places where we live. Too often, places don't do enough to support our health and wellbeing and we still have more to do to build the homes that people need. COVID-19 has shown us that people can feel more isolated where there are too few accessible local amenities or nearby green spaces for play or physical activity.

Our [Programme for Government](#), recognises the important role that our National Planning Framework, along with local development plans and local place plans, can have in redesigning our communities to best respond to the pandemic. Emerging regional spatial strategies also have a great deal to contribute to the future of long-term planning in Scotland.

National Planning Framework 4 will set out a new plan for Scotland in 2050. The strategy will have to make some big decisions about our future development. Our ambitious targets for addressing climate change demand a fresh approach and significant investment in infrastructure, as well as a new understanding of how zero carbon living might work. We need to anticipate and plan for our changing population to focus more on improved health and wellbeing and a better natural environment for everyone in Scotland. It is clear that good quality homes must be delivered in the right places, alongside the services and facilities that communities need. It is essential that planning supports our green economic recovery in the short term, as well as enabling strategic investment in the long term. And all of this must be achieved through a highly performing planning system that improves our places: our cities; towns; villages; rural; and island areas.

The preparation of National Planning Framework 4 is a significant task that cannot be achieved by government alone. Our approach has been open and collaborative from the start, and I am very grateful to all those who have taken the time to share their thinking on a new spatial plan and policy changes. This Position Statement brings together the thoughts and ideas we have heard so far with wider Scottish Government commitments to begin to set a new course for planning in Scotland.

Our future places

Our places will look and feel different in the future. A significant shift is required to achieve net-zero emissions by 2045.

We cannot afford to compromise on climate change. If we are to meet our targets, some significant choices will have to be made. We will make these choices next year as we move towards a draft National Planning Framework 4 for public consultation and Parliamentary scrutiny, but it is already clear that significant effort will be required. We will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions. We will need to focus our efforts on actively encouraging all developments that help to reduce emissions. This is not about restricting development. Our aim is to help stimulate the green economy by facilitating innovation, greener design and place-based solutions.

Key opportunities to achieve this, as set out in this Position Statement, include:

1. Building 20 minute neighbourhoods. We can plan our homes together with everyday local infrastructure including schools, community centres, local shops and healthcare to significantly reduce the need to travel. This is not just about new buildings – we want to guide change in a way that also helps to transform our existing places.
2. Introducing a stronger preference for reusing existing buildings before new development proceeds.
3. Shifting future development away from greenfield land including by actively enabling the redevelopment of vacant and derelict land.
4. Strengthening our support for development in town centres and restricting out-of-town retail and leisure to help us transition away from car-dependent developments towards those that enable walking, cycling, wheeling and public transport accessibility.
5. Stimulating new models of low carbon living in our rural areas as well as our towns and cities, by facilitating further investment in digital infrastructure, building in more space for people to work remotely and creating community hubs.

6. Expecting low and zero carbon design and energy efficiency, for example by actively encouraging much wider use of sustainable and recycled materials in new developments.
7. Significantly strengthening our policies to secure low carbon heating solutions.
8. Supporting renewable energy developments, including the re-powering and extension of existing wind farms, new and replacement grid infrastructure, carbon capture and storage and hydrogen networks.
9. Harnessing the potential for rural development to act as a lever to facilitate woodland creation and expansion.
10. Expanding green infrastructure, biodiversity and natural spaces to make our places greener, healthier and more resilient to the impacts of climate change.
11. Restricting peat extraction and development on peatland, and facilitating restoration through permitted development rights.
12. Removing the need for planning permission for active travel and electric vehicle charging points to ensure that we can roll-out new infrastructure widely and quickly.

A Plan for Scotland in 2050

We are preparing a new spatial plan for Scotland that will look ahead to 2050 to set out where future development can bring benefits for people, the economy and environment. The fourth National Planning Framework (NPF4) will show what Scotland, as a place, could and should look like in 2050. It will include national planning policies, providing a clear and coherent plan for our future development. And it will have the status of development plan, informing day to day planning decisions.

NPF4 will embed the UN Sustainable Development Goals¹ and Scotland's national outcomes². The Place Principle³ will be a key driver for ensuring that planning focuses on our places, and is supported by a much wider range of interests to ensure that proposals and policies are delivered on the ground.

No decisions have been made yet. At this stage we have taken stock of what we have learned so far about the priorities for NPF4, and set them out in this Position Statement. Much of our thinking is informed by views and ideas we received from our initial engagement in early 2020. Over the year ahead we will continue to work collaboratively with a wide range of stakeholders to further develop these proposals. We expect to lay the draft NPF4 in the Scottish Parliament in autumn 2021, and will consult publicly on our fuller proposals at that stage. NPF4 will be presented digitally as part of a new spatial data platform.

This Position Statement sets out our current thinking to inform further discussions on the content of a draft revised framework for consultation. It aims to support those discussions and is not, in itself, a document setting out policy. Statements in this Position Statement as to what the content of a revised National Planning Framework will contain should be read in that context. The final content of NPF4 will only be established following consultation and consideration, and approval, of the draft revised framework by the Scottish Parliament.

The current National Planning Framework (NPF3) and Scottish Planning Policy remain in place until NPF4 is adopted by Ministers.

Outcomes for 2050

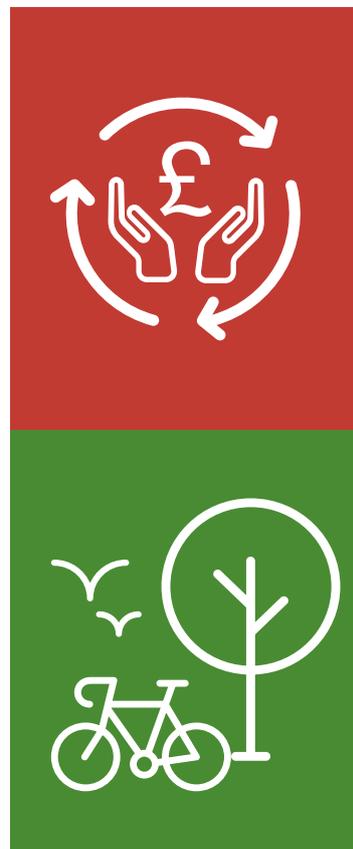
The long-term strategy will be driven by the overarching goal of addressing climate change. We must play our full part in tackling the global climate emergency by reducing greenhouse gas emissions in line with our legal targets. Many places are already vulnerable to the impacts of climate change and we must build future resilience by making better choices. This can also improve our places.

We currently expect that NPF4 will focus on achieving four key outcomes:



Net-Zero Emissions

Resilient Communities



A Wellbeing Economy

Better, Greener Places

In line with ongoing planning reform, we will also do more to ensure our national spatial strategy and policies will be delivered. Alignment with the Infrastructure Investment Plan, and our response to the recommendations of the Infrastructure Commission for Scotland, will be key to achieving this.

To open up wider conversations to further inform the future draft NPF4, this statement considers each of these outcomes in turn. Each section reflects views we have heard so far, emerging spatial priorities, and potential policy changes.

A Plan for Net-Zero Emissions



We will prioritise the types and locations of development that will help meet our emission reduction targets.



We will build on the Climate Change Plan and take forward advice provided by the UK Climate Change Committee. The recommendations of the Just Transition Commission will also inform our actions⁴.



Our future places will be planned in a way that reduces the need to travel and builds in natural solutions.



Our buildings will be more energy efficient and will be designed to be sustainable.



We will actively facilitate decarbonised heating and electricity generation and distribution.

You told us...

- We need a swift and decisive response to the global climate emergency at all levels – national, regional, local and community.
- The time is right to give greater weight to climate change as a crucial factor influencing decision making on our future land use.
- We should be addressing long term climate change in a way that benefits communities and the economy more widely.
- Views vary on the most effective solutions. Some suggest a targets-based approach at either a national or a regional level. Others propose increasing the requirements for new developments, and want to make it easier to put in place new infrastructure that would help to reduce emissions.
- Heat, energy efficiency, housing, green infrastructure, onshore and marine renewables have all been highlighted as development priorities for planning to address.
- Policies should reflect the importance of growing the green economy, including renewable energy and the circular economy, to help meet our climate change targets and secure good quality jobs and investment.
- Challenges around this include balancing the need for new infrastructure with minimising impacts on communities and the environment. We will also need flexibility to ensure our policies keep pace with future technological change.
- It is essential that we plan our future land use together with our transport network to actively reduce the need to travel and promote low carbon transport options.
- Land can generate, and reduce, emissions. It will be important to align with wider land use management to tackle issues including woodland creation, peatland restoration, natural flood management, bioenergy and improving biodiversity.
- NPF4 is an opportunity to consider long term change at a national scale, as well as focusing in on geographic 'hot spots' of development and infrastructure that could be prioritised and supported as part of a national effort to reduce emissions.



Our new spatial strategy will:

Prioritise emissions reduction

Climate change will be the overarching priority for our spatial strategy. To achieve a net-zero Scotland by 2045 and meet the interim emissions reduction targets of 75% by 2030 and 90% by 2040, an urgent and radical shift in our spatial plan and policies is required. Scotland's updated Climate Change Plan will be published later this year, setting a course for achieving the targets in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019. NPF4 will take forward proposals and policies to support it.

No single development or planning policy can achieve this. The strategy as a whole will be designed to minimise emissions from new development. We will work alongside the development of Scotland's next Land Use Strategy to guide long-term land use change in a way that helps to reverse patterns of behaviour that are already contributing to emissions. We will do this in a way that achieves economic, health and other environmental benefits through a just transition.

To help inform this, we will bring together and reflect emerging regional spatial strategies and their proposals for strategic development that helps to reduce emissions and aligns with emerging thinking on wider regional land use. The transition from energy intensive to zero carbon economies is a key challenge that is being actively considered across national and regional scales. It is increasingly recognised that the impacts of climate change may be best tackled at a strategic scale – i.e. managing flooding through upland management, and capturing carbon through tree planting and strategic peatland restoration. These are some ways in which regional spatial strategies are reflecting these opportunities. Early work shows that there are opportunities for planning to support a transition to a lower carbon economy in areas that include the Firth of Forth, the North East and island communities.

Integrate land use and transport

The location of development determines the intensity of emissions that it will generate throughout its lifetime. Our strategy will promote future patterns of development that embed the National Transport Strategy 2 (NTS2) Sustainable Travel Hierarchy⁵ in decision making. We will seek to promote high quality walking, wheeling and cycling environments, public transport and shared transport options in preference to single occupancy private car use. This will help us to meet our climate change targets and transition towards healthier, more local, zero carbon living and working. Clear choices will need to be made to direct development to locations which reduce the need to travel and are already well served by sustainable transport options.

Our approach will ensure transport options that focus on reducing inequalities and the need to travel unsustainably are prioritised. We also need to maintain and safely operate existing transport infrastructure and services, and ensure our transport networks can adapt to the impacts of climate change. Only after that should investment involving targeted infrastructure improvements be considered. Ultra-low emission vehicles (ULEV), including electric vehicles will have a role to play, particularly with regard to shared transport, and so we will also plan for electric vehicle infrastructure.

Facilitate design solutions and innovation

We will ensure planning policies support the very significant reductions in emissions from buildings that we need to see. This is not just about new development – our existing buildings and places will need retro-fit solutions and we will make use of the embedded carbon across the built environment. Planning can facilitate low carbon methods of construction, which create a whole building approach to emissions including construction and decommissioning. We will support developments that make use of low energy and emission materials as well as natural and micro-climate features which reduce the resource demand of the development. We will align our strategy with Building Standards to create a consistent approach, and actively encourage buildings that go beyond current standards where there is appetite to do so. We will also enable and encourage deployment of renewable and zero emissions heating, including by facilitating development of the networks they require.

Promote nature-based solutions

The climate and nature crises are intrinsically linked. It is estimated that around a third of the global mitigation effort needed to deliver the goals of the Paris Climate Agreement could be achieved through nature-based solutions.

Scotland's natural environment plays a vital role in removing carbon from the atmosphere and securing it in natural habitats on land and in our seas. Promoting nature-based solutions to climate change, including tree planting and peatland protection and restoration, and tackling emissions related to soil disturbance and agricultural land use, will be essential to reduce emissions from our land and increase carbon sequestration. They can also help to sustain and grow rural communities and improve the quality of our built environment. Our spatial strategy will explore how we can promote nature-based solutions to climate change, which also protect and restore biodiversity and deliver wider benefits.

Deliver infrastructure to reduce emissions

We expect that NPF4 will confirm our view that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments. We have made good progress in transitioning from reliance on fossil fuels to renewable electricity generation in a way which is compatible with our environmental objectives. Scotland is a net exporter of electricity and in the past decade renewable electricity output has grown markedly. However, significant further investment will be needed to support new technologies for carbon capture and storage; hydrogen; sustainable and active travel; electricity grid capacity (including subsea links to the islands); and decarbonisation of heating, our transport networks and vehicle fleets⁶.

As a priority, our strategy will need to facilitate the roll-out of renewable electricity and renewable and zero emissions heat technologies. We will need to switch to low and zero carbon fuel sources, and support the delivery of associated infrastructure, such as grid networks and gas pipelines. We will ensure that NPF4 helps to deliver on our wider energy strategies including the Scottish Energy Strategy⁷ (including any updates), our Energy Efficient Scotland route map⁸, the forthcoming Heat in Buildings Strategy, our vision to 2030 for Scotland's electricity and gas network and the Infrastructure Investment Plan⁹.

We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received is available to view at www.transformingplanning.scot and include, for example: carbon capture and storage infrastructure; on and offshore renewable energy generation and networks; clean hydrogen production and distribution; energy innovation zones; heat networks; and walking, wheeling and cycling infrastructure.

Potential policy changes

We are currently considering the following priority policy changes to support a spatial strategy for net-zero emissions:

- Strengthening support for retaining and reusing existing buildings to maximise the use of the embodied energy of our building stock. We will consider how carbon assessments can ensure that the carbon stored in buildings is accounted for in decision making.
- Making it more difficult for new developments that generate significant emissions, across the lifecycle of a development as a whole, to gain planning permission.
- Supporting the use of materials with low embodied emissions, that can act as an emissions store and where the materials can be re-used with minimal re-processing at end of life of the building to avoid release of the embodied emissions.
- Embedding of the National Transport Strategy 2 Sustainable Travel and Investment Hierarchies into the appraisal and assessment of development proposals as well as the proposals themselves. This will also be achieved through an infrastructure-first approach to future development.
- Actively planning future development in a way that helps us to achieve zero carbon living that minimises the need to travel by unsustainable modes, for example by helping to create 20 minute neighbourhoods where achievable.
- Facilitating development that is highly energy efficient and which meets greenhouse gas emissions standards, including making provision for zero carbon energy generation.
- Setting out a consistent policy for meeting Section 3F of the Town and Country Planning (Scotland) Act 1997 in relation to emissions policies.
- Clarifying where net-zero building approaches may allow development to proceed by offsetting emissions.
- Promoting nature-based solutions to climate change, including woodland creation and peatland protection and restoration.
- Integrating development with natural infrastructure, including blue-green networks, to deliver multiple benefits including carbon sequestration, community resilience and health improvement.
- Strengthening our support for re-powering and expanding existing wind farms.
- Updating the current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site specific assessments.
- Introducing new policies that address a wider range of energy generation technologies for example for electrical and thermal storage, and hydrogen.
- Setting out a more practical and outcome-focused approach to accelerating a transition to renewable and zero emissions heating in buildings, including by linking with wider policies for green and blue infrastructure and vacant and derelict land and properties.
- In line with the Bank's primary mission, the Scottish National Investment Bank has the opportunity to use its investments to be part of the drive towards a just transition to net zero emissions.

A Plan for Resilient Communities



We will focus on people and the quality of areas where we live.



We will apply concepts such as 20 minute neighbourhoods across our cities, towns, and rural areas so that the places where we live and work are more resilient and sustainable.



NPF4 will align with our vision for housing in 2040 and set out a long term view of the homes required to meet our future needs. We will focus on the location, quality and type of homes needed for people of all ages, reflecting long term population and household trends.



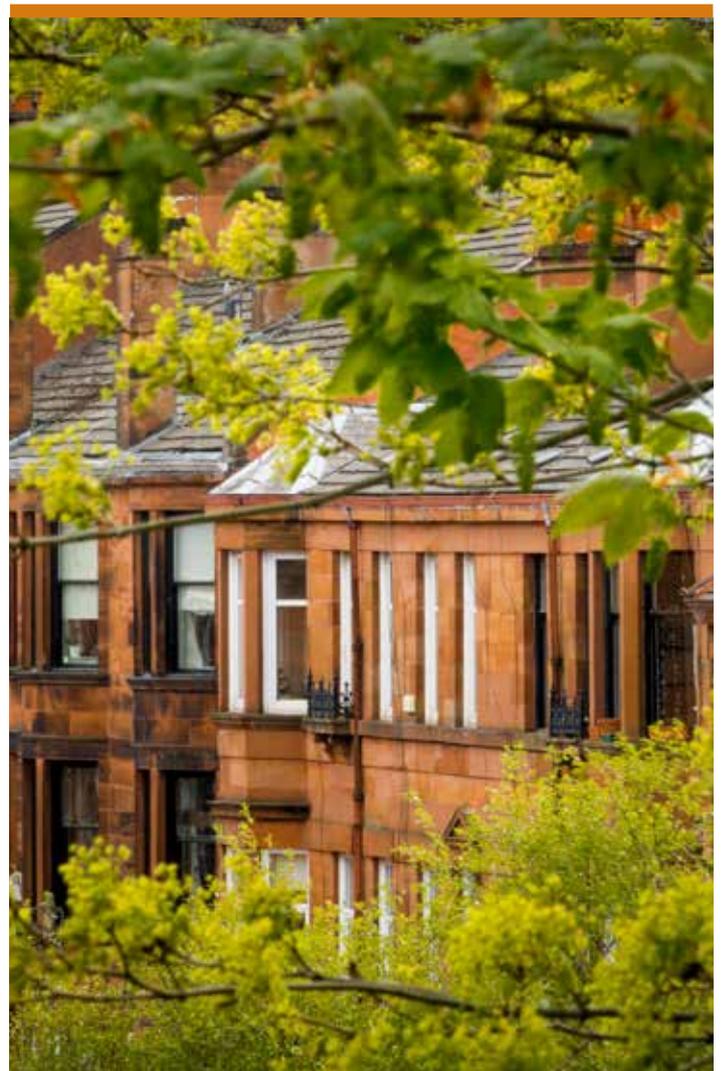
We will introduce, for the first time, an infrastructure-first approach to neighbourhood planning, including natural networks and sustainable travel, to ensure that we have fair access to the services we need to help make our communities a great place to live.



We will underpin this with policies which support our six public health priorities¹⁰, promote inclusion and equality, and help our places adapt to the long term impacts of climate change.

You told us...

- We need to do more to ensure that a much wider range of people get involved in planning, promoting collaborative approaches over conflict.
 - Planning needs to be proactive and make clear decisions about future development and investment priorities that are in the long term public interest.
 - Places, particularly the places where we live, can make a big difference to our health and wellbeing. The experience of COVID-19 has underlined this.
 - Improving health should be a key priority. Quality of place and sense of belonging are essential for our wellbeing and central to our aim of tackling longstanding health inequalities. Access to healthy food, physical activity, active travel, plus issues such as air quality, pollution, noise, decontamination and stabilisation of former mine workings are all priorities for planning.
 - The quality of our homes really matters, and the way we plan for housing needs to change. There are many different ideas about the best approach but wide agreement that we should focus more on quality and the types of homes we will need in the future, rather than only on numbers of units.
 - Our policies should reflect our diverse housing and accommodation needs, including the housing needs of older people, disabled people, students, Gypsy/Travellers and those living in rural communities. A wider range of new and innovative delivery solutions should also be supported.
 - We need to consider, and address, the impacts of new development on local infrastructure including schools, healthcare, transport, green space and other community facilities. Places should be planned on the basis of an infrastructure-first approach so that everyone, irrespective of age, disability, gender, ethnicity or socio-economic status has ready access to essential services and facilities.
- Blue-green infrastructure should be an integral part of place-making and our policies on this can be strengthened. Good quality open spaces and green networks play a crucial role in supporting our quality of life and should be an integral part of place-making.
 - Natural flood risk management, flood prevention and green infrastructure are key opportunities to manage our environment whilst achieving wider benefits for people, place and environment.
 - Everyday travel, including walking and cycling and access to low carbon transport options contributes to the livability of our places and neighbourhoods, and there is support for stronger alignment of future development with existing and planned local transport infrastructure capacity.



Our new spatial strategy will:

Apply the concept of 20 minute neighbourhoods

Our spatial strategy and policies will reflect the needs and aspirations of people living throughout Scotland by building quality places that work for everyone. 20 minute neighbourhoods have the potential to reduce emissions and improve our health and wellbeing. We will explore how a new emphasis on living locally could work in different parts of Scotland, from remote rural communities to our towns and cities, taking into account the needs of everyone in society so that equality is built in from the start.

The 20 minute neighbourhood concept doesn't exist in isolation but scales up to include larger geographies and networked areas providing access and opportunities for the wide range of facilities and services that communities require. The ability to access goods and services through high quality walkable and accessible environments is increasingly recognised as providing strategic competitive advantage to attract and retain people and investment.

This vision will be supported by new and improved planning policies that bring together services and homes, giving life to the Place Principle and supporting public health and wellbeing and reducing inequality.

Strengthen community resilience

A focus on neighbourhoods and local living will help our places to adapt to the impacts of climate change. Our climate is getting warmer and wetter, and more frequent extreme weather events will affect people and places. In summer, more intense rainfall could increase surface water flooding. In winter, more frequent rainfall could bring increased flooding from rivers. Sea level rise could affect the viability of some coastal communities through flooding and erosion. Scotland's Climate Change Adaptation Programme¹¹ promotes a joined-up approach to place-making that reflects local diversity.

Some places will be more vulnerable to the impacts of climate change than others: flood risk may be particularly acute in parts of our cities, whilst the livability and accessibility of our smaller towns could be significantly affected by flooding events in the future. By future-proofing the design of our streets and buildings and investing in natural infrastructure, including creating and restoring habitats upstream in catchments, we can substantially reduce our communities' exposure to flooding and the risks from changing temperatures. This also has the potential to provide equality, health, economic and wellbeing benefits for communities.

Promote inclusion and equality and eliminate discrimination

The Scottish Government is committed to promoting equality, tackling discrimination and fostering good relations between people in all of our communities. We want to ensure that every person and every community in our country is able to achieve their full potential. The changes we are making to the planning system aim to strengthen public trust and encourage engagement in decisions about the future of our places. The Planning (Scotland) Act 2019 introduces local place plans. Linked to the NPF and local development plans they will provide the opportunity for communities to influence the development of their neighbourhoods in a way which builds on community empowerment across Scotland. These and wider changes also underline the importance of engaging with a wider range of people to develop our places, including children and young people.

We will consider how our future policies can learn from the experience of COVID-19 including by responding to the Social Renewal Advisory Board's recommendations and learning from their work to capture our shared experience of delivering equality and social justice.

The spatial strategy will be supported by new policies to encourage more people to get involved in planning, to improve equality and eliminate discrimination. The 2016 National Standards for Community Engagement, together with the Place Standard Tool¹², provide a framework for involving people in planning their places. The Place Principle also recognises the need for a more joined-up and collaborative approach to decisions so that the combined impacts on places are understood and actively managed. We will look at how this can support techniques which encompass collaborative approaches to community engagement.

NPF4 is required to explain how our spatial strategy will contribute to improving equality and eliminating discrimination. People living in the most deprived areas and neighbourhoods are more exposed to environmental conditions and other factors that negatively affect health and access to opportunities – including those relating to transport, access to green space, pollution effects, housing quality, fuel poverty, community participation, and social isolation. Our future places and spaces need to be considered through the lens of gender, ethnicity, age and disability to ensure they are inclusive.

Many different planning policies have potential to directly and indirectly contribute to this, including those which aim to meet housing need, policies promoting community facilities and green space, and those relating to accessibility and design of the public realm. The development of the strategy is being supported by a range of impact assessments which will provide evidence on the impacts of policies on different people in society, and help to inform an approach which is fair for everyone.

Improve our health and wellbeing

NPF4 will be redesigned to support the population's health and wellbeing and address longstanding health inequalities. We know that planning and place can compound problems such as poor diet and obesity, noise or air pollution, or it can be part of a solution. We will

help to deliver a wide range of policies and strategies, including Scotland's six Public Health Priorities¹³, the Active Scotland Delivery Plan¹⁴ and associated commitments to increasing active travel; the new air quality strategy which will replace the current Cleaner Air for Scotland strategy in 2021; Scotland's Diet and Healthy Weight Delivery Plan¹⁵; Scotland's alcohol and drug harm prevention and reduction strategies; Scotland's Mental Health Strategy¹⁶; Scotland's Social Isolation Strategy¹⁷, and the National Health and Social Care Delivery Plan¹⁸. The Place Standard also underlines the importance of better health outcomes from joined-up, targeted action in our places.

Tackling health inequalities, as well as supporting the everyday healthcare needs of communities, require a long term plan. The quality of places has impacts on our health and wellbeing, from early years to later life. Planning can do more to directly support positive health outcomes and improve childhood experiences. More people living in Scotland in the future will be older, and we will also need to factor this in to ensure NPF4 properly anticipates our future needs.

Our approach will look at how the built environment can help prevent the need for healthcare spend in the first place, and increase our healthy life expectancy, by improving public health. Inclusive and accessible design, access to infrastructure, including healthy travel choices, and other measures to improve health should no longer be regarded as optional or a discretionary benefit, but a firm requirement for development to address. We will look to promote high quality design and development in sustainably accessible locations that attract investment, create opportunities and alleviate fuel and transport poverty. Natural (blue and green) infrastructure helps build community resilience, and in turn supports our health and wellbeing. Access to quality green space also has direct benefits for both mental and physical health and can help to tackle the impacts of inequalities.

Actively plan and support the delivery of good quality homes

Our homes make an essential contribution to our health and quality of life and we recognise that good housing is the cornerstone of strong communities. Our future homes will be at the heart of a spatial strategy that puts people first. We expect that our spatial strategy will focus on delivering a wider range of homes to meet the needs of our changing population, in the right places. Our Housing to 2040 route map will be a plan for a well-functioning housing system to deliver good quality, energy efficient, zero carbon housing and housing-related services. The vision will set out how, by 2040, we want our homes to be accessible, affordable, well-designed and energy-efficient with the right homes in the right places to support both urban and rural communities. As a first step, we have already committed to review the current housing adaptations system and make recommendations on how best to improve and streamline the system and maximise the impact of investment. This will help to make best use of existing and planned housing stock to provide homes for as many people as possible and enable people to stay in their homes for longer. We will explore how planning can support this, including through an emphasis on type, accessibility, affordable living, quality, choice and energy efficient homes.

Our strategy will do more to guide housing to sustainable locations in a way which still allows for a local approach to be taken to address local issues and opportunities. We will encourage development planning to help shape this in different parts of Scotland.

To significantly simplify the system as a whole, we will set out the land required in each local authority area to support local development plans over the life of the plan, informed by national analysis with local input. This will ensure a nationally agreed approach to housing land is used as a starting point for local development plans, and is aligned with local housing strategies and wider strategic investment priorities.

Our spatial strategy will also consider the long term changes that we can expect, including: sustainable rural living, prioritising sustainable and accessible locations; prioritising new homes on brownfield land where appropriate; redevelopment of existing buildings; city and town centre regeneration; and more people working remotely or more locally in the future. Policies will work with these challenges and assets to create great places to live now and in the future. Energy efficiency, in both new homes and the existing stock, is a key objective that will help address fuel poverty and contribute to meeting our climate change targets.

We want to see design at the heart of any new housing development. Details that may seem insignificant in isolation – such as – orientation; colours; shapes; heights; materials and access to public and play spaces – collectively create better development that supports our wellbeing. Our aim is to plan and facilitate the delivery of new places that anyone would be proud to call home.

To build the right types of homes that we want and the amount that we need, we need everyone to work together. Planning can do more to enable development, but it cannot do this on its own. We are considering how our policies can actively support delivery and provide certainty to house builders and communities by providing good, shovel ready land that can be developed in the short term whilst also maintaining a steady pipeline of land that will come forward in the future. We are looking at how we can incentivise house builders to build on sites that have already been deemed suitable for housing by providing a mechanism for more land to be released from the longer term supply, once building begins on sites that already have planning permission. In line with the recommendations of the Infrastructure Commission for Scotland, an infrastructure-first approach will play an essential role in ensuring allocated sites are a viable proposition to be built out in line with the plan's delivery programme.

Gypsy/Travellers require a positive planning approach so that not just their future, but their current accommodation needs are met. Guidance has previously been published on this, and we have taken steps to raise this with planning authorities. NPF4 is a real opportunity to expand on our current planning policy to support Gypsy/Travellers in their human rights to travel and in their aspirations to invest in their own homes, taking into account research on the distribution of existing sites across Scotland^{19 20}, as well as the provisions of the Planning (Scotland) Act 2019.

Promote an infrastructure-first approach to community development

It is crucial that the services and facilities we use on a day to day basis are fairly, easily and affordably accessed. A wide range of facilities are required to support our wellbeing including health services, transport, accommodation and support for an ageing population, education, energy networks, water and drainage, digital, community centres, places of worship, cemeteries and crematoria, libraries, retail including local healthier food outlets, markets, pubs, restaurants and cafes, banks, community growing space, green space, play and sports facilities and public toilets. During the passage of the Planning (Scotland) Act 2019, the Scottish Parliament emphasised the importance of planning these services, infrastructure and facilities for communities across Scotland. 20 minute neighbourhoods are a great opportunity to embed where appropriate, an infrastructure-first approach to our future places.

NPF4 will help to prioritise the infrastructure investment needed for people to live better, and more locally, in the future. By taking an infrastructure-first approach to planning future development, we will be able to reduce the need to travel and minimise spend on additional transport infrastructure construction, contributing to an overall reduction in emissions from the transport sector. We will link with infrastructure

plans to encourage place-based investment in local infrastructure to work alongside planned future housing developments. We will reflect and embed travel and investment hierarchies as set out in the Infrastructure Investment Plan and National Transport Strategy 2 within the appraisal and assessment of potential development options to inform the spatial strategy from the outset.

We will also explore the types of community services that will be required in the future, such as hubs for remote working and shared facilities, co-location and future-proofing. Natural (blue and green) infrastructure will be an integral part of a strategy for people, rather than an afterthought, helping to achieve multiple benefits for nature, communities and businesses.

The detailed consideration of infrastructure and service provision and implications are central to the preparation of spatial strategies and future land use decisions. Development plans can help to ensure the right infrastructure and services are in place at the right time to serve the needs of communities. We expect that the new requirement for an evidence report, examined through a 'gatecheck' early in the plan preparation process, will help to achieve this.

As part of the ongoing planning reform programme, we are carrying out a review of existing developer contributions mechanisms such as planning obligations. This was one of the recommendations made last year by the Scottish Land Commission in their advice to Scottish Ministers on land value uplift capture. The review will evaluate the effectiveness of planning obligations as a means of securing timely contributions to – and delivery of – the infrastructure and affordable housing that are necessary to create high quality places. This will help to inform NPF4's approach to infrastructure funding and delivery. We will also align with our Capital Investment Plan in terms of the role of private capital in developing sites of strategic importance to Scotland.

Enhance and expand natural infrastructure

Our strategy will enhance and promote open and green spaces and green networks as an integral part of successful place-making. By bringing together green and blue infrastructure, we will modernise our existing policies to ensure that our natural networks are nurtured and expanded to support our health and wellbeing, and contribute to our climate and biodiversity goals. We are aiming to strengthen our policy so that blue and green infrastructure are not an added benefit but an integrated requirement for future planning and development. For example, there is scope for new policies for planning green spaces and play. We also expect that much can be learned from innovation in green infrastructure planning as demonstrated by the Glasgow and Clyde Valley Green Network Partnership and Central Scotland Green Network.

Blue and green infrastructure will be an essential part of our approach to building our long term resilience to climate change and can also contribute to reducing emissions and carbon sequestration. In particular, opportunities for natural infrastructure to address the long term risk of flooding, water and drainage issues, temperature management and everyday livability of places will inform our approach to planning and enhancing our spaces and places. As part of this, consideration will also be given to the integration of ecological networks to protect and restore biodiversity and ensure that habitats and species can adapt to a changing climate.

Achieve more sustainable travel

We will refocus our existing transport policies to specifically draw out how land use planning can build in sustainable travel choices. Scotland's second National Transport Strategy²¹ set out a vision for a sustainable, inclusive, safe and accessible transport system, helping to deliver a healthier, fairer and more prosperous Scotland for communities, businesses and visitors. NPF4 is being prepared alongside the second Strategic Transport Projects Review and we expect, in time, that future Regional Spatial Strategies will align with Regional Transport Strategies. The Active Scotland Delivery Plan; the 2030 Vision for Active Travel; and the Active Travel Framework²² also provide an important policy framework for NPF4 to align with.

By guiding development to the right locations, we can reduce the need to travel unsustainably. To achieve stronger local communities and reduce emissions that are harmful to the environment and our health, and in line with the NTS2 sustainable travel hierarchy, there will need to continue to be a sustained and significant shift away from use of the private car towards walking, wheeling, cycling, public transport, taxis and shared transport. This will need to be embedded in the land use decision making process and will require policies that can be directly and consistently applied, to avoid compromising on our climate change and health objectives.

We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received is available to view at www.transformingplanning.scot and includes, for example: regeneration projects; large mixed use developments; settlement expansions; housing proposals; rural development projects; community-led development; social infrastructure; flood protection; natural infrastructure; and active travel networks. We will also consider whether this would help to deliver proposals that emerge from the Strategic Transport Projects Review 2.

Potential policy changes

We are currently considering the following priority policy changes to support a spatial strategy for resilient communities:

- Promoting innovative place-based solutions to reflect a new approach to localism, including 20 minute neighbourhoods, an infrastructure-first approach and a move towards more mixed land uses to improve local areas. A stronger focus on place-based actions will also help us to adapt to long-term climate change.
- Introducing an overarching principal policy that puts the needs of people and their health and wellbeing at the heart of the planning system; encouraging people to engage with decisions about their communities, providing for a more joined-up, collaborative, and participative approach, achieving better outcomes for everyone by enabling communities to shape their own places.
- Minimising and mitigating environmental hazards and pollution, and embedding an evidence-based approach to the avoidance and alleviation of health impacts from new development. We will also include new policies to improve air quality alongside reducing climate change emissions.
- Ensuring that the full range of policies and proposals included in NPF4 will work together to support a fairer, more inclusive and equalities-based approach to planning in the future.
- Promoting places which create the conditions for healthier, more sustainable living, including by addressing the links between planning, transport, place, food and drink and other lifestyle choices, and the retail environment.
- Refocusing our policies on housing on quality and place, and linking with wider housing investment so that the needs of everyone, including older people and disabled people, can be met. We expect to strengthen requirements for affordable housing provision and include policies that help to diversify delivery and reflect the future needs and aspirations of communities.
- Replacing the current focus on maintaining a 5 year supply of effective housing land with a longer term perspective so that future plans can promote immediate deliverability and viability, but also proactively steer development to appropriate locations in line with the plan's spatial strategy, informed by an infrastructure-first approach. We could seek to monitor the pace of land take-up through completions and to trigger the release of additional land, in line with the development plan, when the need for additional capacity is clearly demonstrated. Housing Land Audits will help us understand programming and we are considering how they can be clearer and more consistent.
- Proactively bringing forward good opportunities for quality homes in places that would benefit from them, including town centres, remote rural and island communities, vacant and derelict land and adaptation and re-use of disused properties. An infrastructure-first approach should be an integral part of site selection to assist with development viability and minimise the need for the construction of new infrastructure and its associated costs to the public and private sectors.

- Promoting self and custom build/self-provided housing, co-housing and other innovative approaches to delivery, also linking with the potential for Masterplan Consent Areas. This will link with the new requirement to prepare and maintain a list of people interested in self-build introduced by the Planning (Scotland) Act 2019. We will also support purpose-built build to rent homes in contributing to meeting need and demand.
- Providing a consistent national planning policy that proactively addresses the comprehensive evidence on the needs of the Gypsy/Traveller population. This could include criteria against which ad-hoc proposals for public or private permanent sites or temporary transit sites can be assessed. We will also address the specific accommodation needs of Scottish Showpeople.
- Setting out clearer requirements for infrastructure to support developments and more proactively considering how it will be delivered. We will explore the level of service provision that can reasonably be expected by communities where development takes place, particularly for health and education. New policies will provide a framework for taking into account the impacts of proposed new development on infrastructure, including by prioritising areas where there is existing capacity. This will be supported by a clearer and more consistent framework for developer contributions.
- Ensuring well-designed, high quality provision and long term maintenance of natural infrastructure in new development, recognising its contribution to goals for climate change mitigation and adaptation, biodiversity and health and wellbeing, including clean air, place-making and community resilience.
- Promoting multifunctional blue and green networks, accessible to all, supporting active travel, recreation and habitat connections for nature. Our policies will also focus on the quality, functionality, usability, accessibility, inclusiveness, and future maintenance of green space. We will plan for allotments and community growing spaces given their benefits for health and wellbeing, community and quality of life.
- We will introduce a new policy to address play and playability, covering both informal and formal play and considering spatial opportunities for play as part of wider place planning.
- Promoting natural flood risk management and strengthening our policies on the water environment and drainage infrastructure to address the future impacts of climate change to build the resilience of our communities.
- Reducing the need to travel unsustainably by embedding the Sustainable Travel and Investment Hierarchies into decisions about locations for change. This should guide development to places which can currently be sustainably accessed, or have the ability to become so, with minimal cost to the public and private sectors arising from the need to subsidise public transport or invest in new infrastructure resulting from the need to rely on the private car. We will consider the accessibility and needs of different groups – for example of children and young people in accessing schools and opportunities for play.
- Restricting development in flood risk areas that generate the need for additional flood risk management measures and which put pressure on drainage systems.
- Align with our Capital Investment Plan in terms of the role of private capital in developing sites of strategic importance to Scotland.

A Plan for a Wellbeing Economy



We will create healthier, fairer and more prosperous places and ensure future development contributes to a green, sustainable, and inclusive economic recovery.



We will support development in the parts of Scotland where quality jobs and investment are most needed. Policies will refocus on community wealth building and sustainability.



We will identify and support development that works with our assets, key sites and opportunities for strategic investment.



We will support development that helps to maintain and strengthen strategic transport and digital connectivity.



We will take a flexible and enabling approach to future business and employment uses.

You told us...

- Planning must do all it can to support our green recovery and long-term economic priorities.
- The future needs of businesses and investors cannot be fully predicted, and so our proposals and policies must be flexible.
- Planning can proactively enable the future development of Scotland's food and drink sector, a key contributor to our economy as a whole. People want planning to say more about the value of productive land and to help the aquaculture industry to fulfil its potential in a sustainable way.
- There is a need for a managed approach to tourism, which helps to realise the significant potential for the sector whilst managing its impacts on quality of life, including in both urban and rural communities.
- The benefits of the historic environment, culture, the arts and the creative industries for our collective identity and economy should be recognised. Culture and creativity can also be a catalyst for regeneration and town centre vibrancy and strengthen our sense of place.
- Planning should enable energy from waste infrastructure, with a growing need arising from the forthcoming ban on landfilling of biodegradable municipal waste. Views vary on how the impacts should be managed, from policies to address specific impacts to a moratorium on new incinerators.
- Our approach to minerals should reflect wider government commitments on climate change and continue to protect communities from inappropriate development.
- Strategic transport connections will be essential, and there will be a need for infrastructure investment to support the transition to low carbon freight as well as lifeline links to our islands and remote communities.
- Improving digital connectivity continues to be essential. This is of critical importance to our rural areas, given its role in sustaining existing and future businesses and employment and supporting the wider objectives of rural repopulation and climate change mitigation. The latter stages of the early engagement were also an opportunity to reflect on the lessons learned from COVID-19, including home working, online learning, telehealth and online retail and leisure activities.



Our new spatial strategy will:

Support a sustainable and green economic recovery

Collaborative spatial planning at a national, regional and local scale, will help us to recover from the impacts of COVID-19 through a sustainable, green economic recovery, as recognised in the 2020 report by the Advisory Group on Economic Recovery. We have an opportunity to actively promote strategically important locations for future investment and business growth as part of a coherent vision for sustainable, inclusive growth.

Our policies on planning for business development will recognise the fundamental role Scotland's natural capital plays in supporting our economy and will aim to achieve sustainable, inclusive growth by protecting and investing in our natural assets and supporting the health and wellbeing of our communities. This will support Scotland's ambitions to build a wellbeing economy. Planning can enable sustainable, inclusive growth by attracting investment, sustaining future employment, restoring natural capital and seizing the new economic opportunities created by our transition to a net-zero, circular economy. Our natural assets can play a key role in securing our path to net-zero by 2045 and achieving the long-term vision of our Environment Strategy²³.

Our strategy will be informed by emerging regional scale spatial and economic strategies which will align with city and regional growth deals and the work of Regional Economic Partnerships. For example, early thinking in Argyll and Bute indicates the significant potential for place-based approaches that unlock the potential for jobs that make use of the area's natural resources, such as aquaculture. Orkney's emerging spatial strategy sets out a strong vision for development that capitalises on the area's exceptional natural energy resources and marine connections, underpinned by an emphasis on innovation and research. Moray is exploring how its natural assets can help to build a place-based approach to future development and

investment in key sectors, such as the whisky and outdoor recreation industries. Community wealth building is also being explored at a regional scale, for example in an emerging regional spatial strategy for North, East and South Ayrshire which links with the area's growth deal and economic strategy and promotes place-based investment. Sustainable tourism is emerging as a key theme for regional spatial strategies to consider, including for the National Parks. Enabling business growth, alongside visitor management and low carbon accessibility are shared themes that can inform a national spatial strategy that will guide us to 2050.

Reduce inequality and improve health and wellbeing

A shift from economic growth towards a wellbeing economy provides us with an opportunity to consider how development and investment can help us to address longstanding health and wellbeing inequalities.

Sustainable and inclusive growth will depend on a planned approach to ensure that development happens in locations that provide the greatest benefits for society as a whole. Economic performance and access to employment vary across Scotland and spatial planning has the potential to close the gap between the highest and lowest performing areas by intervening to create opportunities which are accessible to everyone. The spatial strategy will need to consider where we want to target future investment, and the land and premises required to support the sectors that we expect to grow in the future.

We will continue to actively enable investment in sustainable locations across Scotland – both urban and rural – including key investment sites and strategic opportunities for Scotland to attract international investment. Our approach will aim to strengthen the economy of our diverse cities and towns, and enable development that supports a vibrant rural economy. In the past, industrial and business areas have tended to be located at a distance from residential areas. As our economy continues to evolve, there may

be scope for greater integration of work and living as inter-related land uses. The climate change agenda may benefit from a strategy that broadens choice and flexibility, for example through the provision of community hubs and flexible workspaces. These types of initiatives could complement other strategies such as revitalising our town and community centres and helping to create footfall that supports local traders.

This strategic approach to future investment and infrastructure will be brought together with our other aims of localism and quality of place to provide a coherent spatial vision for Scotland as a whole. We may need to make choices to ensure that all areas play to their strengths with complementary, rather than competing proposals. Digital infrastructure, remote working and our current re-evaluation of the future working environment are expected to feature in a new approach to planning the distribution of our future jobs.

Provide certainty and flexibility to encourage investment

Planning can stimulate investment and growth by providing certainty. At the same time, recent months have shown that our planning policies must be flexible enough to respond to rapid and significant economic and social change. Whilst many of our existing policies on business and employment remain relevant, we can improve on them so that they reflect our aspirations for a wellbeing economy.

We will consider how this can be supported by local development planning which is underpinned by a stronger evidence base at the local level for local land use decisions. We will review the role of business land audits and consider the extent to which they link with local economic strategies. We will also explore whether the resilience of investment sites would benefit from fuller risk assessments to help business adapt to the impacts of climate change.

Grow our food and drink sector

Planning can support our internationally renowned food and drink sector by protecting our natural assets that underpin production and facilitating the development of production and processing facilities.

This includes fishing and aquaculture, farming, food and beverage manufacturing. It is significant for employment in the islands and accounts for a high proportion of employment across rural Scotland. Our current policies recognise the importance of high quality agricultural land but there is scope to more fully reflect the importance of land as a finite resource that delivers many benefits for society. Wider policies will inform our approach. For example, the Land Use Strategy sets out that where land is highly suitable for a primary use this should be recognised in decision making so that multiple benefits can be secured. Links with our rural policies, flood management, water catchment management and carbon storage will also be important.

We will look to enable the sustainable growth of the finfish and shellfish sectors, including by guiding new development to coastal locations that reflect industry needs and take into account wider marine planning. Scottish aquaculture and its wider supply chain is of particular significance for some of our most remote rural communities. Farmed salmon has one of the lowest carbon footprints by production of health protein foods. The industry's growth strategy for 2030 aims to double the economic contribution of the sector to £3.6 billion and double the sector's jobs to 18,000. The Scottish Government continues to work with the Aquaculture Industry Leadership Group to achieve this.

Support sustainable tourism development

Our strategy and supporting policies will include a renewed focus on enabling sustainable development that helps to strengthen and grow our tourism sector.

Tourism plays a major role in our economy – in 2018, spending by overnight tourists and day visitors in Scotland was around £10.4 billion. This generated around £12 billion of economic activity in the wider Scottish economy and contributed around £7 billion to Scottish GDP. The Sector also employed 218,000 people accounting for 1 in 12 jobs in Scotland.

The sector has been significantly impacted by the pandemic. The Scottish Tourism Emergency Recovery Group, and now the Tourism Recovery Taskforce has provided a partnership-driven response. The Taskforce report focuses on recovery, investment and stimulating demand. Whilst overall levels of employment in Scottish tourism are highest in Edinburgh and Glasgow, as a proportion of all jobs tourism is of particular significance in rural areas such as Argyll and Bute and Highland. Tourism will have to continue to adapt to further influences including climate change and its impact on travel, and the economic challenges ahead. NPF4 will reflect the priorities set out in our Tourism Strategy.

Our many great places and exceptional natural environment, landscapes and wildlife are assets that the sector depends on, and so a sustainable, planned approach to future development will help to ensure the long term future of the industry. Destinations such as island and rural locations often have a 'carrying capacity' that is placed under threat by the influx of large tourism numbers. Consequent impacts on the environment and communities have to be managed, through visitor management facilities, investment in appropriate infrastructure or by striking the right balance between tourism accommodation and maintaining an adequate housing supply to support and retain the existing population. Temporary accommodation for the sector's workforce in rural areas is often a challenge that can be addressed by positive planning policies.

Stimulate culture and the creative industries

We will recognise the importance of creativity, culture and the arts to our collective identity and future places. Culture defines our diverse places and many of our buildings reflect our architectural, social and economic history that contributes to part of our sense of wellbeing, heritage and economy. Regeneration and development has used culture and creativity to inspire new futures, from Dundee Waterfront where the V&A has helped to transform the city centre, to Paisley where creativity has been used to stimulate a new future for the area. Despite this, culture has not featured prominently in our suite of national planning policies to date and there is significant scope to improve on this in NPF4.

Scotland's Culture Strategy²⁴ sets out a vision for strengthening and transforming culture, and using it to empower communities as well as individual lives. The strategy aims to ensure that culture is embedded into all policies, so that its transformative potential can be fully realised. It outlines the significance of the creative industries as our second fastest growing sector that accounts for 3.3% of employment in Scotland and is made up of numerous small businesses.

Transition to a circular economy

We will update our policies on zero waste to reflect the new opportunities arising from a shift towards a circular economy. Planning can support development which reflects the waste hierarchy, prioritising the reduction and re-use of materials, and facilitate the delivery of new infrastructure required to achieve this. Our policy on this was updated in 2016²⁵ and the Climate Change Plan and emissions reduction targets are relevant, together with the more detailed policies including the forthcoming ban on landfilling of biodegradable municipal waste. At a European level, the European Commission also launched a Circular Economy Action Plan²⁶ in March 2020, which aims to mainstream and support action in this area, including in relation to buildings and construction.

Minimising construction waste and promoting the sustainable use of the existing built environment has an important role to play as part of this. Infrastructure to support the circular economy, including for collecting, sorting, processing and re-manufacturing materials, that can help reduce the demand on primary sources of materials, will also need to be considered. This might take the form of increasing capacity at existing sites or the provision of new sites and there will be choices to be made on opportunities for example for co-location of facilities.

Promote sustainable resource management

Our spatial strategy and supporting policies will continue to set out proposals and policies that safeguard workable mineral resources whilst ensuring demand for primary materials, where required, can be met in a safe and acceptable way, including continuing to safeguard air quality. The substantial decline in the demand for coal for energy production, suggests there is also an opportunity to review our policy approach for this sector.

Peatland also has a critical role to play as a nature-based solution in supporting our climate change targets as well as providing many other long term benefits, and so our strategy and policies will help support both the phasing out of the use of horticultural peat and our investment in the restoration of peatlands. We will also consider how we can restrict further development on peatland given its role in carbon sequestration.

We have already committed to including our policy position²⁷ on unconventional oil and gas in our draft NPF4. This is currently contained in a Statement of 3 October 2019 and sets out that the Scottish Government does not support the development of unconventional oil and gas in Scotland. This means development connected to the onshore exploration, appraisal or production of coal bed methane or shale oil or shale gas using unconventional oil and gas extraction techniques, including hydraulic fracturing and dewatering for coal bed methane.

Secure strategic transport connectivity

Our spatial strategy will work with, and plan for, our future strategic transport network. Connectivity, physical and virtual, is essential for inclusive growth. National Planning Framework 3 identifies key connections including airports, high speed rail, long distance walking and cycling routes and some freight facilities as national developments. The National Transport Strategy and Scotland's Economic Strategy recognise the importance of strategic transport connections, links and gateways. Brexit will heighten the importance of connectivity with external markets in the future.

Our new strategy will inform, and be informed by, the second Strategic Transport Projects Review, identifying key transport hubs and intermodal nodes that support connections within Scotland and with the wider world. We recognise the importance of long-term strategic road, rail, air and sea networks and will consider their role in relation to health and quality of life for their neighbouring communities.

There are plans to decarbonise Scotland's passenger railways by 2035, scheduled flights within Scotland by 2040 and an ambition to phase out the need for new petrol and diesel cars and vans by 2032, with public bodies taking the lead to phase these out from 2025. We will also ensure that rural and island communities can travel sustainably to access the services they need where those are not provided locally.

The new technologies which are emerging to make vehicles less dependent on fossil fuels will contribute to achieving the net-zero target. However, that will not be enough. We will not plan infrastructure to cater for forecast unconstrained increases in traffic volumes. Instead, we will manage demand and reduce the need to travel by unsustainable modes. Not taking steps to effectively manage demand for car use is no longer an option and our approach will focus on encouraging people not to make unnecessary journeys. Some of our existing infrastructure will need to be adapted for anticipated climate change that may make their location more vulnerable to erosion, flooding, land instability or heat for example.

Freight also has strategic transport needs and it may be that larger settlements, towns and cities require to identify land where distribution centres can be located to enable long distance goods vehicles to be unloaded ahead of onward distribution by smaller and alternatively fuelled vehicles and cargo bikes. Consideration of the location of additional dedicated rest stops or services areas will also be needed.

Connectivity is emerging as a shared priority, and a challenge to be addressed across the range of spatial scales; from local, through regional to national – this is evident in the emerging regional spatial strategies. Whilst the importance of transport links is recognised, we will need to consider how strategies can take forward an infrastructure-first approach which minimises the need to travel. We will use existing infrastructure capacity to direct where growth can happen in a way that is consistent with the travel and infrastructure investment hierarchies.

Improve digital connectivity

We will reflect future plans for investment in digital infrastructure and consider implications for our long-term spatial development. Our spatial strategy will continue to support the roll-out of digital infrastructure across Scotland. This will play a key role in maintaining and growing our communities in both urban and rural Scotland, and has potential to form the foundations of a new emphasis on localism.

Scotland's Digital Strategy²⁸ aims to stimulate innovation and investment in digital technologies and industries across Scotland. Connectivity has a central role to play in unlocking the potential of our places and the economy and in opening up more remote parts of Scotland for investment and community expansion. We have already created permitted development rights for digital infrastructure and recently consulted on proposals to expand these further. These proposed changes need to be delivered in a way that minimises the negative impacts on the natural and built environment and safeguards air safety. Physical distancing arising from COVID-19 has also demonstrated that the planning service is well-placed to drive forward digital engagement in planning and decision making, creating opportunities for a wider range of people to get involved in more strongly influencing the design of their places.

We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received is available to view at www.transformingplanning.scot and includes, for example: business and industrial developments; strategic investment areas; energy parks; advanced manufacturing; spaceports; aquaculture hubs; food production projects; tourism projects and infrastructure; strategic transport interventions; and digital networks.

Potential policy changes

We are currently considering the following priority policy changes to support a spatial strategy for a wellbeing economy:

- Promoting a place-based approach to investment across all development plans, in line with the Infrastructure Investment Plan, priorities of the Scottish National Investment Bank, and the recommendations of the Advisory Group on Economic Recovery.
- Explicitly supporting development that can demonstrate its contribution to a wellbeing economy and fair work. This could include, for example, the introduction of new requirements from investment to secure social and environmental value and the delivery of our Public Health priorities.
- Creating certainty for investors whilst providing flexibility to allow the planning system to respond more effectively to market opportunities.
- Facilitating new ways of working such as remote working, homeworking and community hubs, in line with our emphasis on localism and to help reduce demand for motorised travel.
- Ensuring that we reflect the vision, objectives and framework of Scotland's upcoming third Land Use Strategy. We will consider how spatial planning at regional and local scales can protect and enhance the multiple benefits that can be gained from our land including food production and access to local markets.
- Reflecting any development and infrastructure needs arising from changes to wider markets, linking with our proposals for strategic freight connectivity.
- Continuing to grow Scottish aquaculture in a way which balances production with environmental quality. This could include criteria for assessing aquaculture proposals that can be consistently applied and which are sufficiently flexible to respond to changes in practice.
- Revisiting the interface between terrestrial and marine planning to ensure our policy properly reflects more recent developments in marine planning and associated research and evidence.
- Encouraging the expansion of tourism and associated infrastructure in an inclusive and sustainable way to ensure local communities have a share in tourism benefits, and safeguard environmental and community assets. We will explore how relevant tourism management considerations can be built into decisions on future development – for example by supporting developments that redistribute tourist uses and alleviate pressure on the capacity of sensitive areas. We will also build on investment through the Rural Tourism Infrastructure Fund.
- Providing greater flexibility for housing development that provides accommodation for rural businesses.
- Tackling the impact of short term lets in pressured areas by providing a framework for decision making on planning applications.
- Actively enabling development that supports expansion of the creative sector.

- Reflecting the importance of cultural facilities in different types of places, such as city and town centres and more rural communities and to stimulate more creative approaches to place-making and regeneration, for example in temporary uses of vacant spaces or in animating public spaces.
- Protecting existing cultural assets from inappropriate development including through the Agent of Change principle.
- Promoting the broader circular economy agenda and considering how it can improve our approach to place-making more broadly, including by making best use of existing buildings, and by prioritising waste prevention through innovation in design and construction. We will also look to ensure that, where feasible, existing materials are salvaged and reused or recycled.
- Encourage new buildings to connect to existing heat networks where located in a Heat Network Zone, wherever feasible; and encouraging applications for energy from waste facilities to provide a connection to a heat network, taking into account the practical considerations involved.
- Enabling the development of future zero carbon infrastructure in a way that supports wider spatial objectives, including mixed use and sustainable connectivity. This could include larger scale facilities as well as small scale interventions to support communities and households to make the transition to a circular economy.
- Updating our policies on fossil fuel extraction to reflect our climate change objectives and wider energy policy. Policies will mitigate certain environmental and health effects of minerals developments. We will also reflect wider policies on unconventional oil and gas and fossil fuels and confirm that we do not support applications for planning permission for new commercial peat extraction for horticultural purposes.
- Supporting heat network opportunities that can safely utilise former deep mining areas.
- Reviewing our approach to calculating and maintaining a suitable landbank for aggregates that reflects the 10 year development planning timescale.
- Decarbonising our transport system in relation to car and light commercial vehicles, Scotland's passenger railways and scheduled flights within Scotland.
- Setting out the key considerations to be taken into account when considering proposals for strategic low carbon transport infrastructure and ensuring that local development plans factor in strategic transport connectivity as part of their spatial strategy.
- Supporting the roll-out of digital infrastructure across Scotland in a way which allows planning authorities to manage its impact. We will encourage the redevelopment of existing infrastructure, including retrofitting and shared use of facilities.
- Introducing stronger requirements for new housing and business developments to build in connectivity and connecting the planning of future development with existing and future digital infrastructure capacity.
- Providing a framework to manage the impacts of development on digital networks.
- A new values-led approach to Inward Investment that will focus our efforts to build a technologically enabled, net zero economy with the principles of fair work and sustainable, inclusive growth at its heart.

A Plan for Better, Greener Places



We will support development that reflects the character and identity of our distinctive places and neighbourhoods, safeguards and restores our natural assets, and tackles geographic disadvantages including areas needing regeneration and promoting the re-use of vacant and derelict land and buildings.



We will build on the review of the Town Centres Action Plan, the Land Use Strategy and the Place Principle to ensure that our approach to development focuses more on place.



We will future-proof our natural and historic assets and coasts and work to restore the health and resilience of Scotland's ecosystems, so that our natural capital can further support our economy and our wellbeing.



We will include stronger and updated policies on design and place-making.



We will significantly enhance our policies on vacant and derelict land to encourage innovation and redevelopment and promote a brownfield-first approach to development.



Our policies on city and town centres and on the re-use of historic buildings will be broadened to better reflect a wider range of potential uses in anticipation of continuing change.



Our policies on rural development will positively encourage development that helps to repopulate and sustain rural areas and stimulate rural economic growth and sustainability.

You told us...

- Good design should be required rather than optional. We should consider issues including density, building heights, diverse user needs and built form fully, whilst also allowing flexibility in response to the distinctive character of our places.
- Many of our existing policies on the natural environment are fit for purpose. Building on this, we need to go further in securing positive effects for biodiversity from development, helping to address the global challenge of biodiversity loss in line with the new statutory outcome for NPF4.
- There is support for a national nature/ecological network, and some people suggested that we review our policies on ancient woodlands, Ramsar Sites, and wild land. Other priorities raised include national parks and regional parks, soils, and woodland creation and protection.
- People value our historic buildings, places and landscapes and recognise their importance to our sense of place, common history and future wellbeing. Their interest extends beyond designated sites and buildings to include locally important assets such as traditional housing stock and local landmark buildings.
- The pace of change for town centres is accelerating, and we need planning to work with others to secure a strong future for them, including by moving beyond a focus on retail, to promote a wider range of uses. The engagement feedback also highlighted the different roles of town centres across the country, from rural towns to city regions.
- Our strategy should set out a new agenda for rural development, with flexible policies which reflect the diversity of Scotland. Active intervention is needed to tackle depopulation and the particular challenges for our most remote areas, along with careful consideration being given to further development in pressured and more accessible areas. By linking development with infrastructure investment, we will be able to unlock development across rural Scotland and ensure its long term economic and social sustainability.
- We can strengthen our approach to vacant and derelict land, given the development challenges and potential benefits for climate change and quality of life. Ideas include use of this land for renewable energy, green infrastructure/naturalisation, community growing or city farms, employment and investment and housing. There is support for stronger prioritisation of brownfield development over the release of greenfield land. Development viability and the use of delivery mechanisms to unlock brownfield land and redevelop buildings at risk are also key considerations.
- The spatial strategy and policies will need to consider the long term impacts of climate change on our coasts, and provide a framework for protecting coastal communities and assets. Key issues include flood risk management and coastal protection and the interface between planning on land and at sea is important.



Our new spatial strategy will:

Focus on place-based outcomes

The Place Principle²⁹ means that all action and investment should be place-based to secure multiple benefits. Our spatial strategy will focus on the qualities and character of our places. We want to ensure that all parts of Scotland play to their strengths to support our wider objectives of community resilience, inclusive growth and environmental sustainability. Our strategy will support existing successful places and reflect on those that have not served us well, by considering how Scotland's cities, towns, rural areas, coasts and islands work together to form a uniquely rich and diverse country where everyone benefits from our wealth of natural assets. We will also focus on opportunities for regeneration to ensure our most disadvantaged and fragile communities are prioritised for development and investment.

Climate change action needs to work with our places so that we can effectively focus on climate vulnerable communities and tailor action for a just transition that improves our neighbourhoods. We need to build the resilience of our infrastructure and lifeline links through adapting to the challenges around our changing climate, as well as our unique natural, coastal and historic environment assets. Protecting, restoring and enhancing our natural and cultural heritage should form the foundations of a place-based approach to our future development.

Regional spatial strategies are considering ways in which our land and natural assets can form the basis of a green recovery. The two national parks are exploring their contribution to the quality of life of people living across Scotland, and identifying priorities including affordable housing as key to unlocking their potential. Urban futures will also contribute to this. Emerging priorities from the Glasgow conurbation focus on unlocking the potential of land along the Clyde, across local authority boundaries, to attract investment, strengthen communities and improve the quality of our places. Addressing vacant and derelict land is a common theme across the emerging regional spatial strategies.

Achieve higher quality design

We will promote the planning and development of healthier, inclusive, sustainable and well-designed places across Scotland. Good quality development will stand the test of time and provide much wider benefits for people's health, wellbeing, the economy and environment. The public realm, including the design, layout and accessibility of our streets and spaces, has an essential role in creating better places. We will build on the six qualities of successful places to maintain a cross-cutting policy on design and place-making. We will ensure that more specific sectoral or place-based policies incorporate design considerations that reflect the diverse needs and aspirations of people.

Many existing plans and strategies reflect the importance of design and place-making including Creating Places and the Place Standard.

Re-imagine city and town centres

We will look at how our policies can help our city and town centres to respond to current and future challenges so that they can adapt and be vibrant, creative, enterprising and accessible places to live, work and visit.

Scotland's city and town centres were already facing significant challenges prior to the global pandemic. Our living and working patterns in recent months have raised further fundamental questions about their future and wider objectives including climate change and how community empowerment will influence how our town centres will evolve in the future. A new emphasis on localism raises opportunities for town centres that will require a planning policy response, building on our existing approach, to diversify and balance the use of land and buildings, provide services and activities for people of all ages, and stimulate new investment especially in the maintenance and re-use of existing buildings and infrastructure as part of a circular economy.

We will reflect on the Town Centre Action Plan, continue to embed the Town Centre First Principle in decision making and respond to the outcome of the ongoing review of the plan to ensure our policies help to create more vibrant, healthier inclusive and greener town centres. Greater consideration will be given to the provision of more good quality homes in town centres, with access to shops and facilities, which can bring life back into town centres and create good places to live including by making sustainable and efficient use of the existing building stock.

City and town centres have the potential to contribute a great deal to our response to climate change, and to meeting the future needs of our diverse population. By making better and more creative use of our settlement centres, we can significantly reduce the need to travel unsustainably whilst maintaining and enhancing the character and identity of our towns and cities to create vibrant places that meet our future needs. Although the approaches will vary to reflect local circumstances, we will highlight shared opportunities to reinvent town centres and strengthen our networks of settlements.

Re-use vacant and derelict land and empty buildings

There is a clear case for acting now to prioritise the use of vacant and derelict land and properties. This has the potential to deliver significant benefits including sustainable, inclusive growth and reduced emissions as an integral part of our future sustainable and circular economy.

Scotland has too much vacant and derelict land – this is rightly regarded as unacceptable and an issue of national concern that needs to be urgently addressed. The consequences come at too high a price, directly impacting on health and blighting economic, social and environmental recovery. Vacant and derelict land introduces a level of redundancy that our society

can ill afford. Whether it is large scale long-term dereliction, or small scale short-term vacancy, we need to set out a stronger policy framework that will give confidence to communities and public and private sectors that vacant and derelict land represents an opportunity to stimulate a positive future whilst building on the legacy of the past.

Our national planning policies can complement wider work on vacant and derelict land. The Vacant and Derelict Land Taskforce has identified longstanding vacant and derelict sites which the planning system could play a role in bringing back into use and this is a key priority highlighted by the Scottish Land Commission which proposes this as a national priority for NPF to address, and the Vacant and Derelict Land Fund seeks to provide funding solutions to the issues.

We must change the perception of vacant and derelict land from being a liability to becoming an asset. We could do much to inspire innovation and imagination in considering how we can achieve this. The strategy can set out spatial priorities and opportunities that help to guide future investment.

The relationship between town centres and suburbs and the role of the green belt will also benefit from a long term spatial perspective that reflects our net-zero and environmental ambitions. We will develop a vision for the future use of vacant and derelict land so that regional strategies and local development plans can work collectively to unlock the potential of land within our existing settlements to provide multiple benefits. Supporting this, stronger policies to limit greenfield development and recognise the potential for green belts to form a part of multifunctional green networks could help to achieve positive effects for biodiversity whilst also helping to realise the health and climate benefits of growth within existing urban areas.

Actively promote working and living in rural Scotland and the islands

The issues arising from COVID-19 and future impacts of Brexit mean that the time is right for a fundamental rethink on how we can support a positive future for rural Scotland. Development planning in Scotland is now required by the Planning (Scotland) Act 2019 to contribute to increasing the population of rural Scotland, particularly in depopulated areas. Last year we commissioned research³⁰ to explore how future planning policy can support strong and vibrant rural communities and economies in the coming years, and identified scope for significant policy changes in NPF4. Our National Islands Plan³¹ identifies how we can improve outcomes for our island communities and our approach will be informed by an island communities impact assessment.

We are currently exploring significant changes to our policies on rural and island development, to support prosperous and sustainable communities and businesses whilst protecting our unique natural assets. Our rural areas and islands are one of our greatest assets and our strategy will reflect our ambition to build low carbon rural communities where the quality of life is exceptional. We will identify opportunities to build the long term sustainability of our more fragile areas by highlighting infrastructure requirements and facilitating development that strengthens their future. While it is right that rural and island areas are developed in a different way to our urban centres, people still need to be able to access goods, services, healthcare, education, work and recreation in a fair, affordable and low carbon way for health and wellbeing. Access to low carbon heat options and water supplies are of critical importance for households that are not connected to wider networks. Local authorities have been working together to explore what low carbon rural living will look like in the future and this will inform a new national spatial strategy with supporting policies.

NPF4 will need to align with a wide range of policies relating to rural development including our National Islands Plan, Forestry Strategy, the Rural Economy Action Plan and the Land Rights and Responsibilities Statement. There are particular opportunities to link planning more closely to the Land Use Strategy and Regional Land Use Partnerships, to achieve an approach to future development at national, regional and local scales, that more fully supports, and is supported by, wider land use management.

Rural repopulation is a key theme for emerging regional spatial strategies including for the South of Scotland, Argyll and Bute, Western Isles, Orkney and Highland, where authorities are exploring how the areas' high quality of life and environment, growth of local economic development together with a growth in remote working can unlock new futures for rural communities and businesses. Emerging strategies are also exploring how the challenge of an ageing population can be addressed through long term planning.

Protect and restore Scotland's natural environment

Our spatial strategy will strengthen our approach to protecting and restoring the health and quality of Scotland's natural environment. We will ensure that our approach to planning supports Scotland's role in responding to the twin global crises of biodiversity loss and climate change, including by strengthening policies designed to protect and restore Scotland's biodiversity and natural assets and to improve their long term resilience to the impacts of our changing climate.

Our national planning policies include measures to protect Scotland's unique natural environment, reflecting the hierarchy of natural heritage designations, from international networks to locally important landscapes and nature conservation sites. Building on this, we will strengthen policies to protect and restore

biodiversity and natural assets. For example, the Planning (Scotland) Act 2019 requires NPF4 to set out how development will contribute to securing positive effects for biodiversity and we are keen to build on existing good practice in Scotland and elsewhere. It also requires planning authorities to prepare Forestry and Woodland Strategies for their areas as a way of guiding future woodland creation and supporting the sustainable management of existing woodlands to increase the social, environmental and economic benefits they can deliver. We will look to align NPF4 with the vision and outcomes of Scotland's new Environment Strategy and the principles set out in the Land Use Strategy as well as considering the issues for the natural environment arising from the Climate Change Plan and Adaptation Strategy.

Our approach will recognise the fundamental role that a healthy and resilient natural environment plays in supporting Scotland's economy and the health and wellbeing of our communities. It will help to ensure that our natural assets are managed in a sustainable, regenerative way so they can continue to provide the benefits Scotland's people and businesses rely on.

Protect and enhance our historic buildings and places

'Our Place in Time – the Historic Environment Strategy for Scotland'³² sets out a vision for how we will care for, understand and promote access to our historic environment. It recognises the important contribution that historic sites and buildings make to communities across Scotland; promoting a sense of belonging and identity, encouraging civic participation and supporting local economies. Our policies for the historic environment will aim to respond to the outcomes and objectives of the Strategy.

Like our natural environment, our historic buildings and townscapes are key assets that contribute to our sense of belonging, economy and quality of life. Planning should provide

the framework in which change in the historic environment can be managed sensitively to preserve the special characteristics of our buildings and places, while also ensuring that we capitalise on the opportunities they offer. In doing so, we will acknowledge that the historic environment is itself an asset that can help us to deliver our wider policy ambitions for example, for mitigating climate change, improving health and providing housing.

Since NPF3 was adopted, Historic Environment Scotland (HES) has been established as our lead public body for the historic environment. In 2019, HES published Historic Environment Policy for Scotland (HEPS). We will consider our policies for the historic environment in relation to HEPS to ensure a consistent framework for decision making.

Adapt our coastline to the impacts of climate change

We will consider how the future development of our coastal areas and communities can be achieved in a way that helps them adapt to long term challenges. Terrestrial and marine planning come together in our coastal areas, and NPF4 will align with Scotland's National Marine Plan as well as sectoral plans for offshore wind and aquaculture, emerging regional marine plans, plans for our ports and harbours and the Blue Economy Action Plan. The Scottish Crown Estate Act 2019 will also provide opportunities for coastal communities to benefit from their own assets, opening up new opportunities for strengthening their future.

We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received is available to view at www.transformingplanning.scot and includes, for example: area-based environmental transformation projects; green and nature networks; town centres; regeneration projects; rural developments; and redevelopment of vacant and derelict land.

Potential policy changes

We are currently considering the following priority policy changes to support a spatial strategy for better, greener places:

- Embedding the Place Principle throughout NPF4.
- Promoting the value of good design in creating great places. We will continue to reflect the 6 principles of successful places and consider the extent to which they can be developed further to reflect wider priorities, such as climate change, biodiversity and public health, including the health benefits from clean air and access to nature and quality green space. We will also consider scope to provide a framework for bringing forward Masterplan Consent Areas within this context.
- Embedding the use of the Place Standard Tool to reflect the importance of public involvement in a collaborative approach to place-making and the links between place, environment, health and wellbeing.
- Refreshing 'Designing Streets' to bring it up to date, clarify specific issues such as inclusive and sustainable design, and strengthen its applications, particularly in the context of 20 minute neighbourhoods.
- Broadening the mix of uses in town centres in the future. As part of this, we will look at how our policies can help to deliver the Town Centre First Principle and associated work on regeneration as a key contributor to achieving a new emphasis on localism and sustainability. We will promote new opportunities to increase town centre living, for example by stimulating the re-use of empty properties and gap sites and actively promoting homes for people of all ages, with greater recognition of the contribution these can make to housing requirements whilst following the agent of change principle. We will also look at how our policies can respond to current and future expected changes to the retail sector and harness the energy of the cultural heritage, historic environment and arts economy, including the evening/night time economy, to support town centre regeneration.
- Reconsidering the evidence, monitoring and appraisal required to inform spatial strategies in development plans, such as town centre health audits and strategies, transport and emissions modelling of land use options.
- Aligning the strategy with the Land Use Strategy and identifying opportunities to align emerging Regional Spatial Strategies with future Regional Land Use Partnership Frameworks.
- Prioritising the use of vacant and derelict land ahead of greenfield land through a 'brownfield first' approach. As part of this, we will consider the various definitions of vacant and derelict land, buildings at risk and their respective implications for planning policies.
- Strongly incentivising the imaginative and sustainable re-use of vacant and derelict land and buildings by highlighting the wide range of potential temporary and permanent uses it could support and providing a positive policy framework for achieving long term positive outcomes.

- Promoting a plan-led approach to re-use and remediation of sites, linking with wider delivery tools such as design briefs and local place plans. We will consider the evidence required to inform spatial strategies as part of this.
- Actively encouraging sustainable, innovative and low carbon development and re-use of existing buildings or vacant and derelict land.
- Tackling the challenges of viability arising for some types of development on vacant sites, by considering how plans can be supported by a wide range of delivery mechanisms. We will look at, for example, how we can promote proactive land assembly to enable the re-use of land and disused buildings.
- Updating our green belt policy to provide greater clarity on acceptable uses whilst also recognising its role as part of multifunctional natural infrastructure.
- Proactively rebuilding the resilience of rural communities and economies by enabling well designed, sustainable development. This will include policies to strongly support rural investment and diversification and enable the development of essential infrastructure for rural areas including affordable housing. As part of this we will take into account the specific circumstances of island communities.
- Strengthening the links between development proposals and wider sustainable land use objectives, contributing to the outcomes of Scotland's Environment Strategy. This includes reframing policy to reflect the fundamental role of our natural environment and biodiversity in providing essential natural services and benefits for our economy, health and wellbeing, and climate resilience. We will explore opportunities to ensure that our approach to using and managing natural assets is sustainable and regenerative, restoring and enhancing our stocks of natural capital.
- Strengthening the consideration given to the likely effects of development on carbon dioxide (CO₂) emissions where peat and other carbon rich soils are present.
- Securing positive effects for biodiversity from new developments. We are developing ambitious new proposals which deliver positive outcomes for biodiversity from development without the need for overly complex metrics, and will consider how they can support wider approaches to natural infrastructure.
- Strengthening policy on woodland protection and creation in association with development, aligned with new provisions on forestry and woodland strategies.
- Clarifying our policies on locally important built and natural assets where required.
- Given the new requirements in the Planning (Scotland) Act 2019 to support the repopulation of rural Scotland, we will consider whether our policies on wild land need to change, while ensuring effective safeguards for our natural environment and landscapes.
- Maintaining, strengthening and clarifying our policies for the historic environment to ensure planning policies align with the vision set out in our Historic Environment Strategy and the operational policy framework in HES's Historic Environment Policy for Scotland.
- Enabling the continuing use, or re-use where appropriate of historic buildings given their importance in making sustainable use of embedded carbon as part of a circular economy.
- Considering whether Heritage Impact Assessments should be mandatory for all listed building and conservation area applications.
- Supporting development and infrastructure needed to realise the potential of the blue economy and coastal communities, including opportunities to enhance natural infrastructure. We will also factor in long term coastal vulnerability and resilience in order to future-proof development decisions.
- As part of delivery against the missions set for it, the Scottish National Investment Bank can support improving places and regeneration in order to reduce inequality, and improve opportunities and outcomes for people and communities through its investment activity.

Delivery

An infrastructure-first approach to development will guide how we deliver our strategy.

The Place Principle will help us to work together to deliver change that leads to better outcomes for our places. In line with the wider aims of planning reform, we will seek to strengthen public sector confidence in enabling development, and provide a clearer context for leveraging investment by the private sector.

Our strategy will be accompanied by a delivery programme that will form the basis of continuing collaboration to ensure it is effectively implemented.

We are currently working to strengthen links between development planning and future infrastructure investment. NPF4 is being prepared alongside a public consultation on our Draft Infrastructure Investment Plan for 2021/22 to 2025/26³³ and the second Strategic Transport Projects Review. As they evolve, our spatial strategy will ensure that a broader view of 'place' is built into these plans and that the priorities they identify for investment will inform where future development can take place. Our spatial strategy will build on our existing assets

and services, making best use of available capacity, ahead of requiring investment in new infrastructure. This aligns with the sustainable travel and investment hierarchies set out in our National Transport Strategy, and is an integral part of the proposed common investment hierarchy included in the Draft Infrastructure Investment Plan.

The Infrastructure Commission for Scotland³⁴ has made recommendations about NPF4 in relation to infrastructure. This includes putting in place an infrastructure-first approach to development planning, involving infrastructure providers, developers and other public bodies to ensure an integrated and coherent outcome-based approach to land use planning, and recognising the importance of implementation being supported at all scales. This approach is supported by responses to the early engagement, as many people have told us that they want to see a more strategic and joined-up approach to infrastructure investment to ensure delivery responds to our geographic strengths and challenges.

We are exploring the following opportunities for a collective approach to delivery, across the different scales of planning, to help achieve this:

- We will work with the national Infrastructure Delivery Group, involving the full range of public and private infrastructure delivery organisations, to consider the draft NPF4 as it emerges and identify how it can be supported by a delivery programme that relates to development planning at all scales. This type of improved collaboration with infrastructure providers will also play a key role in helping us to embed an infrastructure-first approach to planning and development within the context of the new system.
- We will continue to support planning authorities as they develop their early thinking on regional spatial strategies. We expect to broaden the conversation on this emerging thinking in the coming months and have published an update on progress alongside this Position Statement. Indicative strategies will continue to inform our national priorities. In turn, NPF4 can support the delivery of regional priorities by identifying significant place-based opportunities for infrastructure planning to reflect and respond to. Alignment with city and growth deals at this scale will also be critical to ensure that land use planning at a regional and national scale supports delivery of agreed priorities.
- We will also articulate how we expect an infrastructure-first approach to be embedded in the spatial strategies of local development plans. This includes ensuring that our plans are informed by evidence as recommended by the Infrastructure Commission for Scotland, focusing on need, demand, opportunities and geography. Part of this is the appropriate appraisal to determine the infrastructure requirements of potential spatial strategies at the start of the plan process, including who will fund and deliver it. This will ensure land use decisions are informed by these requirements rather than being developed after the land use decisions have been made. In the past this has led to sub-optimal infrastructure solutions that are not capable of being funded or delivered.
- Local place plans were also introduced by the Planning (Scotland) Act 2019, enabling communities to prepare plans for their own places. Community scale planning has an important role to play in the new system and we will consider its role in helping to deliver outcomes as we develop regulations and guidance alongside NPF4.
- We are carrying out a review of existing developer contributions mechanisms, such as planning obligations, which will inform our future policy approach. This includes not only NPF4, but also potential updates to Circular 3/2012 and implementation of the infrastructure levy, powers for which are contained in the Planning (Scotland) Act 2019. Subject to the findings of the review, we will explore how we can provide greater certainty, consistency and clarity around the scope and use of developer contributions, including to identify, fund and deliver infrastructure up-front. It will be important that any new approach is grounded in an understanding of development economics and delivery. For this reason we will consider the need for greater detail on the role of viability assessments in shaping both development plans and decision-making.

- Land assembly and compulsory purchase in our future planning system will also be considered. In particular, we will explore how future national planning policies could help to promote a more proactive and collaborative approach, and how such an approach can support planning and place-making objectives.
- Masterplan Consent Areas (MCA) will be a useful, proactive delivery tool to promote and incentivise investment in development, including new housing, and to support the delivery of local development plan strategies and particular local priorities. They will allow planning authorities to plan and enable delivery of quality development in their places; front-loading engagement, consideration of design, re-use of existing buildings, infrastructure and local assets at an earlier stage in the planning process and so placing authorities in a position of leading and enabling the planning of high quality places. Developed with community consultation, MCA schemes can be used to provide consent for specified types of development, subject to conditions in a particular area. They will be able to grant up-front consents for planned development, so adding certainty and removing much of the risk for potential investors, and supporting planned development and investment.

Next steps

This position statement sets out our current thinking, drawing on the ideas and evidence we received from a broad range of people and organisations through our early engagement programme. We very much see this statement and any conversations that follow as an additional opportunity in the process, between our earlier Call for Ideas and the formal consultation with parliamentary process to come next year, to advance thinking towards the draft NPF4. Whilst we have intended that the Position Statement provides an idea of the direction of travel, there is still a lot of work to be done as we continue to shape and refine our thinking before we set out a full draft NPF4 for further consultation and scrutiny.

Sharing your thoughts with us

We would welcome any thoughts on this position statement. We appreciate that stakeholders may not have much capacity to do so in the current climate, particularly if they have already shared ideas with us, and may prefer to reserve further input for the fuller consultation draft in autumn 2021. There will be no need to restate points made through the Call for Ideas process – we continue to use that evidence source as we take forward our policy development. We will continue to update our Programme for Engagement as work progresses towards a draft NPF4, ensuring opportunities for all to be involved.

If you would like to comment now, we have set out these questions which will help to sense check the position statement.

- 1. Do you agree with our current thinking on planning for net-zero emissions?**
- 2. Do you agree with our current thinking on planning for resilient communities?**
- 3. Do you agree with our current thinking on planning for a wellbeing economy?**
- 4. Do you agree with our current thinking on planning for better, greener places?**
- 5. Do you have further suggestions on how we can deliver our strategy?**
- 6. Do you have any comments on the Integrated Impact Assessment Update Report, published alongside this position statement?**
- 7. Do you have any other comments on the content of the Position Statement?**

Should you wish to comment, please can you do so by 19 February 2021 through the Scottish Government's consultation hub at <https://consult.gov.scot/planning-architecture/national-planning-framework-position-statement> or via email to scotplan@gov.scot

References

- 1 United Nations Sustainable Development Goals <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>
- 2 Scottish Government National Outcomes <https://nationalperformance.gov.scot/national-outcomes>
- 3 Scottish Government, Place Principle <https://www.gov.scot/publications/place-principle-introduction/>
- 4 Just Transition Commission: advice on a green recovery, July 2020, <https://www.gov.scot/publications/transition-commission-advice-green-recovery/>
- 5 Transport Scotland, 2020, National Transport Strategy <https://www.transport.gov.scot/publication/national-transport-strategy-2/>
- 6 UK Climate Change Committee, 2020, Reducing emissions in Scotland – 2020 Progress Report to Parliament <https://www.theccc.org.uk/publication/reducing-emissions-in-scotland-2020-progress-report-to-parliament/>
- 7 Scottish Government, 2017, The future of energy in Scotland: Scottish energy strategy <https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/>
- 8 Scottish Government, 2018, Energy Efficient Scotland: route map <https://www.gov.scot/publications/energy-efficient-scotland-route-map/pages/3/>
- 9 Scottish Government, 2020, Draft Infrastructure Investment Plan <https://www.gov.scot/publications/national-mission-local-impact-draft-infrastructure-investment-plan-scotland-202122-202526/>
- 10 Scottish Government, 2018, Scotland's public health priorities <https://www.gov.scot/publications/scotlands-public-health-priorities/>
- 11 Scottish Government, 2019, Climate Change Adaptation Programme <https://www.gov.scot/publications/climate-ready-scotland-second-scottish-climate-change-adaptation-programme-2019-2024/>
- 12 Place Standard Tool <https://placestandard.scot/>
- 13 Scottish Government, Scotland's public health priorities <https://www.gov.scot/publications/scotlands-public-health-priorities/>
- 14 Scottish Government, 2018, A More Active Scotland, Active Scotland Delivery Plan <https://www.gov.scot/publications/active-scotland-delivery-plan/>
- 15 Scottish Government, 2018, A healthier future: Scotland's diet and healthy weight delivery plan <https://www.gov.scot/publications/healthier-future-scotlands-diet-healthy-weight-delivery-plan/pages/4/>
- 16 Scottish Government, 2017, Mental Health Strategy 2017-2027 <https://www.gov.scot/publications/mental-health-strategy-2017-2027/>
- 17 Scottish Government, 2018, A Connected Scotland: our strategy for tackling social isolation and loneliness and building stronger social connections <https://www.gov.scot/publications/connected-scotland-strategy-tackling-social-isolation-loneliness-building-stronger-social-connections/>
- 18 Scottish Government, 2016, Health and Social Care Delivery Plan <https://www.gov.scot/publications/health-social-care-delivery-plan/>
- 19 Scottish Government, 2019, Gypsy/Traveller Sites in Scotland <https://www.gov.scot/publications/gypsy-traveller-sites-scotland/>
- 20 Scottish Government, 2020, Accommodation Needs of Gypsy/Travellers: Evidence Review <https://www.gov.scot/publications/evidence-review-accommodation-needs-gypsy-travellers-scotland/pages/8/>

- 21 Transport Scotland, 2020, National Transport Strategy 2
<https://www.transport.gov.scot/our-approach/national-transport-strategy/>
- 22 Transport Scotland, 2019, Active Travel Framework,
<https://www.transport.gov.scot/media/47158/sct09190900361.pdf>
- 23 Scottish Government, 2020, The Environment Strategy For Scotland: Vision and Outcomes
<https://www.gov.scot/publications/environment-strategy-scotland-vision-outcomes/>
- 24 Scottish Government, 2020, A Culture Strategy for Scotland
<https://www.gov.scot/publications/culture-strategy-scotland/>
- 25 Scottish Government, 2016, Making things last: a circular economy strategy for Scotland
<https://www.gov.scot/publications/making-things-last-circular-economy-strategy-scotland/>
- 26 EU Circular Economy Action Plan https://ec.europa.eu/environment/circular-economy/index_en.htm
- 27 Scottish Government, 2019, Unconventional oil and gas development: our position <https://www.gov.scot/publications/scottish-governments-finalised-policy-position-unconventional-oil-gas-development/>
- 28 Scottish Government, 2017, Realising Scotland's full potential in a digital world: a digital strategy for Scotland <https://www.gov.scot/publications/realising-scotlands-full-potential-digital-world-digital-strategy-scotland/>
- 29 Scottish Government, 2019, Place Principle <https://www.gov.scot/publications/place-principle-introduction/>
- 30 Scottish Government, 2020, Rural Planning Policy to 2050: research findings
<https://www.gov.scot/publications/rural-planning-policy-2050-research-inform-preparation-npf4/>
- 31 Scottish Government, 2019, The National Plan for Scotland's Islands
<https://www.gov.scot/publications/national-plan-scotlands-islands/>
- 32 Available from the Historic Environment Scotland website at:
<https://www.historicenvironment.scot/about-us/who-we-are/our-place-in-time/>
- 33 Scottish Government, 2020, Draft Infrastructure Investment Plan
<https://consult.gov.scot/infrastructure-and-investment-division/draft-infrastructure-investment-plan/>
- 34 Infrastructure Commission for Scotland, 2020, Key Findings Report
<https://infrastructurecommission.scot/page/key-findings-report>



© Crown copyright 2020

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80004-194-3

Published by The Scottish Government, November 2020

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS776166 (11/20)

Appendix 2

Argyll and Bute Proposed Comments On NPF4 POSITION STATEMENT

Scottish Govt. Questions

Scottish Govt. Question 1: Do you agree with our current thinking on planning for net-zero emissions?

NPF4 Position Statement Proposes: 20 MINUTE NEIGHBOURHOODS

A&B Comment: Whilst having some obvious logic in urban areas, in remote rural areas and islands it is likely to lead to strange attempts to squeeze proposals into its framework. Travel times are different in rural areas, partly due to longer distances, slower roads and infrastructure. There is a limit to what can be achieved by applying 20 minute neighbourhoods in Argyll & Bute. We have offered to be part of a pilot to explore this in more detail. Either the framework will need to be applied only in certain areas, very flexibly, or it should be broken down more into what is trying to be achieved.

NPF4 Position Statement Proposes: an emphasis on investing in development of vacant and derelict land.

A&B Comment: Notwithstanding the above, one of the key opportunities to promote net zero emissions is reuse of existing buildings but there is no mention of investment in this area. In Argyll & Bute, the decaying urban fabric of our town centre buildings is a much more significant issue than vacant and derelict land and investment in the repair, reuse and repurposing of these buildings would have a potentially significant impact. It should also be noted that vacant and derelict land can also play a role in mitigating against the impacts of climate change through rewilding or creating water run off areas for example.

NPF4 Position Statement Proposes: Expecting low and zero carbon design and energy efficiency, for example by actively encouraging much wider use of sustainable and recycled materials in new developments; and significantly strengthening our policies to secure low carbon heating solutions.

A&B Comment: Both these aims are to be encouraged, but must be pursued by coordinated action with Building Standards. It would be better if Planning requirements did NOT set a target or standards to be achieved (We are not the experts and don't have the resources to assess or monitor). These should be set by Building Standards which are designed for the purpose, and planning should cross refer to the latest standards thus always being up to date. Encouragement to exceed the standard is fine but no more than that, otherwise the building standard is not valid. It should be noted that the delivery of district heating systems is problematic in rural areas and that increasing emphasis needs to be made to make new properties highly energy efficient. Retrofitting existing properties through HEEPs for example to make them more energy efficient also has to be a priority given new housing stock is a small element of the overall housing stock in place.

NPF4 Position Statement Proposes: Supporting renewable energy developments, including the re-powering and extension of existing wind farms, new and replacement grid infrastructure, carbon capture and storage and hydrogen networks

A&B Comment: Agree with this but it is important to also recognize the impacts of these types of development on local communities and the landscape. Development needs to be sustainable and there should also be greater emphasis placed on positive benefits for local

communities as a direct result of renewable energy developments. Examples include cheaper electricity costs, investment in local economic development and the wellbeing of local communities will become increasingly important.

NPF4 Position Statement Proposes: Removing the need for planning permission for active travel and electric vehicle charging points to ensure that we can roll-out new infrastructure widely and quickly.

A&B Comment: The main barrier to rolling out active travel routes or electric charging points is not planning it is usually permission from the landowner. Major active travel routes should still be required to go through the planning process in order to ensure communities have a say on routes and possible impacts on their property. Installation of “temporary” works without during the pandemic without any form of consent has caused wholesale problems in various areas. The installation of electric car points at a commercial scale should also be subject to planning control with exemptions made for smaller scale installations particularly for personal use.

NPF4 Position Statement Proposes: We expect that NPF4 will confirm our view that the Global Climate Emergency should be a material consideration in considering applications for appropriately located

A&B Comment: This needs to be very carefully worded. As a material consideration it could very easily outweigh any local issue or feature such as the amenity of someone's home, a protected landscape or place of historic significance for example.

Scottish Govt. Questions 2. Do you agree with our current thinking on planning for resilient communities?

NPF4 Position Statement Proposes: NPF4 will align with our vision for housing in 2040 and set out a long term view of the homes required to meet our future needs. We will focus on the location, quality and type of homes needed for people of all ages, reflecting long term population and household trends.

A&B Comment: This approach would contradict the work of the Government's taskforce to deal with the consequences of population change in Scotland. In areas with projected falling populations such as Argyll and Bute we cannot use these trends to set out the number of new homes required or we will never reverse the trend as required in the planning legislation. We need to include some ambition in the targets to promote population growth. Lack of suitable housing is frequently cited both by people choosing not to move to remote areas, and people leaving.

NPF4 Position Statement Proposes: In line with the recommendations of the Infrastructure Commission for Scotland, an infrastructure-first approach will play an essential role in ensuring allocated sites are a viable proposition to be built out in line with the plan's delivery programme.

A&B Comment: Whilst laudable it needs to be applied carefully and with regard to different areas. In remote rural areas there is an ageing infrastructure with very little if any spare capacity. As a result new development requires new / upgraded infrastructure. At the same time in remote rural areas there is next to no mainstream speculative housing delivery and the only significant new build supply comes from RSL development. As a result the costs of any new infrastructure required needs to be covered from the public purse and it is planning

of this spend in a forward manner, plus inclusion of these costs within the accepted costs of RSL housing delivery grants that is required. There will be no significant if any cross subsidy from private sector.

NPF4 Position Statement Proposes: During the passage of the Planning (Scotland) Act 2019, the Scottish Parliament emphasised the importance of planning these services, infrastructure and facilities for communities across Scotland. 20 minute neighbourhoods are a great opportunity to embed where appropriate, an infrastructure-first approach to our future places.

A&B Comment: Caution needs to be applied, and locally specific applications are necessary as the level of services provided in remote rural areas necessarily cover much wider geographies not just in terms of distance but time also. This cannot be ignored.

NPF4 Position Statement Proposes: The detailed consideration of infrastructure and service provision and implications are central to the preparation of spatial strategies and future land use decisions. Development plans can help to ensure the right infrastructure and services are in place at the right time to serve the needs of communities. We expect that the new requirement for an evidence report, examined through a 'gatecheck' early in the plan preparation process, will help to achieve this.

A&B Comment: This will be very difficult to achieve meaningfully in practice unless there is a statutory alignment of how money is invested in infrastructure. Currently there is an issue of timing. If land is allocated for housing, Scottish Water will invest but the issue is how long that takes. We need a system of front ended strategic investment in new infrastructure capacity so that development can be brought forward in a planned and strategic manner following that investment, not piecemeal.

NPF4 Position Statement Proposes: The review will evaluate the effectiveness of planning obligations as a means of securing timely contributions to – and delivery of – the infrastructure and affordable housing that are necessary to create high quality places. This will help to inform NPF4's approach to infrastructure funding and delivery.

A&B Comment: In remote rural areas the financial fragility of development means that there is very limited opportunity to secure planning obligations to contribute to infrastructure provision. The reality is that public sector investment is required to deliver infrastructure and as such it makes sense for it to be delivered in a proactive and strategic manner.

Scottish Govt Question 3. Do you agree with our current thinking on planning for a wellbeing economy?

NPF4 Position Statement Proposes: We will identify and support development that works with our assets, key sites and opportunities for strategic investment.

A&B Comment: We would like to see the NPF4 identify the key growth areas of our iRSS as national developments as detailed in our answer to question 7 of this consultation, and the previously submitted Argyll and Bute iRSS.

NPF4 Position Statement Proposes: Digital infrastructure, remote working and our current re-evaluation of the future working environment are expected to feature in a

new approach to planning the distribution of our future jobs.

A&B Comment: Redistribution of public sector jobs to remote rural areas, shown possible by the last 12 months home working, will not only align with this sentiment, but make the most significant difference to achieving repopulation of rural area. It is a huge opportunity which is within the gift of the Government to do this now.

NPF4 Position Statement Proposes: Our investment in the restoration of peatlands. We will also consider how we can restrict further development on peatland given its role in carbon sequestration.

A&B Comment: The use of peat is a key ingredient of the whisky industry. This needs to be recognised and while it is accepted that we need to restrict development on peatland this could be a major barrier for places such as Argyll and Bute where much of our land is peatland including close to our Main Settlements. Any National policy document needs to take full account of this to ensure development in our area is not sterilised.

NPF4 Position Statement Proposes: Some of our existing infrastructure will need to be adapted for anticipated climate change that may make their location more vulnerable to erosion, flooding land instability or heat for example.

A&B Comment: Welcome this recognition and request clear support for identifying and delivering a permanent solution to Rest and Be Thankful. There is also a need to recognise further investment required in dealing with coastal flooding that affects many of our communities and key transport routes such as the A83 along much of its length and many parts of our local road system.

NPF4 Position Statement Proposes: Connectivity has a central role to play in unlocking the potential of our places and the economy and in opening up more remote parts of Scotland for investment and community expansion.

A&B Comment: This is welcome but this ambition will require significant levels of investment and potential subsidy in many parts of Argyll and Bute. For example, Oban is in need of significant infrastructure investment to help the port expand and to allow the town to continue to grow and expand in a sustainable manner. Digital connectivity also has a critical role here and this needs to be recognised by NPF4. Future development needs to be assured of access to modern fit for purpose digital infrastructure and this has to apply to rural areas as well as urban areas.

NPF4 Position Statement Proposes: Tackling the impact of short term lets in pressured areas by providing a framework for decision making on planning applications.

A&B Comment: This needs to reflect the different contexts of rural and urban areas where it might be applied. It is fully recognised the impact of short term lets on the local housing market can be negative in terms of housing supply. That said, they do perform a significant economic function in many of our rural areas. Very often these are small and fragile businesses so it is important that they are not overburdened in red tape and costs. The resources of LAs are also critical to this aspiration and enforce any future activity here.

NPF4 Position Statement Proposes: We will look to enable the sustainable growth of the finfish and shellfish sectors, including by guiding new development to coastal locations that reflect industry needs and take into account wider marine planning. Scottish aquaculture and its wider supply chain is of particular significance for some

of our most remote rural communities. Farmed salmon has one of the lowest carbon footprints by production of health protein foods. The industry's growth strategy for 2030 aims to double the economic contribution of the sector to £3.6 billion and double the sector's jobs to 18,000. The Scottish Government continues to work with the Aquaculture Industry Leadership Group to achieve this.

A&B Comment:

The sustainable development of this industry is critical to the future of rural Argyll and Bute particularly in rural and remote rural, including our island communities as stated above. To achieve the growth ambitions this will require a partnership approach across the sectors to maximise its potential and deal with its health challenges and lowering their carbon footprint. It should be noted the industry is changing rapidly with expansion on land and further out to sea together with the use of closed cage systems etc. and the NPF4 needs to recognise this. In addition, the expansion of aquaculture cannot be looked at in isolation and other things such as the availability of digital technology and access to affordable housing for workers will also be extremely important for future growth.

NPF4 also has to be aware of other aspects of aquaculture coming forward such as sustainable seaweed farming and algae production that will continue to grow in the decades ahead of us.

NPF4 Position Statement Proposes: Continuing to grow Scottish aquaculture in a way which balances production with environmental quality. This could include criteria for assessing aquaculture proposals that can be consistently applied and which are sufficiently flexible to respond to changes in practice.

A&B Comment:

The Scottish Government must be clear about any changes to current policy. The NPF4 will need to highlight issues from a planning perspective. These should provide detailed guidance for: incorporating risk-based spatial tools for wild fish interactions; regular net servicing and net changes (every 5 years max.); outline issues on aquaculture marine litter debris and develop an action plan; the condition of the seabed, and water quality surrounding finfish aquaculture farms.

The Scottish Government also need to confirm whether SEPA or Marine Scotland Science will be responsible for assessing the risk-based spatial tool for wild fish interactions in relation to the applicants' development proposals.

The NPF4 Spatial Strategy for aquaculture must be clear in stating what new criteria will be used to assess future aquaculture proposals and any changes in practices.

Adaptive management of wild fish interactions should be assessed and regulated by Marine Scotland Science and not through the planning system by way of an EMP. Best practice should dictate that an area-wide joint monitoring strategy be developed through NatureScot, SEPA, and Marine Scotland Science, which will work with developers to improve our understanding of the potential interactions between existing and proposed finfish aquaculture and the Atlantic salmon protected features throughout Argyll and Bute.

An acoustic tracking project to monitor the Atlantic salmon smolt migration pathways, and the use of hydrodynamic modelling to predict sea lice dispersal rates would prove useful in

developing an adaptive management strategy for wild fish interactions.

Scottish Govt Question 4. Do you agree with our current thinking on planning for better, greener places?

NPF4 Position Statement Proposes: Re-use vacant and derelict land and empty buildings

A&B Comment: This needs to be extended to include reuse / repurposing and renovation and redevelopment of under used, poorly maintained and/or derelict town centre buildings which are all too common in the peripheral small town centres of Argyll and Bute. This is particularly the case where property and rental values do not justify private expenditure and investment in maintaining buildings, many of which have no current viable use. This extends wider than just the provision of heritage grants and needs to be tackled on a national and more coordinated scale. A focus on the economic function of an area needs to be emphasised as having more well paid jobs and economic activity will help address this problem and at the same time counter the population drift from rural to larger urban settlements.

NPF4 Position Statement Proposes: Our rural areas and islands are one of our greatest assets and our strategy will reflect our ambition to build low carbon rural communities where the quality of life is exceptional. We will identify opportunities to build the long term sustainability of our more fragile areas by highlighting infrastructure requirements and facilitating development that strengthens their future.

A&B Comment: Agreed. It would be very helpful if the key growth areas of our iRSS are therefore recognised in NPF4 as national developments as detailed in answer to question 7 of this consultation.

NPF4 Position Statement Proposes: Emerging strategies are also exploring how the challenge of an ageing population can be addressed through long term planning.

A&B Comment: Linkage to the emerging national population strategy is key here. Its not just about long term planning, its also about a clear economic purpose, about identifying future investment opportunities, relocation of better paid jobs, delivery of critical economic and social infrastructure, construction of affordable housing, relocation incentives. These all require to be taken into account with a corresponding increase in resources to make real change happen.

NPF4 Position Statement Proposes: Given the new requirements in the Planning (Scotland) Act 2019 to support the repopulation of rural Scotland, we will consider whether our policies on wild land need to change, while ensuring effective safeguards for our natural environment and landscapes

A&B Comment: The number of people that would want to live in a designated wildland areas would be extremely small and the consequent benefit to re-populating rural areas would be insignificant.

We need to attract larger numbers of people, clustered around our established settlements where they can access the services people need and contribute to sustaining our existing communities that continue to lose population as services such as banks are centralised.

The integrity of the wildland areas is a hugely positive asset for Scotland and not worth degrading for the benefit of an extremely small number of potential housing developments. In Argyll and Bute for example it covers 12% of our total area within the Planning Authority boundary. There are no designated settlements in this land, little infrastructure, very sensitive habitats including peatlands, wetlands, Ancient Forests and consequently there would be very little benefit to growing our population if their protection was reduced through NPF4.

Wild land, given its scale, location and nature, is therefore not an obstacle to sustainable repopulation in Argyll and Bute and is functioning well in terms of its policy objectives. Repopulation can be achieved through the LDP, which promotes a sustainable, settlement strategy including a flexible countryside policy approach for the delivery of new homes in places where people want to live.

Scottish Govt Question 5. Do you have further suggestions on how we can deliver our strategy?

NPF4 Position Statement Proposes: We will also articulate how we expect an infrastructure-first approach to be embedded in the spatial strategies of local development plans.

A&B Comment: There is a need to reflect the different financial landscapes in rural and remote rural areas where the primary route for infrastructure is through the public sector. There is a need to see how the private sector can be better incentivised and/or rewarded to provide this infrastructure in rural areas such as Argyll and Bute.

Scottish Govt Question 6. Do you have any comments on the Integrated Impact Assessment Update Report, published alongside this position statement?

A&B Comment: No.

Scottish Govt Question 7. Do you have any other comments on the content of the Position Statement?

NPF4 Position Statement Proposes: We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received includes, for example: carbon capture and storage infrastructure; on and offshore renewable energy generation and networks; clean hydrogen production and distribution; energy innovation zones; heat networks; and walking, wheeling and cycling infrastructure. regeneration projects; large mixed use developments; settlement expansions; housing proposals; rural development projects; community-led development; social infrastructure; flood protection; natural infrastructure; and active travel networks. business and industrial developments; strategic investment areas; energy parks; advanced manufacturing; spaceports; aquaculture hubs; food production projects; tourism projects and infrastructure; strategic transport interventions; and digital networks. area-based environmental transformation projects; green and nature networks; town centres; regeneration projects; rural developments; and redevelopment of vacant and derelict land.

A&B Comment: Argyll and Bute submitted its iRSS to Scottish Government and would wish to see elements of that document identified within NPF4 as National Proposals or sites, not just on a spatial diagram. In particular, three major areas of existing growth potential are identified in Argyll and Bute's iRSS, and it is now crucial to capitalise on these opportunities

if we are to reverse population decline. These growth areas which should be identified by NPF4 are:

Tobermory-Oban-Dalmally Growth Corridor

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

Helensburgh and Lomond Growth Area

Helensburgh and Lomond Growth Area has excellent connectivity to the central belt and beyond whilst still enjoying the high quality environment of the remainder of Argyll and Bute. Recent investment in private housing development is recognition of Helensburgh's potential as a commuter location for the Clyde Area via its rail and road links. In addition the development of HMNB Clyde as the UK's single base for submarine operations is seeing unprecedented levels of investment and development within the base and involving significant numbers of military and civilian staff and their families relocating to the Area. Both these developments represent huge opportunities to see new investment, new development and repopulation of the Helensburgh and Lomond Area that supports the emerging Clyde Mission Regeneration Project sponsored by the Scottish Government.

Argyll and Bute Western Seaboard

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

In order to achieve the overarching aim of reversing depopulation, targeted public infrastructure investment will be essential to support and facilitate the fruition of these three growth areas thus allowing private and public / private partnerships to develop viable projects in what are very often Very Remote Rural Areas. In order to maximise the chances of leveraging in this investment it is crucial that these growth areas are identified in the NPF4 if as is set out in the Position Statement, that will be the route for identifying areas for infrastructure investment. More detail on these three growth areas has already been submitted to Scottish Government within the Argyll and Bute iRSS

This page is intentionally left blank

ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE**

**DEVELOPMENT AND ECONOMIC
GROWTH**

17 FEBRUARY 2021

FQ3 2020/21 PERFORMANCE REPORT

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) FQ3 2020-21 (October - December) Performance Report and accompanying PPSL Scorecard.
- 1.2 It is recommended that the PPSL Committee reviews the FQ3 2020/21 Performance Report as presented.

ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE**

**DEVELOPMENT AND ECONOMIC
GROWTH**

17 FEBRUARY 2021

FQ3 2020/21 PERFORMANCE REPORT

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) FQ3 2020-21 (October - December) Performance Report and accompanying PPSL Scorecard.

3.0 RECOMMENDATIONS

3.1 It is recommended that the PPSL Committee reviews the FQ3 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

January 2021

For further information contact:

Kirsty Flanagan, Executive Director, Tel 01546 604268

Appendices

FQ3 20/21 Performance report

This page is intentionally left blank

FQ3 2020/21 PERFORMANCE REPORT

This report provides an overview of the FQ3 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

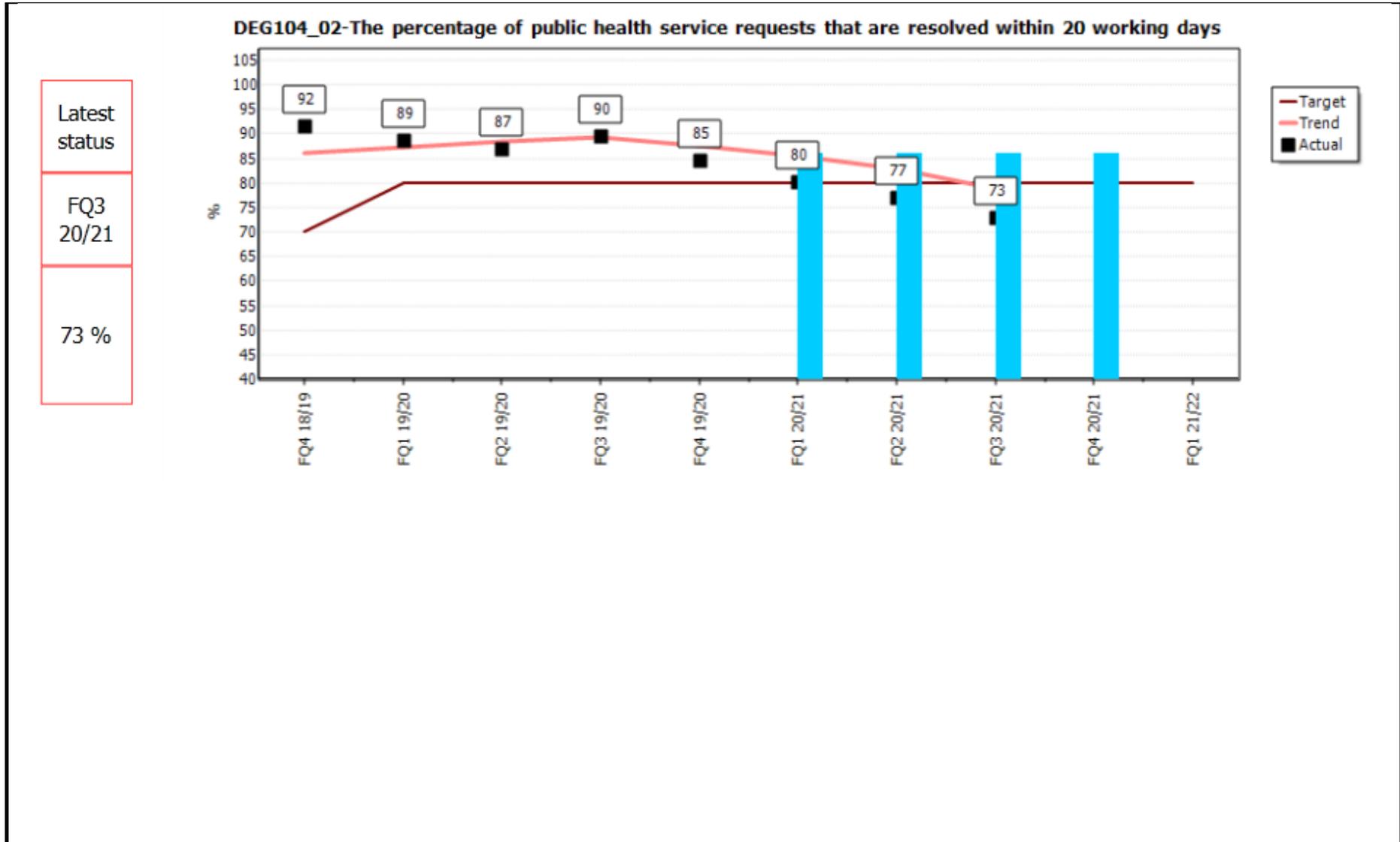
FQ3 2020/21 PERFORMANCE REPORT

This report provides an overview of the FQ3 2020/21 performance for the Development and Economic Growth Service.

DELIVERING OUR OUTCOMES – OUR KEY PERFORMANCE INDICATORS			
<p>Indicator: DEG104_02- The percentage of public health service requests that are resolved within 20 working days.</p> <p>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.</p>			
<p>Commentary: Given competing demands, the resolution times for service complaints has for the second quarter fell below the target of 80% with only 73% of service requests being resolved within 20 working days. This measure may be below target but given the circumstances this is a good performance for the team. It should be noted that all service requests are investigated and completed, timescales vary depending on the complexity of the matter and available resources. Service requests which are high priority are always dealt with first and these have focussed on our general work, and also COVID referrals from Test and Protect or responding to complaints about standards in premises etc. Reasons for dip in performance can be attributed to a number of factors: • Due to workload and the impact of COVID enforcement and test and protect work in quarter 3 on our available resource. Preparations for EU Exit have also had an impact. In quarter 3, the key priorities were COVID, EU Exit preparations and in particular food exports, reinstating our private water supply monitoring programme, and other services • The use of annual leave entitlements for staff, resulted in the majority of leave being taken in quarter 3 which impacted on performance and available resource. Corrective actions - we will continue to monitor the situation, but service requests may take longer to resolve due to the additional work demands placed by COVID, and also on the impact of the “Stay at Home” restrictions with visits to occupied domestic properties being suspended unless the visit is necessary for imminent public health reasons.</p>			
<p>This indicator is below target and performance has decreased since the last reporting period</p>			
TARGET FQ3 80%	ACTUAL FQ3 73% R	BENCHMARK 86%	PERFORMANCE TREND ↓

FQ3 2020/21 PERFORMANCE REPORT

This report provides an overview of the FQ3 2020/21 performance for the Development and Economic Growth Service.



FQ3 2020/21 PERFORMANCE REPORT

This report provides an overview of the FQ3 2020/21 performance for the Development and Economic Growth Service.

Indicator: DEG105_01-Respond to Building Warrant applications within 20 days.

Why measure this? Providing a prompt service helps support the local economy. This national target allows us to benchmark our performance.

Commentary: This is one of the national performance measures for building standards in Scotland. In quarter 3, there has been a slight dip in performance of 1.3% although performance is well above the 80% target. Reasons for this include: • During quarter 3 we had annual leave entitlement being used by the majority of staff who were unable to use it as the height of the pandemic due to assisting in the COVID response; • Dangerous building at 5-7 East Clyde Street, Helensburgh had a very high profile given its location in the town and past history. Complex restablising works were initiated with emergency powers together with road closures. This was resource intensive in terms of managing this situation.

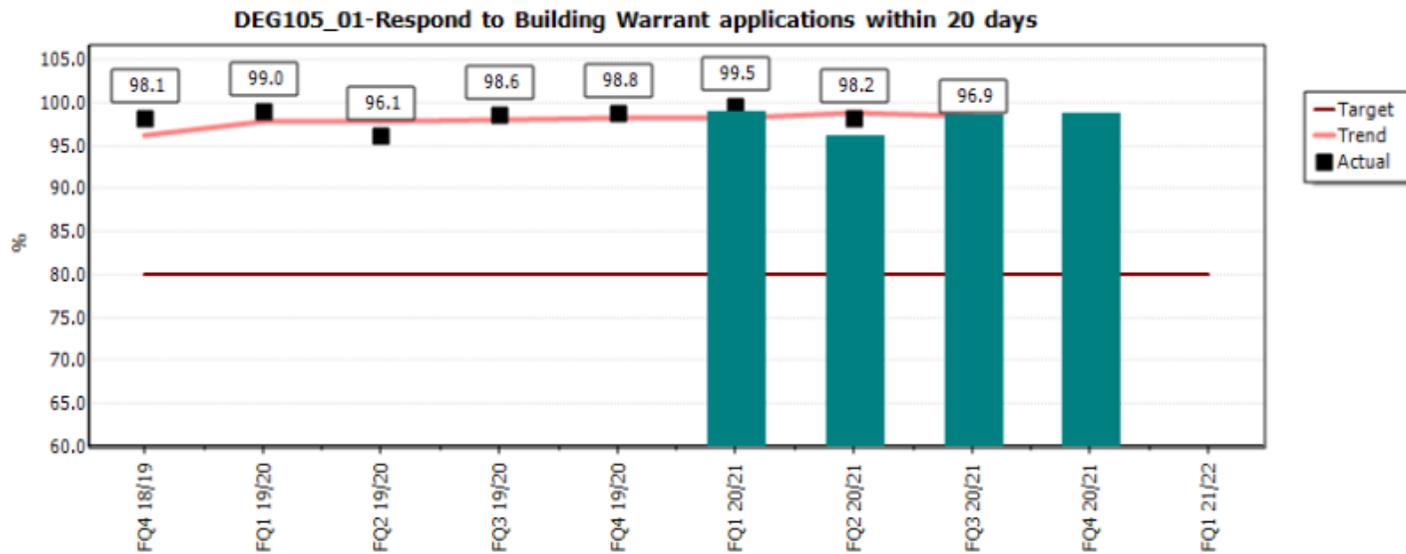
This indicator is above target, however performance has decreased since the last reporting period

TARGET FQ3 80%	ACTUAL FQ3 96.9% G	BENCHMARK 99%	PERFORMANCE TREND ↓
--------------------------	--	-------------------------	-------------------------------

Latest status

FQ3 20/21

96.9 %



FQ3 2020/21 PERFORMANCE REPORT

This report provides an overview of the FQ3 2020/21 performance for the Development and Economic Growth Service.

<p>Indicator: DEG110_05-The above national average level of planning application approval rates is maintained.</p> <p>Why measure this? 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>Commentary: Planning application approval rate was 97.3% It has consistently been above target (95%) for over seven years now, demonstrating that we are open for business. 297 Planning Decisions were issued in FQ3, 10% fewer than the same quarter in each of the last three financial years. In the context of the Pandemic, this represents a 15% increase when compared to FQ2 and a 46% increase on FQ1. Despite the effects of the pandemic, the volume of new submissions received by the Development Management Service remains high when compared to 2019/20. During FQ1 2020/21 395 new applications were received (522 submissions FQ1 2019/20); FQ2 2020/21 458 new applications were received (524 submissions FQ2 2019/20); FQ3 2020/21 482 new applications were received (446 submissions FQ3 2019/20). In total 1335 new applications have been received to end of FQ3 2020/21, this is equivalent to 89.4% of the volume of applications for the same period in 2019/20 (1492 total).</p>																																																										
<p>This indicator is above target however performance has decreased since the last reporting period</p>																																																										
<p>TARGET FQ3 95%</p>	<p>ACTUAL FQ3 97.3%</p> <p style="color: green; font-size: 1.5em; font-weight: bold;">G</p>	<p>BENCHMARK 93.7%</p> <p>Scottish Average</p>	<p>PERFORMANCE TREND</p> <p style="font-size: 2em; font-weight: bold;">↓</p>																																																							
<p>DEG110_05-The above national average level of planning application approval rates is maintained</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;">FQ3 20/21</div> <div style="border: 1px solid black; padding: 5px; text-align: center;">97.3 %</div>	<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>Target</th> <th>Actual</th> </tr> </thead> <tbody> <tr><td>FQ4 18/19</td><td>96.0</td><td>94.0</td><td>95.0</td><td>97.9</td></tr> <tr><td>FQ1 19/20</td><td>96.5</td><td>94.5</td><td>95.0</td><td>97.5</td></tr> <tr><td>FQ2 19/20</td><td>96.0</td><td>94.5</td><td>95.0</td><td>97.7</td></tr> <tr><td>FQ3 19/20</td><td>96.0</td><td>94.5</td><td>95.0</td><td>97.0</td></tr> <tr><td>FQ4 19/20</td><td>96.0</td><td>94.5</td><td>95.0</td><td>96.9</td></tr> <tr><td>FQ1 20/21</td><td>-</td><td>94.0</td><td>95.0</td><td>98.5</td></tr> <tr><td>FQ2 20/21</td><td>-</td><td>94.0</td><td>95.0</td><td>97.7</td></tr> <tr><td>FQ3 20/21</td><td>-</td><td>94.0</td><td>95.0</td><td>97.3</td></tr> <tr><td>FQ4 20/21</td><td>-</td><td>94.0</td><td>95.0</td><td>-</td></tr> <tr><td>FQ1 21/22</td><td>-</td><td>94.0</td><td>95.0</td><td>-</td></tr> </tbody> </table>			Quarter	Rural Average	Scottish Average	Target	Actual	FQ4 18/19	96.0	94.0	95.0	97.9	FQ1 19/20	96.5	94.5	95.0	97.5	FQ2 19/20	96.0	94.5	95.0	97.7	FQ3 19/20	96.0	94.5	95.0	97.0	FQ4 19/20	96.0	94.5	95.0	96.9	FQ1 20/21	-	94.0	95.0	98.5	FQ2 20/21	-	94.0	95.0	97.7	FQ3 20/21	-	94.0	95.0	97.3	FQ4 20/21	-	94.0	95.0	-	FQ1 21/22	-	94.0	95.0	-
Quarter	Rural Average	Scottish Average	Target	Actual																																																						
FQ4 18/19	96.0	94.0	95.0	97.9																																																						
FQ1 19/20	96.5	94.5	95.0	97.5																																																						
FQ2 19/20	96.0	94.5	95.0	97.7																																																						
FQ3 19/20	96.0	94.5	95.0	97.0																																																						
FQ4 19/20	96.0	94.5	95.0	96.9																																																						
FQ1 20/21	-	94.0	95.0	98.5																																																						
FQ2 20/21	-	94.0	95.0	97.7																																																						
FQ3 20/21	-	94.0	95.0	97.3																																																						
FQ4 20/21	-	94.0	95.0	-																																																						
FQ1 21/22	-	94.0	95.0	-																																																						

This page is intentionally left blank