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Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

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11 April 2022

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 20 APRIL 2022** at **10:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES**
 - (a) Planning, Protective Services and Licensing Committee 23 March 2022 at 10.30 am (Pages 5 - 12)
 - (b) Planning, Protective Services and Licensing Committee 23 March 2022 at 2.00 pm (Pages 13 - 16)
 - (c) Planning, Protective Services and Licensing Committee 24 March 2022 (Pages 17 - 36)
4. **CIVIC GOVERNMENT (SCOTLAND) ACT 1982: DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE TAXI AND PRIVATE HIRE VEHICLES** (Pages 37 - 46)

Report by Executive Director with responsibility for Legal and Regulatory Support
5. **THE SCOTTISH GOVERNMENT ON BEHALF OF ENERGIEKONTOR UK LTD: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO NARACHAN WIND FARM: NARACHAN HILL, LAND EAST OF TAYINLOAN (REF: 20/00212/S36)** (Pages 47 - 82)

Report by Head of Development and Economic Growth

6. **MR RUSSELL CHOPPING & MRS SUSAN KERR: ERECTION OF FENCING AND DECKING; ERECTION OF TWO WOOD STORES; AND SITING OF STORAGE BOX (RETROSPECTIVE): 5 ARDENCRAIG CHALET, ARDENCRAIG ROAD, ROTHESAY, ISLE OF BUTE (REF: 21/02023/PP)** (Pages 83 - 100)

Report by Head of Development and Economic Growth

7. **MR RICHARD STEIN: ERECTION OF DETACHED GARDEN ROOM ANCILLARY TO DWELLINGHOUSE: EILEAN DA MHEINN, HARBOUR ISLAND, CRINAN, LOCHGILPHEAD (REF: 21/02308/PP)** (Pages 101 - 122)

Report by Head of Development and Economic Growth

8. **MRS CAROLINE JANE KEENAN: SITE FOR THE ERECTION OF DWELLINGHOUSE, 3 HOLIDAY CABINS AND ANCILLARY BUILDING: LAND ADJACENT TO BRAESIDE, PORTNAHAVEN, ISLE OF ISLAY (REF: 21/02393/PPP)** (Pages 123 - 144)

Report by Head of Development and Economic Growth

9. **MR & MRS ADAM & LISA MURPHY: ERECTION OF DWELLINGHOUSE, FORMATION OF VEHICULAR ACCESS AND INSTALLATION OF A PRIVATE WASTEWATER TREATMENT PLANT: LAND NORTH OF 1 ARDMINISH, ISLE OF GIGHA (REF: 21/02465/PP)** (Pages 145 - 164)

Report by Head of Development and Economic Growth

10. **AUCH ESTATE: PROPOSAL OF APPLICATION NOTICE FOR DEMOLITION OF EXISTING LODGE AND FARM BUILDINGS, ERECTION OF NEW REPLACEMENT GUEST LODGE AND NEW GUEST STEADING ACCOMMODATION, WALLED GARDEN, ANCILLARY BUILDINGS, LANDSCAPE, ACCESS (MAIN ROAD JUNCTION IMPROVEMENTS, UPGRADE TO EXISTING ESTATE TRACK AND LODGE GATES), PATHS AND ALL ASSOCIATED SERVICE, SURFACE AND FOUL DRAINAGE AND ENERGY INFRASTRUCTURE: AUCH LODGE, BRIDGE OF ORCHY (REF: 22/00265/PAN)** (Pages 165 - 170)

Report by Head of Development and Economic Growth

- E1 11. **UPDATE ON REQUEST FOR TREE PRESERVATION ORDER** (Pages 171 - 182)

Report by Head of Development and Economic Growth

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an "E" on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

E1 Paragraph 13 Information which, if disclosed to the public, would reveal that the authority proposes-

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair	Councillor Rory Colville (Vice-Chair)
Councillor Mary-Jean Devon	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

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held by MICROSOFT TEAMS on WEDNESDAY, 23 MARCH 2022**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Graham Hardie
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor George Freeman	Councillor Sandy Taylor
Councillor Kieron Green	Councillor Richard Trail

Attending: Stuart McLean, Committee Manager
Sheila MacFadyen, Senior Solicitor
Graeme McMillan, Solicitor
Peter Bain, Development Manager
Matt Mulderrig, Development Policy and Housing Strategy Manager
Sybil Johnson, Senior Planning & Strategies Officer
Tiwaah Antwi, Planning Officer
Matthew Watkiss, Planning Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Roderick McCuish and Donald MacMillan BEM.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 23 February 2022 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 23 February 2022 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 23 February 2022 at 2.30 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 28 February 2022 was approved as a correct record subject to the following amendment:

The sentence before “**DECISION**” on the last page of the Minute should read “The Amendment was carried by 6 votes to 3 and the Committee resolved accordingly.”

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW

In terms of Section 17 of the Civic Government (Scotland) Act 1982, the local authority requires to fix maximum fares and other charges in connection with the hire of taxis

operating in their area and to review the scales for taxi fares and other charges on a regular basis.

The Committee, at their meeting on 19 January 2022, agreed to propose an increase of 15% on the 3 tariffs and other charges. An advert was placed in the local press week commencing 24 January 2022 detailing the proposed changes to the scales and inviting any person wishing to lodge representations in respect of these proposals to do so in writing by 28 February 2022.

Consideration was given to a report advising of one representation received and Members were invited to consider this before fixing the scales.

Decision

The Committee agreed to proceed with the 15% increase as previously proposed at their meeting on 19 January 2022 as detailed at Appendix 1 of the report.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 23 March 2022, submitted)

* **5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI DRIVER/PRIVATE HIRE CAR DRIVER MEDICALS AND DELEGATION FOR SUSPENSION OF LICENCE**

Consideration was given to a report inviting the Committee to agree to consult private hire/taxi drivers and operators by writing to them seeking their views on the proposed amended procedure for taxi/private hire car driver medicals.

As a consequence of considering the position regarding medicals it was noted that within the Council's Scheme of Delegation there was no delegation to the Executive Director with responsibility for Legal and Regulatory Support to consider the immediate suspension of a licence. The Committee were also asked to give consideration to a recommendation to Council that this delegation be given.

Decision

The Committee agreed to:

1. consult private hire/taxi drivers and operators by writing to them to seek their views on the proposed amended procedure for taxi/private hire car medicals; and
2. recommend to Council that a delegation be given to the Executive Director with responsibility for Legal and Regulatory Support in consultation with the Chair and Vice Chair of the PPSL Committee, to immediately suspend a licence in terms of paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982 if they determine that the circumstances of the case justify immediate suspension, on the grounds of undue public nuisance or a threat to public order or public safety.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 23 February 2022, submitted)

6. MR CALLUM MACDONALD AND MISS CARA KEMP SMITH: ERECTION OF DWELLINGHOUSE: LAND SOUTH OF CAOLSIDE, LADY ILEENE ROAD, TARBERT (REF: 21/02359/PP)

The Planning Officer spoke to the terms of the report. This application was before the Committee as one of the Applicants was employed within the Council's Planning Service. This application is for the construction of a 3 bedroom detached property to be constructed over two floor levels. The application site is the immediate vacant corner plot to the South of Caolside on Lady Ileene Road in Tarbert and is accessible directly off Lady Ileene Road. One representation has been received, a summary of which is detailed at Section F of the report of handling. There have been no objections from statutory consultees.

The nature of the proposal constitutes small scale infill development deemed acceptable and consistent with the requirement for a Key Settlement area. It does not raise any detrimental residential amenity concerns and would not detract from the existing character of the Conservation Area or the wider environment where it would be established.

It was recommended that planning permission be granted subject to the conditions and reasons detailed in the report.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 29/12/2021, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan No.	Ref.	Version	Date Received
Location Plan	00.01			08/11/2021
Site Plan (1:200)	90.10.1			21/01/2022
Site Block Plan (1:500)	90.20			21/01/2022
Proposed Floor Plans and Sections	100.10.1			05/01/2022
Proposed Elevations	100.20.1			05/01/2022
Other: Fence and Wall Details	21.01			05/01/2022

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

2. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Standard Roads Drawing SD 08/002 Rev A and the approved Site Plan drawing ref. 90.10.1 with the junction located a minimum distance of 25 metres from the A83 Tarbert Kennacraig / UC 45 Lady Ileene Road junction and shall have visibility splays of 25.0 metres by 2.4 metres from the centre line of the proposed access with the bellmouth area surfaced in dense bitumen macadam for a distance of 5.0 metres back from the existing carriageway edge. Prior to work starting

on site the bellmouth shall be fully formed and the visibility splays shall be cleared of all obstructions over 1.0 metre in height above the level of the adjoining carriageway. The visibility splays shall be maintained clear of all obstructions over 1.0 metre in height thereafter.

Reason: In the interests of road safety.

3. The parking and turning area and refuse collection point shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles and, refuse collection.

Reason: In the interest of road safety.

4. Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
 - i. A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2005 "Trees in Relation to Construction".
 - ii. Existing and proposed ground levels in relation to an identified fixed datum;
 - iii. Existing landscaping features and vegetation to be retained;
 - iv. Location, design and materials of a safety barrier to be located between the new access/turning area and existing private access to safeguard users of the private access and the new dwellinghouse;
 - v. Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted. No hedges, fences or walls shall be permitted, built or grown within 2 metres of the public road;
 - vi. A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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

The approved safety barrier shall be installed prior to any excavation works commencing within the site.

The approved means of boundary enclosure shall be fully implemented prior to the first occupation of the development.

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

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity, road and public safety and the privacy of adjacent residential property.

5. The dwellinghouse shall be constructed with a finished floor level height at the specified 28m AOD as shown on the approved site plan (drawing no. 90.10.1) and the ground levels of the driveway, turning and parking areas shall also be created to reflect their specified levels respectively as shown on that same drawing, relative to the surveyed fixed datum points off-site within the approved drawing unless minor amendments to these levels are otherwise submitted to and agreed in writing by the Planning Authority.

Reason: To ensure the development satisfactorily integrates into the neighbouring topography, landscape and built environment within this part of the Conservation Area.

6. Samples of the proposed materials to be used for the external walls (the colour/texture of the wet dash render, material and colour of the cill and door/window bands as shown) and the roof of the development (which shall be mock slate as specified on the amended approved drawing no. 100.20.1) hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site. The development shall be completed in accordance with the duly approved details.

Reason: In the interest of visual amenity and in order to integrate the proposal with its surroundings within this part of the Conservation Area.

7. No development shall commence until the surface water drainage system has been submitted to and approved in writing by the planning authority. This shall be consistent with the principles of Sustainable urban Drainage Systems (SuDS) and compliant with the guidance set out in CIRIA's SuDS Manual C697. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

(Reference: Report by Head of Development and Economic Growth dated 10 March 2022, submitted)

7. UPDATED PLANNING ENFORCEMENT AND MONITORING CHARTER 2022

Enforcement Charters should be reviewed every 2 years and must outline what service the Council provides to customers and complainants in relation to breaches and alleged breaches of planning control. Consideration was given to a report seeking endorsement of an updated Argyll and Bute Enforcement and Monitoring Charter.

The report also advised that the Scottish Government's advice on the relaxation of planning enforcement remains in place until 30 September 2022. The Committee previously reviewed and approved an addendum to the Charter, most recently in September 2021, setting out specific provisions that specifically support town centre businesses and their recovery, and a more general position recognising the circumstances under which the pandemic may provide grounds for relaxation of planning enforcement. Committee approval was sought for the extension of these additional temporary relaxations until 30 September 2022 to retain alignment with the National position on planning enforcement.

Decision

The Committee agreed to:

1. approve and endorse the updated Enforcement and Monitoring Charter 2022 (Appendix A);
2. approve that the Planning Position Statement (Appendix B), (setting out the relaxation of planning controls within designated town centres as previously approved by the Council Leadership Group in July 2020, and subsequently extended on 29 October 2020 and by PPSL 17 March 2021 and 22 September 2021) be further extended until 30 September 2022; and
3. approve the addendum to the Enforcement and Monitoring Charter (Appendix C) for a further temporary period expiring 30 September 2022, subject to periodic review in the event of updated guidance being provided by the Scottish Government.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 9 March 2022, submitted)

8. NATIONAL PLANNING FRAMEWORK 4 FINAL DRAFT CONSULTATION

As a result of the Planning (Scotland) Act 2019, the National Planning Framework 4 (NPF4) will have enhanced status as part of the statutory development plan. The Scottish Government aim is that it guides spatial development, aligns with infrastructure investment, sets out national planning policies, designates national developments and highlights regional special priorities. A long term spatial strategy for Scotland to 2045, NPF4 is intended to bring together policies and programmes to enable sustainable and inclusive growth across the country.

A report outlining the content of Draft Fourth National Planning Framework 4 (Draft NPF4) and presenting comments within Appendix 1 which seeks approval to submit these to the Scottish Government was considered.

This is the final part of the consultation process which has been ongoing since Autumn 2019, with the Final Draft expected in Summer 2022.

Decision

The Committee agreed to:

1. note that when approved by Scottish Government, NPF4 would become part of the Statutory Development Plan for Argyll and Bute;
2. note the report and the link to [Draft Fourth National Planning Framework \(Draft NPF4\)](#); and
3. approve the response in Appendix 1 of the report for submission to Scottish Government.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 23 March 2022, submitted)

9. LOCAL DEVELOPMENT PLANNING - REGULATIONS AND GUIDANCE CONSULTATION

A report advising the Committee of the Scottish Government Local Development Planning Regulations and Guidance Consultation and seeking approval for the proposed response to this consultation was considered.

Decision

The Committee agreed to:

1. note this report and the implications, including financial for the planning service and wider council; and
2. approve the response to the Scottish Government in Appendix 1 of the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 25 February 2022, submitted)

10. SCOTTISH GOVERNMENT CONSULTATION: OPEN SPACE STRATEGIES AND PLAY SUFFICIENCY ASSESSMENTS REGULATIONS

There is now a statutory duty for the planning authority to prepare and publish an Open Space Strategy, and to assess the sufficiency of play opportunities in their area for children through a Play Sufficiency Assessment and the proposed regulations relate to a range of detailed aspects regarding these. Both the Open Space Strategy and Play Sufficiency Assessment will form part of the evidence base for the preparation of the next Local Development Plan.

A report advising of the Scottish Government consultation on Open Space Strategies and Play Sufficiency Assessments Regulations and seeking approval for the proposed response to this consultation was considered.

Decision

The Committee agreed to:

1. note this report and the implications of the proposed regulations, including financial for the planning service and wider council; and
2. approve the response on this consultation to the Scottish Government in Appendix 1 of the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 1 March 2022, submitted)

11. DEVELOPMENT PLAN SCHEME UPDATE - LOCAL DEVELOPMENT PLAN 2

A report seeking approval of the updated Development Plan Scheme (DPS), including its associated Participation Statement, and authority to publish the approved updated DPS and submit it to the Scottish Ministers, was considered.

Decision

The Committee agreed to:

1. note the contents of this report; and
2. approve the updated Development Plan Scheme (DPS) attached in Appendix 1 of this report for publication and submission to the Scottish Ministers.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 28 January 2022, submitted)

12. UPDATE ON PLANNING APPEAL REFERENCE: ENA-130-2045 - INVERGARE, GLENARN ROAD, RHU, G84 8LL

A report providing an update on the recent decision by the Planning and Environmental Appeals Division in relation to Planning Appeal Reference ENA-130-2045 was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 23 March 2022, submitted)

13. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: CONTINUED REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NUMBER 5434) (G DEMPSEY, KILCREGGAN)

A report advising that the above taxi driver licence has now lapsed and was no longer in force and as such there was no longer a requirement to consider any suspension of the licence, was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Legal and Regulatory Support dated 23 March 2022, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held by MICROSOFT TEAMS on WEDNESDAY, 23 MARCH 2022**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Graham Hardie
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor George Freeman	Councillor Richard Trail
Councillor Kieron Green	

Attending: Stuart McLean, Committee Manager
Graeme McMillan, Solicitor
Mr Robinson, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors McCuish, MacMillan and Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI CAR LICENCE (W ROBINSON, CRAIGNURE, ISLE OF MULL)

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

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

APPLICANT

Mr Robinson told the Committee that he was applying for a licence for a 9 seater taxi with disabled access. He said that it would be good for the community as he lived in Craignure and the other taxis on the island were based 45 minutes' drive away in Tobermory, and they did not have disabled access. He added that it would be good for people coming off the ferry.

MEMBERS' QUESTIONS

Councillor Trail asked Mr Robinson if he would be operating exclusively on the island of Mull. Mr Robinson replied yes he would, unless he was required to take someone to Oban, for example, if a wheelchair user required to be taken to a hospital appointment in Oban.

Councillor Devon asked what kind of disabled access the taxi had and if it could accommodate a large power chair. Mr Robinson advised that the access was via the side door using ramps and that the taxi could accommodate a large power chair. Councillor Devon then asked if he would travel to Tobermory to pick up a wheelchair user to which he replied he would.

Councillor Colville referred to Mr Robinson already holding a taxi drivers licence and asked if he was currently using it. Mr Robinson said that he had last driven in August 2021 and that the person he had been driving for had chosen to give up his taxi. Councillor Colville then asked what other taxis operated on Mull. Mr Robinson said that there were 2 private hire taxis and one that could pick up anywhere.

Councillor Kinniburgh asked if this would be the only disabled access taxi on Mull. Mr Robinson said it would be and Councillor Devon also confirmed that it would be.

Councillor Devon referred to the side access of the taxi and asked how many people it could hold. Mr Robinson advised that the taxi could hold 9 people, and that 6 of the seats folded up and back to allow wheelchair access leaving 3 seats for other passengers. Councillor Devon asked if this was a new taxi to the island and Mr Robinson replied that he had brought the taxi to Mull from Manchester.

SUMMING UP

Applicant

Mr Robinson advised that he had applied for a licence for a 9 seater taxi, 6 seats plus 3, with disabled access that he planned to operate in the area of Craignure and Tobermory.

Mr Robinson confirmed that he had received a fair hearing.

DEBATE

Councillor Freeman advised that he had no objection to the application and was supportive of applications with wheelchair access. He advised that he had no concerns and would move approval at the appropriate time.

Councillor Green agreed with Councillor Freeman adding that it would be a valuable addition to the island of Mull and to its visitors. He advised he would be supporting approval of the application.

Councillor Moffat also agreed, advising that it would be perfect for the island.

Councillor Devon advised that she welcomed the application as a wheelchair user as it would be the only taxi on Mull with wheelchair access. She advised she welcomed approval of the application.

Councillor Redman advised that he supported the application as it would benefit the area and there were no current facilities on the island for wheelchair users.

Councillor Kinniburgh said that he agreed with his colleagues, he referred to Mr Robinson having driven a taxi before for someone else who had given the car up. He also referred to the confirmation from Councillor Devon that there was no other taxi on the island with wheelchair access. He advised that he too, supported the application.

DECISION

The Planning, Protective Services and Licensing Committee agreed to grant a taxi car licence to Mr Robinson. Mr Robinson was advised that he would receive written confirmation of this decision within 7 days.

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

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held by MICROSOFT TEAMS on THURSDAY, 24 MARCH 2022**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Roderick McCuish
Councillor George Freeman	Councillor Jean Moffat
Councillor Kieron Green	Councillor Alastair Redman
Councillor Graham Hardie	Councillor Richard Trail

Attending: Iain Jackson, Governance, Risk and Safety Manager
Peter Bain, Development Manager
Derek Wilson, Planning Officer
John Findlay, Chair of South Islay Development – Applicant
Rosie MacLellan, Port Ellen Playing Fields Redevelopment Project Manager – Applicant
Alyson MacGillivray, Development Manager – Applicant
Laura Paton, Applicant's Agent
Colin Hastie, Applicant's Agent

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Donald MacMillan BEM and Sandy Taylor.

2. DECLARATIONS OF INTEREST

Councillor Alastair Redman declared a non-financial interest in planning application reference 21/01679/PP. He advised that he'd had many conversations with his constituents, both for and against this proposal and as such he considered that these conversations may prejudice his decision in respect of this application. In fairness to all, he confirmed that he would not take part in the hearing and he left the meeting at this point.

3. SOUTH ISLAY DEVELOPMENT: ERECTION OF NEW COMMUNITY HUB TO REPLACE THE FORMER PAVILION, RELOCATION OF PLAY AREAS, UPGRADED ACCESS AND PARKING, INCREASED MOTORHOME STANCES, CONSTRUCTION OF NEW TOILET/SHOWER BLOCK, SITING OF 5NO. STORAGE CONTAINERS AND TEMPORARY CHANGE OF USE TO FACILITATE HOT FOOD TAKEAWAY VAN: PORT ELLEN PLAYING FIELDS LAND ADJACENT TO FILLING STATION, CHARLOTTE STREET, PORT ELLEN, ISLAY (REF: 21/01679/PP)

The Chair welcomed everyone to the meeting which was held remotely in line with the Council's current approach to the Covid-19 guidelines. 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.

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

On behalf of the Head of Development and Economic Growth, Derek Wilson, Planning Officer, made the following presentation with the aid of power point slides.

The main purpose of this report is to provide an overview of the detailed Report of Handling (RoH) and to offer background commentary and visuals to aid members in their considerations and recommendations.

The RoH examines the spatial strategy of a diverse proposal which has main elements of community facilities, tourist facilities and improved internal infrastructure. The principle concerns are an examination of a loss of open space and the suitability of the commercial tourist uses within the site.

The cross financing from tourism income to subsidise the community facilities is also an important aspect of the viability of the project.

The current application has attracted 37 representations raising objection to the proposal and accordingly officers identified that it would be appropriate for Members to consider whether or not to hold a discretionary hearing which was agreed.

The application is a submission by South Islay Development (SID) to upgrade the facilities at the recreation grounds which are around the existing facility of Ramsay Hall, which is not part of the proposal. The overall site of the building and infrastructure area is 1.1 Hectares. The site sits between the town centre and the distillery with no housing in its immediate surroundings, the nearest being at North Bay and Livingstone Way.

The whole of the site is within the key settlement of Port Ellen. Further designations of the site are an Open Space Protection Area and an Area For Action which seeks environmental enhancement. The area to the east (purple) is an Established Business and Industry Area. This area currently has four motor homes which were permitted in 2015 (15/02481/PP) sited behind the filling station and which are part of this application. The site has other small scale businesses and an electricity substation.

Policy LDP DM 1 sets out general support for appropriately located development of up to 'medium' (under 2 hectares) scale. The new buildings and the enhancement of existing community/playing field facilities is supported in principle by policies LDP 8 (Supporting The Strength Of Our Communities) and SG LDP REC/COM 1 (Sport, Recreation and Community Facilities). Islay is a tourism development area and the extension of an existing motorhome site by 8 additional berths would cumulatively fall within the definition of 'medium' scale development.

The site is mainly located within an Open Space Protection Area (OSPA) where policies LDP 8 and SG LDP REC/COM 2 (Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas) seek to protect playing fields and other valued recreational areas. In this instance the creation of the motorhome site will result in the temporary loss of an existing equipped play area within the OSPA. The equipment is planned to be moved to the former putting green area to allow its site to be prepared for the motorhome site. So part of this open space is required to develop the motor homes aspect of the

proposal. The play equipment will be moved before further development of the wider site but will necessarily result in a short term loss of the use of the equipment and is deemed a small net loss of public open space at completion of the overall development.

The relocation of the playpark is intended to increase the safety of users as it will be overlooked by the new pavilion and its decking/landscaped areas. Additionally, although the playpark will be fenced for safety, the availability of surrounding undeveloped land affords the option to extend this facility while retaining its security and the general amenity.

This is a picture of the previous pavilion building on site and which has now been taken down in the interests of care and maintenance.

The existing site map shows the relatively undeveloped nature of the present site regarding buildings and infrastructure. We will now move onto the context and detail of the proposal.

In June 2021 SID were advised by Argyll and Bute Council that a planning application for the development required to be withdrawn due to a technical issue with the design of the extended motorhome area. This new proposal includes the revised existing motorhome site.

The motorhome site expansion will be retained in community ownership as the grant funding allows for any disposal of land to be at the market price. As land prices are unlikely to reduce, any disposal would be at a cost to SID as monies would require repaid to the funding agencies. A condition regarding the burden this places with regard to disposal requiring council consent is attached to the main report. It is in place to ensure that the approved motorhome site is retained as part of the wider community ownership and management of playing field and community facilities.

Revenue from the motorhome development will be used for upkeep and development of the site as a whole. It is considered that the wider community benefit are sufficient to justify a minor departure to policies LDP 8 and SG LDP REC/COM 2 (Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas) subject to appropriate safeguards being secured on the replacement of the equipped play area and long-term inter-relation of the motorhome site and other community owned elements.

The proposal comprises the following elements:

A new community hub building, relocation of the playpark equipment, spectator shelters, fencing behind the football goals to the west (5m), five storage containers, toilet/shower/laundry building, hardstanding for a hot food van, use of the land beside the current motor homes for a further 8 berths with hook-ups, two EV charging points, three additional parking zones to provide 22 spaces 2 of which to be accessible, 10 cycle stands, landscaping and formation of external seating areas.

The main aspects will be examined individually in the presentation.

The application is being presented to the PPSL Committee as a result of 37 negative representations which is above the threshold for a delegated decision. The degree of local interest and some controversy on material considerations was similar to the proposal which was withdrawn and also attracted a similar amount of objections. This proposal provided sufficient matters arising necessary to present the application to PPSL for determination and is deemed to raise levels of public interest or complexity to warrant this

hearing accepted by the Committee and will add value to the decision making process. The names and addresses of the respondents and a summary of the reasons for objecting are contained within the report of handling.

There were community events held prior to this revised application and explanatory material was provided detailing the background and evolution of the project and the further aspirations for the area as a whole.

(SID) was asked to take on responsibility for the site in 2017 and plans have been developed to upgrade the facilities since then. The transfer of title deeds from the Queens and Lord Treasurer's Remembrancer (QLTR) to South Islay Development was completed mid-March 2021. This ensured continued community ownership, and funding is in place to realise all the elements of this proposal.

The previous community hall was taken down last year due to ongoing maintenance and upkeep issues and the new hall will be built on this area but with a larger footprint.

A new community hub building,

The single storey sustainable new-build will encompass;

- Café and possible bakery space – to be tendered,
- multi use spaces for events and exhibitions,
- meeting rooms/conference space for rent by key partner organisations as well as community groups,
- office space/'shop front' and 'drop in' facilities,
- sales point for activities within the Playing Fields and small businesses.

There will be an open decking area to the front which will allow overlooking to the loch but also the repositioned playpark which is an important safety feature and an important consideration when the overall site plan was under consideration and consultation.

The new building has been designed with the Covid restrictions and regulations in mind, and any future widespread health situations. Each useable and rentable space is accessed individually from both an external door and internal door, meaning isolated workspaces can be easily maintained.

The council's Environmental Health team has not deemed that the intended uses of the pavilion will be a bad neighbour development but have required an additional condition to be attached which is intended to control any noise levels above the background level measured and assessed by appropriate local receptors. No condition is required for construction noise as it is a short term extraordinary event which can be controlled under present Environmental Health regulations.

The relocation of the playpark equipment and play area is to be on the former putting green with a 1100mm high metal fencing to its boundary. The details of the layout of the playpark is to be agreed in advance with council officers. The playpark must be completed and made available for use prior to any works commencing on the construction of the extended motorhome site unless agreed with council officers.

Three additional parking zones will provide 22 spaces 2 of which to be accessible and will be closest to the pavilion. The access roads will be upgraded to a standard acceptable to the roads department and the spaces will be the correct dimensions.

Additional facilities will include 10 Sheffield style cycle stands which are designed to allow two cycles each.

Two Electric Vehicle charging points are to be provided in the new car parking areas.

There are to be 10 spectator/participant shelters, to the south touchline of the pitch. They are of a basic design made from Perspex or similar with visibility through the three walls/roof.

The toilet/shower/laundry building will have three accessible WCs and four machines and is designed to be functional. As it will be positioned between the motor homes berths and the containers its simplicity of design is acceptable. The washing machines area provides an open shelter for users.

The five storage containers, will be used for sports equipment which may be bulky or of a large size, for example goal posts. They are to the rear of the site and four will be sited parallel with the doors facing the playing field. The fifth container will be for bikes and will again open to the pitch but from the long side. Although of standard industrial design they are unlikely to be intrusive given that they are beside the existing industry area. It is expected further screening will be included in the landscape plans.

The hot food van will be accommodated on an area of hard standing close to the storage containers and the motor homes. This provision will be on a temporary basis. It is accepted that once the new pavilion with its catering facilities is complete and operational, then this will become the sole area of food vending on site. This should be within three years of any approval, or, the pavilion first being brought into use, whichever is the earlier. The use of land for takeaway food will then cease. From an environmental point of view this means that odours and waste can be controlled at a single source within the site.

The proposed use of the land beside the current motor homes is for a further 8 berths with individual hook-ups for water services and electricity. The site overall will therefore have a capacity of 12 campervans and/or touring caravans.

Port Ellen is an important visitor destination and landing point for the island centred on the whisky industry and its tourist offering in the immediate area.

The main tourism months tend to attract around 4-500 motor homes per month on the most relevant Cal Mac figures. The increase of eight spaces offers potentially 240 extra nights usage per month. Presently motorhomes are parking in laybys, remote carparks, and village streets. Village congestion, overnight parking in unsuitable locations and lack of facilities for motorhomes are recognised. Consolidating some of this usage is expected to have a residential knock on benefit.

In line with the approval for the existing berths a register will be required showing dates of arrivals and departures and be maintained by the Site Operator. It should be available for inspection by council officers at all reasonable times. No static caravans shall be permitted anywhere within the site at any time. The site will require licencing by the council under the Caravans Sites and Control of Development Act 1960.

The Council's Public Protection team have not raised any objection to the proposal and confirm that the provision of chemical toilet disposal facilities should have an environmental benefit in reducing the likelihood of fly tipping of such waste. Matters

regarding the treatment of waste water and recycling will be confirmed by an approved licence.

The development site is not located within a landscape that is designated for its scenic quality.

The treatments required should be designed and placed to screen the motorhomes and enhance the public footpaths and surroundings of the new community building. A plan must be agreed with the council in advance of these works on site.

The previous plans did not allow sufficient space for vehicles to drive past the last 2 bays and reverse into the spaces within the application red line. Despite an alternative proposal, the Roads Department confirmed that the whole area needed for manoeuvring required to be within the red line. The revised plans allow for motorhome turning and parking within the guidelines. The existing vehicular access to the site will be upgraded and the entrance to the motor home site will be formed off this. The original means of access to the east shall be closed to vehicular traffic thereafter although pedestrian access will be retained.

The new parking provisions allow for accessible, structured parking for Playing Field users and allow pedestrian access within and to the site. There is a turning area for service and emergency vehicles close to the site of the new pavilion. The access arrangements are to be laid out in sufficient detail to demonstrate that any surface water shall not be discharged onto the public road.

It has been identified by an environmental health officer that there is a risk of some of the land to be developed containing contamination from historical uses. A plan assessing and identifying possible contaminated areas must be approved by the council before any ground breaking work is commenced on site.

A plan is to be approved by the council that provides details of the arrangements for the storage, segregation, collection and recycling of waste arising within the site, including the location, access and maintenance for on-site storage facilities.

As is common on sites throughout the island the possibility of archaeological artefacts being unearthed is high. The West of Scotland Archaeological Society has therefore required a watching brief and method statement be agreed and the work carried out by a suitably qualified person.

As the site is within the settlement mains water and sewerage are available on site and Scottish Water have confirmed that there is generally sufficient capacity for both which would be confirmed on application for connections.

In summary, the proposal is considered to be consistent with the relevant provisions of the Development Plan and its policies with a minor departure regarding the open space strategy. It is recommended that planning permission be approved with the conditions attached to supplementary report number one as a revision of the original report.

No other material considerations of sufficient significance indicate that it would be appropriate to withhold planning permission having regard to s25 of the planning Act.

APPLICANT

On behalf of South Islay Development (SID), the Chair, John Findlay, gave thanks for the opportunity to put forward their presentation.

He advised that SID was formed in 2011 in conjunction with Highlands and Islands Enterprise (HIE) with the aim of encouraging local community development in the South of Islay. Comprising 13 Directors with a wide range of skills, interests and ages, the company for the first 2 or 3 years, mainly ran community events such as the Festival of Seas, Christmas Events and Christmas lights. In 2014 they bought the local filling station which had been shut for 2 years. This was recognised as an important local asset which needed to be purchased and opened for community use. The filling station was expanded with a car wash, airline, small shop and motor home service point. SID were also involved in helping the Harbour Association in the development of pontoons in Port Ellen marina and the refurbishment of the old bank building for Harbour Offices. In 2020 SID was the lead organisation in managing the Covid response on Islay, coordinating financial assets and volunteers across the island.

SID were first involved in the playing fields in 2017 when they started discussions with the Playing Fields Association. At the Playing Fields AGM the 2 charities amalgamated. The playing fields were first created in the 1960s and the first problem that came with the amalgamation was proving the community did own the site. It was not possible to do this so the ownership fell to the Queens and Lord Treasurer's Remembrancer. Funding was subsequently secured to purchase the land and it was passed back to SID for community ownership in March 2021.

Rosie MacLellan talked through the consultation process which was undertaken in relation to the project. She advised that extensive consultation was carried out from 2017 to 2019 to identify priority projects for the South of Islay. A household survey was delivered to South Islay households and this was also available electronically. A total of 278 responses were received. Visits were also made to the High School, Primary School and Pre Five Unit as well as drop in community engagement events to rank priority projects within South Islay. This round of consultation resulted in an action plan being drawn up for the area.

Development of the playing fields, including a multi-function community facility, was a key priority project for the community and a 5 year business plan was developed by Community Links Scotland for development of a new community building and redevelopment of the playing fields. In 2019 feedback events were held at the Ramsay Hall, the old Pavilion and at Port Ellen Sports Day.

During 2020 there were challenges with the project due to the pandemic. However, in 2021 a number of events were publicised and promoted comprising a mixture of open days and open meetings. There was a lot of consultation and meetings during development of the plans to keep the community up to date and the feedback from these meetings was used to develop the plans. An information leaflet was also circulated to provide facts about the project and to address rumours that had been circulating. A ballot slip was included with the leaflet asking the community to vote on what they were in favour of. A total of 307 votes were received with 79% in favour of a community building and 57% in favour of the expansion of the motor home site. SID took that as continued support from the community.

She advised that site plans have evolved over the last few years to take account of feedback. In order to address contentious issues she pointed out that parking was reduced from 50 on the initial plans submitted to 22 spaces on the current plan. Parking beside the Ramsay hall and another row towards the new building was removed. The playpark was relocated as parents felt the playpark should be within sight of the new building. As a result of the playpark relocation there was then space to consider the expansion of the motorhome facilities. This would provide an income to help with the upkeep of the wider playing fields and facilities. It is intended that the motorhome site will be screened by landscaping. Containers have been moved to the end of the pitch and the long term plan is to clad the exteriors and move them to replace the old existing sheds.

She referred to the proposed layout of the site. The whole playing fields area covered 7 hectares of land which extended uphill from the football pitch. 1.1 hectare was within the red line boundary of the development site where the new building was proposed along with parking, the relocation of the playpark, and extension of the motorhome site. The new building would be on the same site as the old pavilion and would be sympathetic to the old pavilion style. Referring to the internal layout of the building, she advised that all rooms would have an external access so could be used in isolation from the rest of the building. A function hall with café space could be extended into the community room. Other rooms would also be available for rental and there would be storage for small pieces of kit and strips.

She confirmed that SIDs had all the funding in place for the project. Capital funding of just over £8m has been secured from various sources along with £1.1m of revenue funding to ensure a project team is in place. A design team has been procured to take the project forward into technical design. A building warrant application was submitted to Argyll and Bute Council last year and the tender for a construction team was live on PCS and it was expected that construction would start in the summer of 2022.

She advised that this was not a standalone project and was intended to compliment continuing work with Argyll and Bute Council, Sonas Childcare, Port Ellen Senior and Junior Football Clubs and Live Argyll to create a feasibility study for the Ramsay Hall; the reroofing of the memorial shelter; the introduction of new toddler friendly playpark equipment during the relocation of the playpark; the upgrade of the fuel pumps and shop interior at the filling station; consultation on additional playing field facilities eg skate park, walking trails and DIY shed. It was intended that this would encourage and support the reintroduction of community groups and activities post pandemic.

Mr Findlay advised of 6 other major developments in the South Islay area ongoing including the Ardbeg Distillery expansion, Laphroaig warehouses expansion, Farkin Distillery in Port Ellen, a rum distillery, Imerval Housing Development and as many as 18 new build houses in the last 25 years. He said that with this growing economy they hoped that there would be an increase in population, and hopefully an increase in the youth of the population. This facility would be ideal for that and hopefully all the local organisations would benefit. He advised that it was never a better time for the use of open space. He said that it was probably unique for the west coast of Scotland to have, in the middle of a village, an open space that was community owned. On behalf of SID Directors and staff, he thanked the Argyll and Bute Planning Department and Councillors for listening to their presentation today.

MEMBERS' QUESTIONS

Councillor Hardie referred to his concerns about open space. He had noted that 7 hectares of open space was mentioned with the project being just under 2 hectares. He asked if this was correct. Ms MacLellan confirmed that the project covered 1.2 hectares and that there would be lots of open space left.

Councillor Colville sought and received confirmation from Ms MacLellan that there was no plan to develop further out with the red line boundary area.

Councillor Colville referred to parking being reduced from 50 down to 22 spaces. He asked if the application was approved and the project proved successful, would there be alternative parking available for major events. Ms MacLellan advised that parking had been discussed extensively. She said that as well as parking on site there was an existing car park across the road and also parking on one side of the street. Mr Findlay advised that on a number of occasions there were a number of events in Port Ellen with many cars turning up. He said he hoped that this additional 22 spaces would help alleviate that.

Councillor Colville said he had noted concerns from objectors about a lack of shower and changing facilities in the new building and asked if this was correct. Ms MacLellan confirmed that was correct and advised that these facilities would be looked at as part of the feasibility study for Ramsay Hall and that it was hoped to add these facilities within the hall.

Councillor Colville referred to concerns expressed that use of the new building for community groups had not been made clear. He asked if SIDs planned to speak to the community about this. Mr Findlay said that when many people see the building he thought they would be prepared to use it. He advised that a number of organisations have already expressed an interest. He referred to the St Columba Hall in the middle of the village which was falling into disrepair and when no longer able to be used groups could use the new pavilion building. Ms MacLellan advised that the junior football club used the fields just now and that one of the parents was on the SID Board.

Councillor Colville sought and received confirmation that the running of electric bikes for hire would be undertaken by a local couple who were just starting up. It was noted that charging points would be available across the island.

Councillor Trail referred to condition 15 which required camper vans to not occupy the site overnight more than once within any period of seven consecutive days. He sought and received an explanation for this condition. Mr Wilson advised that this condition was so that the Council could retain an element of control over the development until it was better known how the project would be run. At a future date the Applicants would be able to apply to vary or remove this condition if they wished and at that point that application would be considered on its own merits.

Councillor Trail sought and received confirmation from Ms MacLellan that the staff at the filling station would run the motor home site and that this condition tied in with what was already in place.

Councillor McCuish asked the Applicant how they would go about encouraging motor home owners to use the site. Mr Findlay said that he hoped that the availability of showers and washing machines would encourage more people to use the site. He added that as it was in the middle of the village anyone who wanted to use the facilities in the

village would be able to do so quite easily. Ms MacLellan added that as it was right next to the Port Ellen ferry terminal it could be a nice stop off when someone arrived on the island.

Councillor Kinniburgh referred to condition 11 which stated that no development could commence until a plan showing the layout and detail of the replacement equipment play area has been submitted to, and approved in writing by, the Planning Authority and thereafter the play area fully installed in accordance with the approved plans and made available for use prior to any works commencing on the construction of the extended motorhome site unless an alternative time period for completion of the replacement play area is agreed in writing in advance of such works commencing. He asked Planning what the reason for this condition was as one part appeared to contradict the other. Mr Bain explained the primary use of the condition was to underpin justification for departure from the local development plan. The identified loss of the equipped play space was something to be resisted. He advised that this condition was to ensure the site was not developed for a motor home park before the play area was relocated. He advised that the second part of the condition was there as it was recognised that sometimes things did not go to plan. If an amended timescale was necessary then Planning would be looking for as short a timescale as possible and would also be looking for significant justification for that.

Councillor Kinniburgh asked if a situation could arise where no play park was provided and could enforcement action be taken if this was the case. Mr Bain confirmed that in a worst case scenario enforcement action could be taken for a breach of condition. He said the intention was to set up a position where the play park was provided before the motor home park development commenced.

Councillor Kinniburgh sought comment from the Applicant. Ms MacLellan advised that funding has been secured for the relocation of the play park and it would only be used for that. She also advised of additional funding available to purchase additional play park items. She said this was a priority for SID and that they would seek to minimise the amount of time the play park was shut.

Councillor Kinniburgh asked if there would be an opportunity to provide the new play park before the old one was taken out. Ms MacLellan explained that the existing equipment would be relocated to the new site. She said that ground works at the new site could be prepared in advance prior to moving the existing equipment. She said they were also looking at somewhere to provide alternative facilities whilst this work was undertaken.

Councillor Kinniburgh referred to the reassurance given by the Applicant and asked Planning if the second part of the condition was necessary. Mr Bain said it was potentially unnecessary but it was put in to allow some flexibility. He said he was aware of occasions when things did not go to plan. He advised that Members could alter the condition if they saw fit.

Councillor Kinniburgh thought that his concerns had been satisfied. In the event that timescales needed changed, he sought assurance that this would be for a minimal time. Mr Bain said it would be for a minimal period of time and even if the flexible arrangements were agreed there would still be an element of control from the Council.

Councillor Colville referred to new play equipment for toddlers and asked if consideration had been given to providing equipment for disabled children. Ms MacLellan said that was a fantastic idea and could be looked at going forward.

Councillor Colville referred to contaminated land and asked the Applicant if contaminated land was found would they have the funds to deal with it. Ms MacLellan said that a certain amount was built in for contingencies. She advised that she understood that this land had already been surveyed.

SUMMING UP

Planning

Peter Bain, Development Manager, summed up as follows:

Members are reminded of the requirements of section 25 of the Town and Country Planning (Scotland) Act 1997 that in considering the current application that their determination should be made in accordance with the Development Plan unless material considerations indicate otherwise.

It has been identified by officers that in in this particular instance the proposed development is not wholly aligned with the requirements of the Development Plan in so far as it will result in the net loss of public open space within land designated as an Open Space Protection Area, a circumstance that would ordinarily be resisted having due regard to the provisions of policy LDP 8 and SG LDP REC/COM 2 of the Argyll and Bute Local Development Plan. The applicant has however set out proposed mitigation in this respect and will as part of the development provide a replacement equipped play area and have confirmed that the land which is being lost from the existing amenity space to form a new motorhome park will be operated in a manner that financially contributes to the longer-term benefit and management of the community owned facilities and in this respect, subject to appropriate safeguards being in place, officers are of the view that there is sufficient justification to merit a minor departure to policy LDP 8 and SG LDP REC/COM 2 in this respect.

It has been identified by officers in their assessment that the proposal is otherwise in accordance with the requirements of the Local Development Plan. The application site is located within the Key Rural Settlement of Port Ellen and is of a scale, use, and location that is compatible with the Council's settlement strategy for this locality. The development site is well located for the provision of community facilities, being located beside existing playing fields and the Ramsay Hall and readily accessible by connection to a main road, and public and pedestrian transport links, and availability of other infrastructure.

The proposal will enhance the existing community recreational and tourism facilities within Port Ellen and as such is in alignment with strategic aims of the Council to support local communities and tourism as a key element of the economy of Argyll and Bute.

The proposal has however been the subject of objection from thirty seven third parties – this correspondence is available in full on the public file and the key points and officer commentary advising of the relevance of each issue as a material planning consideration is set out within the main report of handling.

Whilst objectors have not exercised their right to appear at today's public hearing, Members should still have due regard to the matters raised in correspondence submitted to date in so far as these are relevant to planning and the use of land.

The proposal has however not been subject to objection from any consultee, including Environmental Health who have acknowledged objectors concerns in relation to the

potential impact of the development upon the amenity of the locale, including nearby residential property and confirmed that appropriate mitigation can be secured by planning condition.

The application is accordingly commended to members that planning permission be granted subject to the conditions and reasons appended to Supplementary Report No. 1.

Applicant

John Findlay said he hoped that everything the Committee had heard today had given them a great idea of what SIDs were planning to do. He said he hoped the development would enhance this community asset in the middle of the village for the future and encourage the youth to be involved in sports and have facilities to do this. He referred to the motor home site being seen by some as controversial and advised that for many other big developments like this there have been occasions where they have managed to get grant funding but there has not been any income generated going forward. He said that SID felt it was very important that income was generated going forward which they felt the camper van site would hopefully do. He advised that the rooms for let within the pavilion building would also be of huge benefit to the community. He thanked the Committee for hearing them today and said he looked forward to the way the Committee would vote on this proposal.

The Chair received confirmation from all parties present that they had received a fair hearing.

DEBATE

Councillor Trail said he was impressed with the amount of work SID had done in the background to bring forward this proposal. He said it was going to be a brilliant thing for Port Ellen. He referred to the raising of capital funding and consideration of long term revenue funding and advised that this was brilliant and that he was happy to support the application.

Councillor Hardie agreed with Councillor Trail. He advised that this was a great project and that he was reassured about the remaining open space. He also commented that there appeared to have been a lot of community engagement and consultation and that he had no hesitation in approving this application.

Councillor Moffat said she thought this was remarkable and thanked everyone for their presentations. She advised that she was astounded that out of 37 complaints not one person had stepped up to give their own view point. She referred to this development not impinging on the privacy of others and questioned how the proposal managed to attract 37 complaints. She said this was an excellent project from start to finish and wished the Applicant all the best.

Councillor McCuish advised that he had taken full cognisance of the 37 objections and was amazed that no one wanted to come in front of the Committee to make their case. After all his years on the Committee he said this was one of the easiest decisions to make. He referred to consultation with the community and commented that sometimes progress was hard to progress. He said that he thought this proposal would enhance and improve the area and noted that this project could be the catalyst for more projects in the future. He advised that he had no hesitation in approving this application.

Councillor Colville said he was delighted to support everything that had been said so far. As a Councillor with some 19 years' experience now, he advised that he was acutely aware that more and more communities expected the Council to do things and that the Council just did not have the money. He referred to the amount of work SID had done. He said it was tremendous that they were acting as a community and thought that this had to be the way forward. He thought this would be a tremendous boost to the area and that he was 100% in support of the application.

Councillor Green advised that most of what he would have said had been said by others. He said he was fully behind this and that it was a fantastic example of how a community could respond to facilitating staycationers and the local community. He said he was delighted to support the application.

Councillor Moffat said she was surprised not to have heard from Councillor Freeman as, to her knowledge, this was the first application in front of the Committee stating there would be electric points put in for cars. She commented that this was something that Councillor Freeman always asked for. She said that even for very large residential developments she did not think this was included.

Councillor Freeman thanked Councillor Moffat and said that as this was a straightforward application he was more than happy to approve. He commented that it was not correct to say that the Council did not have money. He said that they did have money but through the budget setting process they had decided to spend it on other things instead of this.

Councillor Kinniburgh advised that, like his colleagues, he fully supported this application and agreed with Councillor Colville that this was the way forward for communities. He said that he was impressed by the presentations given. He said he was disappointed that none of the objectors used their right to appear before the Committee although he had noted that a lot of the objections had come from outwith the island. He advised that he would have no hesitation in granting this application and wished the Applicant every success with the project going forward.

The Chair formally moved that planning permission be granted subject to the conditions and reasons detailed in supplementary report number one. This was seconded by Councillor Moffat and no one was otherwise minded.

DECISION

The Committee unanimously agreed to grant planning permission as a minor departure to the local development plan subject to the following conditions and reasons:

1. The development shall be implemented in accordance with the details specified on the application form dated 13.08.2021, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location plan	A1205-BDC-ST-ZZ-DR-A-20001		16.08.2021
Existing site plan	A1205-BDC-ST-		16.08.2021

	ZZ-DR-A-20005		
Site plan proposal	A1205-BDC-ST-ZZ-DR-A-20010 Rev G		18.10.2021
Pavilion floor plan	A1205-BDC-PV-ZZ-DR-A-20020 Rev A		23.09.2021
Pavilion elevations	A1205-BDC-PV-ZZ-DR-A-20030		23.09.2021
Toilet Block/Laundry	A1205-BDC-WC-ZZ-DR-A-20050		16.08.2021
Toilet/Shower/Laundry Floor Plan/Roof Plan	A1205-BDC-WC-ZZ-DR-A-20040		16.08.2021
Pavilion 3D	A1205-BDC-PV-ZZ-DR-A-20021		16.08.2021
Container A	A1205-BDC-CT-ZZ-DR-A-20075		16.08.2021
Container B	A1205-BDC-CT-ZZ-DR-A-20076		16.08.2021
Container C	A1205-BDC-CT-ZZ-DR-A-20077		16.08.2021
Container D	A1205-BDC-CT-ZZ-DR-A-20078		16.08.2021
Container E	A1205-BDC-CT-ZZ-DR-A-20079		16.08.2021
Cycle Stands/Spectator Shelters/Vehicle Charging Points/Mobile Homes hook Ups/Takeaway Van	90900		21.09.2021
Landscaping Layout	A1205-BDC-ST-ZZ-DR-A-90950 Rev A		18.10.2021
Shelter details		1 of 3	18.10.2021
Sheffield cycle stand		2 of 3	18.10.2021
EV Charger details		3 of 3	18.10.2021

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

2. Foul drainage for the development hereby approved shall be by connection to the public sewerage system. No development shall commence until such time as developer has demonstrated to the Planning Authority that they have obtained agreement from Scottish Water to connect and discharge foul drainage from the development to the public sewer. Thereafter the development shall be implemented in accordance with the approved details.

Reason: For the purpose of clarification in order to confirm the means of foul drainage specified in the application form, and to ensure that the development is served by foul

drainage arrangements that accord with the requirements of policies LDP 10 and SG LDP SERV 1.

3. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/01 Rev a and visibility splays of 42.0 metres to point Y by 2.40 metres to point X from the centre line of the proposed access. The access shall be formed with a dropped kerb pedestrian crossing and will be surfaced with a bound material in accordance with the stated Standard Detail Drawing and be a width of 5.50m minimum. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to either the motorhome site or Community Hub building first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

4. Notwithstanding the provisions of Condition 1, no development shall commence until details for the permanent closure of the existing vehicular access to the existing motorhome service site by physical means have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented concurrently with the extended motorhome site first being brought into use and the original means of access shall remain closed to vehicular traffic thereafter.

Reason: In the interest of road safety.

5. The parking and turning areas shall be laid out and surfaced in accordance with the details shown on the approved plans prior to either the Community Hub or extended motorhome site first being brought into use and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

6. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority. The submitted scheme shall include sufficient detail to also demonstrate that the surface water shall not be discharged onto the public road. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

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

7. The development hereby approved shall not be brought into use until a Waste Management Plan for the development has been submitted to and approved in writing by the Planning Authority. This shall provide details of the proposed arrangements for the storage, segregation, collection and recycling of waste arising within the site,

including the location, access and maintenance for on-site storage facilities. The requirements of the plan shall be implemented during the life of the development other than in the event of any revision thereof being approved in writing by the Planning Authority.

Reason: In order to accord with the principles of sustainable waste management.

8. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
- i) Existing and proposed ground levels in relation to an identified fixed datum;
 - ii) Existing landscaping features and vegetation to be retained;
 - iii) Location design and materials of proposed walls, fences and gates;
 - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
 - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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

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

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

9. Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of walls, roofs, windows and doors of the Community Hub, toilet/shower block, and external cladding of storage containers have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

10. No development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

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

Reason: In order to protect archaeological resources.

11. No development shall commence until a plan showing layout and detail of the replacement equipped play area has been submitted to and approved in writing by the Planning Authority. Thereafter the replacement play area shall be fully installed in accordance with the duly approved details and made available for use prior to any works commencing on the construction of the extended motorhome site unless an alternative time period for completion of the replacement play area is agreed in writing with the Planning Authority in advance of such works commencing.

Reason: To ensure the timely provision of a replacement equipped play park and to underpin the justification for granting planning permission as a minor departure to policies SG LDP 8 and SG LDP REC/COM 2.

12. Given the proximity of the neighbouring residential properties to the site address, construction works shall be restricted to 0800-1800 hours Mondays to Fridays, 0800-1300 hours on Saturdays and not at all on Sundays. Bank or Scottish Public Holidays.

Reason: To minimise the impact of noise generated by construction activities on occupiers of residential properties.

13. Notwithstanding the provisions of condition 1, the permission for the siting of one take away food van within the application site boundary is granted on a temporary basis and shall cease no later than three years from the date of this permission being issued, or upon the approved Community Hub building first being brought into use, whichever is the earliest. Following the expiry of the permission the use of land for siting of a takeaway food van shall cease other than in the event of a further permission for continued use having been granted upon application to the Planning Authority.

Reason: To define the permission and in order to protect the amenity of the locale.

14. Notwithstanding the provisions of Condition 1, no development shall commence until a scheme for the control of odour arising from the operation of cooking facilities within the approved Community Hub has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a fume extraction system with an external extraction duct incorporating an odour control unit.

The permitted use shall not be commenced until the duly approved ventilation, extraction and odour control system is operational and thereafter it shall be maintained in accordance with the manufacturers instruction unless it is replaced by an alternative system with the prior written consent of the Planning Authority.

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

15. There shall be no more than twelve campervans and/or touring caravans present on the site at any one time. No static caravans shall be permitted within the site at any time. Any individual touring caravan or campervan shall not occupy the site overnight more than once within any period of seven consecutive days. A register of touring caravans and campervans using the site for overnight occupation, showing dates of arrivals and departures shall be maintained by the Site Operator and shall be available at all reasonable times for inspection by the Planning Authority.

Reason: In order to define the limits of the permission.

16. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Planning Authority, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination to the satisfaction of the Planning Authority, and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, and d of this condition.

Should the desk study show the need for further assessment this will be undertaken in the following sequence:

- b) A detailed investigation of the nature and extent of contamination on site, and assessment of the risks such contamination presents.
- c) Development and agreement of a remedial strategy (if required) to treat/ remove contamination ensuring the site is made suitable for its proposed use (this shall include a method statement, programme of works, and proposed verification plan).
- d) Submission of a verification report for any agreed remedial actions detailing and evidencing the completion of these works.

Written confirmation from the Planning Authority, that the scheme has been implemented and completed shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Planning Authority.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

17. Notwithstanding the provisions of Condition 1, no development on the motorhome site shall commence until such time as the developer has demonstrated to the planning authority that an appropriate mechanism is in place to ensure that the approved motorhome site is retained as part of the wider community ownership and management of playing field and community facilities.

Reason: In order to underpin the justification for a minor departure to policies LDP 8 and SG LDP REC/COM 2.

18. The Noise Rating Level attributable to the operation of the approved development shall not exceed background noise levels by more than 3dB(A) at any established local noise sensitive receptor measured and assessed in accordance with BS4142:2014.

Reason: In order to protect the amenity of the area in terms of noise nuisance.

(Reference: Report by Head of Development and Economic Growth dated 15 February 2022 and supplementary report number 1 dated 22 March 2022, submitted)

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ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE****LEGAL AND REGULATORY SUPPORT****20TH APRIL 2022**

CIVIC GOVERNMENT (SCOTLAND) ACT 1982**DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE TAXI AND PRIVATE HIRE
VEHICLES**

1. EXECUTIVE SUMMARY

- 1.1 Following the Committee's decision at its meeting on 17th November 2021 to agree to publish a list of designated wheelchair accessible vehicles (WAVs) for licensed taxis and private hire cars (PHCs) within the Council's area for the purposes of Section 167 of the *Equality Act 2010* (the 2010 Act), and subsequent approval of the WAV Specification Document on 15th December 2021, a consultation exercise with potentially affected operators has been concluded. This Report sets out the findings of that consultation exercise and produces a finalised list of designated WAVs for approval by Members.

2. RECOMMENDATIONS

- 2.1 The Committee are invited to note the responses received as part of the consultation exercise with the relevant taxi and private hire vehicle operators.
- 2.2 The Committee are invited to approve the finalised list of designated wheelchair accessible vehicles as attached at **Appendix 1**.
- 2.3 If Recommendation 2.2 is agreed, the Committee are invited to further agree that the finalised list of designated WAVs will be published on the Council's website as of 21st July 2022.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982**DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE TAXI AND PRIVATE HIRE
VEHICLES – VEHICLE SPECIFICATION**

3. INTRODUCTION

3.1 Following the Committee's decision at its meeting on 17th November 2021 to agree to publish a list of designated wheelchair accessible vehicles (WAVs) for licensed taxis and private hire cars (PHCs) within the Council's area for the purposes of Section 167 of the Equality Act 2010 (the 2010 Act), and subsequent approval of the WAV Specification Document on 15th December 2021, a consultation exercise with potentially affected operators has been concluded. This Report sets out the findings of that consultation exercise and produces a finalised list of designated WAVs for approval by Members.

4. RECOMMENDATION

4.1 The Committee are invited to note the responses received as part of the consultation exercise with the relevant taxi and private hire vehicle operators.

4.2 The Committee are invited to approve the finalised list of designated wheelchair accessible vehicles as attached at **Appendix 1**.

4.3 If Recommendation 2.2 is agreed, the Committee are invited to further agree that the finalised list of designated WAVs will be published on the Council's website as of 21st July 2022.

5. DETAIL

5.1 Following the Committee's previous decisions to publish a list of designated WAVs for taxis and PHCs licensed by Argyll and Bute Council, and to approve a vehicle specification document setting out what technical requirements constitute a WAV for purposes of the said list (which is attached at **Appendix 2**), officers have been engaged in a consultation exercise with the relevant vehicle operators.

5.2 The consultation exercise took place over the course of February and March 2022. The relevant operators received intimation in writing that the Council proposed to add their specified vehicle(s) to the designated WAV list that the Council has decided to publish. That correspondence informed the operators of the legal consequences of a vehicle being included on the designated list, and invited those operators to make any representations regarding the proposals.

5.3 Letters were issued to thirteen taxi operators and three private hire operators outlining the above given that those operators appeared to hold one or more licensed vehicles meeting the requirements as set out in the WAV Specification document previously agreed by this Committee.

- 5.4 A total of two responses were received. One was from a taxi operator in the Bute and Cowal Zone agreeing with the proposals to publish a WAV list and agreeing that his taxi should be included on the said list. The other representation was received from a taxi operator in the Helensburgh and Lomond Zone also agreeing with the proposals and for his taxi to be included on the said list.
- 5.5 Since the consultation exercise closed, this Committee also granted a further taxi operator's licence in the Oban, Lorn and the Isles Zone at a hearing on 23rd March 2022. The applicant declared that the vehicle to be licensed was a WAV and it meets the requirements as set out in the Council's WAV Specification. Therefore, this newly licensed vehicle has been included in the draft WAV list.
- 5.5 Following the close of the consultation period, officers have updated and finalised the draft list of designated WAVs for approval by the Committee which is attached as **Appendix 1**. Should Members agree to approve this finalised list it will be published on the Council's website on or around 21st July 2022. This allows a three month period for any drivers of designated vehicles who may wish to apply for an exemption to do so (under Section 166 of the 2010 Act), or for any operators wishing to appeal against their vehicle(s) appearing on the designated list (under Section 172 of the 2010 Act).

6. CONCLUSION

- 6.1 Following a consultation exercise with the relevant existing taxi and private hire operators, officers have finalised a draft list of designated WAVs for approval by Members which is attached at **Appendix 1**.
- 6.2 Should Members agree to approve this finalised list, all of the operators appearing on the said list will be advised in writing that their vehicles are to be included. Thereafter, the finalised WAV list will be published on the Council's website on or around 21st July 2022.

7.0 IMPLICATIONS

- 7.1 *Policy:* If it is agreed to publish the finalised list on the Council's website, at the same time information for existing licence holders and applicants will also be made available explaining the WAV list, legal implications should a vehicle appear on this list, the procedure for applying for a driver's exemption, etc.
- 7.2 *Financial:* None
- 7.3 *Legal:* The recommendations made in this report have taken due consideration of the Council's statutory role, duties and powers under the *Civic Government (Scotland) Act 1982* and the *Equality Act 2010* respectively.
- 7.4 *HR:* None
- 7.5 *Fairer Scotland Duty:*
- 7.5.1 *Equalities - protected characteristics:* The proposals as set out in this report are formulated with the intention of increasing wheelchair users' accessibility to taxi and private hire car services in Argyll and Bute, and protecting the rights of those individuals. Adoption of these proposals would also demonstrate compliance by the Licensing Authority with their public sector equality duty, specifically with regards to wheelchair accessible vehicles.
- 7.5.2 *Socio-economic Duty:* None
- 7.5.3 *Islands:* None

7.6 Climate Change: None

7.7 *Risk*: None

7.8 *Customer Service*: Publication of a designated list will result in information about the availability of WAVs in the area to be more accessible to customers.

DOUGLAS HENDRY

Executive Director with Responsibility for Legal and Regulatory Support

Policy Lead: Councillor David Kinniburgh – Planning and Regulatory Services

11th April 2022

For further information contact: Graeme McMillan, Solicitor – Legal Services

Email: graeme.mcmillan2@argyll-bute.gov.uk

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APPENDIX

1. **Appendix 1:**
List of Wheelchair Accessible Taxi and Private Hire Vehicles designated for purposes of Section 167 of the *Equality Act 2010* – Argyll and Bute Council
2. **Appendix 2:**
Wheelchair Accessible Taxi and Private Hire Vehicle Specification – Argyll and Bute Council

Appendix 1

Argyll and Bute Council

List of Wheelchair Accessible Taxi and Private Hire Vehicles designated for purposes of Section 167 of the *Equality Act 2010*

TX/PH Number	Name	Make/Model	Zone/Area
TX 752	George Darroch	Renault Trafic	B & C
TX 3408	Tucker's Taxi	Eurotaxi	B & C
TX 6552	Norman Ferris	Citroen Berlingo	B & C
TX 5978	Kenny Barlas	London Taxi	H & L
TX 6467	John Berry	Ford Tourneo	H & L
TX 6578	Morgan Tyreman	LEVC Electric TX5 Vista	H & L
TX 3761	Robert Graham	Eurotaxi	MA, K & I
TX 6001	James Strachan	Ford Tourneo	O, L & I
TX 6277	Tartan Tours	Vauxhall Vivaro	O, L & I
TX 6332	James Strachan	Ford Journey Grand	O, L & I
TX 6562	Angela Blazye	Eurotaxi	O, L & I
TX 6668	James Strachan	Tourneo Custom	O, L & I
TX 6685	John MacIntyre	Eurotaxi	O, L & I
TX 6703	William Robinson	Renault Trafic SL27	O, L & I
PH 6224	David Haddow	Peugeot Horizon	A & B / H & L
PH 6237	John Berry	Peugeot Premier	A & B / H & L
PH 6463	Glasgow Coach Drivers	Ford Tourneo	A & B / H & L

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Appendix 2

WHEELCHAIR ACCESSIBLE TAXI AND PRIVATE HIRE VEHICLE SPECIFICATION

ARGYLL AND BUTE COUNCIL

1. Introduction

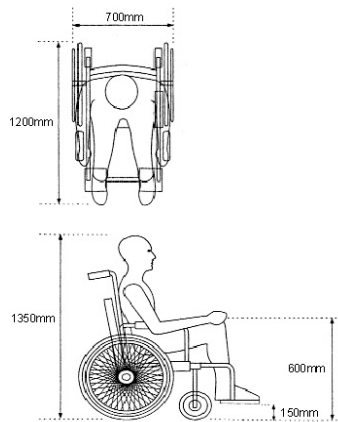
- 1.1 Section 167 of the *Equality Act 2010* permits licensing authorities to maintain a designated list of wheelchair accessible taxis and private hire vehicles.
- 1.2 Inclusion of a vehicle on the designated list triggers the requirements of Section 165 of the 2010 Act on the driver of that vehicle.
- 1.3 The 2010 Act states that a vehicle can be included on the licensing authority's list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. This document sets out the general requirements for vehicles to be included on Argyll and Bute Council's designated list. Operators should note that these are general requirements which are subject to the individual circumstances of each vehicle, and regular vehicle inspections which are required by virtue of the taxi/private hire operator's licence conditions.
- 1.4 This document has been prepared having specific regard to the Department for Transport's Statutory Guidance: *Access for wheelchair users to Taxis and Private Hire Vehicles – Moving Britain Ahead*¹, published in 2017. This is a statutory guidance document, issued under Section 167(6) of the 2010 Act and constitutes the Secretary of State's formal guidance to licensing authorities in England, Wales and Scotland on the application of Sections 165 – 167 of the 2010 Act. Local authorities must have regard to this guidance.

2. Vehicles That Can Be Designated

- 2.1 To be placed on the Council's designated list, a vehicle must be capable of carrying some – but not necessarily all – types of wheelchairs.
- 2.2 Accordingly, Argyll and Bute Council have therefore determined that a vehicle will be included on its designated list if it is possible for the user of a “reference wheelchair²” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- 2.3 The dimensions for a “reference wheelchair” are illustrated in the below diagram:

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/593350/access-for-wheelchair-users-taxis-and-private-hire-vehicles.pdf (Accessed 1/12/2021.)

² As defined in Schedule 1 of the *Public Service Vehicle Accessibility Regulations 2000/1970*



- 2.4 In order to allow the passenger to enter and exit the vehicle whilst seated in their wheelchair, the vehicle should be fitted with rear or near side loading wheelchair ramps and/or lifts. The vehicle should also be adequately equipped with an appropriate mechanism to secure the wheelchair(s) for the duration of the journey. This all allows the occupant of the wheelchair to complete the entirety of the journey whilst remaining in their wheelchair should that be their preference.
- 2.5 The operator of the wheelchair accessible vehicle must ensure that the vehicle in all respects conforms with such regulations as may be prescribed from time to time; and shall comply with any directions issued from time to time by an authorised officer of the Licensing Authority relating to transportation of wheelchair users.
- 2.6 In particular, the operator must produce copies of all relevant health and safety certificates and related documentation concerning the fixtures and equipment within their vehicle (such as ramps, lifts, hoists, etc.) when their vehicle is undergoing regular inspections as required by the licensing authority.
- 2.7 The operator of the vehicle is solely responsible for ensuring that the vehicle and all equipment and/or fixtures within the vehicle comply with all health and safety regulations and requirements which may apply to their vehicle.
- 2.8 The taxi/private hire operator licence holder shall also ensure that all drivers operating their vehicle are fully trained in the use and operation of the vehicle's ramps, restraints, and other relevant equipment; and shall ensure that said drivers use and operate said ramps and restraints in a proper manner.

3. Ramps

- 3.1 Vehicle ramping systems must be designed to accommodate nearside or rear wheelchair passenger access and egress. Offside systems are permitted but these are only in addition to the main nearside/rear access and egress requirements.
- 3.2 A full width solid type ramp is preferred but lighter twin extendible ramps are acceptable provided these are rated at safe working load of at least 300kg/ramp and can be adjusted to accommodate different widths of wheelchair.
- 3.3 Ramps, irrespective of type, must be secured to the vehicle in such a manner as to prevent movement when in use. Twin ramp securing systems must prevent splaying of the ramps when deployed.
- 3.4 Ramps must allow for both kerbside and ground level access and egress with power assistance provided where ramp angles are considered excessive for safe manual handling.

4. Wheelchair Access, Egress and Headroom

- 4.1 Door entrances dimensions must be sufficient in height and width to allow free and easy movement of a manually assisted wheelchair passenger in and out of the vehicle from ground level.
- 4.2 Ramp and vehicle floor surfaces must be flat and free from obstructions so as not to restrict movement and allow easy positioning of the wheelchair passenger when inside the vehicle.
- 4.3 Floor seat rails, securing points or depressions must be covered so as not to pose a tripping or trapping hazard for drivers, assistants and other passengers
- 4.4 Door entrances and internal layouts must be designed so that seating and other fixings do not impede or restrict the movement of a wheelchair passenger when being positioned in the vehicle.
- 4.5 There must be sufficient headroom available to allow free head movement of a wheelchair passenger when secured in the vehicle and not pose a risk of their head striking the roof when the vehicle is in transit.
- 4.6 Roof mounted fixtures and fittings must be positioned in a manner so as not to pose a risk to any seated passenger whether wheelchair-bound or not.

5. Luggage and On-board Space

- 5.1 Luggage and other on-board space requirements i.e. spare wheel, ramp storage and passenger comfort must not be compromised in order to accommodate a wheelchair bound passenger.
- 5.2 With a wheelchair passenger secured in position, the vehicle seating arrangements must allow for at least one other seated passenger to accompany the wheelchair using passenger.
- 5.3 Seats which have to be moved or removed to accommodate the wheelchair must be capable of being stored safely in the vehicle. If seats have to be removed then the health and safety of both driver and passengers has to be considered and if compromised will require the seat(s) to be permanently removed from the vehicle. This will result in a reduction in the maximum number of licensed passengers the vehicle will be authorised to carry.

6. Wheelchair and Wheelchair Passenger Security

- 6.1 Wheelchair securing systems must prevent undue movement of the wheelchair when the vehicle is in transit. Four point securing systems are preferred but other options will be considered acceptable provided these do not compromise passenger safety.
- 6.2 Irrespective of wheelchair security device fitted, the system must provide for forward or rearward facing of the wheelchair only; no side-on positioning of the wheelchair is permitted.
- 6.3 Wheelchair passenger belts or alternative securing devices must be adjustable to accommodate a range of passenger requirements, be comfortable when fitted and not constrain arm or head movements.

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Argyll and Bute Council
Development & Economic Growth

This report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) Section 36 consultation regarding the proposed Narachan wind farm on land east of Tayinloan, Argyll & Bute

Reference No: 20/00212/S36

Applicant: The Scottish Government on behalf of EnergieKontor UK Ltd

Proposal: Electricity Act Section 36 consultation relevant to Narachan Wind Farm

Site Address: Narachan Hill, land east of Tayinloan, Argyll & Bute

(A) Section 36 application made up of the following elements:

- Construction, 35 year operation and subsequent decommissioning, of up to 11 wind turbines with a tip height of up to 180m
- Associated turbine transformers
- Associated turbine foundations
- Crane hardstandings
- On-site tracks, watercourse crossings, passing places and turning heads
- 4MW Battery Storage Compound
- Underground cables linking the turbines to the substation
- Up to three borrow pits for the extraction of stone on-site
- Aviation lighting
- A temporary construction compound
- On-site substation
- Forestry felling and replanting
- Habitat Management Plan Area
- Permanent Met Mast
- Two Site Access points from A83 (only one to be constructed)

Associated works, but which do not form part of this application, include a connection from the on-site sub-station to the grid network. Final details of the grid connection would be subject to a separate design and consent process at a later date and as determined by the District Network Operator (DNO). It is likely that a connection point may be located at Carradale.

(B) RECOMMENDATION:

Officers recommend that Members agree that the Council does not object to this proposal subject to the Energy Consents Unit considering the pre-determination matters and conditions detailed in Section X of this report.

(C) CONSULTATIONS:

ENERGY CONSENT UNIT RESPONSES:

NatureScot (6th April 2020) – in response to the original EIAR advised the ECU that the proposal could affect internationally important natural heritage interests and they

object. The objection is due to a lack of information in the Habitats Regulation Appraisal of the proposal in relation to the Kintyre Goose Roosts Special Protection Area (SPA). Advice is provided on ornithology and protected habitats and species only. No detailed landscape advice is provided as in NatureScot's view, the landscape and visual assessment is not currently fit for purpose as it does not contain key information requested by them during the pre-application process. NatureScot objects due to a lack of information of impacts on national interests and required further information before being able to advise on regional ornithological impacts. They also require the following information prior to the determination of this proposal: provision of night time visualisation(s) from within the North Arran Wild Land Area (WLA) and elevated parts of the North Arran National Scenic Area (NSA) and further assessment visualisations and assessment points from within the WLA, NSA and wider countryside; Habitat Management Plan; Bird Protection Plan; and Protected species and habitat survey on the chosen route as well as detailed information on required track construction and upgrades.

NatureScot response to Additional Information consultation (FEI) – it is understood that the ECU and the Applicant have agreed an extension with NatureScot until June. The reason for this is that the Applicant needs to submit further Ornithological information for their consideration. It is Officer's understanding that following receipt of this, NatureScot will provide full consultation advice to the ECU.

Transport Scotland (TS) (26th March 2020) and **Transport Scotland (TS) response to Additional Information consultation** (19th November 2021) – have advised the ECU that they have no objection subject to conditions to secure: details and approval of the proposed means of access to the trunk road; a Route Access Report; details of any additional signing or temporary traffic control measures deemed necessary (by Quality Assured traffic management consultant); a Construction Traffic Management Plan; all vehicles transporting construction material are sheeted; wheel cleaning facilities, and a Decommissioning Plan.

Marine Scotland Science (MSS) (10th March 2020) – have advised the ECU that the developer assesses the presence and abundance of fish populations within and downstream of the proposed development area. This information will inform the developer when drawing up appropriate site specific mitigation measures and a strategically designed integrated water quality and aquatic biota monitoring programme which should follow MSS guidelines.

Scottish Forestry (SF) (6th April 2020), **Scottish Forestry response to Additional Information (FEI) consultation** (3rd December 2021), and **Further response** (24th March 2022) – advised the ECU in their initial responses that insufficient information had been provided to enable them to fully assess the proposal and further information was requested. In their most recent response to the ECU they have confirmed that they have no objection to the proposal subject to a condition to secure Compensatory Planting.

Scottish Environment Protection Agency (SEPA) (30th March 2020) and **Scottish Environment Protection Agency (SEPA) response to Additional Information consultation** (17th November 2021) – advised the ECU in their initial response that they objected to the proposal on the grounds of lack of information. In their most recent response they have advised the ECU that they have no objection to the proposal subject to conditions relating to: Monitoring; Micrositing; and a Construction Environmental Management Plan;

Historic Environment Scotland (HES) (3rd April 2020) and **Historic Environment Scotland (HES) response to Additional Information consultation** (18th November 2021) – advised the ECU that they have no objection to this proposal.

Ironside Farrar (Environmental Consultants on behalf of Scottish Government ECU to audit Peat Landslide Hazard Risk Assessment (PLHRA)) (31st March 2020) – advised the ECU that the PLHRA requires resubmission there are significant shortcomings throughout and reworking of the report is required to support a robust assessment.

BT (25th February 2020) – have advised the ECU that they have no objection to the proposal

Defence Infrastructure Organisation/ Ministry of Defence (MOD) (24th March 2020) and Defence Infrastructure Organisation/Ministry of Defence (MOD) response to Additional Information consultation (16th November 2021) – advised the ECU that they have no objection subject to conditions to secure: aviation lighting and aviation charting & safety management.

Joint Radio Company Limited response to Additional Information (FEI) consultation (26th October 2021) – advised the ECU they have no objection to the proposal.

North Ayrshire Council (NAC) (6th May 2020) and **North Ayrshire Council response to Additional Information (FEI) consultation** (7th January 2022) – advised the ECU they have no objection to the proposal and provide comments for their consideration on the Landscape & Visual Impact Assessment.

Argyll District Salmon Fishery Board (12th February 2020) – advised the ECU that they have no objection subject to condition to ensure that pre and post development surveys are undertaken to ensure and demonstrate that stream crossings have not prevented the movement of fish between habitats downstream and downstream of the crossings.

Royal Society for the Protection of Birds Scotland (RSPB) (19th June 2020) – in response to the original EIAR advised the ECU that Additional Information/Mitigation should be provided in regard to: survey work; habitats and species of conservation concern (Greenland white-fronted geese, hen harrier, golden eagle, red-throated diver and black grouse); Bird Protection Plan; Habitat Management Plan; Peatland and wider Habitat Management Plan; Forestry – Native woodland creation within existing forestry; Access tracks and grid connection. RSPB advise the ECU that if Scottish Ministers are minded to approve the application that conditions to secure: a Bird Protection Plan; Habitat Management Plan; employment of appropriately qualified and experienced Ecological Clerk of Works (ECoW); and post-construction bird monitoring are attached to any consent.

RSPB response to Additional Information consultation (FEI) – at time of writing no further response has been received by the ECU. This will be a matter for them to resolve prior to reaching their conclusion on the proposal.

Scottish Rights of Way and Access Society (ScotWays) (20th April 2020) – advised the ECU that they have no objection to the proposal and draw the ECU's attention to guidance: *'Extract from the Welsh Assembly Government's Technical Advice Note on Renewable Energy (TAN 8) Proximity to Highways and Railways'*

Scottish Water (4th March 2020) and **Scottish Water response to Additional Information (FEI) consultation** (28th October 2021) – advised the ECU that they do not object and advise that this does not confirm the proposal can be serviced. Advice is provided on: waste water infrastructure; water infrastructure; drinking water protected areas and surface water.

Glasgow Prestwick Airport (GPA) (7th April 2020) **Glasgow Prestwick Airport (GPA) response to Additional Information (FEI) consultation** (23rd November 2021) – advise the ECU they have no objection to the proposal.

National Air Traffic Services Safeguarding (NATS) (19th February 2020) and **National Air Traffic Services Safeguarding (NATS) response to Additional Information (FEI) consultation (29th October 2021)** – advised the ECU that the proposal has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria. Accordingly, they have no safeguarding objection to the proposal.

Highlands and Islands Airports Limited (HIAL) (6th March 2020) and **Highlands and Islands Airports Limited (HIAL) response to Additional Information consultation** (22nd November 2021) advise the ECU at the given position and height this development would not impact the safeguarding criteria for Campbeltown Airport. As a minimum the Civil Aviation Authority (CAA) recommends that all proposed developments over 90m in height should be notified to them. Provided these conditions are met Highlands and Islands Airports Limited would not object.

British Horse Society (BHS) (29th April 2020) – have advised the ECU that they have no objection – provided information on equestrian access through wind farms in Scotland, is highlighted to the developers by the ECU.

Crown Estate Scotland response to Additional Information (FEI) consultation (3rd November 2021) – have advised the ECU they have no comment.

West Kintyre Community Council (WKCC) response to Additional Information (FEI) (31st January 2022) – have made a representation to the ECU highlighting: the area of representation - landscape designations; the Kintyre Way, National Cycle routes, core paths, a variety of other walks and the protected Kintyre goose roosts, and several important archaeological sites; Most residents reside in small village communities dotted along the entire length of the coastal edge with others living in dispersed farms and cottages in the hills and glens; Aware of global warming and climate change and need for renewable energy – providing they have no significant impact on the receiving landscape, local facilities, or important tourism economy – existing operational and consented proposals are evidence of this acceptance; Landscape is now at capacity and will be tipped from a landscape with wind farms to a wind farm landscape; Adverse Tourism Impact; Contrary to SPP – development is the wrong development in the wrong place – adverse cumulative and tourism impact (acknowledge reduction in number of turbines); contrary to Policy LDP 6 of the Argyll and Bute Local Development Plan (LDP) due to significant adverse effects on tourism industry; contrary to Argyll & Bute Local Wind Energy Capacity Study 2012 (LWECS); insufficient viewpoint selection; and lack of a tourism survey.

East Kintyre Community Council (EKCC) (18th February 2020) and **East Kintyre Community Council response to Additional Information (FEI) consultation (25th October 2021)** – Object to the proposal on the grounds of visual amenity due to cumulative harmful visual impacts contrary to Argyll & Bute Council's Policy LDP 6 due to: adverse Tourism Impact (B842, Carradale Harbour, the Kintyre Way) caused by

adverse Landscape and Visual Impact (contrary to LWECS, siting on spine – height, visual impact (views from the B842 & Deer Hill (a noted tourist location), adverse cumulative impact upon visual amenity – Eascairt, Sheirdrim & High Constellation); and impact of proposal on the Kintyre Way.

ARGYLL & BUTE COUNCIL RESPONSES

ABC Consultant Landscape Architect (24th April 2020) – advised that the Council should object to the proposal. In summary, this review advised that there were substantial gaps and inconsistencies in the information provided in the LVIA and that the Applicant should be requested to supply a complete LVIA. It also advised that there could be opportunities for mitigation such as the removal/relocation of some turbines to reduce the horizontal spread of the proposal and a reduction in turbine height to minimise effects from Gigha, views from the B842 at Carradale (and on the character of Carradale Glen) as well as landscape and visual effects experienced from Arran. Furthermore, that visible aviation lighting will contribute to significant adverse effects in views and a reduction in turbine height should additionally aim to negate the requirement for such lighting. And, finally that, Forest felling and long term restocking also need to be considered more thoroughly with the aim of improving the design of margins, species and age diversity.

ABC Consultant Landscape Architect response to Additional Gatecheck (4th January 2021) - concluded that, in terms of effects on Argyll & Bute, there would be little improvement associated with the removal of turbines 1, 2 and 3 (now renumbered 15, 16 and 17). In particular, that the aim of reducing the coalescence of wind farm developments on the Kintyre peninsula would be achieved with the removal of just three turbines. It was noted that the height of the turbines would not be reduced and that aviation lighting is still likely to be required. It was concluded that the original landscape and visual review of the proposal dated April 2020 remained valid. The Council's Consultant Landscape Architect advised that they would review the FEI once it is submitted and give clear advice as to whether a landscape and visual objection is recommended.

ABC Consultant Landscape Architect response to Additional Information (FEI) consultation (16th March 2022) – Having evaluated the likely landscape and visual effects of this proposal, and additionally compared these with existing, consented and application-stage wind farms within Argyll & Bute, advice to the Council would be not to raise an objection on landscape and visual grounds but subject to the following conditions:

- That a further reduction in the number of lit turbines is agreed with the CAA given that the current scheme now comprises 11 turbines. While a reduction in the number of turbines requiring lighting would provide some mitigation of effects on the appreciation of the dark skies of Kintyre, surrounding seascapes and Arran, the applicant should commit to the installation of an Aircraft Detection Lighting System [such systems are currently being considered by other wind farm developers and the CAA, see FEI A6.4.29 – A6.4.34 and also A6.4.102] which would substantially reduce the duration of night-time lighting as lights would only be activated by approaching aircraft and would not be on permanently overnight.
- The proposed Narachan Long Term Forest Design Plan should be re-evaluated in terms of the felling proposals visible from Deer Hill [FEI Viewpoint 5] and a more sympathetic design put in place to mitigate the effects of overly angular margins.

ABC Consultant Landscape Architect response (11th April 2022) (revised to take account of new information issued by the applicant on turbine lighting on 31/3/22 and amendment of this information issued 7/4/22) - Having evaluated the likely landscape and visual effects of this proposal, and additionally compared these with existing, consented and application-stage wind farms within Argyll and Bute, advice to the Council would be not to raise an objection on landscape and visual grounds but subject to the following condition:

- That the applicant should commit to the installation of an Aircraft Detection Lighting System (ADLS) which would substantially reduce the duration of night-time lighting as lights would only be activated by approaching aircraft and would not be on permanently overnight. Such systems are used elsewhere in Europe, and it should be noted that Scottish Power Renewables (SPR) have committed to adopting ADLS in a number of proposed wind farms (including the Earraghail wind farm proposal in Argyll and Bute). SPR anticipates that an ADLS could be deployed by 2025 at the latest at the Earraghail wind farm proposal were it to be consented.

ABC Area Roads (2nd April 2020) and **ABC Area Roads response to Additional Information (FEI) consultation** (24th November 2021) – No Objection. The site access connects directly to the A83 Tarbet - Campbeltown Trunk Road, Transport Scotland should be notified.

ABC Environmental Health (30th March 2020) and **ABC Environmental Health response to Additional Information (FEI) consultation** (15th March 2022) - No objection subject to conditions to secure: control of noise immissions; report demonstrating compliance with noise limits; independent consultant to assess the level of noise immissions following a complaint; provision of any independent consultants assessment to the Planning Authority; any necessary remedial action; continuous logging and retention of data for wind speed, wind direction and power generation data; nominated representative to act as a point of contact for local residents; and a private water supply action plan.

ABC Flood Risk Assessor (3rd April 2020) and **ABC Flood Risk Assessor response to Additional Information (FEI) consultation** (1st December 2021) - No objection subject to conditions to secure appropriate design of surface water drainage and watercourse crossings.

ABC Local Biodiversity Officer (3rd April 2020) and **ABC Local Biodiversity Officer response to Additional Information (FEI) consultation** (8th December 2021) – No objection. Advice provided in regard to: ornithology; ecology; and, geology, hydrology and hydrogeology. Advises that Construction Environment Management Plan (CEMP) should include details of mitigation and management for ornithological interest, habitat, species, water courses, peat management and tool box talks to reflect the above and to be overseen by an Ecological Clerk of Works.

The West of Scotland Archaeology Service (WOSAS) (13th March 2020) – No objection subject to condition to secure the approval of a written scheme of archaeological investigation, to be fully implemented to the satisfaction of the Planning Authority.

At time of writing responses remain outstanding from the following ABC consultees: Development Policy Section and Core Paths.

Please note: the above are summaries and the full consultee responses can be viewed on the Energy Consent Unit and Argyll & Bute Council websites.

(C) REPRESENTATIONS:

As the Council is not the determining Authority all letters of representation are considered by the Energy Consents Unit. At time of writing, public representation figures stand at 20 of which 14 are objections and 6 are in support, all of which are published on the ECU website. The main issues raised are summarised below:

Material Considerations raised objection are summarised as follows:

- Minimal Socio-economic benefit
- Adverse Traffic Impact – damage to existing infrastructure
- Adverse Landscape Impact – access roads; height of turbines
- Height of wind turbines contrary to policy
- Adverse Visual & Landscape Impact (during hours of light and darkness)
- Contrary to Policy – Local and National
- Contrary to Argyll & Bute Landscape Wind Energy Capacity Study
- Proposal would set a precedent for future applications (new proposals & repowering for increased height)
- Volume of existing wind farms and new proposals
- Siting – turbines are sited on hill summits
- Adverse impact from Aviation Lighting
- Climate Change benefits (including need for renewable energy)
- Residential Amenity
- Repowering of existing sites
- Inappropriate Siting & Scale
- Adverse Ornithological & Ecological Impact
- Adverse Cumulative Impact
- Adverse Impact on Tourism & Recreation and associated economic impact
- Adverse Economic Impact
- Adverse Noise Impact
- Adverse Transportation Impacts
- Alternative Technologies

Considerations raised in support are summarised as follows:

- Climate Emergency & Climate Change benefits (including need for renewable energy)
- Benefits of Renewable Energy
- Expansion of Renewable Energy required to meet Net Zero targets
- Narachan has a policy to protect wildlife
- Visual Impact is minimal

The following matters raised in representations are not material planning considerations:

- Community Benefit

Public Consultation – Whilst not a statutory requirement for Section 36 applications, the applicant has undertaken Public Consultation. Further information on this is contained in the Pre-Application Consultation Report (December 2019) which is available on the ECU website - ECU00001884

Note: the comments raised above are addressed in the assessment of the proposal at Appendix A of this report.

Note: please note that the letters of representation above have been summarised and that the full letters of representations are available on the Energy Consents Units website.

(E) SUPPORTING INFORMATION

Has the application been the subject of:

i) Environmental Impact Assessment Report (EIAR): Yes

EIAR (December 2019) comprising:

- Volume I: Main text
- Volume II: Figures and Visualisations
- Volume III: Technical Appendices;
- Volume IV: Non-Technical Summary (NTS)

Key matters covered in the EIAR include: Introduction; Approach to the EIA; Project Description and Construction Methods; Design Evolution; Planning Policy; Landscape Character and Visual Amenity; Cultural Heritage and Archaeology; Ornithology; Ecology; Noise; Traffic and Transportation; Geology, Hydrology and Geohydrology; Forestry; Other Issues; and Socio-economics and Tourism.

Further Environmental Information (FEI) (September 2021) comprising:

- Volume 1: Further Environmental Information – this provides a written update and comprises new assessment where applicable. Key matters covered include:
- Volume 2: FEI Figures – updated and/or new figures.
- Volume 3: FEI Appendices – updated and/or new technical appendices to complement the assessment undertaken within Volume 1.
- FEI Non-Technical Summary
- FEI Planning Statement Addendum

Key matters covered in the EIAR include: FEI Approach; Project Description; Design Evolution; Planning Policy; Landscape & Visual Impact Assessment (LVIA); Ornithology; Ecology; Noise; Geology, Hydrology and Hydrogeology; and Forestry

ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: If required – this will be undertaken by the ECU as the Determining Authority in this case.

iii) A design or design/access statement: Yes (December 2019)

iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc.: All relevant reports are encompassed within the EIAR and FEI

(F) Local Development Plan (LDP) and any other material considerations over and above those listed above which have been taken into account in the assessment of the application:

Members are asked to note in the context of the Local Development Plan (LDP) and planning process that this application has been submitted to the Scottish Government under Section 36 (S36) of the Electricity Act 1989. As part of the S36 application process, the applicant is also seeking that the Scottish Ministers issue a Direction under Section 57 (2) of the Town and Country Planning (Scotland) Act 1997 that deemed planning permission be granted for the proposal. In such instances, the LDP is not the starting point for consideration of S36 applications, as Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 which establish the primacy of LDP policy in decision-making, are not engaged in the deemed consent process associated with Electricity Act applications. Nonetheless, the adopted Argyll & Bute LDP 2015 still remains an important material consideration informing the Council's response to the proposal.

Schedule 9 of the Electricity Act does require both the applicant and the decision-maker to have regard to the preservation of amenity. It requires that in the formulation of proposals the prospective developer shall have regard to:

(a) the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

Similarly, it obliges the Scottish Ministers in their capacity as decision maker to have regard to the desirability of the matters at a) and the extent to which the applicant has complied with the duty at b). Consideration of the proposal against both the effect of SPP (2014) and the adopted Argyll & Bute LDP 2015 will ensure that proper consideration is given by the Council to the extent which the proposal satisfies these Schedule 9 duties.

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

Argyll & Bute Local Development Plan (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 5 – Supporting the Sustainable Growth of Our Economy

LDP 6 - Supporting the Sustainable Growth of Renewables

LDP 8 – Supporting the Strength of Our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance to the Argyll & Bute Local Development Plan 2015 & 2016

SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
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 9 – Development Impact on Areas of Wild Land
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)
SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 14 –Landscape
SG LDP ENV 15 –Development Impact on Historic Gardens and Designed Landscapes
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 19 – Development Impact on Scheduled Monuments
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP MIN 2 – Mineral Extraction
SG LDP PG 1 – Planning Gain
SG LDP BAD 1 – Bad Neighbour Development
SG LDP Sustainable - Sustainable Siting and Design Principles
SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems
SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP SERV 5 – Waste Related Development and Waste Management
SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 7 –Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 –Vehicle Parking Provision
SG LDP TRAN 7 –Safeguarding of Airports
Supplementary Guidance 2 (December 2016)
Supplementary Guidance 2 - Windfarm map 1
Supplementary Guidance 2 - Windfarm map 2

Note: The above supplementary guidance has been approved by the Scottish Government. It therefore constitutes adopted policy and the Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

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

- National Planning Policy Framework, Scottish Government (NPF3 (June 2014) and Draft NPF4)
- Scottish Planning Policy (SPP), Scottish Government (June 2014)
- Planning Advice Notes & Web-based Renewables Guidance
- Scottish Government Good Practice Principles for Shared Ownership and Community Benefit of Onshore Renewable Energy Developments;
- Renewable energy and climate change framework

- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
 - The Future of Energy in Scotland: Scottish Energy Strategy, Scottish Government (December 2017)
 - Onshore wind policy statement, Scottish Government (January 2017)
 - Onshore wind policy statement, Scottish Government (January 2017)
 - Onshore Wind Turbines: Planning Advice, Scottish Government (May 2014).
 - Argyll and Bute Landscape Wind Energy Capacity Study SNH and A&BC (2017)
 - Historic Environment Policy for Scotland (HEPS) (April 2019)
 - The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
 - Views of statutory and other consultees;
 - Planning history of the site
 - Legitimate public concern or support expressed on relevant planning matters
-
- *Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:*
 - Policy 14 – Bad Neighbour Development
 - Policy 19 – Schedule Monuments
 - Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
 - Policy 36 – New Private Accesses
 - Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
 - Policy 38 – Construction Standards for Public Roads
 - Policy 39 – Construction Standards for Private Access
 - Policy 40 – Vehicle Parking Provision
 - Policy 43 – Safeguarding of Aerodromes
 - Policy 58 – Private Water Supplies and Water Conservation
 - Policy 63 – Waste Related Development and Waste Management
 - Policy 76 – Development Impact on Local Nature Conservation Sites (LNCS)

Does the Council have an interest in the site: No

(H) Is the proposal consistent with the Local Development Plan: Yes

Author of Report: Arlene Knox

Date: 11th April 2022

Reviewing Officer: Sandra Davies

Date: 11th April 2022

Fergus Murray

Head of Development and Economic Growth

APPENDIX A – PLANNING LAND USE AND POLICY ASSESSMENT

A. THE SECTION 36 CONSENTING REGIME

In Scotland, any proposal to construct, extend, or operate an onshore electricity generating station, in this case, a wind farm, with a capacity of over 50 megawatts (MW), requires the consent of Scottish Ministers under section 36 of the Electricity Act. Such applications are processed on behalf of the Scottish Ministers by the Energy Consents Unit (“ECU”) Scottish Government - Energy Consents. Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (“TCP(S)A”) also allows the Scottish Ministers, on granting consent under section 36, to direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

The consultation bodies to be consulted by the Scottish Ministers on Section 36 applications are the relevant planning authority, NatureScot, SEPA and HES and any other relevant public bodies with specific environmental responsibilities or local and regional competencies who the Scottish Ministers consider are likely to have an interest. The Council’s role in this process is therefore one of a consultee along with various other consultation bodies. It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by Scottish Ministers. In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry (PLI) if they are minded to approve the proposal. They can also choose to hold a PLI in other circumstances at their own discretion. Such an Inquiry would be conducted by a Reporter(s) appointed by the Directorate for Planning and Environmental Appeals. In the event that consent is given, either where there has been no objection from the Council, or where objections have been overruled following PLI, the Council as Planning Authority would become responsible for the agreement of matters pursuant to conditions, and for the ongoing monitoring and enforcement of such conditions.

This report reviews the policy considerations which are applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations undertaken by the Council, and 3rd party opinion expressed to the Scottish Government following publicity of the application by them. It recommends views to be conveyed to the Scottish Government on behalf of the Council before a final decision is taken on the matter.

B. SETTLEMENT STRATEGY

Policy LDP 6 of the Adopted Local Development Plan sets out the Council’s Policy for renewable energy developments, in accordance with SPP 2014. In addition, there is also the Supplementary Planning Guidance. SPP 2 contains a Spatial Framework which has been prepared in accordance with SPP 2014.

In terms of the Local Development Plan Settlement Strategy, the main wind farm site area is located within a combination of Countryside Zone and Very Sensitive Area; the southern access is located in a combination of Rural Opportunity Area and Countryside Zone; and the northern access is located in a combination of Rural Opportunity Area and Countryside Zone, and subject to the provisions of LDP policy LDP DM 1. In principle, policy LDP DM 1 supports renewable energy and ancillary developments in these areas, providing they are consistent with all other Local Development Plan Policies. It is the conclusion of Officers that this proposal satisfies the relevant local and national planning policy in respect to onshore wind as detailed in the various sections of this report, subject to the ECU considering the pre-determination matters and conditions detailed in Section X of this report.

Having due regard to the above it is considered that the proposal is consistent with the provisions of LDP DM1 – Development within the Development Management Zones; SPP (2014); and National Planning Framework 3.

C. SUPPORTING THE SUSTAINABLE GROWTH OF RENEWABLES

Argyll & Bute Council is keen to ensure that Argyll & Bute continues to make a positive contribution to meeting the Scottish Government's targets for renewable energy generation. These targets are important given the compelling need to reduce our carbon footprint and reduce our reliance on fossil fuels, reinforced by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effects.

D. LOCATION, NATURE AND DESIGN OF PROPOSED DEVELOPMENT

Background - An application for the Narachan wind farm was submitted in December 2019 accompanied by an EIA-R. The original application was for a development comprising 17 turbines up to 180m to blade tip. Various consultees (in addition to the Council's landscape consultant) identified errors and omissions in this EIA-R, thus necessitating the requirement for Further Environmental Information to be submitted. A revised proposal was submitted by the applicant in January 2021 for 14 turbines, 180m high. Following further comments from the Council, the proposal was subsequently revised with the current scheme now comprising 11 turbines, 180m high to blade tip. A Further Environmental Information (FEI) Report, dated September 2021, has been produced by the applicant which assesses the effects of this current proposal. A further appraisal of the landscape and visual effects of the proposal has been undertaken by the Council's landscape consultant following review of the FEI (and other information received in April 2022 on turbine lighting) and additionally informed by field work, to consider potential landscape and visual effects, including cumulative effects with the recently submitted applications for Rowan and Earraghail wind farms.

The Site - The site is located approximately 1.6km east of Tayinloan. It extends to approximately 1228 hectares and consists predominantly of coniferous plantation. There are areas of peat and blanket bog present throughout, and a number of water features. Loch an Fhraoich is within the site boundary with Loch Ulagadale adjacent to the south west. The site extends from 285m Above Ordnance Datum (AOD) at its highest point on Narachan Hill, down to 130m AOD towards the east. The surrounding area is sparsely populated and there are no large settlements within 5km of the proposal. Residential development within the locality of the site is limited to a small number of settlements and farmsteads linked by minor roads.

Proposal – The proposed would be time-limited to 35 years from the first date of final commission. The construction phase would last approximately twelve months and decommissioning would last approximately six months. The proposal includes the following principal elements: 11 wind turbines up to 180m to blade tip; turbine foundations; 6 new watercourse crossings; crane hardstandings (55 x 35m); site tracks; site access from the public highway taken either from the north or the south (only one will be constructed); high voltage and control cables; 3 borrow pits (the Council would normally expect these to be the subject of separate mineral consent applications); an energy/battery storage compound; construction compound/storage area; substation/switchgear housing building (15 x 10m); forestry felling (72.91ha); aviation lighting; turbine transformers; a Habitat Management Plan Area; and a permanent met mast.

Infrastructure

Water and Foul Drainage – Scottish Water has advised the ECU that they have no objection; however, they advise that this does not confirm that the proposal can be serviced. They further advise that there is no public water or wastewater infrastructure within the vicinity of the proposal, if required private options should be investigated.

Drinking Water Protected Areas – Scottish Water has advised the ECU that the proposed activity is upstream of a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. The Carradale boreholes supply Carradale (WTW) and it is essential that water quality and water quantity in the area are protected. Given the distance of the proposed wind farm from the borehole site, the risks are considered to be low but the Applicant should be aware of the presence of the downstream public water supply for their assessment. The southern most of the two access routes will cross a 63mm MDPE distribution main so a crossing point will have to be designed. Scottish Water has provided advice/list of precautions to the ECU to pass on to the Applicant in this regard.

Surface Water - Scottish Water has advised the ECU that for reasons of sustainability and to protect their customers from potential future sewer flooding, they will not accept any surface water connections into their combined sewer system.

Grid Network - The grid connection does not form part of the section 36 consent application. Final details of the grid connection would be subject to a separate design and consent process at a later date and as determined by the District Network Operator (DNO). It is likely that a connection point may be located at Carradale.

E. SPATIAL FRAMEWORK FOR WIND FARMS

SPP requires that planning authorities set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms. In terms of the Council's Spatial Framework for wind farms (Supplementary Guidance 2: Wind Farm Map 1 - Figure 1 Spatial Framework for wind turbines over 50 metres to blade tip), the proposal lies predominantly in a Group 3 Area (area with potential for wind farm development subject to other policy considerations). As set out in Table 1 of SPP (reflected in the Council's Spatial Framework), Group 3: Areas are likely to be acceptable, subject to detailed consideration against identified policy criteria.

F. NET ECONOMIC IMPACT, INCLUDING LOCAL AND COMMUNITY SOCIO-ECONOMIC BENEFITS SUCH AS EMPLOYMENT, ASSOCIATED BUSINESS AND SUPPLY CHAIN OPPORTUNITIES

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewables and SPP require applications for renewable energy developments to be assessed against net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

The proposal would offer opportunities for provision of goods and services from the local area as well as direct and indirect employment during construction and operation. As part of the proposed development, Community Benefit Funds would be made available for the local community. In addition, the Applicant has offered a Shared Ownership Scheme which allows members of the public to invest in the proposed development. It is anticipated that the proposal would have a minor beneficial (not significant) residual effect on spend per annum, estimated job generation and GVA during construction and operation.

Community Benefit is not considered to be a 'material planning consideration' in the

determination of planning applications. In the event that permission were to be granted, the negotiation of any community benefit, either directly with the local community or under the auspices of the Council, would take place outside the application process.

Having due regard to the above the proposals net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities has been assessed and it is concluded that the proposal is consistent with the provisions of Supplementary Guidance 2 (December 2016); LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; SPP (June 2014) and the Onshore wind Policy Statement (January 2017) in this regard.

G. THE SCALE OF CONTRIBUTION TO RENEWABLE ENERGY GENERATION TARGETS

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against the scale of contribution to renewable energy generation targets.

The Scottish Government is committed to increasing the supply of renewable energy within Scotland. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets stringent targets for Scotland. The Act sets a legally-binding “net-zero” target of all greenhouse gases by 2045. The “net-zero” target for Scotland is five years ahead of the date set for the whole of the UK. The proposal would provide approximately 72.6MW of installed capacity, depending on the final turbine model chosen. It is estimated that this installed capacity could generate approximately 257,208MWh of renewable electricity each year, based on the candidate turbine selected. The renewable electricity generated could power 88,692 homes on average each year.

Having due regard to the above the proposals scale of contribution to renewable energy generation targets has been assessed and it is concluded that the proposal is consistent with the provisions of SG 2; Supplementary LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; SPP (2014); and the Onshore wind Policy Statement (2017) in this regard.

H. EFFECT ON GREENHOUSE GAS EMISSIONS

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against their effect on greenhouse gas emissions.

The proposal would generate renewable electricity and would therefore displace carbon dioxide (CO₂) emissions associated with electricity generation, which would otherwise be supplied via other forms of power generation requiring the combustion of fossil fuels. The Scottish Government Carbon Calculator for Wind Farm on Peatlands has been used to calculate a payback period for the proposal based on the full development lifecycle. A carbon assessment was included in the original EIAR to estimate the potential savings in carbon dioxide (CO₂) emissions by the proposal replacing other electricity sources. It is estimated that this proposal could save up to 116,417 tonnes of CO₂ each year for the operational life of the wind farm. This would be a large contribution to renewable energy generation targets.

Having due regard to the above the proposals effect on greenhouse gas emissions has

been assessed and it is concluded that the proposal is consistent with the provisions of SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; SPP (2014); and the Onshore wind Policy Statement (January 2017) in this regard.

I. IMPACTS ON COMMUNITIES AND INDIVIDUAL DWELLINGS, INCLUDING RESIDENTIAL AMENITY, NOISE AND SHADOW FLICKER (INCLUDING CUMULATIVE IMPACTS).

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.

The Council's Environmental Protection Officer (EPO) has considered the original EIAR and the FEI and has provided advice in respect to: noise; air quality; lighting and private water supplies. The EHO also wishes to note the following: A new candidate turbine has been proposed, the Siemens Gamesa SG 6.0-155 with a hub height of 102.5m. Narachan Wind Farm, FEI Volume 1, Chapter 10: Noise, page 2. The report makes reference to the *"manufacturer's data excludes any margin for uncertainty, as such an additional 2 dB has been included in the sound power levels in this assessment"* and concludes *"it has been demonstrated that the Proposed Development would operate individually and cumulatively in accordance with the simplified noise criterion of 35 dB LA90, 10min as defined in ETSU-R-97"*

Noise - The EPO has no objection to the proposal, subject to noise conditions being attached to any consent the ECU is minded to give. These conditions relate to: control of noise immissions; submission of a report to demonstrate compliance with noise limits; following a complaint, employment of an independent noise consultant to assess the level of noise immissions at the complainants property; provision of the independent consultant's assessment and conclusions to the Planning Authority, and the undertaking of appropriate remedial action; continuous logging of wind speed, wind direction and power generation and provision of such data to the Planning Authority at their request; and details of a nominated representative to act as a point of contact for local residents, and for liaison with the Planning Authority regarding any complaints.

Air Quality – the EPO advises that there are no matters associated with the proposal that are considered to pose a threat to ambient air quality objectives. The main potential risk to air quality is adverse effect on amenity during the construction phase, including dust from vehicles travelling along access tracks. The applicant has stated that a Construction Environmental Management Plan (CEMP) will be prepared and this should include control of dust etc. and a condition to require compliance with this could be considered.

Lighting – the EPO advises that the proposal itself is unlikely to require significant lighting and given that there are no known sensitive receptors within a reasonable distance of the proposed construction activities, it is not anticipated that light pollution will be a matter to control via planning condition.

Shadow Flicker – There are no residential properties within 10 rotor diameters of the proposed turbines, and as such there is no prospect of significant shadow flicker effects and no further assessment is required. The EPO has not raised any concerns in regard to Shadow Flicker.

Private Water Supplies – The EPO advises that private water supplies were identified within a 5km radius of the site boundary and further refined to those within a 1km buffer. Three supplies were designated for further investigation but it should be noted that the one identified

as “Davaar Island” was incorrectly plotted on the DWQR website and is not relevant to this proposal. The developer proposes to undertake a pre-construction survey and hold discussions with owner/occupier regarding any measures to mitigate for temporary supply interruption or to determine any requirement for any longer term mitigation measures. A condition to secure a private water supply action plan is recommended which formalises this process and recognises that such a plan could form part of the proposed CEMP.

SEPA advice Private Water Supplies – SEPA have considered the original EIAR and FEI and have advised the ECU that within their original response to the application (letter dated 30 March 2020) they requested additional information in relation to private water supplies 5 – Davaar Island, 7 – Tavantaggart and 8 – Dalmore Cottage. SEPA welcome the clarification in the FEI that the location previously provided for PWS 5 was incorrect and confirmation it lies outside of the 1km study area for the proposal. SEPA note there has been a slight change to the proposed track route in the vicinity of PWS 8 (i.e. the access point from the A83). FEI Figure 12.1 – Hydrological Context Map suggests the track will be greater than 100m from the PWS. SEPA have had confirmation from the applicant that the PWS is 252m to nearest infrastructure and therefore require no further information regarding this. The FEI confirms that PWS 7 is within 100m of the proposed access route and is sourced from a spring. Due to its proximity to the western access track SEPA agree PWS 7 has the potential to be impacted by the proposal. SEPA welcome the commitment as per Section 12.137 of the FEI that a monitoring program will be employed to assess the water quantity and quality of PWS 7 prior, during and post-construction. SEPA request a planning condition is implemented requiring this ongoing monitoring to prevent potential unacceptable environmental impacts to the PWS.

Having due regard to the above subject to the recommended conditions being applied in the event that consent is granted by the ECU it is concluded that the proposal will not have any adverse impacts on communities and individual dwellings, including, residential amenity, noise and shadow flicker and subject to the recommended conditions is consistent with the provisions of SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; SPP (2014); and the Onshore Wind Policy Statement (2017) in this regard.

J. LANDSCAPE AND VISUAL IMPACTS, INCLUDING EFFECTS ON WILD LAND (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any landscape and visual impacts including wild land.

Background - An application for the Narachan wind farm was submitted in December 2019 accompanied by an EIA-R. This application and the EIA-R were reviewed by the Council's landscape consultant who submitted a landscape and visual appraisal report to the Council in April 2020. The original application was for a development comprising 17 turbines up to 180m to blade tip. The Council's landscape consultant identified errors and omissions in the Landscape and Visual Impact Assessment (LVIA) included as part of the EIA-R and advised that the applicant should be requested to supply a complete and amended LVIA.

A revised proposal was submitted by the applicant in January 2021 for 14 turbines, 180m high. Following further comments from the Council the proposal was subsequently revised with the current scheme now comprising 11 turbines, 180m high to blade tip. A Further Environmental Information (FEI) Report, dated September 2021, has been produced by the applicant which

assesses the effects of this current proposal. A further appraisal of the landscape and visual effects of the proposal has been undertaken by the Council's landscape consultant following review of the FEI (and other information issued in April 2022 on turbine lighting) and additionally informed by field work, to consider potential landscape and visual effects, including cumulative effects with the recently submitted applications for Rowan and Earraghail wind farms.

The Council's landscape consultant's conclusion is as follows: The proposed development site lies within the *Upland Forest Moor Mosaic* LCT identified in the Argyll and Bute LWECS. This landscape has some characteristics which reduce sensitivity to large scale wind energy development including a generally simple landform and landcover and an expansive scale. These uplands already accommodate a number of operational and consented wind farms. This proposal would be centrally located within the Kintyre uplands and this, together with a degree of screening of turbine bases provided by rolling landform, generally restricts intrusion from the sensitive settled coastal fringes of Kintyre and southern Knapdale. Within Argyll and Bute Council area, it is considered that the most severe significant adverse landscape effects would occur on the character of Carradale Glen (which lies within the *Hidden Glens* LCT) and on views from the B842 and Deer Hill in the Carradale area and from parts of Gigha.

Significant adverse visual effects outside of Argyll and Bute would principally affect receptors using the road and Arran Coastal Way on the west coast of Arran and some of the access routes and hills in the western part of the north Arran National Scenic Area and Wild Land Area. Settlements along the west coast of Arran would also be affected. In these open views the proposed turbines would appear substantially larger than close-by operational and consented wind turbines and they would appear more prominent, affecting highly sensitive landscape and visual receptors.

This proposal would be the first wind farm proposal to introduce lighting to the dark skies of Kintyre and while the intensity of lights will reduce when seen from lower elevation coastal fringes, it is considered that they would still be clearly seen from these more settled and frequented areas and they would also be more intrusive from higher viewpoints. Visible aviation lighting on 5 of the proposed turbines would be likely to extend the duration of significant adverse effects on views from sections of the Kintyre Way, the Carradale area, parts of Gigha and from the A83 near Clachan within Argyll and Bute. It would also significantly affect views (and diminish the perception of wildness) from parts of north Arran. The cumulative effects of visible aviation lighting on character and views are a key concern given the number of recent applications for turbines >150m in Argyll and Bute requiring such lighting.

All wind farm proposals are likely to incur significant landscape and visual effects and this proposal is no different. It is therefore important to gauge the range, extent and severity of effects in making judgements on acceptability in landscape and visual terms. Revisions to the number of turbines within the original scheme have mitigated some of the negative landscape and visual effects of the proposal. The location of the proposal set back into the interior uplands also limits the extent and also, in many locations, the severity of landscape and visual effects. A reduction in the height of turbines would further reduce prominence from the Carradale area, from Arran and from parts of Gigha (although it would not remove intrusion on views to the north Arran hills from Creag Bhan on Gigha).

Having evaluated the likely landscape and visual effects of this proposal, and additionally compared these with existing, consented and application-stage wind farms within Argyll and Bute, my advice to the Council would be not to raise an objection on landscape and visual grounds but subject to the following condition:

- That the applicant should commit to the installation of an Aircraft Detection Lighting System (ADLS) which would substantially reduce the duration of night-time lighting

as lights would only be activated by approaching aircraft and would not be on permanently overnight. Such systems are used elsewhere in Europe, and it should be noted that Scottish Power Renewables (SPR) have committed to adopting ADLS in a number of proposed wind farms (including the Earraghail wind farm proposal in Argyll and Bute).

The Applicant has advised that ADLS is not currently available, as aviation legislation in the UK does not allow for it. Consequently, they cannot accept any suspensive condition for radar activated lighting. This standpoint was supported by the ECU. However, in contrast, the Council's landscape consultant notes that SPR anticipate that an ADLS could be deployed by 2025 at the latest at the Earraghail wind farm proposal (should it receive consent - also a S36 application).

It is therefore the view of Officers, having considered the advice of the Council's expert landscape consultant that a condition should be recommended to be considered by the ECU to secure such an ADSL system.

If construction timescales are the issue of concern i.e. the wind farm is proposed to be constructed in advance of change to CAA Policy in respect to ADSL, and the ECU do not consider such a condition would be reasonable, then, an alternative condition is recommended to be considered. This condition should allow an annual review of the Aviation Lighting Plan, to enable an ADLS to be installed post-construction, when the technology becomes available in line with CAA Policy. This would ensure that the wind farm does not operate with visible aviation lighting for the entirety of its 35 year life span.

North Ayrshire Council - have considered the original EIA-R and the FEI and advised the ECU that they have no objection to the proposal as originally submitted and provided comments on the LVIA.

West Kintyre Community Council has advised the ECU that they object on the grounds of landscape, visual and cumulative impact. East Kintyre Community Council has advised the ECU that they object on the grounds of visual amenity due to cumulative harmful visual impacts contrary to Argyll & Bute Council's LDP 6. The Energy Consents Unit will take these concerns into account in their deliberation of the proposal as the determining authority.

Having due regard to the above subject to the recommended conditions it is considered that the landscape and visual impacts (including cumulative) are acceptable and the proposal is consistent with the provisions of: SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality; SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); and the Onshore wind policy statement, (2017).

K. EFFECTS ON NATURAL HERITAGE INCLUDING BIRDS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on natural heritage including birds.

SEPA advice on Habitat Management –SEPA have considered both the original EIAR and the FEI and has advised the ECU that they welcome the provision of an Outline Habitat

Management Plan (HMP) with the FEI. Although SEPA acknowledge that the plan is mainly geared at ornithological interests, practices such as ditch blocking will have a net gain on all habitats and species dependant on them.

The Royal Society for the Protection of Birds Scotland (RSPB) have only provided comments to the ECU on the original EIA -R, there does not appear to be any response from them on the FEI. It is therefore not possible to advise Members whether their initial comments have been addressed by submission of the FEI. Securing a further response from them falls with the ECU.

Marine Scotland Science (MSS) - have advised the ECU that the developer assesses the presence and abundance of fish populations within and downstream of the proposed development area. This information will inform the developer when drawing up appropriate site specific mitigation measures and a strategically designed integrated water quality and aquatic biota monitoring programme which should follow MSS guidelines.

Argyll District Salmon Fishery Board - have advised the ECU they have no objection to the proposal subject to a condition to secure pre and post development surveys are undertaken to ensure and demonstrate that stream crossings have not prevented the movement of fish between habitats downstream and downstream of the crossings.

Crown Estate have advised the ECU that the assets of Crown Estate Scotland are not affected by this proposal and they have no comments.

Scottish Forestry have considered both the original EIA-R and the FEI and have advised the ECU that they have no objection to the proposal subject to a condition to secure a Long Term Forest Plan.

SEPA – Forestry Management – SEPA have considered the original EIAR and the FEI and have advised the ECU that the original EIAR did not address how it was intended to manage forestry wastes at the site and they therefore requested further information on this. SEPA welcome the submission of the forest waste management plan to outline how any forest waste arising on site will be managed. SEPA acknowledge that this refers to their guidance and it is intended to take as much harvestable timber out and mulching using the rest in brash mats floating roads and some ecological improvement. SEPA have removed their objection on this issue.

SEPA advice on Micrositing – SEPA has considered the original EIAR and the FEI and has advised the ECU that they note a 100m micrositing allowance is proposed and request a condition requiring that, unless otherwise confirmed by the determining authority in consultation with SEPA, any proposed micrositing be subject to the following restrictions: no micrositing shall take place within a 50m buffer distance of a watercourse; no micrositing shall take place within areas of peat of greater depth than the original location; and no micrositing shall take place within the buffers identified for PWS.

The Council's Local Biodiversity Officer – has considered the original EIAR and the FEI and has confirmed that: Ornithological surveys - the ornithological surveys and mitigation are acceptable; Ecological surveys – the results and mitigation are acceptable for the habitats and species along with drafting a Habitat Management Plan; and Geology, Hydrology and Hydrogeology – the LBO has reviewed the supporting information in relation to watercourses and peat management and finds the mitigation and management acceptable. The LBO also notes that Construction Environment Management Plan (CEMP) is to be drafted, and asks that the details of the mitigation and management for ornithological interest, habitat, species,

water courses and peat management are included in this document along with a series of Tool Box talks to reflect the above and overseen by an Ecological Clerk of Works.

Having due regard to the above it is concluded that subject to the conditions recommended by Marine Scotland, SEPA, Scottish Forestry and the Council's Local Biodiversity Officer the proposal is acceptable in terms of natural heritage and birds and is consistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 7 – Water Quality and the Environment; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP; Onshore wind policy statement, Scottish Government (January 2017); The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009);

L. IMPACTS ON CARBON RICH SOILS, USING THE CARBON CALCULATOR (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2 and SPP require applications for renewable energy developments to be assessed against any impact they may have on carbon rich soils, using the carbon calculator.

SEPA – Disturbance and Re-use of Excavated Peat – SEPA have considered the EIAR and the FEI and have advised the ECU that they previously requested the provision of a Peat Management Plan (PMP) to describe the reuse plans/calculations and measures proposed to manage peat. SEPA acknowledge that the reduced scale of the development of 11 wind turbines (compared with 17 originally) will reduce the overall disturbance to the peat on site as reported in the FEI submission. The FEI Layout includes the removal (or movement) of turbines they previously highlighted as being on areas of peat >2m. SEPA have reviewed the submitted PMP and are satisfied that this outlines best practice methods for dealing with peat on site. This includes a peat generation/reuse balance assessment and they note, although that comes out as indicating 500m³ surplus, that these figures are worst case and likely conservative. The PMP is proposed to be updated to include the results of further site investigations and detailed site design should the project gain consent. SEPA request that to ensure the strategy remains appropriate and accords with good practice guidance, a condition requiring the preparation and submission of the updated PMP for approval to the determining authority, in consultation with SEPA, prior to commencement of the development. This should also demonstrate how any micro-siting and other measures have been used to further minimise peat habitat disturbance.

IronsideFarrar on behalf of the ECU – have advised the ECU that the PLHRA requires resubmission there are significant shortcomings throughout and reworking of the report is required to support a robust assessment. It is recommended that the ECU seek resubmission of the PLHRA in accordance with the advice of IronsideFarrar, and obtain their final approval for the revised PLHRA prior to determining the application. This is a matter for the ECU to resolve, who have confirmed that discussions are ongoing with Ironside Farrar.

Having due regard to the above, subject to the recommended conditions it is concluded that the proposal will not have an adverse impact on carbon rich soils, using the carbon calculator and is therefore consistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 11 – Protection of Soil and Peat Resources; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the

Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP (2014); Onshore wind policy statement, (January 2017).

M. PUBLIC ACCESS, INCLUDING IMPACT ON LONG DISTANCE WALKING AND CYCLING ROUTES AND THOSE SCENIC ROUTES IDENTIFIED IN THE NPF (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF.

The Scottish Rights of Way and Access Society (ScotWays) has advised the ECU that they have no objection to the proposal and draw the ECU's attention to guidance: *'Extract from the Welsh Assembly Government's Technical Advice Note on Renewable Energy (TAN 8) Proximity to Highways and Railways'*

Council's Access Officer – at time of writing no response has been received.

Both West Kintyre and East Kintyre Community Councils have raised concern regarding the impact of this proposal on the Kintyre Way. These concerns will be taken into account by the ECU in their consideration of the proposal.

Having due regard to the above it is concluded that the proposal will not have any adverse physical impacts on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF and is therefore consistent with the provisions of SG 2 Renewable Energy, SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP (2014); Onshore wind policy statement, (January 2017).

N. IMPACTS ON THE CULTURAL HERITAGE, INCLUDING SCHEDULED MONUMENTS, LISTED BUILDINGS AND THEIR SETTINGS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on the historic environment, including scheduled monuments, listed buildings and their settings.

Historic Environment Scotland (HES) – have considered the original EIAR and the FEI and advised the ECU that they have no objection to the proposal.

The West of Scotland Archaeology Service (WOSAS) – advised that they had no objection the proposal as originally submitted subject to a condition to secure the approval of a written scheme of archaeological investigation, to be fully implemented to the satisfaction of the Planning Authority. At time of writing no response has been received from WoSAS on the Further Environmental Information (FEI).

Having due regard to the above it is concluded that based on the advice of Historic Environment Scotland and the West of Scotland Archaeology Service that, subject to a

condition to secure a scheme of archaeological investigation that this proposal is consistent with the provisions of SG LDP ENV 15 – Development Impact on Historic Gardens and Designed Landscapes; SG LDP ENV 16(a) – Development Impact on Listed Buildings; SG LDP ENV 19 – Development Impact on Scheduled Ancient Monuments; SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan; SPP (2014); the Onshore Wind Policy Statement and Historic Environment Policy for Scotland (April 2019) in this respect.

O. IMPACTS ON TOURISM AND RECREATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on tourism and recreation.

There is no record on the ECU website of any consultation advice from VisitScotland. It is considered that it would be beneficial for the ECU to obtain their views prior to reaching a decision on this proposal.

British Horse Society – has advised the ECU that they had no objection to the proposal as originally submitted. The BHS has requested that the ECU pass on information to the developer in the form of an ‘Information Sheet’ on ‘Equestrian Access through Wind Farms in Scotland’. No comments have been received from them on the Further Environmental Information.

The Council also regards landscape as being a particularly valued asset both in terms of its intrinsic qualities and in terms of its value to the tourism economy. For all types of development the maintenance of landscape character is an important facet of decision-making in the countryside in Argyll & Bute, regardless of the scale of development proposed. The Council’s LDP Policy LDP 6 identifies impacts on tourism and recreation as a material consideration in the assessment of renewable energy developments on the basis that inappropriate developments with significant adverse effects which contribute to the degradation of landscape character are unlikely to be in the interests of the Argyll tourism economy.

Both West Kintyre Community Council and East Kintyre Community Council have objected to this proposal and parts of their grounds include the adverse impact it will have on tourism. The Energy Consents Unit will need to take these concerns into account in their deliberation of the proposal as the determining authority.

Having due regard to the above, in terms of the impacts on tourism and recreation the proposal is considered to be consistent with the provisions of: SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 14 – Landscape; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

P. AVIATION, DEFENCE AND SEISMOLOGICAL RECORDING (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on Aviation, Defence and Seismological Recording.

Glasgow Prestwick Airport (GPA) have considered the original EIAR and the FEI and have confirmed to the ECU they have no objection to the proposal.

Defence Infrastructure Organisation/ Ministry of Defence (MOD) – have considered the original EIAR and the FEI and have advised the ECU that they have no objection to the proposal providing that: in the interests of air safety, the development is fitted with aviation safety lighting, in accordance with Civil Aviation Authority, Air Navigation Order 2016 and that prior to commencement of construction the MOD are informed of: the date construction starts and ends; the maximum height of construction equipment; the date any wind turbine generators are brought into use; and the latitude and longitude of every turbine. This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

Highlands and Islands Airports Limited (HIAL) have considered the original EIAR and the FEI and have advised the ECU that at the given position and height this development would not impact the safeguarding criteria for Campbeltown Airport. As a minimum the Civil Aviation Authority (CAA) recommends that all proposed developments over 90m in height should be notified to them. Provided these conditions are met Highlands and Islands Airports Limited would not object to this proposal.

National Air Traffic Services Safeguarding (NATS) have considered the original EIAR and the FEI and have advised the ECU that the proposal has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Having due regard to the above it is concluded that subject to the recommended conditions the proposal will not have any adverse impacts on aviation and defence interests and seismological recording and is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and SG LDP TRAN 7 –Safeguarding of Airports of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

Q. IMPACTS ON TELECOMMUNICATIONS, BROADCASTING INSTALLATIONS AND TRANSMISSION LINKS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on telecommunications, broadcasting installations and transmission links. BT, and the Joint Radio Company have provided confirmation to the ECU that they have no objections to this proposal.

Having due regard to the above it is concluded that the proposal will not have any adverse impacts on telecommunications, broadcasting installations and transmission links (including cumulative impacts) and is consistent with the provisions of SG 2, Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

R. IMPACTS ON ROAD TRAFFIC AND ADJACENT TRUNK ROADS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on road traffic and adjacent trunk roads.

Site Access Junction - It is proposed that vehicle access to the site will be provided from the A83 (T) at one of two locations, a southern access located to the north of Tayinloan and a northern access located to the south of Ballachroy. Only one of these access is proposed to be constructed.

Transport Scotland (TS) – have considered both the original EIAR and the FEI and advise that they have no objection to the proposal subject to conditions to secure: details and approval of the proposed means of access to the trunk road; a Route Access Report; submission of details of any additional signing or temporary traffic control measures deemed necessary (by Quality Assured traffic management consultant); a Construction Traffic Management Plan; all vehicles transporting construction material are sheeted; wheel cleaning facilities, and a Decommissioning Plan.

The Council's Roads & Amenity Services have considered both the original EIAR and the FEI, they advise that the site access connects directly to the A83 and that the advice of Transport Scotland should be sought by the ECU.

Taking into account that there are two access options, and only one is proposed to be constructed in the event that the proposal obtains consent. It is recommended that the ECU attach a condition to any consent to ensure that only one access is constructed, in the interests of visual amenity.

Having due regard to the above, subject to the relevant conditions being attached to any consent granted by the ECU, it is concluded that the proposal will not have any adverse impacts on road traffic and adjacent trunk roads and the proposal is consistent with the provisions of SG2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes of the Argyll & Bute Local Development Plan, SPP and the Onshore Wind Policy Statement in this respect.

S. EFFECTS ON HYDROLOGY, THE WATER ENVIRONMENT AND FLOOD RISK (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for renewable energy developments to be assessed against effects on hydrology, the water environment and flood risk.

SEPA - Groundwater Dependent Terrestrial Ecosystems (GWDTEs) – SEPA has considered the original EIAR and the FEI and has advised the ECU that they were previously satisfied with the survey work undertaken in relation to GWDTE but requested this be extended to cover proposed access track options in order to fully assess the potential impacts of the development. The FEI includes further assessment. SEPA note that GWDTE have been identified in the further surveys but are mainly located uphill of the northern access track. Of the three habitats identified as being truly groundwater dependent and reliant on springs, these have been shown to be impacted by previous ground workings as the water from them has been channelled into drainage ditches and has impacted the diversity of these habitats. SEPA are satisfied that the mitigation measures proposed for the work in this area (floating roads/permeable tracks) should help prevent further damage to these habitats and no longer object in this regard.

The Council's Flood Risk Assessor – has considered the original EIAR and the FEI and has advised that they have no objection to the proposal subject to conditions to secure appropriate design of surface water drainage and watercourse crossings.

Having due regard to the above, subject to the relevant conditions being attached to any consent granted by the ECU, it is concluded that the water environment and flood risk have been considered and the proposal is consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

T. THE NEED FOR CONDITIONS RELATING TO THE DECOMMISSIONING OF DEVELOPMENTS, INCLUDING ANCILLARY INFRASTRUCTURE, AND SITE RESTORATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for renewable energy developments to be assessed against the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration.

Following construction and commissioning, the proposal would be operational and generating electricity for a period of approximately 35 years, after which it would be decommissioned and removed, or alternatively, a further planning application could be made to extend the period of operation. If a further application is not submitted, decommissioning would involve the total removal of above-ground infrastructure. This would involve retention of existing access tracks for forestry operations. Reinstatement of the site would be carried out in accordance with an approved method statement. It is recommended that this matter is covered by planning conditions or a legal agreement consistent with other projects across Argyll & Bute in the event that the proposal obtains consent from the ECU.

Having due regard to the above it is concluded that the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration has been considered and the proposal is therefore consistent/inconsistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

U. OPPORTUNITIES FOR ENERGY STORAGE (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for renewable energy developments to be assessed against any opportunities for energy storage which exist.

The proposal incorporates battery energy storage to store energy from the development or excess electricity from the national grid, providing stability to the electricity supply network, meeting energy demands and providing improved energy security. As per the previous EIA Report, a 4MW battery storage compound would be located within the construction compound footprint. All details of this battery compound will remain the same, the FEI does not detail any changes. The energy storage equipment would be housed within 2 ISO shipping containers; there would be 2 power conversion system containers of a similar size and a transformer; with a 2.4m high palisade fence in a compound 17.5m by 31.9m. Battery containers will be positioned a minimum of 2.5m apart to facilitate access to all sides Battery energy storage

equipment will be factory assembled and delivered to site in standard 12.2m long x 2.4m wide ISO shipping containers.

Having due regard to the above it is recommended that the Council should not object to the proposal on the grounds of opportunities for energy storage (including cumulative impacts) in accordance with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement.

V. THE NEED FOR A ROBUST PLANNING OBLIGATION TO ENSURE THAT OPERATORS ACHIEVE SITE RESTORATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for renewable energy developments to be assessed against the need for a robust planning obligation to ensure that operators achieve site restoration.

Following construction and commissioning, the proposal would be operational and generating electricity for a period of approximately 35 years, after which it would be decommissioned and removed, or alternatively, a further planning application could be made to extend the period of operation. If a further application is not submitted, decommissioning would involve the total removal of above-ground infrastructure. This would involve retention of existing access tracks for forestry operations. Reinstatement of the site would be carried out in accordance with an approved method statement. It is recommended that this matter is covered by planning conditions or a legal agreement consistent with other projects across Argyll & Bute in the event that the proposal obtains consent from the ECU.

Having due regard to the above it is concluded that opportunities for a robust planning obligation to ensure that operators achieve site restoration have been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

W. CLIMATE CHANGE (EMISSIONS REDUCTION TARGETS) (SCOTLAND) ACT 2019, THE SCOTTISH ENERGY STRATEGY & ONSHORE WIND POLICY STATEMENT 2017

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 - The Scottish Government is committed to increasing the supply of renewable energy within Scotland. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets out stringent targets for Scotland. The primary objective of the Act is to raise the ambition of the greenhouse gas emissions reduction targets set out in the Climate Change (Scotland) Act 2009. The Act sets a legally-binding “net-zero” target of all greenhouse gases by 2045. The “net-zero” target for Scotland is five years ahead of the date set for the whole of the UK.

The Scottish Energy Strategy (SES) (2017) and SES Position Statement (2021) – The SES was published in December 2017 and sets out the Scottish Government’s strategy through to 2050, marking a ‘*major transition*’ over the next 3 decades in terms of energy management, demand reduction and generation. The SES sets 2 new targets for the Scottish energy system by 2030: The equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources; and, an increase by 30% in the productivity of energy use across the Scottish economy. The SES recognises that reaching the 50% target by 2030 ‘*will be challenging*’ but the target demonstrates ‘*the SG’s commitment to a low carbon energy system and to the continued growth of the renewable energy sector in*

Scotland'. These energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland's future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand. The Statement goes on to state that: *'This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes "where it can be accommodated"'*. The 2021 Position Statement states that: *"The Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of Net Zero."*

'Onshore Wind Policy Statement' (2017) – the onshore wind policy statement sets out the Scottish Government's position on onshore wind and supports the aims of the Scottish Energy Strategy. Paragraph 74 states that: *"The Scottish Government believes that our ambitious renewable energy goals are very much in the interests of Scotland's citizens and environment. We also believe that developments can and must strike the right balance between utilising Scotland's significant renewable energy resources whilst protecting our finest scenic landscapes and natural heritage"*.

SPP, NPF3 and NPF4

Despite now being seven years old, NPF3 and SPP are extant statements of Scottish Government planning policy and will remain in place until such time as NPF4 is adopted. The status of NPF3 and SPP has not changed and they are significant material considerations in the determination of the present application.

The SPP introduced a presumption in favour of development that contributes to sustainable development. Paragraph 28 states: *"The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost"*

Renewable energy generation targets are supported by NPF3 but that support is qualified as mirrored in SPP. It is stated at paragraph 4.7: *"The pressing challenge of climate change means that our action on the environment must continue to evolve, strengthening our longer-term resilience. A planned approach to development helps to strike the right balance between safeguarding assets which are irreplaceable, and facilitating change in a sustainable way."* Paragraph 4.4 of NPF 3 recognises that Scotland's landscapes are spectacular, contributing to our quality of life, national identity and visitor economy. Landscape quality is found across Scotland and all landscapes support place-making.

Having due regard to the above subject to the recommended advice and conditions it is considered that the proposal is consistent with the provisions of: SPP, NPF3, the Scottish Energy Strategy 2017 and Onshore Wind Policy Statement 2017, in this regard, which represent the Scottish Governments most up to date position on this type of development.

X. CONCLUSION & RECOMMENDATION

Both SPP and the Argyll & Bute Local Development Plan support renewable energy developments provided it has been adequately demonstrated that there would be no unacceptable significant adverse effects.

There is clear support throughout national and international policy that renewable energy projects, such as the proposed development, are supported and do have the capability of making an active contribution to the net zero targets Scotland is required to reach. The

proposal will make a direct contribution to meeting the range of both international and national energy targets, whilst producing clean energy that meets the legally binding low carbon and net zero targets. The proposal will directly contribute to tackling climate change by reducing our reliance on fossil fuels for producing energy.

It is accepted that the proposal would make an important contribution to the Scottish Government's renewable energy targets and reduce greenhouse gas emissions and these matters are important benefits which have been carefully considered.

Officers therefore conclude, that subject to the recommended advice and conditions that the proposal is consistent with the relevant provisions of SPP and the Argyll and Bute Local Development Plan in all other respects.

RECOMMENDATION:

Officers recommend that Members agree that the Council does not object, subject to the Energy Consents Unit considering the pre-determination matters and conditions as detailed below.

Matters which the Council recommend that the ECU consider prior to determination

- That the ECU consider that advice of NatureScot when it is received in their determination of the proposal and include any conditions recommended by them in the final suite of conditions.
- That the ECU consider consulting with VisitScotland prior to determining this application (there is no record on the ECU website of any consultation advice from VisitScotland). It is considered that it would be beneficial for the ECU to obtain their views prior to reaching a decision on this proposal.
- That the ECU seek the required resubmission of the PLHRA in accordance with the advice of IronsideFarrar and obtain their final approval for the revised PLHRA prior to determining the application.
- That the ECU pass on the British Horse Society's guidance for developer's to the applicant.
- That the conditions recommended by other consultation bodies are included in the suite of final conditions, the Council would expect to be consulted on any final list of conditions prior to permission being granted, should Scottish Ministers be minded to do so.
- The Council would also expect to be consulted on any further mitigation, changes to the layout or turbine height, should the proposal be required to be amended in line with any further advice provided by other consultation bodies.

Conditions to be considered by ECU for inclusion in overall suite of conditions

Conditions Recommended by other ECU Consultation Bodies

- NatureScot (any conditions recommended by them in their final response)
- SEPA (Monitoring; Micrositing; and Construction Environment Management Plan) and Informative;

- Scottish Forestry (Compensatory Planting);
- Marine Scotland (Assessment of the presence and abundance of fish populations within and downstream of the proposed development area, to inform the developer when drawing up appropriate site specific mitigation measures and a strategically designed integrated water quality and aquatic biota monitoring programme which follows MSS guidelines).
- The Ministry of Defence (MOD) (Aviation Lighting and Aviation Charting & Safety Management);
- Transport Scotland (details and approval of the proposed means of access to the trunk road; a Route Access Report; submission of details of any additional signing or temporary traffic control measures deemed necessary (by Quality Assured traffic management consultant); a Construction Traffic Management Plan; all vehicles transporting construction material are sheeted; wheel cleaning facilities, and a Decommissioning Plan).
- RSPB (Bird Protection Plan; Habitat Management Plan (HMP); employment of appropriately qualified and experienced Ecological Clerk of Works (EcoW); and post construction monitoring (bird populations & habitat monitoring to be reported to HMP management group)

Conditions Recommended by the Council to be considered by the ECU

Landscape Consultant

- That the applicant should commit to the installation of an Aircraft Detection Lighting System (ADLS) which would substantially reduce the duration of night-time lighting as lights would only be activated by approaching aircraft and would not be on permanently overnight. Such systems are used elsewhere in Europe, and it should be noted that Scottish Power Renewables (SPR) have committed to adopting ADLS in a number of proposed wind farms (including the Earraghail wind farm proposal in Argyll and Bute).
- No development shall commence unless and until an Aviation Lighting Landscape and Visual Impact Mitigation Plan (ALLVIMP) for:
 - (i) the use of an aircraft detection lighting system;
 - (ii) the reduction of lighting intensity during good meteorological visibility; and
 - (iii) the specification of lighting; has been submitted to and approved in writing by the Planning Authority following consultation with the Civil Aviation Authority, and NatureScot.

The approved ALLVIMP shall be fully implemented throughout the lifetime of the Development, unless any change to the ALLVIMP is otherwise approved in writing by the Scottish Ministers.

Reason: in the interests of aviation safety, and to minimise landscape and visual impacts

- Should the ECU not be minded to include such a condition (as has already been intimated), it is considered that an alternative condition be considered which would allow an annual review of the Aviation Lighting Plan, to enable an Aircraft Detection Lighting System to be installed post- construction, when the technology becomes available in line with CAA Policy. This will ensure that the wind farm does not operate with visible aviation lighting for

the entirety of its 35 year life span, when ADSL technology is available, thus minimising landscape and visual impacts.

Flood Risk Assessor

- Surface water drainage to be designed in accordance with CIRIA C753.
- Watercourse crossings should be designed to at least the capacity of the existing channel and ideally to the 200 year plus climate change flow and an allowance for freeboard.

Environment Protection Officer:

- The level of noise immissions from the combined effects of the wind turbines at Narachan windfarm (including the application of any tonal penalty) when calculated in accordance with a procedure agreed with the Planning Authority, shall not exceed the values set out in Table 1

Table 1 – LA_{90,10min} dB Wind Turbine Noise Level at all times

Location	Standardised wind speed (m/s) at 10m height within the site averaged over 10 minute periods						
	4	5	6	7	8	9	10
All residential properties	35.0	35.0	35.0	35.0	35.0	35.0	35.0

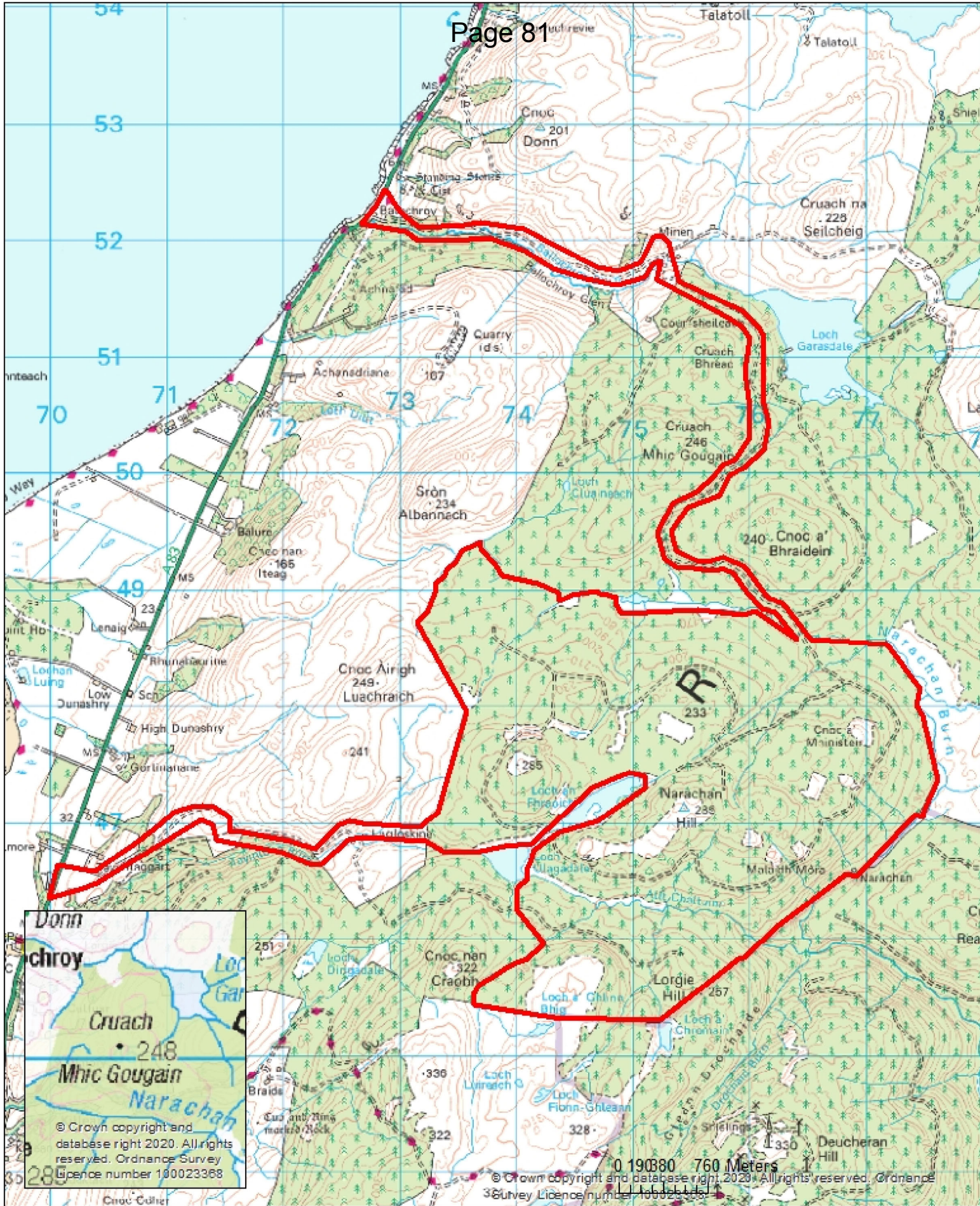
- Prior to the installation of any turbines the developer shall submit a report for approval by the Planning Authority which demonstrates compliance with the noise limits in Condition 1 above. The report shall include details of any proposed noise reduction measures and be prepared with reference to the Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97 and associated supplementary guidance notes.
- Within 21 days from the receipt of a written request from the Planning Authority or following a complaint to the Planning Authority from the occupant of a dwelling the wind turbine operator shall, at the wind turbine operator's expense, employ an independent consultant approved by the Planning Authority to assess the level of noise immissions from the wind turbines at the complainant's property following procedures to be agreed with the Planning Authority.
- The wind turbine operator shall provide to the Planning Authority the independent consultant's assessment and conclusions regarding the said request or noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 2 months of the date of the written request of the Planning Authority unless otherwise extended in writing by the Planning Authority. The wind turbine operator shall take such remedial action required to the satisfaction of the Planning Authority.
- Wind speed, wind direction and power generation data shall be continuously logged and provided to the Planning Authority in a format to be agreed at its request and within 28 days of such a request. Such data shall be retained by the operator for a period of not less than 12 months.

- No development shall commence until there has been submitted to the Planning Authority details of a nominated representative for the development to act as a point of contact for local residents (in connection with conditions 1 - 5) together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with the Planning Authority in connection with any noise complaints made during the construction, operation and decommissioning of the wind turbines.

There shall be no commencement of development unless a private water supply action plan has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the Development. The approved action plan shall thereafter be implemented in full.

- NOTE regarding Construction Environment Management Plan (CEMP) Condition - The Council's Local Biodiversity Officer asks that the details of the mitigation and management for ornithological interest, habitat, species, water courses and peat management are included in the Construction Environment Management Plan (CEMP) along with a series of Tool Box talks to reflect the above and overseen by an Ecological Clerk of Works.
- NOTE regarding proposed site access from Trunk Road – it is recommended that a condition is considered to restrict the construction of only one site access, in the interests of visual amenity.

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Location Plan Relative to Planning Application: 20/00212/S36



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

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: 21/02023/PP
Planning Hierarchy: Local
Applicant: Mr Russell Chopping & Mrs Susan Kerr
Proposal: Erection of Fencing and Decking; Erection of Two Wood Stores; and Siting of Storage Box (retrospective)
Site Address: 5 Arden Craig Chalet, Arden Craig Road, Rothesay, Isle of Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of fencing
- Erection of decking
- Erection of two wood stores
- Siting of storage box

(ii) Other specified operations

- Not applicable
-

(B) RECOMMENDATION:

It is recommended that Planning Permission be **granted** as a minor departure to the Local Development Plan subject to the condition and reason in this report.

(C) CONSULTATIONS:

None.

(D) HISTORY:

Planning Permission (ref: 778/76) granted on 3rd March 1978 for the erection of a holiday chalet development at Arden Craig Estate, Rothesay, Isle of Bute.

Planning Permission (ref: 06/01795/DET) granted on 17th October 2006 for the alteration and extension of the subject chalet, including the erection of a conservatory and decking.

Approval granted on 9th April 2009 for a non-material amendment (ref: 09/00132/NMA) to Planning Permission 06/01795/DET incorporating two additional windows on the west elevation and a variation to the design of the timber cladding on the north elevation.

Planning Permission (ref: 09/00136/COU) granted on 15th April 2009 for the change of use of the subject chalet to a dwellinghouse and the erection of a timber shed and pathway.

Approval (ref: 09/00956/TPO) granted on 4th August 2009 for the felling of one Scots Pine and the lopping of one Oak tree at the subject chalet.

Approval (ref: 14/02357/TPO) granted on 15th October 2014 for the removal of one Willow tree at the subject chalet.

(E) PUBLICITY:

Neighbour Notification (closing date 28th January 2022) and Conservation Area Advert (closing date: 11th February 2022).

(F) REPRESENTATIONS:

Objections have been received from the following 15 sources:

Margaret Green, 7 Arden Craig Chalet, Arden Craig Road, Rothesay (E-mail dated 21st January 2022)

Ralph Green, 7 Arden Craig Chalet, Arden Craig Road, Rothesay (E-mail dated 21st January 2022)

Robert Cairns, 1/2, 20 Oban Drive, North Kelvinside, Glasgow (E-mail dated 27th January 2022)

Sheila Penny, Flat 3/1, 16 Purdon Street, Glasgow (E-mail dated 31st January 2022)

Charles Cameron, Flat 2, 3 Marchmont Terrace, Glasgow (E-mail dated 31st January 2022)

Michael McWilliams, 5 Belston Small Holdings, Ayr (E-mail dated 3rd February 2022)

David Fraser, 7 Manse Crescent, Houston (E-mail dated 7th February 2022)

Jan Green, 1/1, 17 Craigmillar Road, Glasgow (E-mail dated 7th February 2022)

Yukari Higo Green, 1 Buckingham Street, Glasgow (E-mail dated 7th February 2022)

Andrew Green, 1 Buckingham Street, Glasgow (E-mail dated 7th February 2022)

J McWilliams, 5 Belston Small Holdings, Ayr (E-mail dated 7th February 2022)

Sylvia Allen, Flat 2/1, 124 Maryhill Road, Glasgow (E-mail dated 8th February 2022)

Iain Cairns, 51 Alder Gate, Cambuslang (E-mail dated 8th February 2022)

Jacqueline Docherty, Daltullich House, Daviot, Inverness (E-mail dated 8th February 2022)

Jean Elizabeth Hewit, 8 Blairatholl Garden, Glasgow (E-mail dated 11th February 2022)

The points raised can be summarised as follows:

- i. It is contended that the application description is incorrect as the fence that is the subject of the application did not replace a previous one.

Comment: This issue will be addressed in Section (C) of Appendix A later in this report.

- ii. It is contended that the plans and drawings do not convey that, whilst the chalet sits on even ground, the garden area at the front elevation runs into the property and, of great significance, rises upward at a very steep incline; turns right; and descends in steps sharply. They also do not visually record the fence in elevation form with the loss of visual amenity not being demonstrated by the limited specifications.

Comment: It is considered that the information submitted with the application is of sufficient detail to undertake an assessment of the development as constructed.

- iii. *'Residential Visual Amenity'* is highlighted and one of the contributors uses as the basis of their objection the Technical Guidance note 2/19 (GLVIA3) of the Landscape Institute. This document explains terms such as *'Residential Visual Amenity'* and *'Residential Amenity'*, which relate to *"the overall quality, experience and nature of views and outlook, available to occupants of residential properties including views from gardens and domestic curtilage"*.

Significant concern is expressed that the fence visually dominates the surrounding area about it. It stands on a raised ground base higher than the public track level and creates a distortion in which the previous and comprehensive soft landscape loses its pastoral integrity creating a hard uncharacteristic intrusion. This, combined with a very basic looking structure, does not add any aesthetic value to this very attractive pastoral enclave at Arden Craig.

Comment: This issue will be addressed in Section (C) of Appendix A later in this report.

- iv. Concern is expressed that the owners of Chalet No. 7 now encounter a singular view, which reveals the whole of the current fencing from above. They contend that the fencing is ugly and fiercely obtrusive to the extent that the gentle, natural view from their decking is now something akin to an industrialised site.

Comment: This issue will be addressed in Section (C) of Appendix A later in this report.

- v. It is explained that no chalet originally enjoyed fencing, as the rural enclave at Ardencraig that was approved by the Local Authority in 1978 featured an open plan spatial configuration. The then owners of Chalet 5 were refused Planning Permission in April 2009 to erect a 1.8 metre fence when a retrospective application was made for a change of use in association with other sought permissions.

Comment: This issue will be addressed in Section (C) of Appendix A later in this report.

- vi. There is now no access from the rear elevation (seaward side) of the chalet. The steps that were previously in place (as the chalet is not on a level with the track) have been removed. One has to look up to the chalet and this new perspective reveals a structure on stilts with a visual frontage which challenges the natural landscape. It now looms over the accessible track that curves and leads uphill to chalets 6 and 7. It is contended that it is extremely unattractive both in terms of scale, dimension and appearance and the uprights need camouflaged with some bush growth.

Comment: This issue will be addressed in Section (C) of Appendix A later in this report.

- vii. The drawings of the rear elevation with the new decking do not reveal the supports underpinning the new single level decking.

Comment: It is considered that the information submitted with the application is of sufficient detail to undertake an assessment of the development as constructed.

- viii. It is contended that the inclusion of a boundary fence beside the access track is an inconvenience for the owners of Chalet No. 7 at the entrance steps to their chalet. They are in their late seventies and they both have ambulatory problems. Additionally, they consider that the track is now functionally somewhat narrowed and are of the opinion that a fire tender would find the inclusion of the fence an impediment if attending their property.

Comment: It is understood that cars are able to drive up the track adjacent to the fence and there was a vehicle parked in front of Chalet 6 at the time of a visit to the site by the Planning Officer. As such, this issue would not be of such significance as to lead to a refusal of the application.

- ix. If the Committee is predisposed to grant the boundary application, it is recommended that simple planting be used to mark the boundary and that some bushes or trailing vines could be of benefit to soak up the excessive rainwater running down from the chalet's high position thereby resolving the visual impact of the exposed decking supports.

Comment: This issue will be addressed in Section (C) of Appendix A later in this report.

- x. Chalet 5 is the only fully residential chalet with the others being used as holiday homes principally for family use. It is explained that, whilst letters are sent to neighbouring properties, these chalet owners are not normally present to observe them and this impedes making submissions in time (currently exacerbated by lockdown events) The owners of Chalet 7 have been in communication with the Council's Chief Executive to examine if there is a remedy to resolve this difficulty and this is being considered.

Comment: The Council undertakes its duties to serve neighbour notification in accordance with the minimum regulatory requirements set out in the Town and Country Planning (Development Management) (Scotland) Regulations 2013. These regulations require notification to be issued to neighbouring notifiable properties and addressed to the "owner/occupier". The Planning Service is not able to readily identify properties that are vacant or infrequently occupied and, as such, is unable to make alternative provision for those addresses.

- xi. As a consequence of contact by the owners of Chalet 7 with the Planning Department, they have been afforded the opportunity to comment on the current application but they contend that no other neighbour has been advised (except Chalet 6 who were forwarded details by Chalet 7).

Comment: In addition to fulfilling the neighbour notification requirements mentioned in (x) above, an advertisement appeared in the Isle of Bute News on 21st January 2022 and a notice was placed at Chalet 5 on 12th January 2022, both of which invited comments on the application that had been submitted. As such, the Council has exercised its statutory duties in respect of the necessary publicity procedures.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|--|-----|
| (i) Environmental Impact Assessment Report: | 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 |
| (v) Supporting Statement | Yes |

The applicants have provided an extensive amount of information in support of their application and this document can be viewed by using the following link:

<https://www.argyll-bute.gov.uk/planning-and-environment/find-and-comment-planning-applications>

(H) PLANNING OBLIGATIONS

Is a Section 75 obligation 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 DM 1 – 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 to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)
SG LDP Sustainable Siting and Design Principles

(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.

Scottish Planning Policy (2014)
Historic Environment Policy for Scotland (2019)
Historic Environment Scotland '*Managing Change in the Historic Environment* Series
Planning History
Third Party Contributions

Argyll and Bute Proposed Local Development Plan 2 (November 2019)

The unchallenged policies and proposals within PLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the PLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded

significant material weighting at this time. There are no provisions in PLDP2 that may be afforded significant weighting in the determination of this particular application.

(K) Does the application relate to 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:

There is a total of 15 no. objections to the application. However, the land-use planning related issues raised are not considered to be unduly complex and, as such, it is considered that a fully informed assessment and determination can be made with reference to this report.

It is also considered that, whilst the development is not fully consistent with the relevant provisions of the Local Development Plan, there are mitigating measures that can be undertaken that allow the development to be approved as a minor departure.

On this basis, and having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment.

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

Retrospective Planning Permission is sought for the erection of fencing, decking and two wood stores and the siting of a storage box at Chalet 5, Arden Craig, Rothesay, Isle of Bute.

The seven-chalet development at Arden Craig is located within the Rothesay Conservation Area and the relevant legislation requires that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*” in assessing applications for Planning Permission.

The Conservation Area is predominantly characterised by urban and suburban built development and the chalets at Arden Craig are unrepresentative of the designated area in terms of their design and they are also incorporated within the surrounding trees as opposed to the majority of the built-up areas where woodland acts as a backdrop or provides a wider setting.

There have been applications for boundary fencing at two of the chalets in the past (including the current application site) and the assessment of both of these has

highlighted the absence of physically defined boundaries between the chalets and has mentioned this as a feature that contributed to the character of the chalet development.

The fence for which retrospective permission is now sought has introduced a form of solid boundary definition that does not accord with previous assessments. However, the applicants are proposing landscaping (which will be reinforced through an appropriately-worded condition) that would result in the current visual impact of the fence being significantly lessened and the creation of a boundary treatment with a less solid and artificial appearance. As such, it can be supported as a minor departure to the Local Development Plan.

It is considered that the replacement decking and minor ancillary structures have a '*neutral*' effect thereby preserving the character and appearance of both the subject chalet and the wider Rothesay Conservation Area.

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

(R) Reasons why Planning Permission Should be Granted:

The site is in the Rothesay Conservation Area and is one of seven chalets located in a woodland setting to the south of Arden Craig House.

The current application includes fencing that has already been erected and the assessment of two applications within the last thirteen years for fencing in this small development (including for a deer fence at the subject property) highlighted the absence of physically defined boundaries between the chalets and mentioned this as a feature that contributed to the character of the chalet development.

The fence for which retrospective permission is now sought has introduced a form of solid boundary definition that does not accord with previous assessments and, as such, it is concluded that it does not meet the tests of '*enhancing*' or '*preserving*' the character of this part of the Conservation Area.

Notwithstanding the above, it is considered that appropriate landscaping can be achieved via a suitably-worded condition that would result in the current visual impact of the fence being significantly lessened and the creation of a boundary treatment with a less solid and artificial appearance.

On the basis of the above, the application would not fully accord with Policies LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 17 and the Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015 but there are mitigating measures that can be undertaken that allow the development to be approved as a minor departure.

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

See Section (R) above.

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

Author of Report: Steven Gove **Date:** 28th March 2022

Reviewing Officer: Howard Young **Date:** 29th March 2022

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/02023/PP

1. Within two months of the date of this permission, a planting plan and schedule shall be submitted to and approved in writing by the Planning Authority that shall include details of:
 - i) Existing landscaping features and vegetation to be retained
 - ii) Proposed landscaping works in relation to the boundary fence and the land below the decking including the location, species and size of every shrub to be planted
 - iii) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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

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

Reason: In the interests of visual amenity in order to integrate the development with its surroundings and in order to preserve the character of this part of the Rothesay Conservation Area.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/02023/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site comprises an existing chalet and its associated curtilage located within the 'Main Town' settlement of Rothesay as identified in the Argyll and Bute Local Development Plan (LDP) 2015. Within this type of settlement, Policy LDP DM 1 encourages sustainable forms of a variety of scales of development on appropriate sites subject to assessment against all other material policy considerations. The development is considered to comply with the Settlement Strategy.

B. Location, Nature and Design of Development

Policy LDP 3 of the Local Development Plan does not support development where it would not protect, conserve or, where possible, enhance the established character of the built environment in terms of its location, scale, form and design. Policy LDP 9 seeks to ensure that the design of developments and structures would be compatible with their surroundings and advises that particular attention should be given to massing, form and design details within sensitive locations such as Conservation Areas. These principles are reinforced in Supplementary Guidance policies SG LDP ENV 17 and the LDP's Sustainable Siting and Design Principles.

Ardencraig House is a Category B Listed Building dating from the earlier to mid-19th century that has been subdivided into separate units and operated as tourist accommodation for a number of years. The grounds that originally pertained to the main house have been subdivided over a considerable period of time into residential sites and a small-scale development of timber holiday chalets.

This chalet development is located in a wooded area that begins approximately 35 metres to the south of Ardencraig House. It comprises seven single storey, timber-clad structures, which are accessed by a private single track road. Five of the chalets are positioned in a single tier with the remaining two being located on higher ground to the south-west.

Chalet 5, which is the subject of the current application, is located at the southern end of the single tier of chalets. It is the property that has been altered the most since the seven chalets began to be sold as separate entities in the mid-2000s. It has been extended and modified so is larger than the other chalets and Planning Permission was also given in April 2009 for it to be occupied as a dwellinghouse as opposed to the original holiday accommodation.

The present application seeks retrospective Planning Permission for the following works:

- The erection of timber fencing along the boundaries of the chalet's curtilage
- The removal of the previous decking on the east-facing elevation of the chalet and the erection of new timber decking
- The erection of two wood stores and the siting of a plastic storage container within the curtilage of the chalet

C. Impact upon Built/Natural Environment

Ardencraig Chalets are located within the Rothesay Conservation Area and the relevant legislation requires that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*” in assessing applications for Planning Permission.

Conservation Area Status

The Rothesay Conservation Area is one of Scotland's most extensive and it stretches along the east coast of the Isle of Bute for some five miles, beginning at Port Bannatyne and ending at Ascog. It encompasses Rothesay's town centre and esplanade; its early industrial area; the extensive seafront residential suburbs; and two villages.

It is fair to say that, with the exception of Skeoch Wood (located between Ardbeg and Rothesay) and Bogany Wood (located on the sloping and higher ground between the town centre and Craigmore), the Conservation Area is characterised by urban and suburban built development. The seven chalets at Ardencraig are unrepresentative of the designated area in terms of their design and they are also incorporated within the surrounding trees as opposed to the majority of the built-up areas where woodland acts as a backdrop or provides a wider setting.

Public Nature of Application Site

The chalet development can be accessed by both vehicles and pedestrians from the north via the private road that runs past Ardencraig House although the usage by cars is almost exclusively in association with the occupation of the chalets. This road continues in a southerly direction beyond the chalets after which it becomes essentially a route for pedestrians. It is understood that, in addition to users of the chalets, the access that runs past the chalets is regularly frequented by dog walkers and walkers.

On this basis, it can reasonably be stated that the application site is not in a solely private location outwith public views. Whilst not next to a busy public thoroughfare that is a main route, it is adjacent to a footpath that is used by members of the public for leisure purposes.

Previous Appearance of Chalet and Curtilage

The applicants have advised that, when they purchased the property in 2019, the chalet was in serious need of repair and restoration. They have explained that the decking had not been treated/maintained annually with the result that it was beyond economic repair due to excessive rotting of the supporting and main timbers.

They have also stated that the chalet grounds were overgrown and overrun with weeds, various brambles etc. that covered most of the rear and the side gardens of the chalet. They have mentioned that the rear garden had been used as a “*dumping ground*” for pruned shrubs, trees, old plants and other garden waste.

The Development Works

i. Fencing

The fencing that has been erected runs along the northern and western boundaries of the chalet's curtilage together with parts of its eastern and

southern boundaries. It is constructed of vertical timber boards and is 1.2 metres in height.

As part of their objection, the owners of Chalet 7 have stated that there was no boundary fence previously at the property. The applicants have advised that, when they were tidying up the overgrown garden, there was evidence of an old fence that had perished to the point that it had collapsed in on itself and then rotted down. They mention that parts of this previous wooden fence were still standing but were cleared away along with other garden rubbish and detritus.

It is reasonable to conclude that, based upon the information that is available, there was no significant and meaningful fencing around the boundaries of Chalet 5 for a considerable number of years. On this basis, it is not considered that the potential presence of previous boundary fencing is afforded any significant weighting in an assessment of the current fencing.

Proposals for boundary fencing at Arden Craig Chalets have been submitted in the past. The application for Planning Permission (ref: 09/00136/COU) that was processed in April 2009 related to the change of use of Chalet 5 to a dwellinghouse together with the erection of a timber shed, deer fence and pathway. The report at that time stated the following:

“The proposed erection of a 1.8 metre high deer fence is considered to be unacceptable. Arden Craig Chalets is characterised by chalets located within open ground. The proposed fence would enclose Chalet No. 5 and introduce an alien form of development that would have an uncharacteristic and unsympathetic visual impact at this location.”

On this basis, a condition was attached to the Planning Permission that precluded the erection of the deer fence.

An application (ref: 14/00862/PP) was processed in 2014 for various works to Chalet 3 (located approximately 25 metres to the north of Chalet 5), including the erection of a fence to define the rear curtilage of the property. This land to the rear gently sloped upwards from east to west and there was woodland where the grassed lawn stopped.

The report mentioned that there was virtually no boundary fencing around the curtilages of the seven chalets at that time; however, the proposed fence was approved on the basis that it was to be modest in height; that access would remain around the rear of the chalet's curtilage; and that the main view towards the chalet would be unaffected.

The assessment of both of these applications highlighted the absence of physically defined boundaries between the chalets and mentioned this as a feature that contributed to the character of the chalet development.

The fence for which retrospective permission is now sought has introduced a form of solid boundary definition that does not accord with previous assessments and, therefore, there is a need to ascertain whether there are any material considerations that would justify approving the application as a minor departure from the Local Development Plan.

The parts of the fence that have the most visual impact when viewed from the private road that runs along the lower ground to the east of Chalet 5 are those

on the southern and south-western boundaries. The northern and north-western boundary fencing is principally viewed by the two chalets on the higher ground to the west and from the rear curtilages of the chalets to the north.

The applicants have advised that the fence has been made from wood that is designed to weather-in and blend into its surroundings. In addition, they have undertaken some initial planting along part of the southern boundary with *Griselinia Littoralis* (broadleaf), which is evergreen, hardy and able to withstand salty air.

They have stated that it is their intention to complete the planting of these broadleaf shrubs together with ornamental grasses and similar species against the remainder of the new fencing. They are of the opinion that these will grow in and around the vertical boards, which would soften the appearance of the fence.

It is considered that the landscaping proposed by the applicants (that will be reinforced through an appropriately-worded condition) would result in the current visual impact of the fence being significantly lessened and the creation of a boundary treatment with a less solid and artificial appearance.

ii. Decking

Based upon the plans of the previous decking that have been submitted with the current application, the main area for external congregation measured approximately 18 square metres but it also included sets of steps and platforms that allowed access from the private road below. The replacement decking has an area for congregation measuring approximately 40 square metres but does not feature any means of access from the road. In terms of the footprint of land taken up by the respective decking structures, the replacement one occupies a smaller area.

The applicants have advised that trellising was installed at the same time as the replacement decking in order that the plants/shrubs and bushes that they are cultivating below the deck have a structure to climb up and out of, with the objective of softening the impact of the decking's "newness".

They have explained that they intend to finish the planting of climbers and similar plants against the trellising and also complete the planting of bulbs and similar in the areas revealed as a result of the old decking being removed, thereby "greening up" these bare spaces.

The presence of decking on this elevation of the chalet has previously been established and, whilst the trellising that has been erected gives a more solid vertical mass to the structure when compared with the previous one, it will provide a good opportunity for plants to grow in the future. As such, it is considered that the visual impact of the replacement decking is acceptable.

iii. Ancillary Works

The two wood stores and the plastic storage container are modest in size and sited in suitable locations within the chalet's curtilage. As such, their visual impact is considered to be acceptable.

Conclusion

In taking all of the above factors into account, it is considered that the fencing, whilst introducing a physically defined boundary at odds with the predominant openness of the chalet curtilages, can be suitably landscaped such that its visual impact would be lessened to an acceptable level. As such, it can be supported as a minor departure to the Local Development Plan.

The replacement decking and minor ancillary structures have a '*neutral*' effect thereby preserving the character and appearance of both the subject chalet and the wider Rothesay Conservation Area in accordance with the relevant national and local planning policy and supplementary guidance

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Ardencraig House

ARDENCRAIG ROAD

Alder Hall
Ardencraig Chalets

Application Site

Tank

Craigard Residential H

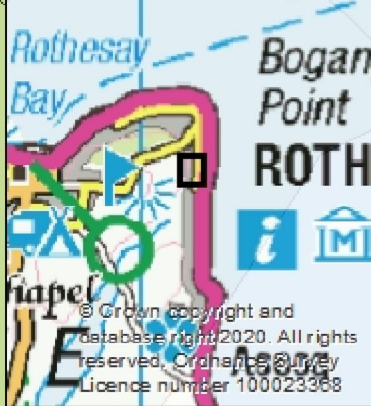
Craigard Cottage

5.4m

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Port Bannatyne



Location Plan Relative to Planning Application: 21/02023/PP



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

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: 21/02308/PP
Planning Hierarchy: Local Development
Applicant: Mr Richard Stein
Proposal: Erection of detached garden room ancillary to dwellinghouse
Site Address: Eilean Da Mheinn, Harbour Island, Crinan, Lochgilphead, Argyll and Bute, PA31 8SW

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of detached garden room ancillary to dwellinghouse

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

It is recommended that Planning Permission be granted for the proposal subject to conditions and reasons appended below.

(C) CONSULTATIONS:

Environmental Health

No objection subject to condition – 22.02.2022

Further response following review of submitted questionnaire omitted the initial condition – 05.04.2022

NatureScot

No formal comment as the development falls below the criteria for consultation – 29.03.2022

(D) HISTORY:

17/01819/PP – Erection of two storey rear extension, replacement conservatory, alterations to dwellinghouse and installation of air source heat pump. Granted – 03.10.2017

(E) PUBLICITY:

No required

(F) REPRESENTATIONS:

(i) Representations received from:

A total of 71 representations were received for the application. Details of the contributors and contents of representations are summarised below.

39 of the representations in support of the proposal were received from;

- Ms Christine Tallon and Mr Adrian Cole, Y Fan Gwern y Domen Farm Lane Caerphilly CF83 3RN
- Mr David, Bennie and Malcolm Bridgland, Drummond House Crinan Harbour Crinan Lochgilphead Argyll And Bute PA31 8SW
- Josef Elias, 65 Cromarty Avenue Glasgow G43 2HQ
- Chantal Stokely, 24 Victoria Road Salisbury SP1 3NG
- Elly, Max, Louise and Mr David Bittleston, Druim A'ird Crinan Cottages Crinan Lochgilphead Argyll And Bute PA31 8SW
- Sue Hillman, Kilmory Ross Tayvallich PA31 8PQ
- Sarah Jane Pinkerton, Oliver Sumner and Andy Weston, 7 Crinan Cottages PA31 8SS
- Mrs D H Murray and Olivia FitzGerald, Kilmahumaig Farmhouse Crinan Lochgilphead Argyll PA31 8SW
- Kerrian and Mr Andy Grant, Innisfree Achnamara Lochgilphead Argyll And Bute PA31 8PX
- Ms Nina Murray, 65 Cromarty Avenue Glasgow G43 2HQ
- Mrs Caroline Evans, 19 Broughton Road London W13 8QW
- Mr Michael Murray, Kilmahumaig C39 From B841 To Crinan Harbour Junction Crinan Argyll And Bute PA31 8SW
- David Sillar, Janet, Martin, Alka and Roy Foster No address provided
- Edward and Anna Hughes No address provided
- Christophe Lefebvre No address provided
- Dr Bill Alexander No address provided
- Prof Dorothy Crawford No address provided
- Dr Brendan Gerrard, Girtrig Cottage Crinan Harbour Crinan Lochgilphead Argyll And Bute PA31 8SW
- Miss Cornelia Graf, Barnakill Caravan Number 1 Cairnbaan Lochgilphead Argyll And Bute PA31 8SQ
- Iain and Kim Ritchie, Crinan House, Ardmore, Crinan, PA31 8SW

- Victoria Winters and Dr John M Hall, Barr, Minard, Inveraray, Argyll and Bute, PA32 8YB
- Will Murray, Kilmahumaig, Crinan, Lochgilphead Argyll PA31 8SW

Additional 32 representations in objection to the proposal were from;

- A and J English, Anchor Cottage, Crinan Harbour, Lochgilphead
- A Kidd, Corlan Pencelli Brecon Powys LD3 7LX
- A and S Murdoch, Harbour Cottage Crinan Harbour Lochgilphead PA31 8SW
- C Berry, 128 East Trinity Rd Edinburgh EH5 3PR
- K Campbell, Shore Cottage Crinan Harbour Lochgilphead PA31
- M MacIntyre, Fuaran Crinan Harbour Lochgilphead PA31 8SW
- A Stephen, 45/2 East Claremont St Edinburgh EH7 4HU
- Ryan Ross and Ann Rasheva, Westering Crinan Argyll PA 31 8SW
- Anthony and Beatrice Vordonis No address provided
- Cherry Campbell, 14 Fettes Row Edinburgh EH3 6RH
- Crinan Campbell, Shore Cottage Crinan Lochgilphead Argyll And Bute PA31 8SW
- Miss Fiona Higgins and Jeremy Birnie, Boathouse Crinan Lochgilphead Argyll And Bute PA31 8SW
- Ryan Frances, The Cottage Crinan Argyll PA31 8SR
- J Lehmann, Mheall Kilmichael Glassary Lochgilphead PA31 8QJ
- J and M MacFarlane, No. 2 Harbour House Crinan Harbour Lochgilphead PA31 8SW
- Alasdair and Lauren Taylor, 2 Crinan Cottages, PA31 8SS
- Julia Spencer, The Dancing Fox, Lunga, Craobh Haven PA31 8UU
- Robin Pigott and Jesse Mandy, Craignish Castle, Craignish Argyll PA31 8QS
- Jamie and Laura Pigott, Dunvullaig, Craignish Argyll PA31 8QS
- William and Bea Goudy, 1 The Anchorage, Ardfern, Argyll PA31 8QN
- Robert and Jane Goudy, The Walled Garden, Craignish, Argyll PA31 8QS
- Lucy Walsh, Dundiggin', Craignish, Argyll, PA31 8QS
- Amber and Martin Crowley, Windward, Ford, Lochgilphead, PA31 8RH
- Douglas Robertson, 92 Fauldshead Road, Renfrew PA4 0RU
- Lyndsay Docherty, Flat 1, 19 Myrtle Place, Glasgow G42 8UJ
- Sophie Barker, 53 Burlington Close, London W9 3LY
- Philip Murdoch and Eleonora Pinzi, Via Barellai 54, 55049 Viareggio, LU Italy
- Louise Boisot and Di Yannacopoulos, Flat 13, 55-59 Grange Road, London, W5 5BU
- Alexandra Rutland, 43 The Avenue, London NW6 7NR

- Hugh Kidd and Katherine Froggatt, 20 Hala Grive, Lancaster LA1 4PS
- David and Frances Sedgwick, Tigh-a-Chinil, Badabrie, Fort William PH33 7LX

(ii) Summary of issues raised:

The contents of the representations received are summarised below in two parts; for and against the proposed development;

Comments in support of the development;

- We wish to fully support the proposed development as there is absolutely no reason why the proposal should not be allowed. It is designed to high specifications and the use of natural materials and colours to reduce what little visual impact it may have –if any- is to be commended
- *[Comment: This point raised in support of the application is noted]*
- The proposal will not have any visual impact from sea, navigable waters (to the north and west), and mainland nor from the footpath walk up to Castle Dounie as the site is concealed by raised ground/rock faces and matured trees on the Island majority of which are evergreen.
- *[Comment: This point raised in support of the application is noted]*
- Construction will provide work for local contractors with owners know for providing local employment and supporting local enterprises.
- *[Comment: This point raised in support of the application is noted. Though not material to the application]*
- Mislead information from Consultant's Document with spurious comment referring to 'plastic pontoon's and concrete ramps' forgetting there are there plastic pontoons and another concrete ramp on the mainland side all happily utilised by objectors. It is obvious the consultant have not had an opportunity to visit the site.
- *[Comment: This point raised in support of the application is noted]*
- Crinan Harbour has been already developed by a mish mash of houses, artists' studios etc none of which are in consistent 'traditional style'.
- *[Comment: This point raised in support of the application is noted but not material to the proposal]*
- The garden area for the development had been laid down over many years by the previous owners of the island whilst they were in good health. Sadly, this area had suffered from years of neglect prior to the island changing hands and was completely overwhelmed with brambles and bracken.
- *[Comment: This point raised in support of the application is noted]*

- Great care and attention has been given to previous development to the main house. Additionally, the owners have made amazing effort and invested much and even more love to restore buildings and maintain the established garden to their former glory. The natural habitat and wildlife on and around the island which was overgrown and in poor state for the plants that were trying to live there have been cared for by the new owners who continue to do so.
- *[Comment: This point raised in support of the application is noted and verified during site visit]*
- The proposal will be on an existing ruin, an old bothy, away from the shore and in a hidden valley. This area is in the middle of a long established garden in the woodland showing there has previously been a building of some type on the site.
- *[Comment: This point raised in support of the application is noted. It is however worth noting that the footing as observed on site are not substantial to be considered for a redevelopment]*
- The proposal would not affect the character of the island and would only enhance it with the proposed design which is very much in keeping with the surrounding and intended to blend into them.
- *[Comment: This point raised in support of the application is noted]*
- For reasons we find hard to understand there seem to be significant but unjustified animosity regarding the proposal which is a shame and fails to consider the whole picture and the programme of sensitively high standard restoration and improvement while maintain natural history and general ecological importance and character of the Island.
- *[Comment: This point raised in support of the application is noted]*

Comments in objection to the proposal;

- The proposal is not to scale, not a “room” neither is it within close proximity/curtilage to the house for a garden room or to be called “ancillary”. The proposal is sited within a proposed second site which is drawn as distinctly separate to the existing dwellinghouse.
- *[Comment: With regards to scale, the proposal is conditioned to be built as per the measurement noted on the plan. The issue of proximity/curtilage and why the proposed development has been positioned in this part of the island has been addressed in the main body of the report below.]*
- The proposal is within a very sensitive countryside zone and National Scenic Area which should be protected.
- *[Comment: This is noted and addressed in the main body of the report below.]*
- The proposed site is inappropriate contrary to the planning policy framework
- *[Comment: This point raised has been addressed in the main body of the report below.]*

- The proposal is incompatible with the designation, would indicate a dangerous and insensitive precedence.
- *[Comment: This has been addressed in the main body of the report below.]*
- Various developments on the island without planning permission including existing outbuildings, concrete slip way with lights along its edge, plastic pontoons and landing stage.
- *[Comment: These developments were noted during site visit – some of which are likely to benefit from the householder's permitted development rights while others may be subjected to enforcement investigation to ascertain breach of planning. However, these are not material to determining this application and would need to be raised a separate matter for enforcement investigation.]*
- Material consideration to be given to visual and environmental impact.
- *[Comment: This point is noted and addressed in the main body of the report below.]*
- Unacceptable visibility from mainland, historic sea lanes and various skyline views including from Dunnie Castle to the unspoiled Crinan Island.
- *[Comment: This has been addressed in the main body of the report below.]*
- Further light pollution besides the all-important lighthouse on Reisa an t-sruith.
- *[Comment: Due to the scale of the development and its concealed location, it is considered that light from the development at night will not be visible from any of the neighbouring properties on the harbour road overlooking the Loch.]*
- Scale and massing unacceptable for a garden room and likely to be expanded to form a new dwellinghouse with boathouse and slipway already planned. These should be restricted to protect the island from larger development in the future.
- *[Comment: The development's scale and massing has been addressed in the main body of the report below. A further condition is attached to ensure the use of the unit is ancillary to the main dwelling.]*
- The 'spire' roof height of 6.5 metres seems significant to some degree since, from the perspective of functionality, it seems to serve little purpose—save perhaps an aesthetic one—but would, we assume, establish a structure of a height exactly equal to a one and a half story building.
- *[Comment: The development's scale and massing has been addressed in the main body of the report below. However, given the Very Sensitive Countryside designation of the site, a new and separate residential dwelling, which this proposal is not, would be deemed unacceptable as per policy requirement.]*
- Further development on the Harbour Island shows lack of appreciation of the Island's current status which would also forever change the character of Crinan. This would degrade the existing character of the countryside and coast and negatively impact on the Island's natural beauty which should be protected

- *[Comment: This point raised has been addressed in the main body of the report below.]*
- A design statement should be submitted for the proposal. Submitted plans do not indicate location of electricity line and Trees to be removed to allow the development.
- *[Comment: A design and access statement has now been submitted for the application. The location of electricity line was observed on site but not material to determining this application. Furthermore, though the application form states trees will be removed, it was noted during the site visit that these were trees already removed due to poor condition/infection. The footprint of the proposal was demarcated on site with pegs and rope with no trees or shrubs on the location which is considered a brownfield due to the evident ruins foundations.]*
- Other comments raised pertaining to the previous application on the island for the extension of the main dwelling, its accompanied design statement and the handling report for the proposal.
- *[Comment: The context with which this point is made though noted is not material to determining the current application. This application by reason of its location, scale, massing and design, though with unique character to the island, has been assessed against the relevant provisions of the adopted LDP and deemed acceptable as detailed in the report below]*
- Proposed LDP's stance on the Rural Countryside Area may support the garden room as a hut with low impact leisure accommodation as defined by the Scottish Planning Policy 2014.
- *[Comment: This point is noted. However, it would be premature to assess proposal against the referenced Rural Countryside Area policy of the proposed LDP 2 which has been subject to objection during the consultation stage – subjecting it to further examination.]*
- We believe that any further exceptions made (especially in a case where the proposal seeks to establish a new building—and plot,) aside from weakening LDP policy, would both undermine the protection this policy confers to such sensitive and quality landscape areas as well as allow, in this specific location within both a designated NSA and Very Sensitive Countryside, an unacceptable encroachment and a degradation of the landscape, irreversible and entirely detrimental to the public interest.
- *[Comment: The proposal though introducing a new building is not considered to be on a new plot but on an existing and managed garden ground for the existing dwelling. The acceptability of the unit as an ancillary building and its impact is addressed in the main body of the report without any compromise on the relevant policies of the adopted LDP]*
- While the old single-storey cottage, during the period prior to its recent extension, was indeed all but invisible from most aspects on the mainland, we were saddened recently to see that, in spite of the mitigation by tree screening mentioned in the Report of Handling, many trees seem to have disappeared and the recently extended and elevated house is now a highly visible feature on the landscape from multiple vantage points to the SW along the old woodland walk

up to Castle Dounie*, which hundreds of members of the public come to enjoy annually—and which is within the National Scenic Area.

- *[Comment: This point is noted and though not material to this application, It was pointed out during the site visit that some the trees had been removed due to their poor/infected conditions. However, it was evident that new planting had also been put in place to enhance the island as per previous condition appended to the house extension]*
- This assertion that the new dwelling will not be seen is almost entirely speculative and, we believe, erroneous. Given both that trees are temporary features that may be easily removed or felled naturally, it is, in fact, almost a certainty that this proposed dwelling will be visible from several aspects in the future. Certainly there can be no question that it will *at least* be visible from anywhere that has a vantage point in line with and into the small glen on the ridge of which the site is proposed. i.e. from Duntrune to the NE and from the much closer shore to the SW where the public path through old growth woodland takes walkers up to Castle Dounie and beyond — both of which vantage points are within the designated NSA.
- *[Comment: This point raised is noted and addressed in the main body of the report. Additionally, the new tree planting scheme is expected to be maintained though as noted weather conditions may well allow some visibility of the structure, it is not expected to highly exposed to visual detriment.]*
- Furthermore, and perhaps more importantly, the argument, might have some merit if this were an application for a new dwelling *within* the Settlement Zone (or if, as was the case in the previous application to extend the cottage, it were an application to extend or modify the one existing dwellinghouse on the island.) But, as this application seeks to build a **new dwelling* *outside** the Settlement Zone —*where none has existed during the period since the land has been designated as both Very Sensitive Countryside and within a National Scenic Area*— we believe this argument does not have merit.
- *[Comment: This point raised is noted and addressed in the main body of the report. The proposed development is considered a separate dwelling but an ancillary unit.]*
-

Note: Full details of all representations can be view on the Council's website at www.argyll-bute.gov.uk

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------------|--|----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |

(iii) **A design or design/access statement:** Yes

- The indicated curtilage on the site plan is by reference to the geological feature made up of the saddle containing the species garden glen located between two clear rock ridges.
- The purpose of the application building is to provide for guests and visitors to the island who may be working in the garden as a toilet/washing facility and/or the occasional guest who may stay on the island overnight. The Applicants will also use the building as a quiet room, particularly for writing and as a creative space.
- The unique location of the garden room and very special nature of this hidden glen within the Island requires an equally unique and special design solution. The design here has evolved as a solution which compliments the nature of a very special area of land, using the existing foundation footprint.
- In elevation, the shape and form of the proposal reflects the canopy pattern of some of the conifer trees found within this area. High quality locally sourced materials are to be used for the structure and external aesthetic. This material will have an immediate dialogue within the wooded garden specifically in terms of texture and colour.
- No trees will be affected in the construction of the garden room due to use of the existing foundation, which has itself been used of late for storage of gardening equipment and general detritus.
- The proposal intends use the existing pontoon access to the island. It will not alter existing access from the pontoon, the boathouse nor does it seek to create any new access.
- The proposal cannot be seen from Crinan Harbour to the south or from the house on the Island to the west. Any view toward the north east is substantially obscured by land contours and existing tree and shrub cover. The Applicants have already planted a substantial number of indigenous trees on the ridges bordering the glen. Further planting is intended.
- The keenest walker, along the Ardnoe peninsula path opposite the boathouse to the south may, during winter when the trees have no leaves, catch a glimpse of the garden room. But strategic planting and the nature of the materials and colours to be used in the construction will minimise this.
- The Applicant has ensured that the natural habitat will not be disturbed by virtue of its siting and the use of sustainable, locally sourced natural materials, and the design will contribute to, and indeed enhance the interest of an already special environment.

- (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

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 DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption

Local Development Plan Schedules

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

Natural Environment

SG LDP ENV 6 – Impact on Trees / Woodland

Landscape and Design

SG LDP ENV 12 – Impact on National Scenic Areas (NSAs)

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 6 – Private Water Supplies and Water Conservation

- (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.**

Scottish Planning Policy

Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below.

- Policy 58 – Private Water Supplies and Water Conservation

(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

There is a total of 32 no. objections and 39 expressions of support to the application. However, the land-use planning related issues raised are not considered to be unduly complex and, as such, it is considered that a fully informed assessment and determination can be made with reference to this report.

On this basis, and having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment.

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

This application seeks for planning permission to construct a detached garden room on the ancillary to the main dwellinghouse on Eilean Da Mheinn, Harbour Island in Crinan.

The application site is accessible via a short boat trip from the end of the C39 public road to Crinan.

In terms of the adopted Argyll and Bute Local Development Plan (LDP) the application site includes land within a Very Sensitive Countryside Zone where Policy LDP DM 1 only gives encouragement to specific categories of development on appropriate sites. These comprise: (i) Renewable energy related development (ii) Telecommunication related development. (iii) Development directly supporting agricultural, aquaculture, nature conservation or other established activity. (iv) small scale development related to outdoor sport and recreation.

While the application site is located in a hidden glen across the mid rock ridge formation on the Island, it was established that this part of the site is managed as part of the garden ground of the main dwellinghouse. The application has therefore been deemed a householder application for a domestic garden room ancillary to the main house. Though Policy LDP DM 1 sets out categorical development allowed within Very Sensitive Countryside Zones, it does not seek to restrict extension to established residential dwellings.

The determining factors in the assessment of this application were to initially establish whether or not the site formed part of the existing garden ground of the main house. Further considerations pertained to the location, scale, massing, design, finishing materials of the proposal and its visual impact on the Island and the National Scenic Area (NSA) as a whole.

In this case, it is accepted that the site forms part of the managed garden ground of the main house. The well concealed location, scale, massing, design and finishing materials are deemed acceptable in that it will not result in a materially detrimental impact on visual character of the Island nor the NSA where it is located.

The application has attracted high volume of representations and is referred to Members to be determined as per the Council's agreed scheme of delegation

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The nature of the proposal constitutes small scale householder development deemed acceptable and consistent with the requirement for the Settlement area. By virtue of its location, massing, design, materials and infrastructure the development will be in keeping with the character of its immediate surrounding and the wider National Scenic Area. It would not give rise to any detrimental residential or visual amenity concerns.

The proposal, subject to the appended conditions, is deemed compliant with the adopted Argyll and Bute Local Development Plan policies LDP STRAT1, LDP DM1, LDP 3, LDP 9, LDP 10, and Supplementary Guidance SG LDP ENV 6, SG LDP ENV 12, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 6, and SG LDP Sustainable. There are therefore no other planning material considerations which would justify refusal of this application for Planning Permission.

(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: Tiwaah Antwi **Date:** 05/04/2022

Reviewing Officer: Sandra Davies **Date:** 05/04/2022

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/02308/PP**1. PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 01/11/2021, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Proximity and Location Plan	AR/287/01	B	26/01/2022
Site Plan with Curtilage (1:2000)	AR/287/04	A	26/01/2022
Site Plan (1:500)	AR/287/05		26/01/2022
Floor Plans and Elevations	AR/287/02		04/11/2021
Elevations, Sections and Roof Plan	AR/287/03		04/11/2021

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

2. Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the building hereby permitted shall be occupied as a structure ancillary to the occupation of the main dwelling and shall not be occupied independently thereof as a separate dwelling unit.

Reason: To define the permission on the basis of the Planning Authority's assessment of the use applied for.

Note to Applicant:

For the avoidance of doubt this permission only provides for the occupation of the ancillary building and the main dwelling by a single household and their non-paying guests. Specifically the occupation of the building independently from that of the main dwelling (e.g. as a separate fulltime residence or a holiday letting unit) shall require the benefit of a separate planning permission.

NOTE TO APPLICANT

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/02308/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application seeks planning permission to construct a detached garden room ancillary to the main dwellinghouse on Eilean Da Mheinn, Harbour Island in Crinan. The application site is accessible via a short boat trip from the end of the C39 public road to Crinan.

In terms of the adopted Argyll and Bute Local Development Plan (LDP) the application site includes land within a Very Sensitive Countryside Zone where Policy LDP DM 1 only gives encouragement to specific categories of development on appropriate sites. These comprise: (i) Renewable energy related development (ii) Telecommunication related development. (iii) Development directly supporting agricultural, aquaculture, nature conservation or other established activity. (iv) small scale development related to outdoor sport and recreation.

Policy LDP 3 aims to protect, conserve and where possible enhance the built, human and natural environment. SG LDP ENV 6 elaborates on this policy and expects development in and around trees, groups of trees and areas of woodland do not have adverse impact on the trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.

SG LDP ENV 12 also has a presumption against development that would have an adverse effect on the integrity of the area, or that would undermine the special qualities of the area. The application site falls within both a Semi-Natural Ancient Woodland and a NSA designation.

Policy LDP 9 requires developers to produce and execute a high standard of appropriate design and to ensure that development is sited and designed so as to pay regard to the context within which it is located. The SG LDP Sustainable provides further detail to this policy seeking development layouts to be compatible with, and consolidate the existing settlement taking into account the relationship with neighbouring properties to ensure no adverse impact on visual and/or residential amenities. Additionally, the scale, design and building materials should complement the house and not dominate it, or detract from its amenity or the amenity of the surrounding area and properties. The total amount of building on the site should not exceed 33% of the site area.

Detailed below is an assessment of the proposed development against the above referenced policies deemed relevant to the application.

B. Location, Nature and Design of Proposed Development

Eilean Da Mheinn is a small private island which lies approx. 190 metres west of Crinan village in Loch Crinan. The Island's topography is predominantly made up geological features of three rock ridges lying almost parallel to each other with two low lying

grounds between them. The two glens are connected by a set of reconstructed metallic steps.

The main house is centrally located on the Island contained by rock spurs while the proposed garden room will be sited centrally on the narrower glen currently maintained as a domestic garden ground with various plant species. This proposed location for the ancillary building is well confined by the rock ridges on the north west and south east boundaries. To the north east at sea and south west from the high level grounds of the Core path C130 which lies some 273 metres south east, the proposal will be bounded by established mature trees.

The proposed site includes land within a Very Sensitive Countryside Zone where Policy LDP DM 1 only gives encouragement to specific categories of development on appropriate sites. These comprise: (i) Renewable energy related development (ii) Telecommunication related development. (iii) Development directly supporting agricultural, aquaculture, nature conservation or other established activity. (iv) small scale development related to outdoor sport and recreation. The nature of the proposed development is small scale and therefore acceptable. It is worth noting that Policy LDP DM 1 is not intended to restrict acceptable extension of existing residential dwellings and their gardens within the Very Sensitive Countryside designation.

While undertaking a site visit and due to the nature of the island, it was noted that the proposed location for the garden room forms part of the managed domestic garden ground of the main dwellinghouse – therefore accepted as part of the main dwelling's curtilage. This part of the garden is accessible via a set of steps which connects it to the main house yet separated by one of the three main geological formations on the island. It is considered that the proposed location is carefully chosen where it will be hidden in the glen and on a brownfield site with evidence of ruins foundation. Based on the above, the Planning Authority is satisfied that the proposed development is within the curtilage of the main dwellinghouse and its intended domesticated use is acceptable and conforms to Policy LDP DM 1.

The proposed rectangular shaped garden room would measure 6.7 metres in length, 4.3 metres wide and 6.5 metres high. The structure would have a combination of pitched and conical roof design extended with a weathervane arrow finial on the conical roof's apex. Externally, the character of unit is uniquely designed; the internal layout shows an open plan kitchen/living area with stove and associated flue, a separate shower facility and stairs to the floored attic in the conical roof space forming a sleeping area. The unit is intended to host occasional guest/workers on the island and the applicants themselves. It will have doors and windows (including three rooflights on the cone roof to serve the attic area). The proposed garden room will be finished in locally sourced larch cladding to walls, doors and windows, stone facing base course, treated cedar shingles and olive green box profiled galvanised steel sheets roof with lead finial to conical roof and dark brown aluminium guttering.

Due to the proposal's hidden location in the glen, scale and uniquely sympathetic design to complement the character of both the Island and the existing dwelling, it is considered acceptable. The proposal will not be materially detrimental to any visual or residential amenities already established and enjoyed by neighbours or the general public.

The proposed location for the ancillary building is well confined by the rock ridges with limited glimpses from north east at sea and south west from the high level grounds of the Core path C130 which lies some 273 metres south east of the proposed site. There may also be glimpses of the pinnacle of the structure with the weathervane finial, if at

all through the mature trees. This is however also considered acceptable in terms of scale and design and will not hide any views.

It is considered that proposed timber finish and olive green roof materials would naturally blend in the existing natural environment. It is therefore considered acceptable and compliant with policy LDP 9 and SG LDP Sustainable.

C. Built Environment

The application site falls within a National Scenic Area and therefore needs to be assessed against Policy LDP 3 which aims to protect, conserve and where possible enhance the built, human and natural environment. SG LDP ENV 6 elaborates on this policy and expects development in and around trees, groups of trees and areas of woodland do not have adverse impact on the trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.

SG LDP ENV 12 also has a presumption against development that would have an adverse effect on the integrity of the area, or that would undermine the special qualities of the area. The application site falls within both a Semi-Natural Ancient Woodland and a NSA designation.

In this regard, it is considered that due to the small scale of the development, its design, location and finishing materials, it will not materially harm or detract from the appearance of the Island, the NSA or the wider natural environment. The scale of the structure is highly unlikely to obstruct any views to or from the Island.

While the application form notes the presence of trees on site and that some trees would be removed as part of the development, it is evident on site that this was part retrospective and this referred to trees in poor condition and/or infected but not to trees required to be felled to enable the development itself. Additionally, the tree removal would not affect the established indigenous woodland area on the island. It was noted that various new replacement trees have already been planted throughout the island. It is also confirmed that there are no Tree Protection Orders (TPOs) on the Island. There are therefore no concerns with the development, proposed (partly retrospective) tree felling on site neither are there any concerns pertaining to environmental nor ecological impact.

The proposal therefore complies with Policy LDP 3, SG LDP 6 AND SG LDP 12.

D. Infrastructure

The proposal intends to rely on the existing water supply. Surface water drainage will be taken into a soakaway and an existing pond, with any excess flowing to sea through established surface water drains. However, foul water will be taken in a proprietary composting unit with solid waste taken to garden and light fluid discharge to a soakaway.

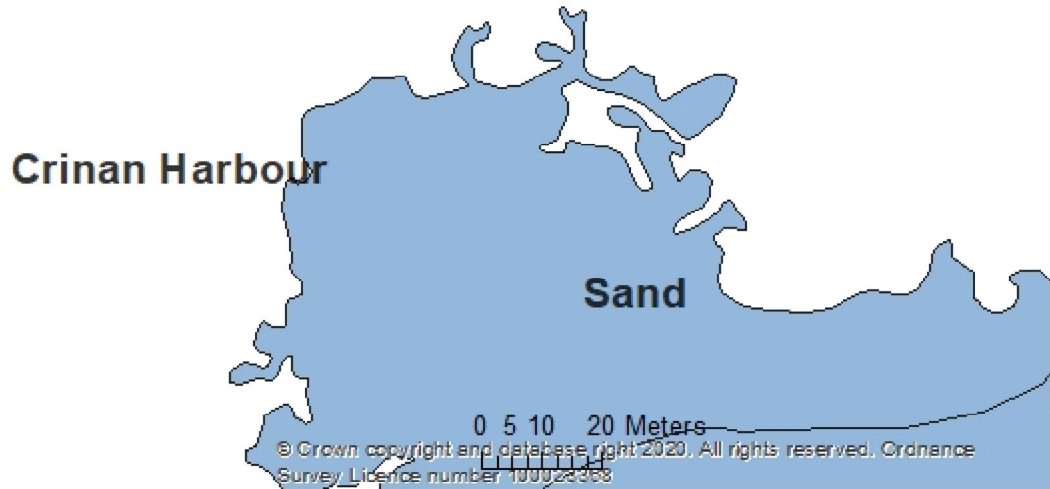
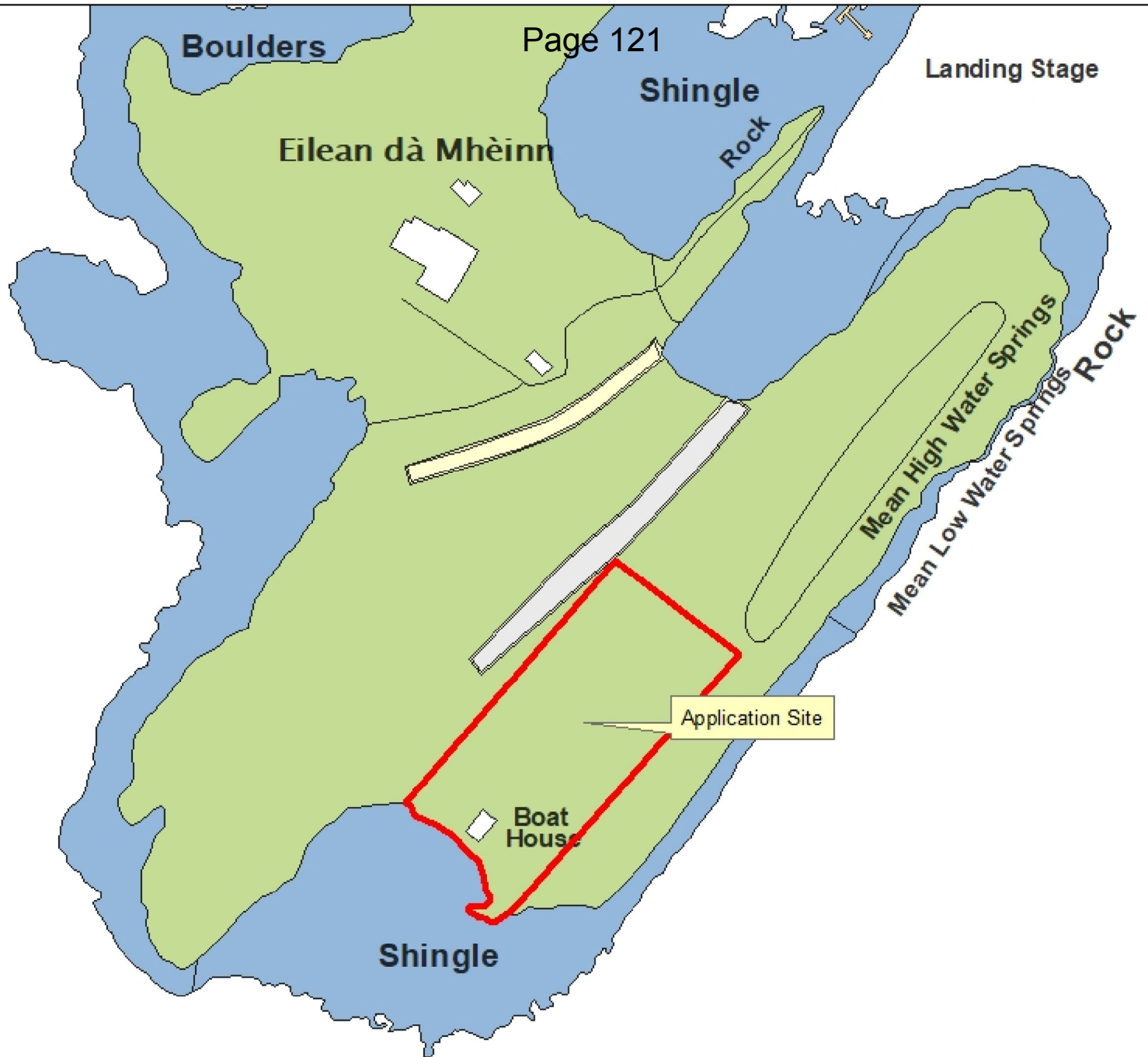
Policy LDP 10 supports all development proposals that seek to maximise our resources and reduce consumption and where they accord with other relevant policy requirements. Furthermore, SG LDP SERV 1 only requires private waste water systems in areas adjacent to waters designated under EC Shellfish Directives 79/923/EEC or 91/492/EEC to discharge to land rather than water.

SG LDP SERV 6 which seek to ensure appropriate infrastructure and supports private water supply where connection to the public system is not, or could not be made available.

In response to this, private waste water treatment is proposed with clean water to be discharged to a soakaway and therefore is in line with the requirements of SG LDP SERV 1, SG LDP ENV 6 and SEPA's Standing Advice which has been considered in the assessment as the nature of the proposal falls below SEPA's threshold for consultation. Furthermore, the development has been assessed against the relevant unopposed Policy 58 of the proposed LPD 2 which does not reflect much changes to their currently adopted policies, it is therefore considered that the development also conforms to this policy.

In conclusion, the proposed development has been assessed against all of the above potential constraints and designations and determined to raise no issues or concerns. It is consistent with relevant policies of the adopted LDP subject to the appended conditions.

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Location Plan Relative to Planning Application: 21/02308/PP



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**Argyll and Bute Council
Development & Infrastructure Services**

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: 21/02393/PPP
Planning Hierarchy: Local
Applicant: Mrs Caroline Jane Keenan
Proposal: Site for the erection of dwellinghouse, 3 holiday cabins and ancillary building.
Site Address: Land Adjacent To Braeside Portnahaven Isle Of Islay

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the erection of residential development (in principle).
- Installation of new accesses and footpaths (in principle)
- Erection of three holiday cabins (in principle).
- Erection of ancillary building (in principle).
- Formation of access and access track.
- Formation of parking and vehicle turning area.

(ii) Other specified operations

- Connection to public water and sewerage systems.
-

(B) RECOMMENDATION:

Recommend that planning permission be refused for the reasons appended to this report.

(C) CONSULTATIONS:

- **Nature Scot** replied 14.03.2022 with no objection. However, there is concern regarding the volume of applications and suggest that the council carry out a capacity study. It is also identified that the proposal would be likely to have a significant impact upon Corncrake giving rise to a requirement for the Council to undertake an Appropriate Assessment in this respect.
- **Area Roads** replied 07.02.2022 with a refusal. There is insufficient land to construct the service bay and site access road. The land required for the

visibility splays are outwith the site edged red and the applicant's control. A Section 75 Legal Agreement would be required.

- **Scottish Water** replied 26.01.2022 with no objection subject to connections and capacity.
- **RSPB** responded 04.03.2022 with no objection but with a request to discuss future mitigation of proposals with regard to declining numbers of Corncrake.
- **WoSAS** replied 08.02.2022 with no objection subject to a condition requiring a watching brief.

(D) HISTORY:

None relevant.

(E) PUBLICITY:

- Regulation 20 Advert Local Application expired 24.02.2022 Oban Times.
Neighbour notification expired 24.02.2022

(F) REPRESENTATIONS:

(i) Representations received from:

Representations have been received from 37 individuals – 36 raising objection and 1 providing comment.

Representation:

Ms Peggy McNab, 33 High Street, Portnahaven 13.02.22

Objections:

Ms Emily Arnold-Fernandez 18 High Street Portnahaven Isle Of Islay 16.02.2022
Mrs Margaret Bauld Ardoch High Street Bowmore Isle Of Islay 15.02.2022
Nicola Bell 7 Queen Street Portnahaven Isle Of Islay 17.02.2022
Isabel Bell 7 Queen Street Portnahaven Isle Of Islay 17.02.2022
Cladville Estate Per Neill Clerk And Murray Solicitors Portnahaven 15.02.2022

Mr Tom Evans 11 High Street Portnahaven Isle Of Islay 08.02.2022
Nicola Evans 12 Queen Street Portnahaven Isle Of Islay PA47 7SJ 09.02.2022
Mr Douglas Farish 6 Queen Street Portnahaven Isle Of Islay
Mrs Mary-Ann Featherstone The Dower House South Kildalton Isle Of Islay
07.02.2022
Mr Neil Gillespie Am Binneach Shore Street Port Wemyss Isle Of Islay

Dr Alistair Hart 203 Nithsdale Rd Glasgow G41 5EX 17.02.2022
Jons Helsing Four Winds Portnahaven Isle Of Islay 14.02.2022
Gary Kaye Orsay House 8 Queen Street Portnahaven Isle Of Islay 08.02.2022

Alison Kaye Orsay House Queen Street Portnahaven PA47 7SJ 08.02.2022
Markus Keggenhoff Mercedes-Benz AG Mühlenstrasse 30 10243 Berlin
11.02.2022

Ina Keggenhoff Mercedes-Benz AG Mühlenstrasse 30 10243 Berlin 11.02.2022
Neil Lock Sendacs Crown Street Portnahaven Isle Of Islay 11.02.2022
Catherine MacArthur Braeside Church Street Portnahaven Islay 07.02.2022
Iain MacKinnon 3 Queen Street Portnahaven Isle Of Islay 15.02.2022
Catriona D Magowan 12 High Street Portnahaven Isle Of Islay 14.02.2022

Dr Alastair McCall 5 High Street Portnahaven Isle Of Islay
Kenneth McDowall 14 High Street Portnahaven Isle Of Islay 14.02.2022
Marion McDowall 14 High Street Portnahaven Isle Of Islay PA47 7SN 14.02.2022
Mrs Helen McIsaac 29 Pleasance square Falkirk Fk1 1bq 15.02.2022
Mr Brian McIsaac 29 Pleasance square Falkirk Fk1 1bq 15.02.2022

Mr Ronald Miller 17 Shore Street Portnahaven Isle Of Islay 14.02.2022
Sandy Rankin Braeside Church Street Portnahaven Islay 07.02.2022
Mrs Jean Rutherford Ardmore Main Street Port Wemyss Isle Of Islay 10.02.2022
Revd Michael Selby St Paul's Vicarage Thurlstone Road Ruislip HA4 0BP
15.02.2022
Mr Stuart Todd Tigh Beag Crown Street Portnahaven Isle Of Islay 14.02.2022

Alex Krasicki No Address Provided 16.02.2022
Kevin Smith No Address Provided 14.02.2022
Bradley Smith No Address Provided. 14.02.2022
Joan Yarker No Address Provided 10.02.2022
John Yarker No Address Provided 10.02.2022
Joanna Wrobel No Address Provided 16.02.2022

(ii) Summary of issues raised:

Representation:

- Comment setting out support for the prospect of the applicant's stated intent to reside in the village but raising issue with the prospect of the requirement for additional holiday accommodation when a significant number of properties in the village are already utilised as second homes and holiday rentals.

Comment: Noted.

Objections:

- The application is not competent under the current LDP.

Comment: Noted and addressed in Appendix A.

- The applicant has gone against the advice of the council's officer presented at the pre application.

Comment: Noted.

- The modern design of the house is not in keeping with the village's vernacular or the aims of the conservation area. The design is likely to be incapable of withstanding the local weather on such an exposed location. The cabins design is incongruous for the area and the wider environs of the villages and will break the skyline to its detriment. Materials, siting, density and design are incongruous within the villages setting. The council has previously rejected proposals and upgrades which do not preserve the character of the village.

Comment: This is a planning in principle application and the design is not a material consideration at this stage. Any approval would carry a condition outlining basic design standards to be applied.

- The business case has not been shown to be sustainable as has happened with previous failures. The further phases if not approved will undermine the business case to the render it unviable.

Comment: Noted and addressed in Appendix A.

- A condition regarding decommissioning should be applied to any approval.

Comment: Noted.

- The attraction of the village for many is the lack of dedicated tourism infrastructure. The proposal is over development for a croft site which generally would not have this size of house or the number of attendant buildings. A non-croft use should not be permitted at this location. The proposed activity areas would not be in keeping with land traditionally designated for crofting.

Comment: The property does not appear to form part of a registered croft holding and is not recorded as such by Registers of Scotland.

- Loss of amenity to existing neighbouring houses due to overlooking and shadowing. More car headlights in a generally dark sky area would be an intrusion. There will be an increase in light and noise pollution. The land is prone to flooding and subsidence due to current rainfall events and is not suitable for intensive housing use.

Comment: The proposal is not suited to a site outwith the settlement boundary due to amongst other reasons, amenity issues affecting existing dwellinghouses.

- There is depopulation of the villages due to seasonal letting and this proposal may be similar. There is almost no unemployment in the area and staffing may be a problem in an area of aged population.

Comment: Noted.

- Detrimental to birds and insect habitats within the SSSI. Joint Nature Conservation Committee has designated Rinns of Islay as Designated Area of Special Conservation.

Comment: Noted and addressed in Appendix A.

- Traffic increase is not acceptable at a junction where the unwary may cause accidents and injuries. There is a parking issue in the area which affects attendance at existing community facilities. The proposed parking is not sufficient for the three pods and the house. The proposer does not have full ownership of the proposed access road.

Comment: Noted and addressed in Appendix A.

- Refuse and waste management is already stretched in the area especially during the holiday season.

Comment: Noted.

- Construction traffic will bring amenity loss especially as other later phases are planned. The condition of the roads would further deteriorate due to traffic increases especially during construction.

Comment: Noted.

- An approval may set precedent for building outwith the villages.

Comment: Each application is addressed separately with its merits tested against the policies of the LDP.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|--------------|--|-----|
| (i) | Environmental Statement: | Yes |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | Yes |
| (iii) | A design or design/access statement:
The proposal is accompanied by a Business Plan and Supporting Statement that provide background to the proposals but do not satisfactorily set out an exceptional locational/operational requirement for the development. | Yes |
| (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

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

(delete as appropriate)

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

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

(delete as appropriate)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 2 – Impact on European Sites
SG LDP ENV 4 – Impact on SSSIs and National Nature Reserves

Landscape and Design

SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 14 – Landscape
SG LDP ACE 1 – Area Capacity Evaluation (ACE)

Historic Environment and Archaeology

SG LDP ENV 16(a) – Impact on Listed Buildings
SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)
SG LDP ENV 20 – Impact on Sites of Archaeological Importance

Support for Business & Industry: Main Potential Growth Sector: Tourism

SG LDP TOUR 1 – Tourist Facilities and Accommodation, including Static and Touring Caravans
SG LDP TOUR 3 – Promoting Tourism Development Areas

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

Transport (Including Core Paths)

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 & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

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

- Scottish Planning Policy

Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below.

- Policy 23 – Tourist Development, Accommodation, Infrastructure and Facilities
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 63 – Waste Related Development and Waste Management

(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: Whilst there has been a significant volume of representation received on this matter it is almost unanimous in raising objection to the proposal.

The proposal is contrary to LDP policy. All issues raised by respondents have been addressed by consultees and by officers within the Report on Handling. In these circumstances, it is considered that a Hearing would add little value to the determination process unless Members were minded to consider approving the development contrary to the recommendation of officers.

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

The proposal seeks planning permission in principle for a site for the erection of a single dwellinghouse, three holiday cabins, an ancillary building, and car parking on an open countryside site to the north of Portnahaven.

The proposal is considered to be contrary to the provisions of the LDP settlement strategy and is considered likely to give rise to significant adverse impacts upon the landscape character of the North and West Islay Coast Area of Panoramic Quality, and upon the character, appearance and setting of the Portnahaven and Port Wemyss Conservation Area. Furthermore, the development would be served by a substandard private access regime where land required to provide commensurate improvements lie outwith the control of the applicant.

The proposal has been subject to thirty six third party representations raising objection and one third party submission making observation both for and against various aspects of the proposal.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Refused:

The proposal is considered to be contrary to policies LDP DM 1, LDP 3, LDP 5 LDP 11, SG LDP HOU 1, SG LDP ENV 13, SG LDP 17, SG LDP TOUR 1, and SG LDP TRAN 4 of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.

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

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 21/02393/PPP

1. The application site is located in an open location within a 'countryside zone', wherein policies LDP DM 1, LDP 5, SG LDP HOU 1, and SG LDP TOUR 1 set out a presumption against small-scale housing/tourism development on open/undeveloped sites. The proposal is directly contrary to the provisions of these policies and, with no significant material considerations to weigh in opposition, the application should be refused.
2. The proposed development would occupy a prominent elevated/skyline location that will render the proposed development as an incongruous addition to the landscape setting of Portnahaven. It is considered that the proposed development would accordingly give rise to a significant adverse visual impact upon the North West Islay Area of Panoramic Quality and the proposal is accordingly contrary to the provisions of policies LDP 3, and SG LDP ENV 13.
3. The proposed development would occupy a prominent elevated/skyline location that will render the proposed development as an incongruous addition within views into and out of the Portnahaven and Port Wemyss Conservation Area. It is considered that the proposed development would accordingly give rise to a significant adverse impact upon the character, appearance and setting of the Portnahaven and Port Wemyss Conservation Area and the proposal is accordingly contrary to the provisions of policies LDP 3, and SG LDP ENV 17.
4. The proposed development would be served by an existing substandard private access. The land required for necessary commensurate improvement of the access bellmouth and formation and maintenance of visibility splays that meet current standards as set out in the Council's Roads Development Guide require land outwith the current application site boundary and control of the applicant. The proposal is contrary to the relevant provisions of policies LDP 11 and SG LDP TRAN 4.

NOTE TO APPLICANT

- For the avoidance of doubt it is noted that the determination of this application relates to the plans stamped 'refused' and numbered 961_001, 961_002 and 961_101 application received 24.01.2022

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/02393/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposal seeks planning permission in principle for one dwellinghouse, 3 holiday cabins, an ancillary service building, and related access and infrastructure required by the development.

The development is located within the 'countryside' zone immediately adjacent to the 'settlement area' of Portnahaven. The proposal includes two key elements, residential and tourism development and requires to be assessed against the provisions of LDP DM 1, SG LDP HOU 1, LDP 5, and SG LDP TOUR 1 in respect of each element.

Within the 'countryside' LDP DM 1 is supportive of up to 'small' scale development on appropriate infill, rounding-off and redevelopment sites, and development relating to the change of use of existing buildings. LDP DM 1 may also support development in the open countryside in exceptional cases where a proposal on an appropriate site supported by an ACE. The current application is however considered to be an open countryside location. The proposal is accompanied by a Business Plan and Supporting Statement. Neither however identify any over-riding location requirement in relation to the development of the land that would merit consideration as an exceptional case.

The proposed single dwellinghouse is a 'small' scale residential development. SG LDP HOU 1 sets out a general presumption against housing development in the open countryside except in circumstances where this relates to the provision of a single dwellinghouse on a bareland croft for the purpose of managing that land. Whilst the applicant has provided information both within the application and in preceding pre-application discussion suggesting that the latter circumstance may be applicable, it has subsequently been confirmed that the application site does not currently form part of a registered croft and is not included on land identified as such by Registers of Scotland. The justification accompanying policy SG LDP HOU 1 confirms that development in the 'countryside' adjacent to a defined settlement boundary should be resisted and do not fall within the definition of 'rounding-off' development.

The proposed 3 holiday cabins area 'small scale' tourism development. The provisions of policy LDP 5 and SG LDP TOUR 1 set out a general presumption in support of new or improved tourist facilities and accommodation provided that

- (A) The development is of a form, location and scale consistent with Policy LDP DM 1;
- (B) the development respects landscape/townscape character and amenity of the surrounding area;
- (C) the development is reasonably accessible by public transport, cycling and on foot;
- (D) the development is well related to existing built form of settlements; and
- (E) The proposal is consistent with the other policies and SG contained in the LDP.

As noted above, the proposal is not in alignment with Policy LDP DM 1 given the absence of support for development of the open countryside location. Matters (B) – (E) are subject to more detailed consideration below.

Islay is located within a Tourism Development Area as defined in the LDP however this does not in itself provide justification to support development that is not aligned with the other relevant provisions of the LDP.

Policy 23 – Tourist Development, Accommodation, Infrastructure and Facilities contained within LDP2 maintains a similar approach to adopted plan policy SG LDP TOUR 1 in that development is required to be sympathetic to its surroundings, accessible and well related to the existing landscape and built form.

The proposed development of an open countryside location is considered to be contrary to the relevant provisions of policies LDP DM 1, SG LDP HOU 1, LDP 5 and SG LDP TOUR 1 and to Policy 23 of the proposed Local Development Plan 2.

B. Location, Nature and Design of Proposed Development

The application site relates to a 1.07ha area of land located to the north of Portnahaven on rising land that frames the setting of the village in views from the South and South East.

The current proposal seeks planning permission in principle but has included conceptual details showing a single storey dwellinghouse (no detail provided) that would occupy an open location on the hillside above High Street and Church Street, and below the former Coastguard Station that sits on the skyline to the north. The proposed site layout plans also identify that the development would include for the installation of 3no. holiday cabins (no detail provided) that would be located at the lower end of the site immediately behind existing traditional properties on High Street, and for the erection of an ancillary building (no detail provided) which is presume to be a service building for the maintenance of the site. The indicative site plan also shows that vehicular access would be via an existing private access from Church Street and would connect directly to the proposed house site and ancillary building. Parking for the holiday cabins would be located at the north east corner of the site with a connecting footpath to the cabins lower on the sloping site.

The provisions of policies LDP 9 and SG LDP Sustainable set out that the location of new development in the countryside should be carefully located to complement their surroundings and make the minimum possible physical impact. Siting should reflect existing landform and development patterns, and the amenity of other dwellings. Building design should be of a high standard and the scale, form, proportions, materials, detailing and colour must all work together to enhance the existing built form and landscape. Outbuildings should relate to the main building form and design, and be carefully positioned on the site. Landscape and boundaries should integrate into the site surrounds. Car parking areas should not be dominant features.

In this instance as the proposal seeks planning permission in principle only indicative detail is provided with the exception of the identification of the site access location. In this instance it is considered that the proposal will occupy an open location above the traditional built form of Portnahaven. Whilst there is an existing former Coastguard building to the north of the site, the proposed development will be seen as a sporadic development that does not relate to the existing pattern of development and will add unnecessary clutter within the backdrop to the backdrop of the settlement. The proposed addition of 3no. holiday cabins and an ancillary building will further exacerbate this impact. The proposed ancillary building and parking areas are indicated to be located at elevated locations and will feature prominently in views of the site from the South and South East

The indicative plan shows that the proposed cabins would be located at the south end of site. Beyond this are the private gardens of residential properties which front on to High Street and Queen Street. Given that the application site rises behind the gardens, it is considered that the proposed cabins would be an overbearing and dominant feature for those residing in the houses below. Although no final design has been submitted, there may also be overlook and privacy issues into the householder's private garden areas although there would be no window to window issues as the cabins would be more than 18 metres away from any dwelling.

It is considered that the proposal does not represent an opportunity for sustainable development that suitably respects the receiving environment and accordingly the proposal is considered to be contrary to the relevant provisions of policies LDP 9 and SG LDP Sustainable. The impact of the development on specific constraints, including landscape and the historic/natural environment are explored in further detail below.

C. Natural Environment

The application site is located within the Rinns of Islay SSSI and SPA designations wherein the provisions of policies LDP 3, SG LDP ENV 2 and SG LDP ENV 4 would seek to resist development that would adversely affect the integrity/special qualities of those designations.

The proposal lies within the Rinns of Islay SPA which is classified for its internationally important populations of Chough, Corncrake, Greenland white-fronted goose, Common scoter, Hen harrier, and Whooper swan. Nature Scot have advised that the proposal is likely to have a significant effect on Corncrake and accordingly the Council in reaching a decision on this application is required to undertake an Appropriate Assessment having regard to "Habitats Regulations". An Appropriate Assessment has been undertaken and is appended to this report as Appendix B. The assessment concludes that the proposal would not adversely affect the integrity of the site subject to appropriate mitigation measures including timing of construction and parts of the development site being set aside for Corncrake management.

Nature Scot have also highlighted the potential for cumulative impact upon Corncrake habitat in the Portnahaven area and, in the event that permission were to be approved, this would require to be informed by a capacity study undertaken to assess such cumulative effects from the proposal and other recent approvals for single dwellinghouses in the wider locality, and to determine the threshold at which development impinges upon the integrity of the designated site. In light of the recommendation to refuse permission no such capacity study has been undertaken in the assessment of the current application. **In the event that members were minded to approve the proposal contrary to the recommendation of officers then it would be necessary to address this matter prior to reaching that position to ensure compliance with LDP 3, SG LDP ENV 2 and SG LDP ENV 4.**

D. Built Environment

The application site is located approximately 100m to the west of the category B listed Portnahaven and Port Wemyss Parish Church. The provisions of policy LDP 3 and SG LDP ENV 16(a) would ordinarily seek to resist development that has an adverse impact upon a listed building or its setting.

Portnahaven and port Wemyss Parish Church is a Thomas Telford building dating from 1830. This single storey structure is a simple, traditional gable-ended building finished in white render and slate with a modest belfry on the western gable. The building is punctuated by two doors and two pointed lattice windows on the southern elevation. The building occupies an elevated location and centrally overlooks the bay of Portnahaven harbour with a gently rising, open backdrop behind to the north. The Church sits slightly separately from existing development with space reserved between it and adjacent housing. The proposed dwellinghouse and potentially also the ancillary building would be located approximately 130m to the west and would appear on the skyline above traditional terraced buildings. The proposed holiday cabins sit at a lower level and would be hidden from view by existing buildings. The setting of the church is however principally framed by the open land to the north; the proposed development is considered unlikely to have a significant adverse impact upon this aspect.

The proposed development is considered to be consistent with the relevant provisions of policies LDP 3 and SG LDP ENV 16(a).

The application site is located immediately adjacent to the designated Portnahaven and Port Wemyss Conservation Area. The provisions of policy LDP 3 and SG LDP ENV 17 would ordinarily seek to resist development that has an adverse impact upon the character or appearance of a Conservation Area, or its setting.

The application site occupies a prominent and elevated location that frames the northern backdrop to the settlement of Portnahaven which is characterised by the traditional terraced buildings within the Conservation Area. Whilst there is already an isolated building on the hilltop this is a former Coastguard building which was located there out of operational necessity and has a very distinct operational characteristic to the building design. The proposed dwellinghouse would occupy an elevated that would be visible over longer distances including from the A847 on the eastern entrance to the village where it would appear on the skyline to the left of the former Coastguard buildings; and from Port Wemyss where it would break into the currently undeveloped greenspace that forms the backdrop to the northern limit of Portnahaven. Within Portnahaven itself the proposed development would largely be screened from view on Shore Street/Queen Street, High Street and Church Street by existing terraced buildings although glimpses of the holiday accommodation may impinge on the skyline as they would sit at a higher level the rear garden areas and outbuildings of those properties. From King Street and Crown Street however there are clear views of the development site looking North West across Portnahaven harbour where the new dwellinghouse, ancillary building and parking areas would sit in what is currently a green open space above existing terraced buildings and would visually fill the space between those and the existing former Coastguard buildings, and from some angles the proposed dwellinghouse would also sit on the skyline.

It is considered that the proposed development would be a sporadic and prominent element that occupies that sits incongruously within the backdrop, and at times on the skyline both within views in to and out of the Conservation Area and whilst the development is located outwith the Conservation Area boundary it will adversely impact upon its character, appearance and setting.

The proposed development is considered to be contrary to the relevant provisions of policies LDP 3 and SG LDP ENV 17.

E. Landscape Character

The proposed development is located within the North and West Islay Coast Area of Panoramic Quality wherein the provisions of policy LDP 3 and SG LDP ENV 13 would seek to resist development where its scale, location or design will have a significant adverse impact on the character of the landscape.

The application site occupies a prominent and elevated location that frames the northern backdrop to the settlement of Portnahaven which is characterised by the traditional terraced buildings within the Conservation Area. Whilst there is already an isolated building on the hilltop this is a former Coastguard building which was located there out of operational necessity and has a very distinct operational characteristic to the building design. The proposed dwellinghouse would occupy an elevated that would be visible over longer distances including from the A847 on the eastern entrance to the village where it would appear on the skyline to the left of the former Coastguard buildings; and from Port Weymss where it would break into the currently undeveloped greenspace that forms the backdrop to the northern limit of Portnahaven. Within Portnahaven itself the proposed development would largely be screened from view on Shore Street/Queen Street, High Street and Church Street by existing terraced buildings although glimpses of the holiday accommodation may impinge on the skyline as they would sit at a higher level the rear garden areas and outbuildings of those properties. From King Street and Crown Street however there are clear views of the development site looking North West across Portnahaven harbour where the new dwellinghouse, ancillary building and car parking would sit in what is currently a green open space above existing terraced buildings and would visually fill the space between those and the existing former Coastguard buildings, and from some angles the proposed dwellinghouse would also sit on the skyline.

It is considered that the proposed development would be a sporadic and prominent element that occupies that sits incongruously within the backdrop, and at times on the skyline, to the existing landscape setting of Portnahaven when viewed both at distance from the East and South East, and also from views out of the village looking North-West.

The proposed development is considered to be contrary to the relevant provisions of policies LDP 3 and SG LDP ENV 13.

F. Archaeological Matters

The application lies in a landscape populated with recorded archaeological sites of prehistoric, medieval and later periods. Although there are no recorded archaeological sites actually within the application area there is no reason to suppose that what has so far been recorded in the surrounding landscape represents the full sum of archaeological remains formed over the many thousands of years covered by our understanding of British prehistory and history. The large area of ground that will be disturbed by this development stands a chance of unearthing buried unrecorded remains which could be of any period and which may survive below ground level. This is particularly the case with prehistoric stone tools which are a common theme amongst the many recorded sites in the wider landscape. In the event that permission were to be granted then this would require a condition for a watching brief during ground breaking to ensure compliance with policies LDP 3 and SG LDP ENV 20.

G. Road Network, Parking and Associated Transport Matters.

Access will be via an existing private access from Church Street which currently serves the former Coastguard buildings and provides access to surrounding open land. Parking (no detail provided) is indicatively shown to be provided onsite and is capable of complying with SG LDP TRAN 6 in this respect.

The site access is located approximately 170m from an existing bus stop on Campbell Place with pedestrian access available along the public road which also forms part of the core path network. The proposal does not appear to impact upon any existing public right of access/way and is accordingly viewed to be in alignment with SG LDP TRAN 1 and SG LDP TRAN 2. Consideration of any detailed proposals would also require to consider the requirements of SG LDP TRAN 3 for Special Needs Access Provision although there appears to be no obvious barrier to compliance in this respect at this time.

The Council's Roads officers have however advised that the existing private access is substandard and would require the bellmouth onto the public road to be improved with a service bay layout and visibility splays of 42m x 2.4m to bring it in line with current Council standards. The applicant does appear to have control over the land required to provide both service bay and visibility splay improvements. Whilst this could potentially be resolved if the relevant third party interests were willing to enter into a s75 agreement to provide/maintain the improved access this has not been explored as officers have identified fundamental failings in other aspects of the proposal.

Policies 37 (Development Utilising an Existing Private Access or Existing Private Road) of the proposed Local Development Plan 2 is similar to Policy SG LDP TRAN 4 in that it is supportive of commensurate improvements where the applicant can secure ownership or demonstrate that an agreement has been reached with the existing owner to allow the commensurate improvements to proceed.

In the absence of essential improvement works to the site access the proposal is considered to be contrary to the relevant provisions of LDP 11 and SG LDP TRAN 4 and Policy 37 of LDP2.

H. Infrastructure

The proposed development would be connected to public water supply and sewerage infrastructure. Scottish Water have not raised objection to the proposal and the application is considered to be consistent with the relevant provisions of LDP 10, SG LDP SERV 1, and SG LDP SERV 6 in these respects.

Provision for disposal of surface water would be made on site (no detail provided); in the event that permission were to be granted then compliance with the relevant provisions of policies LDP 10 and SG LDP SERV 2 would require to be secured by condition.

The proposal does not provide any indication of proposed arrangements for the storage, recycling, composting or collection of waste arising from the development, however in the event that permission were to be granted then these matters would require to be secured by condition to ensure compliance with LDP 10 and SG LDP SERV 5(b) and LDP2 Policy 63 (Waste Related Development and Waste Management).

APPENDIX B

HABITATS REGULATIONS 'APPROPRIATE ASSESSMENT' HABITAT DIRECTIVE 92-43-EEC THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED

Rinns of Islay Special Protection Area (SPA)

Purpose of the designation

The Habitats Directive aims to conserve biodiversity by maintaining or restoring species to favourable conservation status. The Rinns of Islay SPA is classified for its internationally important populations of Chough, Corncrake, Greenland white-fronted goose, Common scoter, Hen harrier and Whooper swan.

The purpose of the designation is to avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained:

- Population of the species as a viable component of the site;
- Distribution of the species within site;
- Distribution and extent of habitats supporting the species;
- Structure, function and supporting processes of habitats supporting the species;
- No significant disturbance of the species.

Consequences of the designation

In circumstances where European Protected Species could be subject to significant effects as a consequence of development proposals, the competent authority, in considering whether development should be consented, is required to undertake an 'appropriate assessment' to inform its decision-making process, on the basis that where unacceptable effects are identified, or in cases of 'reasonable scientific doubt', then permission ought not to be granted.

An 'appropriate assessment' is required to be undertaken in cases where any plan or project which:

- (a) Either alone or in combination with other plans or projects would be likely to have a significant effect on a European site designated for nature conservation; and
- (b) Is not directly connected with the management of the site.

It is considered by NatureScot that the development proposed by means of planning application (ref: 21/02393/PP) could affect the Corncrake (*Crex crex*) feature of the Rinns SPA/SSSI due to the potential loss of corncrake habitat, its proximity to calling males and changes to human and agricultural activity on the site.

As a consequence, Argyll Bute Council has conducted an 'appropriate assessment', as per the Conservation (Habitats and C.) Regulations 1994 (as amended), having

regard to the anticipated effects of development and the conservation objectives for the site's qualifying interests. This assessment is detailed below.

Characteristics of the development

The proposal is for the erection of a dwelling house, three holiday cabins and an ancillary building on an open countryside side to the north of Portnahaven which is located within the SPA and SSSI. It is NatureScot's view that proposed development could impact the corncrake feature of the Rinns SPA/SSSI due to the loss of potential corncrake habitat, its proximity to calling males and the changes to human and agricultural activity on the site. Islay is a key area for corncrakes, in recent years numbers have declined substantially from 84 birds recorded in 2016 to only 26 in 2021. The proposed development would pose a small change within the context of the whole of the Rinns SPA, however if viewed as part of a small corncrake hotspot around Portnahaven, then the impacts of habitat loss and disturbance are more significant.

Assessment

The assessment considers the impact of the proposals on the Corncrake qualifying interest and has regard to consultation advice provided by NatureScot.

NatureScot advises that corncrake will move between groups of fields within favoured areas if suitable habitat is available. Connection of these areas of habitat to one another is particularly important. Whilst development construction works would have a relatively small duration, the potential habitat loss from the development footprint is irreversible. As the proposed development site is not suitable corncrake habitat, there will be no loss of habitat from the proposed development.

The majority of females nest within 250m of a calling male provided there is suitable habitat available, and calling male corncrake have been recorded within this distance of the proposed development site. Development construction and subsequent use of the house, and in particular short let holiday cabins, access track and parking, will significantly increase human activity in this area. Restriction on timing of works would allow development to commence without significant disturbance to the corncrakes, and other ground nesting birds, during the breeding season.

Although the change in activity in this area is expected to be significant, corncrake are often very tolerant to disturbance. This tolerance can make them vulnerable to predation by domestic cats and other pets at times but it does not seem to have a major impact on the overall population. Therefore, NatureScot conclude that disturbance will not pose a significant issue.

NatureScot have noted that in the last few years, a cluster of planning applications for single dwellings and agricultural sheds have occurred in the area of the Rinns SPA, which has a high density of corncrake present. There is concern that an increase in the number of developments in this area has the potential to cause a cumulative effect on the site, through loss of habitat, disturbance and adverse

changes to land management; particularly as corncrake rely on a network of suitable habitat. In order to mitigate against this NatureScot advise that some of the proposed development land be set aside for Corncrake management.

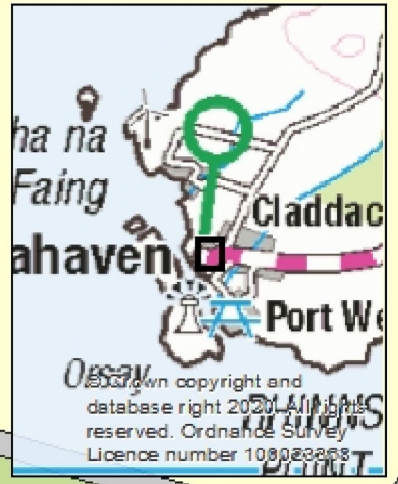
Conclusion

The proposal will not adversely affect the integrity of the site. However, NatureScot advise the following to mitigate against a cumulative impact of development:

- To reduce the impacts of construction works upon Corncrake (*Crex crex*) within the adjacent Corncrake habitat in Portnahaven, all construction work should be undertaken between the 20 September and 1 May;
- Some of the proposed development land is set aside for corncrake management to mitigate the cumulative impact of development in the Portnahaven area (suitable management should be agreed with NatureScot's Corncrake Conservation Advisor).
- A capacity study should be undertaken in order to assess the cumulative impact of development on Corncrake in the Portnahaven area and to determine the threshold at which development impinges of the integrity of the site.

The potential impacts of the development in relation to the conservation objectives cited in the SPA designation have been considered in the light of the above and it has been concluded that with identified mitigation measures in place the proposal would not adversely affect the integrity of the site.

Accordingly there is no reason to withhold permission on European nature conservation grounds.



Location Plan Relative to Planning Application: 21/02393/PPP



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**Argyll and Bute Council
Development & Infrastructure Services**

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: 21/02465/PP
Planning Hierarchy: Local
Applicant: Mr and Mrs Adam & Lisa Murphy
Proposal: Erection of dwellinghouse, formation of vehicular access and installation of a private wastewater treatment plant
Site Address: Land North of 1 Ardmish, Isle of Gigha.

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Erection of Polytunnel
- Erection of shed
- Installation of private wastewater treatment plant
- Formation of access

(ii) Other specified operations

- Not applicable.
-

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to conditions and reasons appended in the report.

(C) CONSULTATIONS:

Argyll and Bute Council Roads and Amenity Services – Defer Decision. Responded 03.02.2022. This has been subsequently resolved and the required additional details are recommended to be requested through suspensive planning condition.

Scottish Water – No objection. Responded 21.01.2022.

Health and Safety Executive – No comment to make on the planning application. Responded 28.01.2022.

Core Paths – No response.

(D) HISTORY:

No relevant planning history.

(E) PUBLICITY:

Regulation 20 Advert – Expired 25.02.2022

(F) REPRESENTATIONS:

(i) Representations received from:

There have been a total of 14 objections and one expression of support. Details of those who made submission are included in appendix B. The issues are summarised and commented upon below.

Objection

Mrs Julie Kane 6 Meadowcroft Harrogate HARROGATE HG1 3JY
12.02.2022
Mr tony philpin Tighcruinn Isle Of Gigha Isle Of Gigha Argyll And Bute
03.02.2022
Mrs Tracey Helm Gigulum Isle Of Gigha Isle Of Gigha Argyll And Bute
04.02.2022
Mrs Jan Robertson 8 Garden Street Galston KA4 8HX 08.02.2022
Mr Ian Pinniger Tigh An Ruadh Ardminish Isle Of Gigha Isle Of Gigha Argyll
And Bute 14.02.2022
Mrs Audrey Dickie Gigulum Cottage Isle Of Gigha Argyll And Bute PA41
7AD 03.02.2022
Mr John Martin 10 Grianan Isle Of Gigh Argyll And Bute PA41 7AE
26.02.2022
Mr John MacDonald Cnoc An Lein Isle Of Gigha Argyll And Bute PA41 7AD
05.02.2022
Mrs Heather MacLean 102 Herries Road Glasgow Glasgow G41 4AN
06.02.2022
Ms Jacqueline Cochrane North Drumachro Isle Of Gigha Isle Of Gigha
Argyll And Bute 02.02.2022
Mr Malcolm Henderson North Drumachro Isle Of Gigha Isle Of Gigha Argyll
And Bute 02.02.2022
Miss Fiona Henderson 1 Ardminish Isle Of Gigha PA41 7AA 03.02.2022
Ms Rhona Martin 9 Grianan Isle Of Gigha Isle Of Gigha Argyll And Bute
23.02.2022
Mrs Karen Durnin 7 Ardminish Isle Of Gigha Isle Of Gigha Argyll And Bute
06.02.2022

Support

The Isle Of Gigha Heritage Trust Craft Workshop 1 Isle Of Gigha PA41 7AA
17.02.2022

NB Full details of all representations can be viewed on the Council's website www.argyll-bute.gov.uk

(ii) Summary of issues raised:

Development contrary policies of the Argyll and Bute Council Local Development Plan 2015

'The development is contrary to Policy LDP STRAT 1 (Sustainable Development)... The development does not respect landscape character – the building is not to scale with adjacent properties. The development is contrary to Policy LDP 3 (Supporting the Protection, Conservation and Enhancement of our Environment)... The established character and local landscape and seascape in terms of its location, scale, form and design.'

'There are many available plots elsewhere on the island instead over development of the village.'

'I feel this island has been overdeveloped'

'The proposed build appears to be one and a half storeys it is out of sync with the other single storey residencies on in this side of the village. Building on this site would affect the integrity of Ardmish Village turning it into a township.'

'The overdevelopment of Gigha is changing the topography of Gigha which will be lost forever.'

'Building on this site would affect the integrity of Ardmish Village spoiling the heritage of the village and the island.'

'...development on this site would create another gap site next to it to the south, thus encouraging future development.'

'It is not in accordance with Argyll and Bute Council's sustainable development policies... Does not respect the character of the landscape.'

Officer Comment

The site of the proposal is located in the village of Ardmish which is designated as a Key Rural Settlement in the Argyll and Bute Council Local Development Plan 2015. Key Rural Settlements are also within the designated 'Settlement Zone' of the settlement strategy outlined in Policy DM1- Development Within the Development Management Zones. The proposal is for a single dwellinghouse which is classified as a small scale development. Within Key Rural Settlement Zones encouragement is given to sustainable forms of small scale development on appropriate sites subject to assessment against all other material policy considerations. Sustainable development on suitable site is encouraged within the 'Settlement Zone' with restrictions placed on proposed development within designated development management zones such as the 'Countryside Zone' and 'Very Sensitive Countryside Zone.' Planning application reference number 21/02465/PP has been assessed by officers against all relevant policies of the Argyll and Bute Local Development Plan including Policy LDP STRAT 1 (Sustainable Development) and Policy LDP 3 (Supporting the Protection, Conservation and Enhancement of our Environment). In this assessment it has been concluded that the proposal is a small scale development which has been suitably designed in terms of size, scale and location to respect the development pattern, built form, amenity and landscape character of the surrounding locality.

Road Safety

'The proposed site is situated right next to the main single track throughfare.... Currently there are already 11 entrances to varying properties/establishments/car parking/footpaths and so it is a short but extremely busy stretch of road already...At the south of the aforementioned stretch of road there is already a blind corner.'

'The access to the site is close to what is already a dangerous corner... vehicles travelling south on the single track road would come over the brow of the hill into vehicles existing from the site.'

'Safety aspect of the road. It is the main link on the island used by traffic, cyclists and pedestrians and there is already a dangerous corner in proximity to the site'

'The access to the proposed site is adjacent to what is a dangerous blind corner immediately outside No. 1 Ardmish. Traffic going south along the single track main road would be in danger of moving over the brow of the hill into vehicles existing from the proposed site.'

'Another exit onto a single track main road very close to a blind bend.'

'Access to the site is situated between a blind corner to the immediate south and blind summit on the brow of the brae to the immediate north of the Argyll and Bute Council maintained single track road which poses significant risk to pedestrians.'

'Access going on to an already busy single track road near a dangerous blind corner.'

'The proposed site is between 1-2m below the current road level, with a vertical, not graded drop. This makes formation of the bell mouth more difficult with surface water and runoff from the road then requiring dispersal, and inhibiting clear sightlines.'

'This road is already busy with traffic. There are a number of entrances already on to the road in the same area. There is already a blind corner close to the access to the proposed plot so to have another access entrance near I feel would be an added danger to road users and pedestrians alike.'

Officer Comment

Policy SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes accepts development utilising new and existing public roads, private roads and private access regimes is subject to road safety and street design issues being addressed. Argyll and Bute Council Roads and Infrastructure were consulted on the proposal and issued a consultation response which recommended 'Defer Decision' on the basis that the applicant needed to firstly provide a scaled plan showing the service bay and the turning and parking area for 2 vehicles, within the application site with dimensions of the turning and parking area. Secondly the applicant needed to provide a plan showing the visibility splays within the site edged red was also required. Following discussions with the agent on behalf of the applicant and further submission of revised plans it was established that the land required for the visibility splays was within the same ownership as the owner of the site of the application. The land required for a service bay was therefore either within the site edged red, formed part of the council owned road verge or would be within what is shown on submitted plans as land edged blue as it would be within the same ownership as the applicant. On this basis officers have recommend that a suspensive condition is recommended to be added to the decision notice which requests that prior to commencement to development the submission of further plans will be required to show the satisfactory formation of the access, service bay and parking and turning area. With the attachment of this condition development cannot commence without satisfactory plans

being submitted and approved by the council's roads engineer. On this basis any road safety issues will be satisfactorily addressed prior to the proposed dwellinghouse being built.

Community Nature Reserve and Biodiversity

'The plot is placed on an area of ground which I understood had been given over to members of the community last year to establish a Community Nature Reserve.'

'This proposed site is on a previously unaffected and natural area of the island which was at one point earmarked as a conservation area. Building here would affect the natural flora and fauna of the area.'

'Building in an area which I understand was designated as a Community Nature Reserve which would result in alteration to the landscape with considerable negative results.'

'This development falls within an area of outstanding natural beauty and within a proposed nature reserve.'

'It was also marked as a conservation area. Any building would have an adverse effect on the native flora and fauna.'

'This land has been designated as a nature reserve and would spoil the enjoyment of a nature walk to the shore.'

'This development would not protect, conserve or enhance this area of biodiversity... this area has already been identified as an area for the establishment of a nature reserve.'

'The site is a natural habitat for wildlife and insects.'

'As far as I was aware this plot was part of an area for a nature reserve.'

'It will remove areas of semi natural vegetation in designated community nature reserve.'

'The area of ground had last year been given over to the community as part of a larger piece of ground to be developed as a Community Nature Reserve.'

'The Trust have not consulted Members with regards to removing this piece of ground from the Nature Reserve.'

Officer Comment

The applicant has advised in the submission of the planning application that the land is within the ownership of The Isle of Gigha Heritage Trust. Therefore the proposed establishment of a Community Nature Reserve is a private matter between the Isle of Gigha Heritage Trust and members of the community. Argyll and Bute Council as the Local Planning Authority do not get involved in private land ownership issues. The site of the proposal is not within an area designated for its natural environment and biodiversity and therefore does not have the legislative environmental protection that a site such as a Site of Special Scientific Interest (SSSI) would be granted or the significance as a material planning consideration in the assessment of an application. The site is not within an Area of Outstanding Natural Beauty (these are areas designated for their landscape character in England). The site is also not within the equivalent designation in Scotland which is a National Scenic Area (NSA).

Consultation by The Isle of Gigha Community Trust

'There has been no consultation with trust members regarding plans to sell plots of land'

'The island is "Community Owned" and the Members of the Trust elect the Directors/Trustees to manage the Island it is usual procedure for major transaction to be referred to members. The sale of this plot... has not been referred to members for comment and a vote at the Members meeting.'

'There appears to have been no consultation with the trust members.'

'No consultation with Trust members per the constitution.'

'The board of the Isle of Gigha Heritage Trust have not provided a sound economic case for the sale of this site.'

'There has been no consultation on the merits of the site with Trust members.'

Response

Consultation between Isle of Gigha Heritage Trust Members the local community and Isle of Gigha Heritage Trust is a private matter. Argyll and Bute Council as the Local Planning Authority does not get involved in private matters which may arise in the course of the assessment of a planning application. Private matters are not a material consideration in the assessment of a planning application.

Flooding

'It will disrupt the water table as the area is very wet and has a lot of natural flora and fauna.'

'The area is permanently boggy and local island knowledge will verify that this area is on occasion prone to flooding due to tidal and metrological conditions.'

'The developer relies solely on the SEPA floodmap in their claim that their site doesn't flood... the site has flooded and has an assemblage of wetland flora.'

'The site is very wet indeed. The water table is frequently right at the surface for much of the year... There would need to be significant drainage of the site before it is capable for development.'

Officer Comment

The site is not shown as having a risk of either coastal, river or surface water flooding in accordance with SEPA Flood Risk Maps. On this basis SEPA are not required to be consulted on the planning application and instead SEPA's Standing Advice is used by Argyll and Bute Council as the planning authority to assess flood risk. There is a SEPA Flooding (1:200 year) coastal medium probability shown on the SEPA Flood Maps land to the east of the site. However this flood risk is not shown for the land within the site and therefore it has been concluded that there is not significant flood risk on the site.

Views

'The positioning of the plot will be detrimental to views enjoyed by people already occupying properties.'

'It will tower above the bungalows to the south of the dwellinghouse in the village obstructing the beautiful view of the beach and the sea.'

'Where this building plot is being proposed is an open space with views out over the Sound of Gigha. These views will be changed forever for many who already live here.'

Officer Comment

Disruption of views is not a material planning consideration in the assessment of a planning application.

Effect on Footpath

'The building will be sited right next to the pathway to the beach.'

'The north border of the proposed site appears to infringe on the pathway which leads down to the shoreline.'

'Beside a public footpath which is used throughout the year by locals and visitors alike.'

'The site is at an access to a key footpath and will erode amenity for residents and visitors alike.'

Officer Comment

The site is adjacent to a footpath however the development does not obstruct the footpath and the footpath does not cross the site. The proposed development will therefore not have a significant impact on the use of the footpath.

Commercial use

'Are the potential builders planning more commercial use with the construction of the vegetable plot and the polytunnel.'

Officer Comment

The planning application is for a residential dwellinghouse and has been assessed as an application for a residential dwellinghouse. These comments are not material to the determination of this application.

Impact on water supply

'Building on the proposed site would have an effect on the island's water supply, especially when taking into account the other building taking place on the island... As the proposed build includes a polytunnel this presumably means using an increased water supply.'

Officer Comment

Scottish Water were consulted on the proposal and have no objection to the planning application. They stated in their consultation response: 'There is currently sufficient capacity in GIGHA Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.' This indicates that Scottish Water do not have any significant concerns in regard to the development's impact on the public water supply on Gigha.

General comments – support

'The Isle of Gigha Heritage Trust Board would like to express support for this application which is being applied for on Trust owned land. The Trust created a Plot for Sale Policy a

number of years ago to promote the provision of housing in order to facilitate the sustainable development of the island and the continuity of Gigha. The aim of creating this policy is to encourage people to move into the community, who will live on the island permanently, and who will contribute to the social and economic regeneration of the island.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Impact Assessment Report: 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

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

Local Development Plan Schedules

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

Landscape and Design

SG LDP ENV 14 – Landscape

Historic Environment and Archaeology

SG LDP ENV 16(a) – Impact on Listed Buildings

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems

SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

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

- Scottish Planning Policy

Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:

- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
 - Policy 36 – New Private Accesses
 - Policy 39 – Construction Standards for Private Access
-

(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:

There is a total of 14 no. objections and one expression of support to the application. However, the land-use planning related issues raised are not considered to be unduly complex and, as such, it is considered that a fully informed assessment and determination can be made with reference to this report.

On this basis, and having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment.

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

Planning permission is sought for 'Erection of dwellinghouse, formation of vehicular access and installation of a private wastewater treatment plant,' at Land North of 1 Ardmish, Isle of Gigha, Argyll. The site of the proposal is located in the settlement of Ardmish. Policy DM1- Development Within the Development Management Zones encourages sustainable forms of small scale development on appropriate sites subject to assessment against all other material policy considerations. The site of the application comprises of vacant land located within the Key Rural Settlement Zone of Ardmish identified in the Argyll and Bute Local Development Plan 2015. The principle of the proposal therefore is considered to comply with the settlement strategy.

Policy SG LDP Sustainable – Sustainable Siting and Design Principles sets out the planning authority's requirements for siting and design. The site of the application is located on vacant land with residential houses located to the west of the site and also to the south of the site. The proposed 2 bedroom dwellinghouse will be single storey with useable living area within the roof. The proposed two bedroom dwellinghouse will be set back within the site from the C22 public road with a new access formed onto the C22 public road with a parking and turning area at the front of the dwellinghouse. The dwellinghouse will form a predominately rectangular footprint with a projection on the western elevation to form a porch area. The rest of the site will form garden ground with a shed and polytunnel located on the northern boundary of the site alongside necessary private waste water treatment plant. The proposed dwellinghouse will have untreated Siberian larch clad walls, pitched roof constructed of corrugated roof sheet roofing, aluminium framed doors and windows in Umber grey, with an externally projecting porcelain tiled chimney on the southern gable. The size, scale and form of the proposed dwellinghouse is of an acceptable design which

utilises similar design and materials to surrounding residential dwellinghouse's through the use of single storey, pitched roof, gable ended design. Although the development pattern of this area of Ardmish runs predominately along the western side of the C22 public road the eastern side of the C22 public road is located within the 'settlement zone' of Ardmish with 8 residential dwellinghouses located to the south of the site with a further small number of residential properties located further to the south also within the Ardmish settlement zone. Therefore although there will be an area of intervening land located between the proposed dwellinghouse and the dwellinghouse known as '1 Ardmish' sections of intervening land between residential dwellinghouses and other buildings is a feature of the development pattern of Ardmish. The proposed dwellinghouse will have no immediate neighbouring dwellinghouses adjoining the site and therefore no privacy, amenity or daylight overshadowing issues are raised by the application. The site is 0.25 acres and therefore has the capacity to accommodate the proposed dwellinghouse, associated shed and polytunnel and sufficient garden ground. The proposal for a single dwellinghouse is therefore considered to respect the development pattern, built form and amenity of the surrounding locality.

Policy SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision sets out presumptions in favour or against different scales and circumstances of housing within development management zones as outlined in the settlement strategy. The proposal is small scale sustainable development within the Key Rural Settlement of Ardmish with the site designated as within the 'Settlement Zone' of Policy LDP DM 1- Development within the Development Management Zones. The proposal therefore is considered to comply SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision.

Policy SG LDP ENV 16(a) – Development Impact on Listed Buildings outlines that development affecting a listed building or its setting is required to preserve the building or its setting and any features of special architectural or historic interest. The site of the proposal is located 70m from the Gigha Hotel which is a category B listed building (LB11446). However the proposed dwellinghouse is considered to be of an appropriate design which will not have a significant impact on the setting of the Gigha Hotel as a listed building.

Policy SG LDP ENV 14 –Landscape consider landscape impact when assessing development proposals. Although the site is located within the settlement of Ardmish the rural location of Gigha results in the potential for the proposed development to have an impact on both the built form and the character of the landscape. However, as the proposal is for a single storey dwellinghouse of an appropriate scale, sitting and design it is not considered that the proposal will have a significant impact on the wider character of the landscape of the Isle of Gigha.

Policy SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes accepts development utilising new and existing public roads, private roads and private access regimes is subject to road safety and street design issues being addressed. Argyll and Bute Council Roads and Infrastructure were consulted on the proposal and issued a consultation response which recommended 'Defer Decision' on the basis that the applicant needed to firstly provide a scaled plan showing the service bay and the turning and parking area for 2 vehicles, within the application site with dimensions of the turning and parking area. Secondly the applicant needed to provide a plan showing the visibility splays within the site edged red was also required. Following discussions with the agent on behalf of the applicant and further submission of revised plans it was established that the land required for the visibility splays was within the same ownership as the owner of the site of the application.

The land required for a service bay was therefore either within the site edged red, formed part of the council owned road verge or would be within what is shown on submitted plans as land edged blue as it would be within the same ownership as the applicant. On this basis a suspensive condition is recommended to be added to the decision notice which requests the submission of further plans which show the satisfactory formation of the access, service bay and parking and turning area prior to commencement of development. On this basis the proposal is therefore considered to meet road safety standards and policies SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes and SG TRAN 6 –Vehicle Parking Provision.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The proposed development is considered to be acceptable in regard to all relevant material considerations including national and local planning policy and supplementary guidance. There are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the 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: Fleur Rothwell **Date:** 01.04.2022

Reviewing Officer: Sandra Davies **Date:** 03.04.2022

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/02465/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 18th November 2021; supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Location Plan	PLG-01		16.12.2021
Existing Site Layout Plan	PLG-02		16.12.2021
Proposed Site Layout Plan	PLG – 03		16.12.2021
Proposed Floor Plan and Section	PLG –04		19.11.2021
Proposed Elevations	PLG – 05		19.11.2021
Proposed Polytunnel and Shed	PLG – 07		10.01.2021
Materials	PLG – 06		19.11.2021

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

2. Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access, service bay, parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:
- i) Formation of the junction serving the development site in accordance with the Council's Roads Standard Detail Drawing SD 08/004 Rev a; with visibility splays measuring 2.4 metres to point X by 75 metres to point Y from the centre line of the junction ;
 - ii) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6.

Prior to work starting on site, the approved scheme of works in respect of junction layout shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the junction at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter. A refuse point is to be provided adjacent to the road.

The approved parking and turning layout shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety.

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

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

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

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

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

4. Notwithstanding the provisions of Condition 1, no development shall commence until details confirming the adequacy and suitability of the proposed private sewage treatment system to accommodate the development proposed have been submitted to and approved in writing by the Planning Authority.

In the event that the existing private sewage treatment system proves to be inadequate the development works shall not commence until such time as an alternative means of foul drainage has been consented.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

NOTE TO APPLICANT

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- An alternative means of foul drainage is likely to constitute a material amendment requiring a further planning application. Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.
- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/02465/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Policy LDP DM 1 encourages sustainable forms of small scale development on appropriate sites subject to assessment against all other material policy considerations. The site of the application comprises of vacant land located within the Key Rural Settlement Zone of Ardmish identified in the Argyll and Bute Local Development Plan 2015. The principle of the proposal is considered to comply with the settlement strategy.

B. Location, Nature and Design of Proposed Development

Policies LDP 9 – Development Setting, Layout and Design and SG LDP Sustainable – Sustainable Siting and Design Principles sets out the planning authority's requirements for siting and design. In this regard the proposal must take account of the residential area within which it is located.

The site of the application is located on vacant land with residential houses located to the west of the site and also to the south of the site. To the south of the site there is an area of intervening land in between. Directly north and adjacent to the site is a recently constructed footpath with vacant land and the Gigha Hotel car park further to the north. To the east of the site is an expanse of vacant land which travels in an easterly direction down to the shore line of the island of Gigha.

The proposed 2 bedroom dwellinghouse will be single storey with useable living area within the roof space. The proposed two bedroom dwellinghouse will be set back within the site from the C22 public road with a new access formed onto the C22 public road with a parking and turning area at the front of the dwellinghouse. The dwellinghouse will form a predominately rectangular footprint with a projection on the western elevation to form a porch area. The rest of the site will form garden ground with a shed and polytunnel located on the northern boundary of the site alongside necessary private waste water treatment plant. The proposed dwellinghouse will have untreated Siberian larch clad walls, pitched roof constructed of corrugated roof sheet roofing, aluminium framed doors and windows in Umber grey, with an externally projecting porcelain tiled chimney on the southern gable.

The size, scale and form of the proposed dwellinghouse is of an acceptable design which utilises similar design and materials to surrounding residential dwellinghouses through the use of single storey, pitched roof, gable ended design. The use of Siberian larch cladding also mirrors the dwellinghouses located directly opposite the site at Grinan. Although the development pattern of this area of Ardmish runs predominately along the western side of the C22 public road, the eastern side of the C22 public road is located within the 'settlement zone' of Ardmish with 8 residential dwellinghouses located to the south of the site with a further small number of residential properties located further to the south also within the Ardmish settlement zone. Therefore although there will be an area of intervening land located between the proposed dwellinghouse and the dwellinghouse known as '1 Ardmish' sections of intervening land between residential dwellinghouses and other buildings is a feature of the development pattern of Ardmish. The proposed dwellinghouse will have no immediate neighbouring dwellinghouses adjoining the site and therefore no privacy, amenity or daylight overshadowing issues are raised by the application. The site is 0.25 acres and therefore has the capacity to accommodate the proposed

dwellinghouse, associated shed and polytunnel and sufficient garden ground. The proposal for a single dwellinghouse is therefore considered to respect the development pattern, built form and amenity of the surrounding locality. The size, scale, design and siting of the proposal is therefore considered to be appropriate subject to a condition requesting further landscaping details prior to commencement of development to further integrate the development into the surrounding area. The siting, layout, and design of the proposal is therefore considered to comply with LD9 9 – Development Setting, Layout and Design SG LDP Sustainable – Sustainable Siting and Design Principles.

C. Built Environment

The proposal is for a single dwellinghouse within the settlement of Ardmish. The site is within the designated 'Settlement Zone' of Policy LDP DM 1- Development within the Development Management Zones. The site is within the Key Rural Settlement of Ardmish within a predominately residential area. Further to the north of the site is the Gigha Hotel and the Gigha Craft Workshop. The proposal is small scale sustainable development within the Key Rural Settlement of Ardmish and is considered to comply LDP 8- Supporting the Strength of Our Communities and SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision.

The site of the proposal is located 70m from the Gigha Hotel which is a category B listed building (LB11446). However the proposed dwellinghouse is considered to be of an appropriate design which will not have a significant impact on the setting of the Gigha Hotel as a listed building and therefore is considered to comply with LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment and SG LDP ENV 16(a) – Development Impact on Listed Buildings.

D. Landscape Character

Although the site is located within the settlement of Ardmish the rural location of Gigha results in the potential for the proposed development to have an impact on both the built form and the character of the landscape. However, as the proposal is for a single storey dwellinghouse of an appropriate scale, siting and design and in keeping with the settlement of Ardmish, it is not considered that the proposal will have a significant impact on the wider character of the landscape of the Isle of Gigha. The proposal is therefore considered to comply with LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment and SG LDP ENV 14 – Landscape.

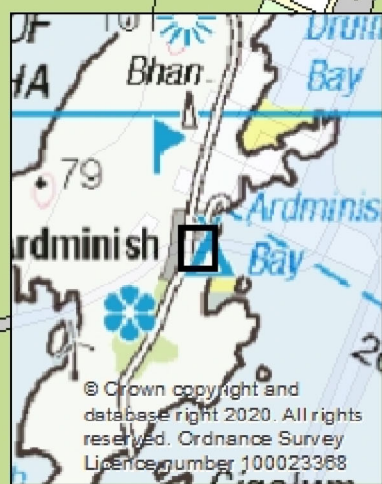
E. Infrastructure

Argyll and Bute Council Roads and Infrastructure service were consulted on the proposal and have issued a consultation response which recommended that the decision be deferred on the basis that the applicant needed to provide the following information:

'1. A scaled plan showing the service bay and the turning and parking area for 2 vehicles, within application site. The plan must have the dimensions of the turning and parking area. 2. A plan showing the visibility splays within the site edged red.'

Following discussions with the agent on behalf of the applicant and further submission of revised plans, it was established that the land required for the visibility splays was within the same ownership as the owner of the site of the application. The land required for a service bay was therefore either within the site edged red, formed part of the council owned road verge or would be within what is shown on submitted plans as land edged blue as it would be within the same ownership as the applicant. On this basis a suspensive condition is recommended which requests the submission of further plans

which show the satisfactory formation of the access, service bay and parking and turning area prior to commencement of development. On this basis the proposal is therefore considered to meet road safety standards and policies LDP 11 – Improving our Connectivity and Infrastructure, SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes and SG TRAN 6 –Vehicle Parking Provision. The proposal would also comply with roads policies 35, 36 and 39 of LDP2 which maintain a similar policy approach to the adopted plan.



Location Plan Relative to Planning Application: 21/02465/PP



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Argyll and Bute Council
Development and Economic Growth

PROPOSAL OF APPLICATION NOTICE

Reference: 22/00265/PAN

Applicant: Auch Estate

Proposal: Proposed of Application Notice for demolition of existing lodge and farm buildings, erection of new replacement guest lodge and new guest steading accommodation, walled garden, ancillary buildings, landscape, access (main road junction improvements, upgrade to existing estate track and lodge gates), paths and all associated service, surface and foul drainage and energy infrastructure.

Site Address: Auch Lodge, Bridge of Orchy

1.0 INTRODUCTION

Proposal of Application Notices (PAN) only relate to Major and National 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 9 February 2022 and therefore an application cannot be made before 4 April 2022.

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.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- Demolition of existing lodge and farm buildings;
- Erection of new replacement guest lodge;
- Erection guest steading accommodation;
- Formation of walled garden;
- Erection of ancillary buildings;
- Provision of landscaping, including paths;
- Proposed access improvements at junction with the public road;
- Proposed upgrade of existing estate track and gates;
- Provision of surface water drainage;
- Provision of foul drainage arrangements;
- Provision of energy infrastructure.

3.0 SITE DESCRIPTION

The site is contained within the extensive Auch Estate to the south east of the Minor Settlement of Bridge of Orchy.

The site is contained between the A828 Trunk Road which forms its western boundary with the West Highland Way (C193 Core Path) forming its eastern boundary.

The land covering within the whole application boundary is generally flat with areas of well-established woodland.

4.0 DEVELOPMENT PLAN POLICY

The adopted 'Argyll and Bute Local Development Plan' (LDP) 2015 identifies the site as being within the Countryside Zone.

Relevant Policies and Supplementary Guidance of the LDP 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 6 – Supporting the Sustainable Growth of Renewables
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

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 6 – Impact on Trees / Woodland
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 14 – Landscape
SG LDP ACE 1 – Area Capacity Evaluation (ACE)

Historic Environment and Archaeology

SG LDP ENV 16(a) – Impact on Listed Buildings
SG LDP ENV 20 – Impact on Sites of Archaeological Importance

Support for Business & Industry: Main Potential Growth Sector: Tourism

SG LDP TOUR 1 – Tourist Facilities and Accommodation, including Static and Touring Caravans

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 3 – Drainage Impact Assessment
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation

Addressing Climate Change

SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework
SG LDP Sust Check – Sustainability Checklist

Transport (Including Core Paths)

SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 3 – Special Needs Access Provision
SG LDP TRAN 4 – New & Existing, Public Roads & 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 and constraints are relevant and will be material to the determination of any future application as follows:

- **Core Path** - The site is bounded to the east by the C193 Core Path which forms part of the nationally important walking route of the West Highland Way.
- **Area of Panoramic Quality** – The site is within the North Argyll Area of Panoramic Quality.
- **Flooding** – The site is within an area identified at being risk from river flooding from the adjacent *Allt Coire Chailein* and *Allt Taigh na Leirge* watercourses and therefore a Flood Risk Assessment may be required to demonstrate that the proposed development will not be at risk of flooding.
- **Surface Water Flooding** – The site is within an area where there is evidence of localised surface water flooding which will require the development to incorporate drainage and SuDS proposals designed to ensure that the whole of the site are to an acceptable design and operational standard in respect of flooding and drainage solutions.
- **Listed Building** - Auch Bridge, which is situated along the eastern boundary of the application site, is Category B Listed, where careful consideration will require to be given to the proposed development to ensure it does not have any significant adverse impact on its setting.

[AUCH BRIDGE, ALLT CHONOGHLAIS \(LB12174\) \(historicenvironment.scot\)](http://historicenvironment.scot)

- **Radon Gas** - The site is within an area identified as having the potential to omit radon gas and therefore input may be received from the Council's Environmental Health Service and the Health and Safety Executive on any formal planning application submitted.
- **Archaeology** – The site is within an area identified as being archaeologically sensitive which may require investigations to be undertaken in advance of works starting on site.

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 and Bute Sustainable Design Guidance (2006)
- Argyll and Bute 'Proposed Local Development Plan 2' (November 2019)
- Argyll and Bute Local Biodiversity Action Plan
- Statutory/Non-Statutory Consultee Comments
- Third Party Representations

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 applicants in finalising any future planning application submission.

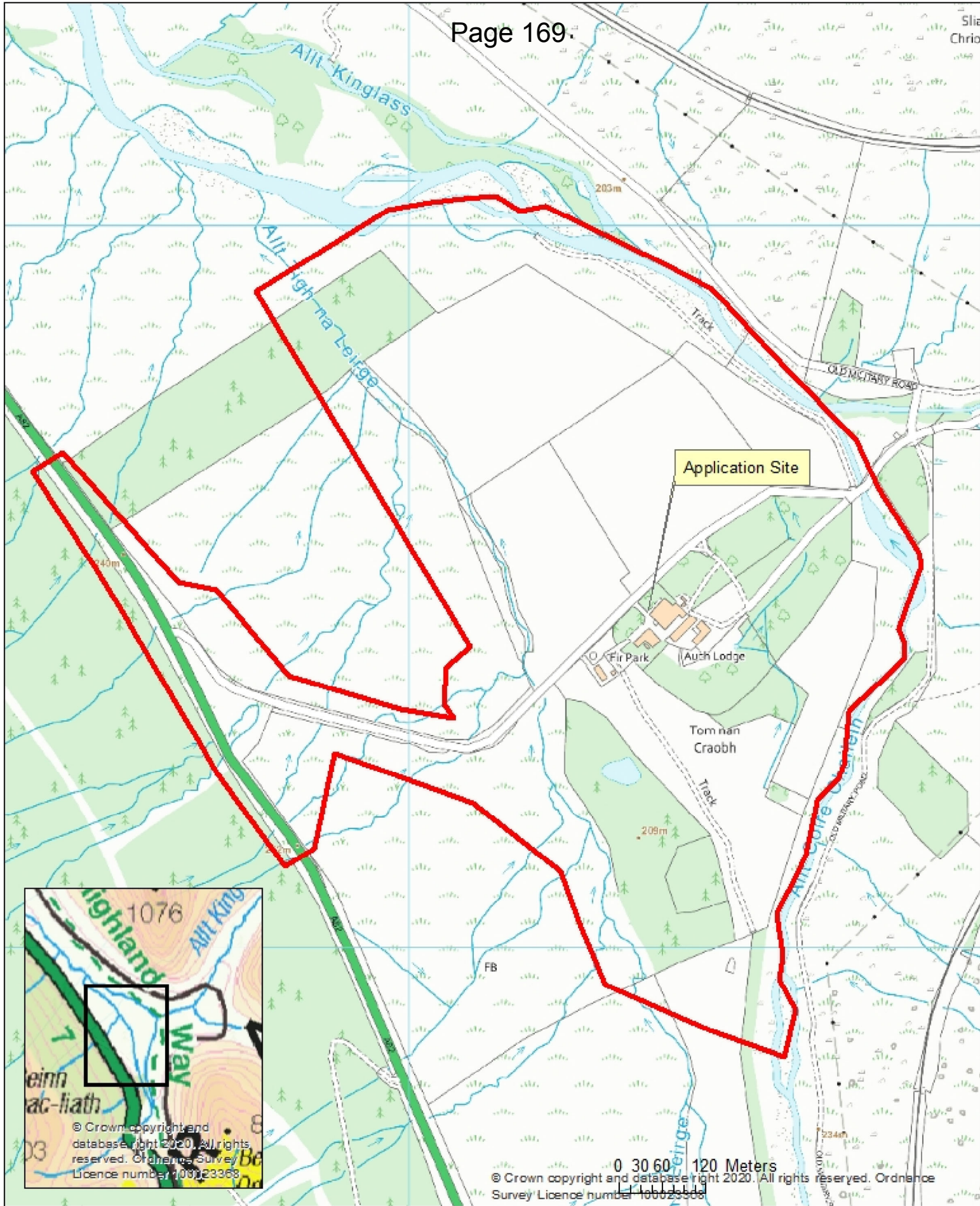
Author of Report: Fiona Scott

Date: 22/03/22

Reviewing Officer: Sandra Davies

Date: 23/3/22

Fergus Murray
Head of Development and Economic Growth



1076
Highland Way
Ailt-King
Ailt-Igh-na-Leige
Ailt-Coire Caimh
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Location Plan Relative to Planning Application: 22/00265/PAN



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of Schedule 7A of the Local Government(Scotland) Act 1973

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