

# Public Document Pack

## Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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15 June 2022

## NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 22 JUNE 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** (Pages 3 - 14)

Planning, Protective Services and Licensing Committee 20 April 2022

**4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI DRIVER/PRIVATE HIRE CAR DRIVER MEDICALS** (Pages 15 - 22)

Report by Executive Director with responsibility for Legal and Regulatory Support

**5. SCOTTISH SEA FARMS LTD: MODIFICATION OF FIN FISH FARM (ATLANTIC SALMON) FROM 9 X 80M CIRCUMFERENCE CAGES TO 14 X 100M CIRCUMFERENCE CAGES, INCLUDING INCREASING BIOMASS TO 2350 TONNES AND INSTALLATION OF REPLACEMENT FEED BARGE: DUNSTAFFNAGE FISH FARM, NORTH OF GANAVAN HILL, DUNBEG (REF: 20/02358/MFF)** (Pages 23 - 68)

Report by Head of Development and Economic Growth

**6. ISLE OF GIGHA HERITAGE TRUST: ERECTION OF 3 DWELLINGHOUSES AND 2 FLATS. INSTALLATION OF AIR SOURCE HEAT PUMPS, FORMATION OF ACCESS AND PARKING ARRANGEMENTS AND ASSOCIATED LANDSCAPING: FIELD ADJACENT TO PLAYPARK, ARDMINISH, ISLE OF GIGHA (REF: 21/01102/PP)** (Pages 69 - 86)

Report by Head of Development and Economic Growth

7. **MR PAUL RODGER: DEMOLITION OF DETACHED DWELLINGHOUSE, ERECTION OF 3 DETACHED DWELLINGHOUSES AND FORMATION OF VEHICULAR ACCESS: PEAT KNOWE, BACK ROAD, CLYNDER, HELENSBURGH (REF: 21/01943/PP)** (Pages 87 - 112)

Report by Head of Development and Economic Growth

8. **FLEXION ENERGY UK STORAGE: PROPOSAL OF APPLICATION NOTICE FOR INSTALLATION OF A GRID BATTERY ENERGY STORAGE FACILITY (UP TO 50 MW), WITH ASSOCIATED DEVELOPMENT: LAND WEST OF ARDNADAM ELECTRICITY SUB STATION, SANDBANK (REF: 22/00998/PAN)** (Pages 113 - 118)

Report by Head of Development and Economic Growth

9. **KEY PERFORMANCE INDICATORS FQ4 2021/22 - DEVELOPMENT AND ECONOMIC GROWTH SERVICE** (Pages 119 - 130)

Report by Executive Director with responsibility for Development and Economic Growth

**REPORT FOR NOTING**

10. **MR RICHARD STEIN: ERECTION OF DETACHED GARDEN ROOM ANCILLARY TO DWELLINGHOUSE: EILEAN DA MHEINN, HARBOUR ISLAND, CRINAN, LOCHGILPHEAD (REF: 21/02308/PP)** (Pages 131 - 134)

Report by Head of Development and Economic Growth

**Planning, Protective Services and Licensing Committee**

Councillor John Armour

Councillor Audrey Forrest

Councillor Amanda Hampsey (Vice-Chair)

Councillor Daniel Hampsey

Councillor Fiona Howard

Councillor Mark Irvine

Councillor Paul Donald Kennedy

Councillor Luna Martin

Councillor Jan Brown

Councillor Kieron Green (Chair)

Councillor Graham Hardie

Councillor Willie Hume

Councillor Andrew Kain

Councillor Liz McCabe

Councillor Peter Wallace

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS on WEDNESDAY, 20 APRIL 2022**

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

Councillor Gordon Blair	Councillor Roderick McCuish
Councillor Rory Colville	Councillor Jean Moffat
Councillor George Freeman	Councillor Alastair Redman
Councillor Kieron Green	Councillor Sandy Taylor
Councillor Donald MacMillan BEM	Councillor Richard Trail

**Attending:** Stuart Mclean, Committee Manager  
Peter Bain, Development Manager  
Sandra Davies, Major Applications Team Leader  
Howard Young, Area Team Leader – Bute & Cowal/Helensburgh & Lomond  
Arlene Knox, Senior Planning Officer  
Derek Wilson, Development Management Officer  
Steven Gove, Planning Officer – Bute and Cowal  
Antwi Tiwaah, Planning Officer – Mid Argyll, Kintyre and the Islands  
Fiona Scott, Planning Officer – Oban, Lorn and the Isles  
Graeme McMillan, Solicitor

**1. APOLOGIES FOR ABSENCE**

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

**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 March 2022 at 10.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 23 March 2022 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 24 March 2022 was approved as a correct record.

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

Following the Committee's decision on 17 November 2021 to publish a list of designated wheelchair accessible vehicles (WAVs) for licensed taxis and private hire cars within the Council's area for the purposes of Section 167 of the Equality Act 2010, and subsequent approval of the WAV Specification Document on 15 December 2021, a consultation exercise with potentially affected operators has been concluded.

A report setting out the findings of that consultation exercise and a finalised list of designated WAVs for approval by Members was considered.

### **Decision**

The Committee agreed:

1. to note the responses received as part of the consultation exercise with the relevant taxi and private hire vehicle operators;
2. to approve the finalised list of designated wheelchair accessible vehicles as detailed at Appendix 1 of the report; and
3. that the finalised list of designated WAVs would be published on the Council's website as of 21 July 2022.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 11 April 2022, submitted)

**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)**

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised on correspondence received from the Applicant in regard to aviation lighting, West Kintyre Community Council, Ironside Farrar, and night time visualisations. Since publication of the supplementary report the Energy Consents Unit have advised that confirmation has been received from Ironside Farrar that they are content with the revised Peat Landslide Hazard Risk Assessment submitted by the Applicant.

In Scotland, any application to construct or operate an onshore power generating station, in this case, a wind farm, with an installed capacity of over 50 megawatts requires the consent of Scottish Ministers under Section 36 of the Electricity Act. Such applications are processed on behalf of the Scottish Ministers by the Energy Consents Unit. Section 52(2) of the Town and Country Planning (Scotland) Act 1997 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 Council's role in this process is one of consultee along with various other consultation bodies. In the event that consent is given 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.

The site is located approximately 1.6km east of Tayinloan. It extends to approximately 1228 hectares and consists predominately of coniferous plantation. There are areas of peat and blanket bog present throughout, and a number of water features. 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. 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.

This report reviews the policy considerations applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with consultation undertaken by the Council, and third party opinion expressed to the Scottish Government.

It was recommended that Members agree that the Council does not object, subject to the Energy Consents Unit considering the pre determination matters and conditions as detailed in the report.

**Motion**

To agree that the Council should not object to this proposal, subject to the Energy Consents Unit considering the pre determination matters and conditions as detailed in the report.

Moved by Councillor David Kinniburgh, seconded by Councillor Gordon Blair.

**Amendment**

To agree to object to this application on the grounds of visual impact.

Moved by Councillor Alastair Redman, seconded by Councillor Roderick McCuish.

A vote was taken by calling the role.

Motion

Amendment

Councillor Blair

Councillor McCuish

Councillor Colville

Councillor Moffat

Councillor Green

Councillor Redman

Councillor Kinniburgh

Councillor MacMillan

Councillor Taylor

Councillor Trail

The Motion was carried by 7 votes to 3 and the Committee resolved accordingly.

**Decision**

The Committee agreed that the Council should not object to this proposal, subject to the Energy Consents Unit considering the pre determination matters and conditions as detailed in Appendix A (section X) of the report.

(Reference: Report by Head of Development and Economic Growth dated 11 April 2022 and supplementary report number 1 dated 14 April 2022, submitted)

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

**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)**

The Planning Officer for Bute and Cowal spoke to the terms of the report. The site comprises an existing chalet and its associated curtilage located within the main town settlement of Rothesay. The seven chalet development at Arden Craig is located within the Rothesay Conservation Area. 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. A total of 15 objections to the application have been received. It is considered that, whilst the development is not wholly 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.

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.

It was recommended that planning permission be granted as a minor departure to the Local Development Plan subject to the condition and reason set out in the report of handling.

**Decision**

The Committee agreed to grant planning permission as a minor departure to the Local Development Plan subject to the following condition and reason:

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.

(Reference: Report by Head of Development and Economic Growth dated 29 March 2022, submitted)

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

The Planning Officer for Mid Argyll, Kintyre and the Islands spoke to the terms of the report and to supplementary report number 1 which advised of further representations received which has resulted in a total of 113 representations; 71 objections, 41 in support and one neutral comment from a Local Member. Reference was also made to a further two representations received since publication of the reports from John MacFarlane, Alexi Murdoch, Mike MacIntyre, representing Crinan Harbour Community members, and another from Mr A Hutchinson of Bellanoch. Despite the large number of representations received, the land use planning related issues raised are not considered to be unduly complex and, as such it is considered that a hearing would not add value to the determination process. The decision on whether or not to hold a hearing would remain the prerogative of the PPSL Committee.

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, 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. 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 the visual character of the Island nor the National Scenic Area where it is located.

The proposal, subject to the conditions detailed in the report, was deemed compliant with the adopted Argyll and Bute Local Development Plan policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 9, LDP 10 and Supplementary Guidance SG LDP ENV 6, SG LDP ENV 12, SG LDP SERV 1, SG LDP SERVE 2, SG LDP SERV 6 and SG LDP Sustainable, and was recommended for approval.

**Decision**

The Committee agreed to:

1. hold a virtual discretionary hearing; and
2. undertake an informal site visit in advance of this hearing.

(Reference: Report by Head of Development and Economic Growth dated 5 April 2022 and supplementary report number 1 dated 19 April 2022, submitted)

At this point Councillor Alastair Redman declared a non-financial interest in the following planning application reference: 21/012393/PP. He advised that a number of his constituents had spoken to him about this application and he considered that these conversations may prejudice his decision in respect of this proposal. He left the meeting at this point and took part in the consideration of this application.

**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)**

The Development Management Officer spoke to the terms of the report. Reference was made to a representation received after publication of the report advising that the land was registered as a croft and known as 6 Portnahaven. Officers revisited their original search of the Land Registers for Scotland sites and could not find a listing under this address of the croft reference number. Notwithstanding this no croft management plan has been submitted with the proposal to support housing on a croft.

The proposal seeks planning permission in principle for the erection of a single dwellinghouse, three holiday cabins, an ancillary building, and car parking within the 'countryside' zone adjacent to the 'settlement' area of Portnahaven. The site is located within the Rhinns of Islay Site of Special Scientific Interest and Special Protection Area designations. The proposal is considered to be contrary to the provisions of the Local Development Plan 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 36 third party representations raising objection and one third party submission making observation both for and against various aspects of the proposal. An objection has also been received from Roads. Other consultees have not objected subject to conditions.

It was recommended that planning permission in principle be refused for the reasons set out in the report of handling.

**Decision**

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

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.

(Reference: Report by Head of Development and Economic Growth dated 6 April 2022, submitted)

Councillor Donald MacMillan left the meeting at this point.

Councillor Alastair Redman returned to the meeting at this point.

**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)**

The Development Manager spoke to the terms of the report. The site of the proposal comprises of vacant land within the Key Settlement Zone of Ardmish identified in the Argyll and Bute Local Development Plan and the principle of the proposal is considered to comply with the settlement strategy. Residential houses are located to the west and south of the site. The proposed 2 bedroom dwellinghouse will be single storey with useable living space within the roof. It will be set back within the site from the C22 public road with a new access formed onto the C22 public with parking and turning area at the front of the dwellinghouse. A total of 14 objections and one expression of support to the application has been received.

The proposed development is considered to be acceptable in regard to all relevant material considerations including national and local planning policy and supplementary guidance.

It was recommended that planning permission be granted subject to the conditions and reasons outlined 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 18<sup>th</sup> 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.

(Reference: Report by Head of Development and Economic Growth dated 3 April 2022, submitted)

**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)**

The Planning Officer for Oban, Lorn and the Isles spoke to the terms of the report. The site is contained within the extensive Auch Estate to the south east of the Minor Settlement of Bridge of Orchy; 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. The adopted Argyll and Bute Local Development Plan 2015 identifies the site as being within the Countryside Zone.

The report sets out the information submission to date as part of the Proposal of Application Notice (PAN) and summarises the policy considerations, against which any future planning application will be considered as well as any material considerations.

It was recommended that Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the Applicant in finalising any future planning application submission.

### **Decision**

The Committee noted the content of the report and submissions and provided the following feedback:

- As long as the scale of the development was kept proportionate to the local landscape this could be welcomed as an opportunity to improve the local economy.

(Reference: Report by Head of Development and Economic Growth dated 23 March 2022, submitted)

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

## **E1 11. UPDATE ON REQUEST FOR TREE PRESERVATION ORDER**

A report providing an update and background on a recent request for a Tree Preservation Order was considered.

### **Decision**

The Committee agreed the recommendation in the report.

(Reference: Report by Head of Development and Economic Growth dated 20 April 2022, submitted)

## **12. VALEDICTORY ADDRESS**

Councillor Kinniburgh thanked Officers and elected Members for their contributions over the term of the Council and especially over the last 2 years. He referred to the PPSL Committee being one of the busiest with Planning meetings, Civic Hearings, Local Review Bodies and Discretionary Hearings, which, he advised, amounted to over 100 meetings held online over the last 2 years. He thanked Officers for making that possible. He wished all those standing again all the best at the forthcoming local election and for those not coming back he wished them well in their retirement.

Councillor Blair thanked Councillor Kinniburgh for his conduct at the meetings.

Councillor Moffat said it had been a pleasure to be part of the Committee for the last 5 years with Councillor Kinniburgh in the Chair and support from Vice Chair Rory Colville. She gave her thanks to everyone and wished those standing again all the best.

Councillor Colville gave a vote of thanks to Councillor Kinniburgh for the way he had handled all of the Committee meetings, especially the virtual ones, and said it had been a pleasure working with him.

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**ARGYLL AND BUTE COUNCIL****PLANNING, PROTECTIVE  
SERVICES AND LICENSING  
COMMITTEE****LEGAL & REGULATORY SUPPORT****22<sup>nd</sup> JUNE 2022**

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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****TAXI DRIVER/PRIVATE HIRE CAR DRIVER MEDICALS**

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## **1. INTRODUCTION**

- 1.1 This report relates to the requirement for medicals for taxi/private hire car drivers in terms of the Civic Government (Scotland) Act 1982. The Committee agreed on 23<sup>rd</sup> March 2022 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. Following the consultation exercise 389 letters were issued to all private hire/taxi drivers and operators on 29<sup>th</sup> March 2022. Only 7 responses were received.

## **2. RECOMMENDATIONS**

- 2.1 Members are asked to consider whether having had regard to the consultation responses they wish to adopt the new procedure for medicals whereby the medical will be carried out by a private company at a central location with the cost being paid by the Council.

## **3. BACKGROUND**

- 3.1 In terms of section 13(4) of the Civic Government (Scotland Act) 1982 a licensing authority may, at any time, for the purposes of satisfying themselves that he is physically fit to drive a taxi or, as the case may be, private hire car, require an applicant for or holder of a taxi driver's licence or private hire car driver's licence to submit to medical examination, at their expense, by a medical practitioner nominated by them.
- 3.2 Originally when the Act came into force Group 1 driving licence standards were applied and those drivers who required medicals obtained written confirmation of their fitness to drive from their GP and submitted this with their application.
- 3.3. In April 2016 the DVLA issued guidance to Licensing Authorities which recommended that taxi drivers and private hire car drivers should be medically assessed to a Group 2 driving licence standard as required for lorry and bus drivers. In November 2016 the Scottish Government wrote to the Conveners of all Licensing Authorities in Scotland specifically directing them to the updated guidance issued by DVLA. The Scottish Government Best Practice Guidance was amended to recommend Group 2 Standards should apply and this was adopted by the Council.
- 3.4 Currently applicants aged 65 years and over who are making an application for a taxi/private hire driver's licence will be required to submit a medical certificate in form D4. This certificate is obtained by the applicant from their GP and any charge levied met by the applicant. Group 2 standards of the medical aspects of fitness to drive booklet applied by DVLA in relation to bus and lorry drivers are applied to taxi drivers in Argyll and Bute. Applicants requiring insulin treatment for diabetes need to provide evidence supporting C1 medical standards. Should an applicant reach their 65<sup>th</sup> birthday during the period of the

licence, a medical certificate will also require to be produced at that time at a cost to the licence holder.

Initially, GP's were prepared to confirm whether or not the Applicant met the required standards. However, over time they have advised that they are not prepared to confirm this, stating that this is a decision for the DVLA. However the DVLA do not determine the outcome of this process, rather Council's administering the process require to ensure that the medical is determined in accordance with the requirements to a Group 2 driving licence standard.

- 3.5 This has resulted in the D4 forms used for Group 2 licences being completed by the GP without any recommendation as to fitness to drive.

#### 4. CONSIDERATION

- 4.1 Consideration has been given to a more robust process and it has been ascertained that a private company are prepared to assess drivers and advise on their fitness to drive.
- 4.2 This would require applicants to attend an appointment at a central location rather than attend their GP as at present. The locations would be in Glasgow, Oban, Helensburgh, Campbeltown and Dunoon.
- 4.3 Currently applicants pay GP's £125 for the completed D4 Form. The fee for a medical in terms of the new process would be in region of £50. This would be met by the Council.
- 4.4 Currently approximately 10 to 15 medicals are required in any year.
- 4.5 Consultation as part of the Equality and Socio-economic Impact assessment has been carried out with taxi/private hire drivers and operators on the proposed new arrangements. A copy of the Equality and Socio-economic Impact assessment is attached to this report as Appendix 1. Following the consultation exercise 389 letters were issued to all private hire/taxi drivers and operators on 29<sup>th</sup> March 2022. Only 7 responses were received. The responses were broadly supportive of the proposed new process although 2 representations were received from Islay expressing concern about the cost and time involved in having to go to a central location to have the medical carried out and one respondent requested the medical be carried out in Islay. A detailed account of the responses received is noted in Appendix 2.

#### 5. CONCLUSION

- 5.1 Given the responses received are the Committee in agreement that the new procedure should be adopted with an implementation date of 1<sup>st</sup> August 2022.

#### 6. IMPLICATIONS

- 6.1 **Policy:** If the recommendations of this report are approved, a number of policies will be developed in relation to medicals for taxi/private hire drivers
- 6.2 **Financial:** The cost of the medicals will be recovered as part of the fees for taxi licensing
- 6.3 **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.

6.4 **HR:** None

6.5 **Fairer Scotland Duty:**

6.5.1 Equalities and Socio-economic Impact assessment - protected characteristics: An Equisa has been completed and will be updated following the results of the consultation with drivers and operators of taxi and private hire cars

6.5.2 Socio-economic Duty:

6.5.3 Islands: impact on drivers in rural /island areas as would require to attend central location rather than their local GP.

6.6. **Risk:** None

6.7 **Customer Service:** If the recommendation is agreed there will be a clear process to follow

6.8 **Climate Change:** None

**DOUGLAS HENDRY**

Executive Director with Responsibility for Legal and Regulatory Support

**Policy Lead: Councillor Kieron Green** – Planning and Regulatory Services

**DATE: 19<sup>th</sup> May 2022**

**For further information contact:** Sheila MacFadyen. Senior Solicitor – Legal Services

Email: [sheila.macfadyen@argyll-bute.gov.uk](mailto:sheila.macfadyen@argyll-bute.gov.uk)

Tel: 01546 60426

Appendix 1 – Argyll and Bute Council: Equality and Socio-Economic Impact Assessment

Appendix 2 – Consultation Responses

## APPENDIX 1

## Argyll and Bute Council: Equality and Socio-Economic Impact Assessment


## Section 1: About the proposal

<b>Title of Proposal</b>
Taxi /private hire car driver medicals

<b>Intended outcome of proposal</b>
To have more robust policy for medicals

<b>Description of proposal</b>
To have medicals for taxi/private hire drivers carried out by a private company rather than by their GP's

<b>Business Outcome(s) / Corporate Outcome(s) to which the proposal contributes</b>

<b>Lead officer details:</b>	
Name of lead officer	Sheila MacFadyen
Job title	Senior Solicitor
Department	Customer Services
<b>Appropriate officer details:</b>	
Name of appropriate officer	DAVID LOGAN
Job title	Head of Legal and Regulatory Support
Department	Customer Services
Sign off of EqSEIA	
Date of sign off	01/03/2022

<b>Who will deliver the proposal?</b>
Legal services licensing team

## Section 2: Evidence used in the course of carrying out EqSEIA

<b>Consultation / engagement</b>
Consultation will take place with current licence holders before proceeding with the proposal

<b>Data</b>
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<b>Other information</b>

<b>Gaps in evidence</b>

**Section 3: Impact of proposal**

**Impact on service users:**

	Negative	No impact	Positive	Don't know
<b>Protected characteristics:</b>				
Age				
Disability				
Ethnicity		x		
Sex		x		
Gender reassignment		x		
Marriage and Civil Partnership		x		
Pregnancy and Maternity		x		
Religion		x		
Sexual Orientation		x		
<b>Fairer Scotland Duty:</b>				
Mainland rural population		x		
Island populations		x		
Low income		x		
Low wealth		x		
Material deprivation		x		
Area deprivation		x		
Socio-economic background		x		
Communities of place		x		
Communities of interest		x		

<b>If you have identified any impacts on service users, explain what these will be.</b>

<b>If any 'don't know's have been identified, at what point will impacts on these groups become identifiable?</b>

**Impact on service deliverers (including employees, volunteers etc):**

	Negative	No impact	Positive	Don't know
<b>Protected characteristics:</b>				
Age		X		
Disability		X		
Ethnicity		X		
Sex		X		

	Negative	No impact	Positive	Don't know
Gender reassignment		X		
Marriage and Civil Partnership		X		
Pregnancy and Maternity		X		
Religion		X		
Sexual Orientation		X		
<b>Fairer Scotland Duty:</b>				
Mainland rural population	X			
Island populations	X			
Low income		X		
Low wealth		X		
Material deprivation		X		
Area deprivation		X		
Socio-economic background		X		
Communities of place		X		
Communities of interest		X		

**If you have identified any impacts on service deliverers, explain what these will be.**  
 Taxi drivers/private hire car drivers will have to attend appointment at mainland central locations which will be more expensive for them rather than attending their own GP. However, they will not have to pay for the medical which will be cost saving.

**If any 'don't know's have been identified, at what point will impacts on these groups become identifiable?**

**How has 'due regard' been given to any negative impacts that have been identified?**  
 The specialist provider is not able to provide the service in remote locations and in any event, it considered that if a specialist provider were able to do so, to carry out medicals in every location would be prohibitively expensive.

**Section 4: Interdependencies**

<b>Is this proposal likely to have any knock-on effects for any other activities carried out by or on behalf of the council?</b>	NO
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**Details of knock-on effects identified**

**Section 5: Monitoring and review**

**How will you monitor and evaluate the equality impacts of your proposal?**  
 Will monitor on annual basis whether medicals being done and whether any reduction in taxi /private hire drivers as result of new policy

## APPENDIX 2

The responses received to the consultation are detailed as below:-

1. I do agree in full that anyone who applies for a licence should go through medical checks including opticians test, because in the end we do carry the most precious cargo that is Children and adults as well animals sometimes. It is vital for the trade to keep the service quality and trust at a maximum level possible and that's why I think we all, drivers should complete medical checks, regardless of the cost. Human life has no price.
2. My reaction was probably like most people concerned - how does this affect me? Then I began to think of the bigger picture (as I hope others would). Safety and fitness to drive (and fitness of vehicle) are paramount. It is my choice to do what I do and I must, therefore, follow the rules set down by Argyll & Bute Council. If this means going off-island for a medical, then that is the way of it. I appreciate the Council canvassing opinion, but I feel this must be a Council decision in the best interest of the public and it makes sense to me.
3. I am a Private Hire Taxi driver on the Island of Islay and I would hope that the medical appointments would be able to be carried out on the island and not need the applicant to travel to Oban or Helensburgh? There are many taxi drivers on Islay and therefore I would hope that this situation would be taken into account. At the moment I do not require to complete a form but will turn 65 at the end of October and therefore this new change will affect me.
4. Regarding my views, I am due a medical shortly and would have no problem with your choice of where this was to take place. My own GP done mine last time with no issues whatsoever. I can totally understand where the council is coming from with the medicals. My only concern is that is all this covered by the data protection.
5. In response to your letter of 29<sup>th</sup> March concerning medical assessments for taxi and private hire drivers we would both say that the proposal looks to be a very practical and reasonable one, introducing a consistent standard to the process at a reasonable cost. The charge for the service is important given the substantial rise in costs related to, in our case, the private hire business. (It is slightly less than we pay our local GP).
6. I am replying on behalf of my wife. The only comment she has is regarding the additional travel and associated travel costs involved to undergo the medical. To get to Oban, Dunoon and Helensburgh etc. would in all probability require an overnight stay as it is unlikely any independent medical service will take into account the distances and ferry travel involved when making appointments. Typically, leaving Islay on the 0700 ferry would mean arriving at Kennacraig at 0910, arriving at Oban at 1040, or Dunoon at 1040, or Helensburgh at 1115 at the earliest. To catch the return ferry departing Kennacraig at 1800 (latest reporting time is 30 minutes prior to sailing) would require one to depart from Helensburgh by 1525, or Dunoon by 1600, or Oban by 1600 at the latest. And this without making any allowance for roadworks, slow-moving traffic and any other delays that might occur. Feasibly, any appointment would have to be between 1100 and 1530 at Oban and Dunoon, and between 1130 and 1500 at Helensburgh to give anyone from Islay a fair chance of making a return journey in one day. The financial outlay for attending a medical, even without having an overnight stay in a hotel/B&B, from Islay by ferry would be £73.40 return for a car plus £2.90

concessionary return fare for a driver over 65, plus fuel on top. Travel to any of the three locations mentioned in the letter by bus is out of the question without an overnight stay. If an independent medical service could be found in Campbeltown this would better suit drivers from Islay. From personal experience, I have been able to catch the 0700 ferry from Islay arriving Kennacraig at 0910, caught the Citylink 926 coach departing Kennacraig at 0926 and arriving Campbeltown at 1019, and walk to Campbeltown Hospital to attend a 1030 appointment. I then caught the Citylink 926 departing Campbeltown at 1140, arrived at Kennacraig at 1230 in time to catch the 1300 ferry departing Kennacraig for Islay. And this cost me, as a foot passenger, £2.90 concessionary return on the ferry and £1 to book my seat on the coach! In summary, my wife would appreciate consideration be given to where the independent medical services are located.

7. We would be all for medicals on the mainland if required to attend as we have a responsibility to keep our passengers safe.

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

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

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**Reference No:** 20/02358/MFF

**Planning Hierarchy:** Local Application

**Applicant:** Scottish Sea Farms Ltd

**Proposal:** Modification of fin fish farm (Atlantic Salmon) from 9 x 80m circumference cages to 14 x 100m circumference cages, including increasing biomass to 2350 tonnes and installation of replacement feed barge

**Site Address:** Dunstaffnage Fish Farm, North of Ganavan Hill, Dunbeg

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## **DECISION ROUTE**

Local Government Scotland Act 1973

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### **(A) THE APPLICATION**

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

Installation of 14 no. 100m circumference cages in a 75m mooring grid;  
Installation of 300 tonne feed barge

#### **(ii) Other specified operations**

Removal of existing fish farm and feed barge;  
Maximum biomass 2350 tonnes

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### **(B) RECOMMENDATION:**

It is recommended that planning permission be approved subject to conditions.

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**(C) HISTORY:**

96/01440/MFF - Modification of fish farm. Prior Notification no objections.

97/00589/MFF - Modification of fish farm. Prior Notification no objections.

00/00490/MFF - Modification to Marine Fish Farm. Prior Notification no objections.

03/00864/MFF - Renewal and modification of development consent

03/01812/MFF - Renewal of development consent for salmon farming site. No objections

22/00348/PNMFF - Replace 9x 80 metre cages with 4x 120 metre cages, installation and repositioning of replacement feed barge and replace existing hamster style top nets with pole-supported style top nets. Prior approval required.

22/00348/PAMFF - Replace 9x 80 metre cages with 4x 120 metre cages, installation and repositioning of replacement feed barge and replace existing hamster style top nets with pole-supported style top nets. No decision to date.

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**(D) CONSULTATIONS:**

**Marine and Coastal Development Policy Officer (dated 26/2/21 and 7/3/22):** No objections subject to conditions.

**Marine Scotland Science (dated 3/3/21, 22/4/21 and 18/3/22):** The submitted modelling report shows that a benthic pass was obtained for the proposed biomass and cage arrangement. We note that SEPA have already granted a variation to the applicant's existing permit based on the proposed cage arrangement and biomass.

The site does not sit within a Locational Guidelines categorised water body. The applicant has submitted a nutrient assessment which indicates that the proposed increase in biomass should not result in unacceptable impacts to the water column, either at the site or cumulatively within the wider water body.

The position of the site falls within disease management area 15b and as such will have an impact on or be impacted upon by sites within the Linnhe, Firth of Lorne, Sound of Mull and Loch Sunart disease management area. The modifications proposed will not alter the current disease management area for the site.

The current sea lice management strategy for the Linnhe Region and the Farm Management Statement for the SSF sites in the M-36 area are deemed to be satisfactory as far as reasonably can be foreseen.

The contingency plan for dealing with an escape event is satisfactory.

There are currently five other salmonid farms within 15km of the application site. As such, cumulative impact factors may come into play. This development has the potential to increase the risks to wild salmonids. The applicant appears to be aware of the potential impacts on salmon and sea trout and has indicated that they intend to manage the site as part of the local FMA (area M-36).



It should be noted that sea trout are present in these inshore waters all year round, and not just during the spring smolt migration period. We therefore suggest that strict control of sea lice should be practiced throughout the year. Additionally it should be noted that adherence to the suggested criteria for treatment of sea lice stipulated in the industry CoGP may not necessarily prevent release of substantial numbers of lice from aquaculture installations.

The submitted EMP covers all of the criteria specified by Marine Scotland.

A satisfactory attestation has been provided with confirms that the equipment proposed for use at Dunstaffnage is suitable for the environmental conditions on site.

**NatureScot (dated 12/3/21 and 15/3/22):** The proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests of the Inner Hebrides and Minches Special Area of Conservation (SAC) and the Ailsa Craig Special Protection Area (SPA), we object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detail in our appraisal below. NatureScot has a conditioned objection in relation to the Inner Hebrides and Minches SAC and acoustic deterrent devices (ADDs). NatureScot has a conditioned objection in relation to the Ailsa Craig SPA and the use of pole mounted top nets. Argyll and Bute Council is required to consider the effect of the proposal on the SAC and SPA before it can be consented (commonly known as a Habitats Regulations Appraisal).

It is unlikely that the proposal will have a significant effect on the qualifying interest either directly or indirectly of Eileanan agus Sgeiran Lios mor SAC.

While Priority Marine Feature (PMF) habitats and species are present, we do not consider that the impacts arising from the proposal will result in a significant impact on the national status of any PMF that is present.

**Scottish Environmental Protection Agency (dated 24/3/21):** We do not have concerns in relation to this planning application.

**Argyll and District Salmon Fishery Board (dated 25/2/21):** Object to the proposal for the following reasons:

- The current planning and regulatory system does not sufficiently protect wild fish. In light of this, we feel that until the full impacts of salmon aquaculture on wild salmon are understood, there is an adequate system to protect them, planning authorities should follow the precautionary principle.
- The development may further impact the conservation status of local salmon and sea trout populations through the impacts of sea lice and genetic introgression arising from any escapes.

**Northern Lighthouse Board (dated 1/2/21 and 8/3/22):** No objections.

**West Highland Anchorages and Moorings Association (dated 2/2/21):** No comment.

**Royal Yachting Association (dated 5/3/21 and 16/3/22):** No comments.

**Fisheries Management Scotland (dated 26/2/21):** Object to the proposal. 1. The current planning and regulatory system does not sufficiently protect wild fish. In light of this, we feel that until the full impacts of salmon aquaculture on wild salmon are understood, and there is an adequate system to protect them, planning authorities should follow the precautionary principle. 2. The development may further impact the conservation status of local salmon and sea trout

populations through the impacts of sea lice and genetic introgression arising from any escapes.

**Area Roads Oban:** No response to date.

**Environmental Health (27/7/21):** No objections.

**Local Biodiversity Officer (dated 8/3/21):** I have reviewed this proposal for the extension to the exiting farms' supporting documentation in relation to biodiversity interest; notably wild salmonid interaction, the seabed habitats and species such as seals and birds. I have reviewed the associated plans including the Environment Impact Assessment, Environment Management Plan, Predator Exclusion Plan, Sea Lice Management, the Escapes Prevention & Recapture Strategy Loch Linnhe and the ROV Seabed survey; I note that the SEPA CAR Licence approved for 2350T. I am content that the supporting information is appropriate for this proposal and ask that both the wildlife reports and if there are any incidents of escapes are shared with Argyll and Bute Council Development Management, Environmental Health along with the Wild Fisheries interests; these are in addition to the government agencies.

**Clyde Fishermen's Association:** No response to date.

**West Coast Regional Inshore Fishery Group:** No response to date.

**Argyll Fisheries Trust:** No response to date.

**Historic Environment Scotland (dated 1/3/21):** We do not consider that the proposed modification of the existing fish farm would have any significant impacts on heritage assets within our remit.

**NHS Highland (dated 6/6/22):** In reviewing the report produced by WCA: Assessment of Potential Risk to Human Health following use of Azamethiphos, Deltamethrin and Hydrogen Peroxide in Fish Farms., we note that it only considers three chemicals and that any other chemicals used in the fish farming are outside the scope of the report and they would need to be considered separately. The report was commissioned by the industry and so is not independent, but the authors appear to have sought to include a wide body of evidence, including both evidence from available published literature and less accessible evidence. There are assumptions made in the report in connection with the impact of substances on human health. These include the use of animal models, assessing exposure to chemicals and modelling chemical dispersion.

NHS Highland is not able to comment on the detailed technical elements of the report, but the overall methods and processes appear reasonable as do the deductions. NHS Highland is not able to give a definitive opinion on the safety of wild swimming in the vicinity of the fish farm simply based on this report. However, based on the available evidence NHS Highland does not wish to object to the application.

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**(E) PUBLICITY:**

ADVERT TYPE:  
Environmental Assessment Regs Adv (28)  
EXPIRY DATE: 13.03.2021

ADVERT TYPE:  
Regulation 20 Advert Local Application  
EXPIRY DATE: 04.03.2021

ADVERT TYPE:

ENVASA Addendum EA Advert

EXPIRY DATE: 29.01.2022

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**(F) REPRESENTATIONS:**

**Representations in relation to 20/02358/MFF**

**Objection**

1. Andrew Holder 12 Achinreir Barcaldine Oban Argyll And Bute
2. Andrew Johnston Beech Cottage Muir Of Fairburn Ross-shire IV6 7XA
3. Anne Archer Sealladh Breagha Gallanach Road Oban PA34 4PD
4. Caroline Younger No Address Given
5. Compassion in World Farming c/o Elena Lara River Court, Mill Lane Godalming Gu7 1ez
6. Compassion in World Farming UK c/c Nick Palmer River Court Mill Lane Godalming GU7 1EZ
7. Dennis Archer No Address Given
8. Donna Phillips No Address Given
9. Ewan Kennedy Kinloch Degnish Road Kilmelford PA34 4XD
10. Friends Of The Sound Of Jura No Address Given
11. George Service Dalnatraigh Airs Bay Taynult Argyll And Bute
12. Gordon Slaven Cruachan Chalet Track From A816 To Braes Of Lorn Kilninver Argyll And Bute
13. Ian Dobb The Byre, Half Of 7 Balmaqueen PORTREE, Isle Of Skye
14. Jonathan Phillips No Address Given
15. Louise Rushton Village Farm Catton YO7 4BZ
16. Maggie Brotherston 12 Achinreir Barcaldine PA37 1SL
17. Mairi Stones Inverlochlan Benderloch Oban Argyll And Bute
18. Mary MacCallum Sullivan The Sheiling Glenburn Road Ardrishaig PA30 8EU
19. Nick Law No Address Given
20. Rhona Dougall Raschoille Glenshellach Road Oban Argyll And Bute
21. Roni Macdonald No Address Given
22. Sabrina Marengo 85A George Street Oban Argyll And Bute PA34 5NN
23. Scottish Creel Fishermen's Federation c/o Sally Campbell Blairbeg House Lamlash Isle Of Arran KA27 8JT
24. Stephen Robertson 3 Ganavan Sands Oban Argyll And Bute PA34 5TB
25. Sue Rule Rosehaugh Shore Road Blairmore Dunoon
26. Tom McIver
27. Vicky Gray Sonas Ardentallen Oban Argyll And Bute

Petition with 714 signatories.

**Support**

1. Anna Price South Shian Benderloch Argyll & Bute Scotland
2. Ben Wilson Bairneach Lochdon Isle Of Mull Argyll And Bute
3. Callander McDowell No Address Given

4. Calum Galbraith No Address Given
5. Cameron Smith Shiol, Lerags Oban Argyll PA34 4SF
6. Craig Cameron No Address Given
7. David Duffy 37 Morven Hill, Oban, Argyll, PA344NS
8. David MacMillan No Address Given
9. Diarmid MacMillan No Address Given
10. Douglas McClymont No Address Given
11. Ethel Johnston Barcaldine Hatchery Barcaldine Oban Argyll
12. Flit Self Drive No Address Given
13. G Black No Address Given
14. Iain Potter No Address Given
15. Innes Weir Barcaldine Argyll And Bute PA37 1SE
16. Jane Duffy No Address Given
17. John Cameron 5 Westbay Flats Corran Esplanade Oban Argyll And Bute
18. Julie Grabiec No Address Given
19. Kelsey Muir 5 Westbay Flats Corran Esplanade Oban Argyll And Bute
20. Laurance Larmour 53 McKelvie Road Oban Argyll PA34 4GB
21. Michael Keenan No Address Given
22. Nicole Mc Aleer No Address Given
23. Stephen Divers Benderloch PA37 1QS
24. Stephen Divers Fusion Marine Barcaldine Oban Argyll And Bute
25. Struan Smith Shiol, Lerags Oban Argyll PA34 4SF

## **Representation**

Jamie Hepburn MSP

### **(i) Summary of issues raised**

#### **Representations**

##### **Jamie Hepburn MSP**

Representation asking that the concerns of his constituent Alison Gray could be noted. Ms Gray is concerned that fish farming is an environmental and animal welfare issue and that it is shameful that foreign companies are using our coasts to make money with little or no regard to the bigger picture.

#### **Objections**

##### **Amenity**

I understand the new feed barge will be nearly four times as large as the existing one. There will likely be increased noise from the work of this vessel, constituting just the kind of industrial noises people want to get away from.

*Comment: See assessment.*

The application refers to 24 well-boat harvests twice weekly over a period of five months for each cycle during normal working hours; this is when people will be visiting the area, so will constitute a disturbance to the tranquillity of the area.

*Comment: There is already an existing fish farm on this site and the supporting information indicates that the proposed enlargement will not give rise to any further significant noise issues.*

There will be increased noise from the proposed feed barge which will be nearly four times as large as the existing one.

*Comment: There is already an existing fish farm on this site and the supporting information indicates that the proposed enlargement will not give rise to any further significant noise issues.*

Residents of the new houses in Dunbeg will have their amenities reduced.

*Comment: There is already an existing fish farm on this site and the supporting information indicates that the proposed enlargement will not give rise to any significant amenity issues.*

### Pollution

2350 tonnes of salmon produce a lot of excrement in various forms. Polluting such a large area of the sea bed is not acceptable. Dissolved nutrients, carbon, nitrogen and ammonia will spread, contributing to the probable development of algal blooms. Climate change is already at work warming sea temperatures. Proximity to a public access beach is entirely inappropriate in this respect.

*Comment: Discharges from the fish farm are regulated by SEPA.*

The water in the vicinity of the fish smells.

*Comment: No objection has been raised by EH in relation to odour nuisance arising from proposed operation.*

The farm discharges faeces plus feed waste / organophosphates into the seas near Ganavan.

*Comment: Discharges from the fish farm are regulated by SEPA.*

The expanding biomass statistically increases the necessity for more incinerations on the barges, potential leading to increased air pollution. We have witnessed black discharge from these incinerations.

*Comment: No objection has been raised by EH in relation to potential air pollution arising from the proposed operation.*

The proposed development will result in increased aquaculture litter.

*Comment: The applicant has submitted a Waste Management Plan which advises that as part of an agreed 'industry collective responsibility' Scottish Sea Farms will respond to a report of equipment and debris, regardless of whether it is from a Scottish Sea Farms farm.*

Inadequate dispersal of waste, so an inadequate understanding of algal blooms around the area.

*Comment: SEPA regulate pollution from fish farms.*

#### Effects on Human Health

Medicines are used under licence: Emamectin benzoate (as Slice), deltamethrin, cypermethrin and azamethiphos (Salmosan). These dangerous chemicals have adverse effects on sea creatures and humans, and ought not really to be released into the sea at all, especially close to where people and their dogs swim in considerable numbers.

*Comment: See assessment.*

The pollution caused by the fish farm would have a negative impact on the health of wild swimmers due to pollution and medication in the water.

*Comment: See assessment.*

A very large percentage of the huge mass of food which is applied to such a farm will leave the site as dissolved nutrients. There are good reasons to believe that this can contribute to algal blooms. The conditions are most favourable for creating blooms when the sea is warmest and when the fish are at their largest and most polluting. The very times when people will be using the beach. The manifestations of such an event can include plagues of jelly fish as well as dangerous toxins.

*Comment: See assessment.*

#### Impacts on Wild Fish

Wild salmon and trout from the rivers draining into Loch Etive will pass right by this farm on their migration routes. Increase of 80% biomass in the farm means increased lice burden, means increased risk to wild fish.

*Comment: This issue is covered in detail in the assessment.*

There is a risk of an increased number of 'salmon escapees' if expansion happens, cross breeding with wild salmon and accelerating their demise.

*Comment: The applicant has submitted an attestation from their suppliers confirming that the equipment is suitable for the environmental conditions of the site.*

Marine Scotland's modelling of sea lice dispersion from salmon farms in Loch Linnhe shows that these parasites risk affecting wild salmon and sea trout in the Sound of Mull and Firth of Lorn as well. The risk to wild salmon and sea trout is such that Argyll and Bute Council should take a precautionary position. The cumulative impact of sea lice from all farms on the wild salmon migration route must be assessed to ensure that Argyll and Bute is discharging its biodiversity duty as a Scottish public body.

*Comment: It is accepted that farmed fish could pose a threat to wild salmonids in terms of elevated sea lice levels. This represents one of a number of factors which could adversely affect wild salmonids. EMPs were introduced as a requirement for marine fish farm applications following the findings of the REC committee. The EMP ensures that appropriate environmental management practices are adhered to during the operation of the development. Marine Scotland has set minimum requirements for the content of these EMPs and advise the planning authority if they consider that a particular EMP meets these requirements. MS expects that as a minimum EMPs should be able to:*

- *Report on the level of lice released into the environment (i.e. both farmed fish numbers and adult female lice numbers);*
- *Identify the likely area(s) of sea lice dispersal from the farm;*
- *Provide details of how and what monitoring data will be collected to assess potential interaction with wild fish;*
- *Provide details on this monitoring information will feed back to management practices;*
- *Include a regular review process so that the EMP remains fit for purpose.*

*MSS has confirmed that the EMP submitted in support of this application meets these criteria.*

#### Seascape and Visual Issues

Various clifftop walking routes between Ganavan and Dunbeg will be adversely affected visually, spoiling the natural beauty of the whole area.

The existing site is already a blight on the seascape which is visible from several recreational pathways along that coastline.

The larger farm with more cages will be much more noticeable from the various clifftop walks between Ganavan and Dunbeg.

*Comment: Landscape and visual issues are covered in the assessment of this application.*

#### Animal Welfare Issues

Concerns about animal welfare. The fish are kept in overcrowded, cruel, unsanitary conditions. They are sentient beings and are being thoroughly exploited for profit.

*Comment: The welfare of fish is not regulated by the planning authority.*

Salmon farming as currently practiced in much of Scotland is not environmentally sustainable.

*Comment: The environmental consequences of the proposal have been considered in the EIAR and against the policies of the Local Development Plan.*

Compassion in World Farming believes that until the current environmental and animal welfare problems of the salmon industry like sea lice infestations, pollution, damage to the wildlife, poor welfare of the farmed fish are not resolved, there must be a moratorium on any new or increase in sea cage fish farm.

*Comment: There is currently no moratorium in place.*

Many cleaner fish are caught from the wild with risk to natural populations; others are intensively farmed. Many of them die in sea cages and suffer aggression from salmon. They also experience diseases, stress, starvation and mortality rates can be very high. Therefore, the use of cleaner fish should be phased out by fish farms.

*Comment: The welfare of cleaner fish are not regulated by the planning authority.*

Thermolicing and hydrolicicing, though currently legal, are inhumane and cruel.

*Comment: These activities are not regulated by planning and are not material planning issues.*

#### Wildlife Impacts

Birds may become entangled in the top nets.

*Comment: This issue is considered in detail in the report.*

The fish farms are using toxic chemicals which are killing nearby crustaceans.

*Comment: SEPA are responsible for regulating discharges of chemicals and they have not objected to this application.*

Seals are indiscriminately shot.

*Comment: From 1st February 2021, the regulatory framework for seals changed removing the option for salmon farmers to shoot an individual seal causing damage under licence, as a last resort. The farmed fish will spread disease to wild fish.*

*Comment: The applicant has submitted an Environmental Management Plan to address this issue and MSS has confirmed that they consider this to be fit for purpose.*

#### Environmental Impacts

Important rare seagrass beds found near Ganavan will be adversely affected.



*Comment: Neither NatureScot nor the Council's Biodiversity Officer have objected to this application on these grounds.*

Flame retardants are impregnated in generic smolt feed to prevent spontaneous combustion en route from Chile.

*Comment: SEPA are responsible for regulating discharges of chemicals and they have not objected to this application.*

Studies show our west coast Orcas cannot reproduce due to toxic overload. Why add further chemicals into the sea.

*Comment: SEPA are responsible for regulating discharges of chemicals and they have not objected to this application.*

Profits go overseas to Norwegian companies.

*Comment: This is not a material planning consideration.*

#### Impacts on Tourism

The site is in a popular tourist area and any possible benefit to the local community will be more than wiped out by the negative impact on tourism.

*Comment: The application is for an enlarged fish farm on the site of a long standing fish farm at Dunstaffnage. In these circumstances, it is considered that impacts on tourism would be insignificant.*

Fish farms have resulted in the industrialisation of our beautiful coastline. The harvesting schedule provided in the supporting documents for this site if the expansion is allowed to go ahead, will turn this area into industrial arena, at odds with locals' quiet enjoyment of the beautiful surroundings.

*Comment: The supporting information indicates that the harvesting will be of a similar nature to the existing situations as the well boats have the capacity to carry extra fish rather than requiring additional journeys.*

#### Economic Impacts

The expansion of the fish farm will have a negative on more sustainable employment such creel fishing, kayak guides and those involved with wildlife tourism.

*Comment: The application is for an enlarged fish farm on the site of a long standing fish farm at Dunstaffnage. In these circumstances, it is considered that impacts on the above activities would be insignificant.*

Automated farm, no extra direct jobs.

*Comment: See section C9 below. The application has submitted a supporting statement indicating that there both direct and indirect job associated with this expansion.*

Before this or any further salmon farms are granted an independent study should be done on the damage to the environment that they are causing as self-regulating and monitoring clearly doesn't work.

*Comment: The Scottish Government has not required a moratorium on fin fish applications, therefore, the planning authority is required to determine these applications with regard to the development plan and other relevant material considerations.*

The majority of letters of support are from people which work in the industry, have relatives who work in the industry or are service supplies to the industry. I think these should be considered as vested interests.

*Comment: This is not a material planning consideration.*

#### Impacts on Commercial Fishing

*Comment: See assessment.*

#### Navigation

The location is in an area of high marine traffic, with sailing and motor vessels leaving and entering Dunstaffange Marina.

Comment: No adverse consultation responses have been received with regard to recreational marine traffic. Navigation light will be present on the enlarged fish farm as it on the existing fish farm.

#### Other

The seabed survey is out of date.

The chemicals used at the fish farm are toxic and will adversely affect shellfish life cycles so the potential for harm to the creel sustainable fishery is great.

*Comment: This issue is regulated by SEPA.*

The proposed Environmental Management Plan is unenforceable and not fit for the purpose of substantially reducing the risk to wild salmonids. The sensitivity of these developments have been highlighted by regulators and planners through the developing risk based spatial framework for managing interaction between sea lice from marine farm developments and wild salmonid fish in Scotland. We agree with Fisheries Management Scotland that this is the best available scientific evidence. It should be used when making planning decisions.

*Comment: Marine Scotland Science has advised that the EMP includes all of the criteria required by them.*

#### Support

Scottish Sea Farms are a good employer and they give a lot back to the community.

The proposal would bring much need jobs into the community.

The new generation of fish farm managers care passionately about

I have been privately researching the impacts of salmon farming on wild stocks since 2010 and do not share the conclusions reached by Marine Scotland Science, Fisheries Management Scotland and the Argyll District Salmon Fishery Board. Fisheries Management Scotland's (FMS) concern over mortality ignores the fact that since 1952, when records first began, the wild fish sector has overseen the deaths of just over 5.9 million wild salmon and sea trout for sport and now they wonder why there are so few fish left. Perhaps if FMS were so worried about the future of wild salmon and sea trout, they should for a ban on the killing of wild fish for sport rather than aiming their efforts at objections to salmon farm developments.

The wild fish sector suggest that farmed salmon are very distinct from wild. However, these fish are about ten generations on from the wild fish. They are still extremely close to being the wild fish. They often do look different with deep bodies, but this is because they are well fed, not because they have a gene for deeper bodies. Any differentiation between farmed and wild is based on the identification of markers on the genes not specific genetic differentiation. Most fish escaping from a salmon farm swim out to sea, some may enter a river, and even less may reach the breeding grounds and mate. However, the argument put forward by the wild fish sector that any crosses will be negative and weaken the gene pool of future generations, is flawed. This is because Darwinian evolution will ensure that any fish not suited to life in the river will not survive. Fish reproduction involves the production of thousands of eggs all of which have a different genetic makeup, some of which will not have all the attributes that guarantee survival in the wild. This is why just one or two fish from each breeding season survive into adulthood.

The proposal would bring much needed jobs into the community.

Note: Full details of all representations received can be viewed on the Council's public access system at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

**(i) Environmental Impact Assessment: Yes**

The EIAR addresses the following issues:

Benthic habitat;

Water column;

Interaction with predators;

Natural heritage (designated sites and species or habitats of conservation importance including wild salmonids);

Navigation, anchorage, commercial and other maritime uses;

Noise;

Cultural heritage;

Landscape and visual amenity;

Socio-economics, recreation and tourism.

In addition the following appendices are included:

Appendix 1 Non-technical summary

Appendix 2 SEPA CAR Licence

Appendix 3 Biomass and Medicine Modelling report

Appendix 4 Hydrographic reports

Appendix 5 Benthic monitoring report

Appendix 6 Visual seabed survey report

Appendix 7 Equilibrium Concentration Enhancement assessment

Appendix 8 Predator Exclusion Plan

Appendix 9 Landscape and visual appraisal

Appendix 10 Farm Management Statement

Appendix 11 Non-synchronous stocking and fallow risk assessment

Appendix 12 Sea lice efficacy statement

Appendix 13 Sea Lice Management Strategy

Appendix 14 Sea lice attestation

Appendix 15 Sea lice dispersal modelling summary report

Appendix 16 Environmental Management Plan

Appendix 17 Containment Plan

Appendix 18 Escapes Prevention and Recapture Strategy

Appendix 19 Equipment attestation

Appendix 20 Fish Husbandry Manual

Appendix 21 Waste Management Plan

Appendix 22 Emergency Plan for Storms

Additional EIA information submitted:

Assessment of Potential Risk to Human Health Following Use of Azamethiphos, Deltamethrin and Hydrogen Peroxide in Fish Farms: Report to Scottish Salmon Producers Organisation from WCA, December 2021

**An appropriate assessment under the Conservation (Natural Habitats)**

**Regulations 1994:** An Appropriate assessment is required to be undertaken for:

- Ailsa Craig Special Protection Area (SPA).

This assessment is contained within the Appendix of this report.

(ii) **A design or design/access statement:** *No*

(iii) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**

Dunstaffnage Fish Farm: Socio-economic benefits of Dunstaffnage expansion proposal and wider Linnhe development proposals.

SSF response to observations of consultees;

SSF response to representations;

SSF observations on wild salmon interactions representations.

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**(H) PLANNING OBLIGATIONS**

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

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

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

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

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development  
LDP DM1 – Development within the Development Management Zones  
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment  
LDP 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 Consumption

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)  
SG LDP ENV 2 – Development Impact on European Sites  
SG LDP ENV 7 – Water Quality and the Environment  
SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)  
SG LDP ENV 14 - Landscape  
SG LDP BAD 1 – Bad Neighbour Development  
SG LDP ENV 16(a) – Development Impact on Listed Buildings  
SG LDP ENV 19 - Development Impact on Scheduled Ancient Monuments  
SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development  
SG LDP CST 1 - Coastal Development  
SG LDP AQUA 1 – Aquaculture Development  
Annex A – Planning Process for Aquaculture Development  
Annex B – Council Adopted Marine and Coastal Plans  
Annex C – Responsibilities of Statutory Authorities in Relation to Aquaculture Development  
Annex D – Marine Planning Area for Aquaculture Development

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

Argyll and Bute 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 – Scheduled Monuments

Scotland’s National Marine Plan (2015)

Scottish Planning Policy (2014)

Scottish Parliament Rural Economy and Connectivity Committee: Salmon Farming in Scotland (November 2018)

Circular 1/2007 ‘Planning Controls for Marine Fish Farming’

‘A Fresh Start – the Renewed Strategic Framework for Scottish Aquaculture’ (Scottish Government 2009)

Marine Scotland Science – ‘Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters’ (December 2020)

‘Argyll and Bute Economic Strategy 2019 – 2023

Rural Growth Deal

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** No. The proposal is EIA development.

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

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

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

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**(O) Requirement for a hearing (PAN41 or other):** No

This is an application for the enlargement of a fish farm which has been operating in this location since 1987. The application has been subject to 27 objections, 1 petition, 1 representation and 28 expressions of support. Many of the objections relate to fish farming in general rather than being site specific. While it is now 7 years since the adoption of the

existing plan, the proposed LDP2 contains a very similar criteria based approach to aquaculture.

All of the objections have been addressed in full in the report and having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment.

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

The application site is located in the Firth of Lorn off the coast between Dunbeg and Ganavan north of Oban. A fish farm has been operating in this location since 1987.

The current site at Dunstaffnage comprises 9 x 80 m circumference cages in a 50m mooring grid with an associated 80 tonne feed barge and this would be replaced by 14 x 100 m circumference cages in a 75 m mooring grid and a 300 tonne feed barge. The biomass would increase by 1050 tonnes to a new maximum biomass of 2350 tonnes.

There would be no change to the existing service arrangements namely that the site would be accessed from Oban, the feed would be delivered by sea and all the fish movements would be by well boat.

This proposal is EIA Development and the determination of this application is also subject to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. There is a requirement to examine the environmental information submitted and reach a reasoned conclusion on the significant environmental effects of the proposal. In this respect the following have been taken into account when reaching a recommendation:

The EIA report and appendices submitted on 23/12/20;  
The Environmental Management Plan dated November 2020 (draft VO.9);  
The consultation responses from Marine Scotland Science, NatureScot, SEPA, Argyll District Salmon Fishery Board, Historic Environment Scotland, Northern Lighthouse Board, West Highland Anchorages and Moorings Association, Fisheries Management Scotland, Royal Yachting Association, Argyll and Bute Environmental Health, Argyll and Bute Local Biodiversity Officer and Argyll and Bute Marine and Coastal Development Policy Officer;  
Representations received.

The recommendation on this application has been guided by the conclusions of the EIAR and the proposal has been assessed against the policies of the adopted Local Development Plan with particular regard to the criteria based approach of the aquaculture supplementary guidance policy AQUA 1 as well as other material considerations and policies within the plan.

It is considered that the proposal complies with the LDP and it is recommended that planning permission be approved subject to conditions.

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

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

The proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.

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

N/A

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**(T) Need for notification to Scottish Ministers or Historic Scotland:** Not required.

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**Author of Report:** Sandra Davies

**Date:** 7<sup>th</sup> June 2022

**Reviewing Officer:** Peter Bain

**Date:** 7<sup>th</sup> June 2022

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 20/02358/MFF**

1. The development shall be implemented in accordance with the details specified on the application form dated 7/12/20 and the approved drawing reference numbers

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	1 of 9	-	23/12/20
Site Plan Existing	2 of 9	-	27/1/21
Site Plan Proposed	3 of 9	-	23/12/20
Cage and Top Net Arrangement	4 of 9	-	23/12/20
Plan View and Site Elevation	5 of 9	-	23/12/20
Cage Elevation	6 of 9	-	23/12/20
Barge Elevations	7 of 9	-	23/12/20
Admiralty Chart Extract Proposed	8 of 9	-	23/12/20
Coordinates	9 of 9	-	23/12/20

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

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

2. No Acoustic Deterrent Devices (ADDs) shall be deployed at the site hereby approved.

*Reason: In the interests of nature conservation. This planning application has been determined on the basis that ADDs will not be used and on this basis it has been determined that there would be no likely significant effects on the harbour porpoise qualifying interest within the Inner Hebrides and Minches Special Area of Conservation (SAC). The use of ADDs would be regarded as a material change to the proposal and an Appropriate Assessment would require to be undertaken.*

3. There shall be no use of drift nets, vertical static nets or gill nets to recapture escaped fish.

*Reason: In order to avoid putting marine birds, including guillemots, shags, divers and others at risk.*

4. The proposal shall be undertaken strictly in accordance with the Linnhe Predator Exclusion Plan, version 3 or any subsequent updates of this document which shall be submitted to and approved in writing by the planning authority in consultation with NatureScot. In particular, the following criteria shall be adhered to:
  - (a) The proposed pole mounted nets shall have a ceiling mesh of 100 mm and a side panel mesh of 75 mm or below.
  - (b) A daily record of entanglement / entrapment shall be maintained using a standardised proforma which shall be submitted to the planning authority and copied to NatureScot at 6 monthly intervals or other specified period to be agreed in writing with the planning authority in consultation with NatureScot. The first proforma shall be submitted 6 months after the development is brought into use unless otherwise agreed

in writing with the planning authority in consultation with NatureScot.

(c) In the event of any significant entrapment or entanglement of gannets, and any other SPA interests identified as relevant to a particular fish farm (e.g involving three or more birds of any named species in any one day and / or a total of ten or more birds in the space of any seven day period and / or repeat incidents involving one or more birds on four or more consecutive days), the operators shall immediately notify both the planning authority and NatureScot;

(d) Adaptive management approaches should be agreed in writing with the planning authority in consultation with NatureScot in advance of these being implemented.

*Reason: In order to ensure that there are no significant effect on the qualifying interests of the Ailsa Craig Special Protection Area. Gannet have an extensive range and would have the potential to become entangled in nets.*

5. The site shall be operated, monitored and managed in accordance with the Environmental Management Plan (EMP) dated November 2020 (draft VO.9) and subsequent approved variation thereof. The EMP should be reviewed and updated if required following the adoption by Scottish Government of any new policy framework relevant to wild salmonid interactions. Any proposed amendments to the EMP shall be submitted to and approved in writing by the planning authority prior to the changes being implemented.

*Reason: In the interests of nature conservation.*

6. The site shall be operated in accordance with the Linnhe Sea Lice Management Strategy dated November 2020 or any subsequent updates of this document which shall be submitted to and approved in writing by the planning authority.

*Reason: In the interests of nature conservation.*

7. The site shall be operated in accordance with the Linnhe Containment Plan to minimise Risk of Escapes Rev: 3 dated 6/6/2019 and the Linnhe Escapes Prevention and Recapture Strategy dated 5/11/19 rev:6 with the exception of any proposed actions contained within these documents limited by other conditions on this planning permission. Any subsequent updates of these documents shall be submitted to and approved in writing by the planning authority.

*Reason: In the interests of nature conservation.*

8. In the event that the development or any associated equipment approved by this permission ceases to be in operational use for a period exceeding three years, the equipment shall be wholly removed from the site thereafter, unless otherwise agreed in writing by the Planning Authority.

*Reason: In the interest of visual amenity and to ensure that redundant development does not sterilise capacity for future development within the same water body.*

9. In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment.

*Reason: In the interest of visual amenity.*

10. The finished surfaces of all equipment above the water surface, excluding the feed barge, but inclusive of the surface floats and buoys associated with the development hereby permitted (excluding those required to comply with navigational requirements) shall be non-reflective and finished in a dark recessive colour in accordance with the details provided in the EIAR unless otherwise agreed in advance in writing by the planning authority.

*Reason: In the interest of visual amenity.*

11. All lighting above the water surface and not required for safe navigation purposes should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site.

*Reason: In the interest of visual amenity.*

12. The development shall be carried out in accordance with the Linnhe Waste Management Plan Rev 3 or any subsequent variation to this document, the changes to which shall be submitted to and approved in writing by the planning authority prior to them being brought into use.

*Reason: in order to ensure that waste is managed in an acceptable manner.*

13. Prior to the first use of bath medications being administered on the farm hereby approved, a communications plan shall be submitted to and approved in writing by the Planning Authority. This shall detail the method by which other marine users shall be informed of general safety information that should be considered by water user when in the vicinity of the farm, including when bath medications are being actively use at the site. Thereafter the development shall be carried out in accordance with this plan unless otherwise agreed in writing with the Planning Authority.

*Reason: In order to inform marine users of potential risks to human health in the vicinity of the fish farm.*

## NOTES TO APPLICANT

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APBs) in relation to animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB Tel: 0131 244 3498; Email: [ms.fishhealth@gov.scot](mailto:ms.fishhealth@gov.scot)
5. All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details of an existing marine licence (formally Coast Protection Act 1949 – Section 34 consent), please visit the Scottish Government's website at <http://www.gov.scot/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing [MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot); or calling 0300 244 5046.
6. The Northern Lighthouse Board has recommended the following:  
The site should be marked with 2 lit yellow poles fitted with yellow "x" topmarks;  
The lights should display a character of flash one yellow every five seconds (FI Y 5s) with a nominal range of 2 nautical miles and be installed above the "x" topmark.  
The poles should be positioned at the Northwestern and Northeastern seaward corners of the cage group.  
The buoy diameter should be approximately 1 metre at the waterline with the focal plane of the light 2 metres above that level, the "X" top mark should be greater than or equal to 50cm length by 7.5cm width.

The feed barge should exhibit an all-round fixed white light with a nominal range of 2 nautical miles from a point at least 1 metre above any other obstruction.

A weekly check of the site's marking equipment shall be performed, and records kept of its physical and working status for audit purposes.

Outlying anchor points should not be marked with buoys, unless specifically requested by local users, and alternative means to locate anchors should be utilised.

Loose floating lines around site equipment are strongly discouraged as this can cause serious safety implications for other mariners.

7. Planning authorities' are looking further to reduce fish farm infrastructure becoming separated from moorings and being deposited on our regional shorelines. Highland Council and Argyll and Bute Council are taking steps to encourage good practice in relation to farm related waste materials. Future planning consent is therefore likely to include individual identification embossing to be applied to all pen infrastructure.
8. In the event of an escape, the company should liaise with Argyll and Bute Council's Environmental Health service.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/02358/MFF**

### **A. Introduction**

The application site is located in the Firth of Lorn off the coast between Dunbeg and Ganavan north of Oban. A fish farm has been operating in this location since 1987.

The current site at Dunstaffnage comprises 9 x 80 m circumference cages in a 50m mooring grid with an associated 80 tonne feed barge and this would be replaced by 14 x 100 m circumference cages in a 75 m mooring grid and a 300 tonne feed barge. The biomass would increase by 1050 tonnes to a new maximum biomass of 2350 tonnes. SEPA has already approved a variation to the CAR licence to allow for this increase in biomass.

The total surface area of the expanded site would be 11,338 sqm with the wider area including moorings measuring 371,250 sqm. The proposed cages would have the same appearance as the existing cages except that they would be 20 metres larger in circumference. This equates to a 6.3m increase in diameter. They would be low in profile and constructed in black, non-reflective material. The cages would have a 7 x 2 configuration. The proposed cage group will appear two cages longer with the length of the cage group increasing from 300m to 525m. There would be no change to the existing service arrangements namely that the site would be accessed from Oban, the feed would be delivered by sea and all the fish movements would be by well boat.

### **B. Planning Policy**

The proposal benefits from general support from the Scottish Government's National Marine Plan and from Scottish Planning Policy which together recognise the contribution of the aquaculture sector to the rural economy and which seek to support sustainable economic development. The National Marine Plan and Scottish Planning Policy both support the expansion of marine fish farming where it can take place in environmentally sustainable locations, where it does not exceed the carrying capacity of the water body within which it is to be located, and where it does not give rise to significant adverse effects upon nature conservation, wild fish, historic environment or other commercial or recreational water users.

LDP Supplementary guidance SG LDP AQUA 1 – Aquaculture Development provides a general framework against which fish farm applications should be considered, along with other relevant LDP policy and SG.

The following Local Development Plan provisions are applicable to this development:

Policy LDP STRAT 1 – Sustainable Development supports the presumption in favour of sustainable economic development established by Scottish Planning policy and lends weight to aquaculture developments unless there are environmental considerations which outweigh this presumption.

Policy LDP DM 1 – Development within the Development Management Zones – Land adjacent to the site is designated as 'countryside' zone.

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment – seeks to control development in a manner which protects, conserves or where possible enhances the built, human and natural environment.

Policy LDP 5 – Supporting the Sustainable Growth of Our Economy – requires regard to be had to economic benefit and the spatial needs and locational requirements of business sectors.

Policy LDP 9 – Development Setting, Layout and Design – requires that regard should be had to the setting of developments, the sensitivity of the receiving environment and the need to secure appropriate forms of scale, design and appearance.

Supplementary Guidance SG LDP AQUA 1 – Aquaculture Development stems from Policy LDP 5 which identifies aquaculture as a key economic sector in Argyll & Bute. It sets out criteria against which the locational and operational characteristics of a development require to be assessed. Proposals are to be supported if direct, indirect or cumulative significant effects are avoided, or adverse effects can be minimised or mitigated by operational measures.

The Council's proposed LDP2 now represents the settled view of the Council and policies which had not been objected to carry significant weight. However, the majority of the policies which would apply to this development have been objected to and currently carry little weight. Those which have not been objected to are listed in the "other material considerations" section of this report.

Beyond development plan considerations, in determining the application regard has to be had to the Council's' Economic Development Action Plan which identifies aquaculture as an important contributor to the local economy, and to national government economic and sectoral policy, the stated intention of which is to seek to expand the finfish sector substantially to meet internal and export demands and to help sustain direct and indirect employment in rural areas. In addition, one of the proposals contained within the recently signed Rural Growth Deal for Argyll and Bute relates to a vision for Argyll and Bute to be the leading region for innovation in marine aquaculture in Scotland, UK and globally, by underpinning sustainable, inclusive business growth through investment in world class marine science and technology. This includes a commitment to a Marine Industry Needs Assessment. This study will provide the evidence base for industry needs to inform future investment outcomes and the potential options available to deliver these outcomes. This will assist in identifying the key priorities for Rural Growth Deal investment and where this should be targeted to support sustainable growth of this sector. The Council agreed the Heads of Terms for the deal with the Scottish and UK Governments in February 2021 with the full deal is due to be signed during the 2022/23 financial year.

A further consideration prompted by continuing demands from wild fish interests for more stringent controls over marine fish farming, has been the Scottish Parliament's Rural Economy and Connectivity Committee Inquiry into Salmon Farming in Scotland, the adopted remit of which is:

*'to consider the current state of salmon industry in Scotland, identify opportunities for its future development and explore how the various fish health and environmental challenges it currently faces can be addressed'.*



The report on salmon farming in Scotland was published on 27<sup>th</sup> November 2018. This contains 65 recommendations for the Scottish Government to consider. Whilst the report is critical of the way in which the salmon industry is regulated, recommendation 3 concludes that there is insufficient evidence to support a moratorium on new salmon farm development and the expansion of existing sites.

### **C. Assessment Against Policy Criteria**

Assessment of the proposal in this case will primarily be against the criteria set out in sector specific supplementary guidance SG LDP AQUA1. There is a requirement to consider the locational and operational characteristics of the development against each of the specified criteria with the presumption that proposals will be supported where:

- Direct, indirect or cumulative significant adverse effects on the criteria are avoided in relation to the locational characteristics of the development (this would be relevant in this case in terms of the impact of the development upon nature conservation designations, for example);
- The applicant can demonstrate that the level of risk of potential impacts on criteria relating to the operation of the site can be effectively minimised or mitigated by appropriate operational measures (this would be relevant in this case to the impact of the operation of the development upon wild fish interests);
- Proposals are consistent with other local and national policies and guidance

The eight development criteria set out in SG LDP AQUA 1 are reviewed in the sections below.

#### **1) Landscape / Seascape and Visual Amenity**

A basic landscape and visual appraisal has been included within the EIAR. This proposal represents an enlargement of an existing farm and the changes may have consequences for landscape and visual effects.

The proposal is located outwith the Lynn of Lorn National Scenic Area which is located to the north of the site. In addition, there are no areas of isolated coast or wild land in the vicinity of the site. The landscape character type around Dunstaffnage Fish Farm is classified and LTC 57 – Craggy Coast and Islands. The landscape and visual appraisal notes that the area around Dunstaffnage is characterised by being well settled and well frequented and having a distinct seascape context. Taking account of the long standing presence of a fish farm on this site, the report concludes that the landscape is considered to be of low sensitivity to change.

Two viewpoints for consideration in this application. These are Ganavan slipway and Ben Lora viewpoint. The Ganavan viewpoint is 1.53 km from the development. It is a popular beach used by local people, residents and tourists. While the barge is currently visible at the existing fish farm, this new barge would be in a different position which would mean it would be out of site from this viewpoint. The sensitivity of receptors from this viewpoint would be high, however the magnitude of change would be low as the

development would not form a dominant feature in the view. The EIA report therefore concludes that there would be a negligible effect on this viewpoint.

The Ben Lora viewpoint is located at a picnic bench off the path and is 5.28km from the site. This elevated view out to Loch Linnhe would be experienced by both locals and tourists. The sensitivity of these receptors would be high. The EIA report concludes that the farm would be viewed against the backdrop of Dubh Sgeir and Eilean Loch Oskair skerries. The cage and barge visibility would be greater than the existing site. Although the fish farm would be clearly visible, the development would not form the dominant feature within the view and the magnitude of change would be low. The EIA report concludes that there would be a minor adverse effect from this viewpoint.

Further landscape receptors along this stretch of coastline includes passing boat traffic. This includes passenger ferries to Mull and Lismore but these would be at a distance of greater than 5km. Taking account of the distance and the fact that the development would be viewed from sea level, it is not considered that the fish farm would be prominent in the views from the ferries. There would also be intermittent views from part of the core path which runs from Ganavan Bay to Dunstaffnage. There may also be some views from some of the new houses at Dunbeg.

Taking account of the above, it is considered that the proposal would not have a significant effect on the Lynn of Lorn NSA or the local landscape. Visual effects would also not be significant especially given presence of the existing fish farm on the site.

Officers concur with this view and it is considered that the proposal would be acceptable in terms of visual amenity and landscape impact. This would accord with Policies AQUA 1, LDP 3, SG LDP ENV 12 and SG LDP ENV 14.

## **2) Isolated Coast and Wild Land**

There are no areas of wild land or isolated coast which would be impacted by the proposal. It is considered that the proposal would accord with SG LDP AQUA 1.

## **3) Historic or Archaeological Sites and their settings**

Historic Environment Scotland (HES) has advised that that they do not consider that the proposed modification of the existing fish farm would have any significant impacts on heritage assets within their remit and accordingly they do not object to the proposal.

Taking account of the above, it is not considered that the expansion of the fish farm in this location would not have an adverse impact on the setting cultural heritage assets and therefore the proposal would not conflict with policies SG LDP AQUA 1, SG LDP ENV 16(a) and SG LDP ENV 19. Policy 19 - Scheduled Monuments takes a similar approach to Policy SG LDP 16(a).

## **4) Priority Habitats and Species (including wild migratory salmonids) and designated sites for nature conservation**

NatureScot has advised that the proposal is likely to have significant effect on the qualifying interests of the Ailsa Craig SPA. In these circumstances Argyll and Bute Council, as competent authority, is required to carry out an appropriate assessment in

view of the site's conservation objectives for its qualifying interests. This appropriate assessment is contained within the appendix of this report. The conclusion of this is that, subject to the specified mitigation which are included as proposed conditions, the proposal will not adversely affect the integrity of the site.

The applicant has submitted a Linnhe Predator Exclusion Plan (Rev 3) in support of this planning application. This plan covers all of the proposed developments in the Linnhe area and identifies fish eating birds and seals as the main predators in this area.

With regard to avian predation, the developer proposes the following to reduce the risks:

- Use top nets to prevent cage surface attack by avian/mammalian visitors.
- Use 20mm cage net mesh. Small mesh size deters beak attack from below surface.
- Ensure weighting system optimised to produce max. net wall tension

Pole mounted nets are proposed at this fish farm. The nets will have a 75mm mesh size on the side wall panels and a larger mesh of 100 mm on the top panel of the net.

To minimise potential risk of bird entanglement the following monitoring, reporting and adaptive mitigation measures will be implemented:

- The maintenance of daily records of wildlife entanglement/entrapment using a standardised proforma provided by NatureScot and submit six-monthly returns to Argyll and Bute Council, copied to NatureScot
- Immediate notification to both Argyll and Bute Council and NatureScot in the event of any significant entrapment or entanglement of gannets. Significant entrapment is defined as involving three or more birds of any named species on any one day and/or a total of ten or more birds in the space of any seven day period and/or repeat incidents involving one or more birds on four or more consecutive days; and
- Adaptive management approaches will be agreed between Argyll and Bute Council and Scottish Sea Farms in consultation with NatureScot, such measures may include:
  - (i) Review of entanglement records and if bird entanglements occur then consider appropriate alterations to the top net design including changes in mesh size, net colour and marking the top nets to make them more visible to birds; and
  - (ii) If bird entanglement continues despite alterations, top net design could be changed to the traditional 'hamster wheel' system.

In addition, the proposal also lies close to the Inner Hebrides and Minches SAC protected for its harbour porpoise (*Phocoena phocoena*) qualifying interest. The planning authority is therefore required to consider the effect of the proposal on the SAC (commonly known as a Habitats Regulation Appraisal). As the applicant is not planning to deploy ADDs at this site NatureScot has advised that it is unlikely that the proposal will have a significant effect on the harbour porpoise qualifying interest either directly or indirectly. In order to ensure that ADDs are not used on this site a planning condition is proposed to restrict this. An Appropriate Assessment is not therefore required for this SAC.

The proposal is also located close to the Eileanan agus sgeirean Lios Mor Special Area of Conservation (SAC) which is designated for harbour seal (*Phoca vitulina*). NatureScot has advised that it is unlikely that the proposal will have a significant effect on the qualifying interest either directly or indirectly. In this respect NatureScot have advised that the EIAR Predator Exclusion Plan no longer includes seal management as a last resort and the ADDs will not be used at this site in addition to confirming that secondary anti-predator nets will also not be used on this site. NatureScot support the focus on well tensioned cage netting, net maintenance and regular removal of fish mortalities as key seal predation measures.

In terms of Priority Marine Features (PMFs), Burrowed Mud is present at the site and *Funiculina quadrangularis* (sea pen) is also present. In this respect Nature Scot has advised that the proposal is not capable of significantly impacting the national status of either of these PMFs.

Taking account of the above, it is considered that the proposal would accord with policies LDP 3, SG LDP AQUA 1, SG LDP ENV 1 and SG LDP ENV 2.

## **5) Wild Fish Interactions**

### **a) Containment and risk of escapes**

The EIAR notes that apart from a single fish which escaped from Dunstaffnage fish farm due to a physical handling error in 2013, there has not been an escape event at an SSF farm in the Loch Linnhe Farm Management Area within the past 9 years. A Containment Plan and Escape Prevention and Recapture Strategy has been submitted in support of this application. Site specific attestations have also been submitted from the applicant which confirm that the equipment will be suitable for the conditions they are to be placed in. The applicant has also confirmed that the equipment will meet the design requirements specified by 'The Technical Standard for Scottish Finfish Aquaculture'.

MSS has confirmed that these issues are acceptable following a request for further clarification on equipment attestations.

Taking account of the above, it is considered that the measures for containment and dealing with the risk of escape is acceptable.

### **b) Sea Lice Management**

Wild salmon and sea trout are priority marine features, and having regard to the division of regulatory responsibilities acknowledged in the National Marine Plan, and as part of its biodiversity duty, the Council in its capacity as Planning Authority must assume responsibility for the consideration of the implications of aquaculture development for the conservation of these species. In considering aquaculture applications, the Council therefore has to satisfy itself that there is both an effective and a consentable sea lice strategy identified, and that there are controls in place to ensure that necessary steps are taken in the event that sea lice levels prove not to be capable of being controlled in a satisfactory manner using the measures identified at the application stage. Similarly, the Council has to satisfy itself that proposed containment is adequate in order to minimise the risk of escape events.

Marine Scotland's Fish Health Inspectorate have the responsibility for regulating the health of fish being produced on the farm, but this responsibility does not extend to the consideration of the effects of fish farming upon wild fish; although Marine Scotland does provide wild fish interaction advice to the Council to inform decision-making. SEPA are the regulatory body responsible for licensing biomass permitted to be held on farms and for the permitted use of chemicals, but the propagation of sea lice into the wider environment from within farms is not construed to be 'pollution', and therefore wild fish impacts are not considered as part of their licensing process.

The government is a participant in North Atlantic Salmon Conservation Organisation (NASCO) established by an inter-governmental Convention in 1984. The objective of NASCO is to conserve, restore, enhance and rationally manage Atlantic salmon through international co-operation, taking account of the best available scientific information. It seeks to avoid lice induced mortality which is attributable to the operation of marine farms. In 2016, in response to declining wild salmonid numbers, NASCO urged operators and regulators to adopt additional corrective measures to ensure that convention obligations can be met.

In response, in July 2017, having regard to the demand by NASCO for more stringent controls, and the government's obligations under the Aquaculture and Fisheries (Scotland) Act 2007, Marine Scotland's Fish Health Inspectorate (FHI) introduced a new Sea Lice Management Policy which now obliges salmon farmers to develop site specific escalation action plans to be implemented when sea lice levels rise above specified levels. This can include *inter alia* a requirement for measures such as medicinal treatment, topical bath treatment, mechanical removal, biological interventions, or reduction of the biomass held on the site. The FHI lice control standards have been prompted by Marine Scotland's responsibility for the health of farmed fish. They do not specifically take into account the conservation interests of wild fish, which are the separate responsibility of Planning Authorities. These new standards do, however, provide a regulatory 'backstop' which indirectly benefits wild fish, insofar as they prompt action when lice numbers on farmed fish are elevated beyond CoGP limits.

Marine Scotland Science (MSS) has advised that there is no history of sea lice affecting the health of the aquaculture animals at this site to the knowledge of the FHI. In terms of sea lice management, the site is located in Farm Management Area (FMA) M-36 which is farmed by three aquaculture production businesses. This covers a relatively large area encompassing the lower part of Loch Linnhe, Loch Creran and rainbow trout sites in Loch Etive. Since stocking in April 2020 numbers of adult female sea lice on site have remained well below the CoGP suggested criteria with the exception of week 1 in January 2021 which was above the MS reporting levels for one week. Following physical treatment, levels were back below MS reporting level and below the CoGP suggested criteria by week 3 of January 2021.

SSPO reports show adult female sea lice to be above the CoGP suggested criteria for half of the 2018/2019 production cycle however during this period numbers of adult females were maintained at or below 1 adult female and did not rise above MS reporting levels at this or any other site in the FMA in 2018 or 2019.

The applicant has provided the current sea lice management strategy for the Linnhe region and the Farm Management Statement for the SSF sites in the M-36 area.

Salmon farms in the FMA will have a synchronous fallow period for a minimum of 4 weeks, including those operated by the applicant and Mowi. A risk assessment has been provided as per the CoGP 3.101 for the non-synchronous production of the Loch Etive trout farms in FMA M-36 which identifies the risks to the sites in Loch Linnhe and the greater 15b DMA with regard to pathogens and parasites. It is noted that the FMA has been operating with non-synchronous production for over 10 years and there is no apparent evidence that the Loch Etive sites are increasing risks to SSF sites. Sea lice burden in Loch Etive is minimal due to the high amount of freshwater entering the loch however sea lice interventions have been required in recent production cycles. The applicant states that they offer a Thermolicer to help with treatments as required. Marine Scotland Science has advised that is deemed to be satisfactory as far as can reasonably be foreseen.

Sea lice counts will be recorded weekly, with a minimum of 10 fish randomly sampled from each pen. SSF will work within the CoGP suggested criteria and go further in operating to a lower voluntary intervention level of 0.5 adult female *L.salmonis* all year round. Following preventative measures through use of lice shields, selective stocking for resistance, synchronous fallow, single year class and good husbandry; a critical decision flow chart has been supplied showing steps that will be taken should adult female sea lice numbers of *L.salmonis* increase. The first step is to ensure efficiency of cleaner fish by reviewing net cleanliness and if numbers of lice still continue to increase there will be a review of cleaner fish husbandry including hide management, feeding and stocking ratios. Should adult female lice numbers continue to increase mechanical or medicinal intervention will be considered in consultation with the vet and using bioassay results where available. Ultimately, where interventions continue to be unsuccessful early or partial harvest will be considered to reduce the biomass on site.

Sea lice management and control is focused on the use of cleaner fish which the applicant is authorised to stock on this site. Cleaner fish were first stocked on site in 2013 and wild wrasse are currently stocked on site. Confirmation that suitable numbers of cleaner fish can continue to be sourced to ensure stocking remains at a ratio that will provide efficacious biological control with the additional biomass proposed was requested at the screening and scoping stage. The applicant has stated in the EIA that a dedicated contractor has supplied cleaner fish to SSF for the past 3 years and agreements are in place to ensure adequate numbers of cleaner fish are in place going forward.

Biological control is supplemented by medicinal in feed and bath treatments and also physical control with use of a thermolicer. Bath treatments of sea lice chemotherapeutants will occur in full enclosure tarpaulins or wellboats and can be conducted in 2 days deltamethrin or 5 days with azamethiphos. However, the sea lice treatment strategy will target individual pens when intervention is deemed necessary therefore the requirement for whole farm treatment is less likely.

Permitted quantities of emamectin benzoate would allow 1.4 times the maximum biomass to be treated with the in feed treatment Slice. Slice has previously been used on site when tonnage is low in the early months of the production cycle or later in the cycle for *Caligus* sp. Other preventative measures will be put in place including use of lice skirts.

On top of the sea lice strategy, the applicant has submitted an Environmental Management Plan (EMP). An EMP ensures that appropriate environmental management practices are adhered to during the construction and operation of the development. Marine Scotland has set minimum requirements for the content of these EMPs and advise the planning authority if they consider that a particular EMP meets these requirements. MS expects that as a minimum EMPs should be able to:

- Report on the level of lice released into the environment (i.e.both farmed fish numbers and adult female lice numbers);
- Identify the likely area(s) of sea lice dispersal from the farm;
- Provide details of how and what monitoring data will be collected to assess potential interaction with wild fish;
- Provide details on this monitoring information will feed back to management practices;
- Include a regular review process so that the EMP remains fit for purpose.

MSS has confirmed that the EMP submitted in support of this application meets these criteria.

Argyll District Salmon Fishery Board (ADSFB) has advised that a satisfactory agreement has been reached in relation to agreeing an Environmental Management Plan. However, the ADSFB emphasise that their willingness to engage in the development of an EMP prior to planning consent being granted does not imply support for the application. Whilst they recognised that Local Authorities have introduced EMPs as conditions of consent in an attempt to try and manage interactions between wild and farmed fish, they also consider that this process is imperfect and cannot be properly enforced through the planning system.

The concerns of the ADSFB are acknowledged, however, current guidance from the Scottish Government is that EMPs should be used in order to manage and monitor the sea lice threat from farmed salmon to wild salmon. In support of this application, the planning authority received expert advice from Marine Scotland Science on the acceptability of proposed EMPs.

Taking account on the above, it is considered that the proposal would accord with policies LDP3, SG LDP AQUA 1 and SG LDP ENV 1.

### **6) Ecological Status of Water Bodies and Biological Carrying Capacity**

The site is located within 'uncategorised' waters under Marine Scotland's Locational Guidelines, which indicates better prospects of fish farm developments being acceptable in environmental terms given the open situation, and the depth of water with unconstrained water exchange. SEPA are responsible for controlling water column impacts via its CAR licensing process and have confirmed that they issued a relevant licence variation (CAR/L1009031/C1/VN06) on 17<sup>th</sup> March 2020. In these circumstances it is not

considered that the proposal would conflict with policy SG LDP ENV 7 which resists development which would have a detrimental impact on the water environment. The proposal would also accord with policy SG LDP AQUA 1.

## **7) Commercial and Recreational Activity**

The EIAR identifies that Potential impacts on commercial fisheries from salmon farms include:

- Loss of access to fishing grounds due to presence of the farm and associated economic effects.
- Changes to the abundance of Nephrops as a result of degradation and modification of benthic community assemblages.

Both the above-mentioned direct impacts have the potential to result in the following indirect effects:

- Adverse impacts on the income and livelihoods of individual fishermen.
- Displacement of fisherman to other fishing grounds resulting in increased pressure on resources or conflict with other sea users.

Based on the latest landings data for Oban, the information provided by the members of the West Coast Regional Inshore Fisheries Group and the benthic habitat prevalent in the assessment area, Nephrops is anticipated to be the key target species in terms of commercial fisheries in the assessment area and was therefore selected as the point of focus of the assessment. Nephrops are also known as Norway lobster, langoustine, Dublin Bay prawns or scampi. Nephrops are the most valuable shellfish stock. The Scottish fleet fish for Nephrops by creeling and by trawling and both these methods are used in Loch Linnhe.

Nephrops are a mud burrowing marine decapod crustacean. Nephrops distribution is limited by the extent of suitable muddy sediment in which they can construct burrows.

The burrowed mud PMF is widely distributed across the west of Scotland and therefore the report concludes that the proposals are unlikely to have a significant effect on the national status. Benthic surveys conducted at the SSF farms forming part of the programme of development within Loch Linnhe to inform the development proposals found that Nephrops habitat was available. The survey conducted at Dunstaffnage identified that there was little variation in seabed characteristics throughout the survey site with water depths ranging from 35 – 45m. Sediments across the area were dominated by soft muds with numerous Nephrop burrows throughout the soft muds. The findings of the survey align with a previous survey conducted in 2013 by SNH of the wider Firth of Lorn area including between the islands of Lismore and Kerrera. Biological analysis revealed that Burrowed Mud was widely distributed across the northern region of the Firth of Lorn, with observations of Nephrops in soft muds.

In terms of loss of access to fishing grounds the applicant's report advises that the assessment area is outwith high value trawl fishing areas and a low number (3) of fishing vessels using mobile gear were estimated to use the assessment area for Nephrops trawling. However, the restrictions on trawling imposed in 2016 as a result of the



designation of the Loch Sunart to Sound of Jura Marine Protected Area may have resulted in a change in the intensity of trawling in the remaining unrestricted areas by fishermen in the area. The proposal falls out-with the restricted trawling areas and therefore may be utilised by fishermen in the area for trawling.

Loss of access to fishing grounds due to presence of the farm and associated economic effects.

The number of creel fishing vessels estimated to be directly affected by the programme of developments in Loch Linnhe is expected to be between 6 and 10, which equates to (5 – 8%) of the fleet registered in the Oban port district overall and 3 trawling vessels are estimated to be affected (2% of the registered Oban fleet).

To facilitate the safety of sea users, fishermen are excluded from the entire moorings area of a farm to avoid interaction with farm infrastructure and vessels associated with site operations. The report estimates the loss of value and subsequent income for fishermen operating within the assessment area as a result of the proposals. The total combined area to be lost to the proposed programme of developments takes up approximately 0.78 sqkm at a total anticipated annual value of £877 and £156 for creeling and trawling respectively. As a cautious estimate, the report assumes that this value may have doubled since the data were gathered and to account for the low survey response rate and potential under-reporting the total estimated landing values, assumed to be lost, were doubled (£1754 and £312).

It is anticipated that the activities of a low number of fishing vessels comparable to the port district fleet would only be partially impacted if the proposed sites were to be developed suggesting that the developments are unlikely to have a high adverse impact on the Nephrops fishery in the district as a whole. Due to the predicted comparably low fishing effort in the grid cells where development is proposed as well as within the wider assessment area in proportion to the fishing grounds of similar or higher value available within the region, any change to the Nephrops fishery and potential economic effects as a result of the proposals is likely to be localised and of a low magnitude. However, it is possible that any proportional loss of landings may result in a greater impact on income for individual fishermen affected by the proposals.

Changes to the abundance of Nephrops as a result of degradation and modification of benthic community assemblages.

The Burrowed Mud habitat present throughout the assessment area has the potential to host Nephrops, with the presence of Nephrops being confirmed in multiple locations. However, the distribution of Burrowed Mud habitat may not indicate or correlate with the spatial distribution of suitable or important Nephrops habitat in terms of fishery interests. The assessment area has not been highlighted as suitable Nephrops habitat in terms of importance for fisheries stock management, is outwith high value trawl fishing areas and has not been identified as intensely fished through creeling. Although Nephrops habitat is present within the assessment area, the assessment area is small in comparison to the wider habitat availability in the region which is considered more suitable in terms of fishery interests.

The benthic impacts of the proposals are required to be assessed by Scottish Environment Protection Agency (SEPA), through the process of determining the CAR

licences. The effects have been predicted not to exceed the appropriate benthic Environmental Quality Standards and SEPA have issued a CAR Licence variation in respect of chemical treatments and discharges from the site for the proposed biomass.

A direct loss of suitable Nephrops habitat in the local area may indirectly impact Nephrops creeling by reducing the available resource or requiring increased effort by fisheries to maintain landings. However, this is not anticipated due to the minimal area to be impacted by the proposals (0.2%) in proportion to the wider availability of Nephrops habitat in assessment area and the region as well as the low fishing effort in the grid cells where development is proposed as well as within the wider assessment area. The magnitude of the potential impact is therefore anticipated to be low.

Due to the anticipated low magnitude of the effects of the direct impacts of loss of access to fishing grounds and changes to the distribution and abundance of Nephrops, no significant indirect effects are anticipated with regard to the displacement of fishing effort on the local inshore fleet as a result of the Dunstaffnage proposal in isolation or the cumulative effect of the wider Loch Linnhe programme of developments. However, the potential exists for the income and livelihoods of individual fishermen to be adversely affected should the areas to be developed comprise a substantial portion of individuals' fishing grounds.

### Mitigation

The applicant has advised that the following standard mitigation measures to minimise impacts to benthic habitat will be implemented, which will in turn minimise impacts on the abundance of Nephrops:

- Minimisation of feed waste will be achieved by use of visual monitoring of feeding by camera, thereby allowing feeding to be terminated when the fish are satiated; and feed pellet size appropriate to the size of fish will be selected. High digestibility feed will also be used to minimise faecal production.
- Benthic impacts at the cage edge and the surrounding area will be regularly monitored in accordance with the conditions of the CAR Licence. Suitable transects and sampling stations for compliance monitoring will be agreed with SEPA, informed by model outputs. Routine monitoring will involve the collection of seabed samples which are analysed for indicators of organic enrichment, benthic community disturbance and in-feed chemical residues. As a result of the survey regime, a site can be assessed for its compliance with the relevant environmental standards, and consented biomass and/or medicines can be adjusted accordingly through a licence variation process.
- Chemical residues on seabed sediments will be minimised through adherence to the Sea Lice Management Strategy (Appendix 13) which seeks to prevent, monitor, and control sea lice so that intervention measures are not required on the farm. Should lice levels rise to levels which require intervention then the strategy prioritises non-medicinal measures (focused deployment of cleaner fish and physical delousing measures) to limit the use of medicinal treatments where possible. Where medicinal treatment is required the SEPA CAR Licence limits will be adhered to.

- Any medicinal treatments administered will be solely in accordance with the limits specified in the SEPA CAR licence, as deemed appropriate for the location.

Taking account of the above, it is considered that the impacts on commercial and recreational vessels will not be significant and that the proposal is in accordance with the development plan on this issue.

#### **8) Amenity issues arising from operational effects (waste, noise, light and odour)**

The applicant has advised that the farm will continue to use underwater anti-maturation lighting. Navigation lighting will be installed as per the requirements of the Northern Lighthouse Board. It is noted in the EIAR that the number and kind of navigation lights will be the same as for the existing farm. Main sources of noise at the existing site are from vessel activity and the operation of machinery on the feed barge. Vessel activity associated with the existing operations (and the proposal) include work boat movements for staff transfer and occasional larger vessels (deliveries to- and collections from the feed barge; and well-boats for stocking, harvest, or treatment). Noise sources on vessels include boat engines, hydraulic power-packs, and associated machinery. On board pumps on well-boats and other equipment used in non-medicinal treatment of fish also produce noise. Effects of noise from vessel activity are however transient and variable nature and therefore not anticipated to result in nuisance noise. The primary fixed source of noise is the operation of machinery on the feed barge. This will include cranes, generators and associated hydraulic systems, all of which sound like diesel engines. Noise on the feed barge will also occur due to feeding operations, with feed blowers on the barge introducing a background noise of a fan, comparable to a large air conditioning unit. The feed passing down pipes will manifest as an audible rattle (the degree of audibility varying with feeding depth). Feed selectors that serve to connect the feed outflow from the barge to the appropriate delivery pipe may introduce an occasional metallic thump (impulse) to the sound from the site. As the existing feed barge is to be used, there will be no change to operational noise levels from existing levels. SSF is committed to ensuring that every effort is made to keep operations as unobtrusive as possible by the use of noise insulation on relevant equipment and by restricting and adjusting hours of construction and operational activity as far as is practicable to limit the potential for nuisance. Construction activities will be temporary (for a period of up to six weeks) and will be limited to daylight hours. All noise on site normally ceases during the period between 18h00 and 06h00. Generally, noise is intermittent and confined to the working hours of the site and is unlikely to be a nuisance to sensitive receptors along the coast taking into consideration background noise.

With regard to noise, the EIAR notes that the expansion of the existing site is not expected to be significant as the proposal does not involve any additional noise sources.

The applicant has advised that the new feed barge, although having a larger feed storage capacity and an increased length compared with the existing barge, will have the same primary potential noise sources (cranes, generators and associated hydraulic systems, feed blowers and the sound of feed passing down pipes) as on the existing barge. These systems will not be significantly different to those on the existing barge. The equipment will be based on newer technology and noise sources will be housed in internal or enclosed compartments which will act as acoustic enclosures. In addition, the feed barge will be sited out of view from the central

part of Ganavan beach and the terrain will act as an additional acoustic barrier between potential noise sources and recreational users on the beach.

In relation to noise associated with harvesting activities, the applicant has advised that harvesting operations take place within the last five months of the 24-month production cycle and typically involve a single well boat making trips to a farm twice to three times weekly within this period, mostly during normal working hours (8am-5pm). There may be weeks within this period where no harvesting takes place. The harvesting operations at the proposed expanded site will be in line with those that currently take place at the existing site using the same well boats, therefore there will be no increase in noise levels during harvesting. The increased proposed biomass at Dunstaffnage is also unlikely to make a difference to the number of well boat harvesting trips, as existing harvest volumes are well below the maximum capacity of the well boat. The presence of the well boat and harvesting operations at the existing farm at over a kilometre away have not resulted in nuisance or affected recreational use of the beach, as such, nuisance as a result of the proposed expansion is not anticipated. SSF will ensure that every effort is made to keep operations as unobtrusive as possible.

As no likely significant effects are expected, no further assessment was considered necessary.

A Waste Management Plan is contained as an appendix to the EIAR. This details the different types of waste encountered on the fish farm along with the proposed waste collection and disposal methods. The plan also covers aquaculture related equipment which washes up on shorelines in the vicinity of SSF farms. The plan advises that as part of an agreed 'industry collective responsibility', SSF will respond to reports of equipment and debris, regardless of whether it is from an SSF farm. Removal of material will be undertaken as soon as it is practically possible, but ultimately will depend on weather and availability of a suitable vessel.

Taking account of the above, it is considered that proposal would accord with policies LDP 8, LDP 10, SG LDP BAD 1, SG LDP SERV 5(b) and SG AQUA 1. In addition, the proposal would accord with policy 14 of the proposed LDP2 which maintains a similar policy approach to the existing bad neighbour policy.

## **9) Economic Impact**

It is necessary to have regard to net economic impacts, taking account of any negative effects imposed upon existing businesses as well as economic benefits accrued by the applicants and any indirect benefits to the manufacturing/service sector. No adverse impact of significance has been identified in terms of commercial fishing or recreational boating, and there is no suggestion that expansion of the site would prejudice operator viability within any of these sectors. If it is considered that that the proposal would prejudice wild fish interests, then there could well be some adverse implications for the tourism and economic value of the fisheries in the area, although the attribution of such effects to the scale of the project at hand and the quantification of those effects would be difficult. However, the EIAR concludes that with mitigation there would be no significant adverse effects on wild salmonids. It should also be noted that the number of wild fish available to anglers is dependent on a many other pressures affecting wild salmon and trout.

The expansion of the aquaculture sector is being actively encouraged by government policy in view of the contribution it makes to the national and export economy and in view of the employment it sustains. It is supported by development plan policy unless there are locally significant adverse effects which cannot be avoided, reduced or mitigated to an extent which

renders development acceptable. The Council's Economic Development Strategy identifies the food and drink sector as being one of the areas key sustainable economic assets helping to retain and create jobs in rural areas.

In this respect the applicant has provided further supporting information on the socio-economic benefits of the proposed development. SSF have advised that they have been producing salmon in Argyll and Bute since 1974. They have two freshwater hatcheries in the region, one at Barcaldine and the other one on Mull. These supply 40 salmon farms across Scotland including 13 in the Oban and Mull area. There is also a processing facility at South Shian which prepares and packs the salmon from the Scottish mainland farms for onward supply to customers in over 24 countries.

The report also highlights that that there is an £8.5 million annual spend with Argyll and Bute suppliers / businesses with 107 supplier / businesses being used in Argyll and Bute. Salmon farming makes a significant contribution to the local economy of Argyll and Bute, in particular to more remote and fragile areas and provides year round jobs which are important to coastal communities. These jobs include direct jobs in fish farming companies and indirect downstream jobs supported in transport, processing and support services. In 2020, the salmon farming industry in Argyll and Bute was estimated to support 540 direct employees and 330 supplier, contributing over £22 million gross pay and £138 million in Gross Value Added. Their report further highlights that the economic activity generated by Scottish Sea Farms supports a number of international, national and Council objectives and priorities.

In relation to the Dunstaffnage proposal, it is conformed that there will be one additional staff position on the farm with the additional volume of farmed fish requiring two further processing positions at South Shian from 2023. Should all of current Linnhe proposals be approved, a new four person net washing team would be recruited.

Taking account of the above it is considered that the proposal would accord policies LDP 5 and SG LDP AQUA 1.

#### **D. Effects of Fish Farm Medication on Human Health**

A number of representations associated with this planning application have raised concerns about adverse effects of fish farm medications on wild swimmers. This issue arose after the submission of the planning application and did not form part of the EIAR. A further report was commissioned by the Scottish Salmon Producers Organisation (now Salmon Scotland) and submitted by the applicant. This report produced by WCA was advertised as supplementary information to the EIA. The objective of the report was to assess the potential health risk to open water swimmers in the vicinity of fish farms in Scotland in relation to medicinal treatments applied for the control of sea lice on salmon. The report has considered three substances, namely azamethiphos, deltamethrin and hydrogen peroxide.

Medicinal sea lice treatments using known amounts of the substances are carried out in one of two ways:

- Bath treatments in-situ. By enclosing the pen in question fully with a large tarpaulin. The net is lifted to gently crowd the fish together in the smallest safe volume. The tarpaulin is passed underneath the net and pulled up around the pen above the water level. When

the fish are totally enclosed in the tarpaulin, treatment can begin. Once the treatment is completed the tarpaulin is removed and the treatment water released into the sea.

- Fish may be treated in tanks on board specialist wellboats. Following treatment, the dislodged lice are collected and disposed of, then the treatment water is released into the sea.

With regard to azamethiphos and deltamethrin the report concludes that the concentrations used to treat fish are safe for open water swimmers, even before dilution and dispersion occurs in open waters. However, for hydrogen peroxide there is a risk associated with the concentrations of hydrogen peroxide used in the fish treatment paths, therefore, characterisation of dilution and dispersion are likely to be required to be taken into account to demonstrate that discharges of hydrogen peroxide are safe for open water swimmers.

A Hydrogen Peroxide dispersion model report produced by Salmon Scotland has been included as an Appendix to this report. In order to place the results in the main report into context, the dispersion of hydrogen peroxide from a pen following a tarpaulin treatment was assessed using a modified version of "BathAuto" model. This model has been used by SEPA for regulatory purposes (to calculate short-term dispersion of bath treatments from marine pen fish farms) for around 25 years. The spatial and temporal scale of impact relative to the No Effects Level (NEL = 59.84 mg l<sup>-1</sup>) was computed. The model allows for a generic risk assessment approach for a range of initial treatment quantities and environmental conditions (mean current speeds) typical of marine fish farms.

For both pen sizes considered, peak concentration within the patch is predicted to be below the NEL in around 30-60 minutes for most scenarios, with a maximum time of 100 minutes. The distance travelled by the patch centre during this time ranged from 164-378 m. Peak and average concentrations within the patch were correspondingly well below the NEL at the 2 hr point. The 2 hr average of peak patch concentration was over the NEL (1.2-2.4 x for 120 m pens, and higher (1.5-3.2 x) for 160 m pens due to greater treatment mass and volume). The 2 hr average of mean patch concentration was below or very close to the NEL for 120 pens in all but the slowest current scenario (where it was 1.4 x NEL over 2 hrs). For 160 m pens, 2 hr average of mean values was only below the NEL at the fastest current speed (worst case 1.9 x at slowest current speed).

It is clear from the results that while pen concentrations of H<sub>2</sub>O<sub>2</sub> are much higher than the reported NELs, dispersion in an open-water environment is expected to reduce concentration below the NELs quickly, in as little as 30 minutes and generally within a distance of 2-300 m from the treated pen centre point. Moreover, in many cases (and particularly the smaller pen scenarios, which are more realistic for the types of environment which swimmers will use), the 2 hr average of the mean patch concentration is below the reported NEL.

Even in the worst-case scenario (an unrealistic combination of very large pen and very slow current speed), the average of the peak concentration over 2 hrs is 3.2 x NEL. To experience such concentrations, a swimmer would have to be at the pen edge at the moment the tarpaulin was dropped, and swim following the central peak of the patch (most likely parallel to the coastline) for a 2 hr period. Very few (if any) swimmers in Scottish coastal waters will swim for 2 hrs, with a more common swim duration being 30-45 minutes. Allowing for the time taken to swim to a farm (typically over 100 m from the shore), and the need to time the swim perfectly with medicine release and movement, exposure at this level would appear to be exceedingly

unlikely. If swimmers follow guidance of remaining outside pen grid marker buoys, risk of exposure is reduced even further.

It should also be borne in mind that most swimmers in Scottish coastal waters for the durations modelled here, will be wearing a wetsuit, offering added protection.

Given the small risk identified above, officers consider that it would be prudent to attach a condition to the proposal which seeks to inform key users of the water when medication is being administered to the fish. The fish farm company has advised that the last time bath medication was used at the existing Dunstaffnage farm was in 2011 when Detamethrin was used. Within their Linnhe fish farms as a whole, the average number of medicinal bath treatments administered per production cycle (a 24-month period) across their seven Linnhe farms is 1-2 treatments, with none at all at some farms based on treatment data over the last three cycles (6 years). When medications are to be administered the company are required to notify SEPA in advance. It is therefore considered that a condition could be easily complied with and monitored. This would allow individuals to make their own informed choice about where to enter the water. It should be noted that the supporting information demonstrates that the risk from hydrogen peroxide would only be present for a short time before falling to NEL and that there are many other health and safety reasons why it would not be sensible to swim in close proximity to a fish farm such as deep water, entanglement with moorings and conflict with boat traffic.

NHS Highland were consulted on this report and have advised that while they are not able to comment on the detailed technical elements of the report, the overall methods and processes appear reasonable as do the deductions. NHS Highland advised that they were not able to give a definitive opinion on the safety of wild swimming in the vicinity of fish farms simple based on the report, however, based on the available evidence NHS Highland does not wish to object to the application.

## **HABITATS REGULATIONS 'APPROPRIATE ASSESSMENT'**

### **HABITAT DIRECTIVE 92-43-EEC**

### **THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED**

#### **Ailsa Craig 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 Ailsa Craig Special Protection Area (SPA) was classified 25th April 1990 and extended 25th September 2009. It covers the Ailsa Craig Island and approximately 2km into the marine environment, including the seabed, water column and surface. It has a qualifying interest by regularly supporting populations of migratory species namely; northern gannet (*Morus bassanus*) and lesser black-backed gull (*Larus fuscus*). It also has a qualifying interest at regularly supports in excess of 20,000 individual seabirds including common guillemot (*Uria aalge*), black-legged kittiwake (*Rissa tridactyla*) and herring gull (*Larus argentatus*).

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: 20/02358/MFF) could affect the qualifying interests which are breeding seabird assemblage, gannet (breeding), common guillemot (breeding), herring gull (breeding), kittiwake (breeding) and lesser black-backed gulls (breeding) as the proposal is within the mean foraging range from the Ailsa Craig SPA.



The proposed site lies approximately 135km to the north of the boundary of the SPA. However, this is within the mean maximum foraging range for birds identified as the qualifying interest of the SPA. 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 equipment and operation of a marine fish farm with farmed fish to be contained in 14 no. 100 m circumference pens in a 75m mooring grid. The top nets will be pole mounted. The site will be served by a 300 tonne feed barge positioned off the centre of the cage group, between the site and the shore.

The nets which are proposed to contain the farmed fish have the potential to cause injury and mortality to the qualifying bird species of the SPA by way of entanglement. The development may have the potential to cause damage or displacement to foraging areas used by the qualifying species.

### **Assessment**

The assessment considers the impact of the proposals on the birds identified as the qualifying interest and has regard to the applicant's submitted information in support of the planning application, and to consultation advice provided by NatureScot.

NatureScot has raised concerns about the submitted proposal on the basis that the operation of the farm, as envisaged by the applicants, could in their view affect the qualifying interests of the SPA. They object to the proposal due to the potential impact on the SPA unless it was subject to conditions requiring operation strictly in accordance with the proposed mitigation measures.

The site is some 135km from the SPA and will have no direct impact on the boundaries of the SPA. However, it could impact on the qualifying interest of the birds which would forage within the area.

The applicant has produced a Linnhe Predator Exclusion Plan (LPEP) which covers all of the company's fish farms in the Linnhe area. This sets out the management actions that would be undertaken to reduce the risk of predators targeting the site, including diving birds. The LPEP advises that a number of piscivorous bird species have been recorded around Loch Linnhe, including some species considered to be of conservation interest such as gannets (which are found throughout Scottish inshore waters, with higher densities in the summer months) and opportunistic foraging large gull species, including the lesser black-backed gulls. Other bird species which may be attracted to fish farms within Loch Linnhe include shags, cormorants and herons.

The LPEP states that pole mounted top nets are proposed at a number of the farms within Loch Linnhe which will have 75mm mesh size on the side wall panels and a larger mesh of 100mm on the top panel of the net to reduce the net weight and add strength to the structure.

The LPEP reflects the advice given by NatureScot, namely that subject to the following mitigation, the proposal will not adversely affect the integrity of the site:

- A ceiling mesh of 100mm is used and a side panel mesh size of 75mm or below is used;
- Operators to maintain daily records of wildlife entanglement / entrapment using a standardised proforma to submit regular (usually six-monthly) returns to the planning authority, copied to NatureScot;
- Immediate notification by operators to both the planning authority and NatureScot in the event of any significant entrapment or entanglement of gannets, and any other SPA interests identified as relevant to a particular fish farm (e.g. involving three or more birds of any named species on any one day and / or a total of ten or more birds in the space of any seven day period and /or or repeat incidents involving one or more birds on four or more consecutive days);
- Adaptive management approaches should be agreed between the planning authority and the applicant in consultation with NatureScot.

The NatureScot comments also highlight the comments made in the EAIR which identify potential adaptive management measures:

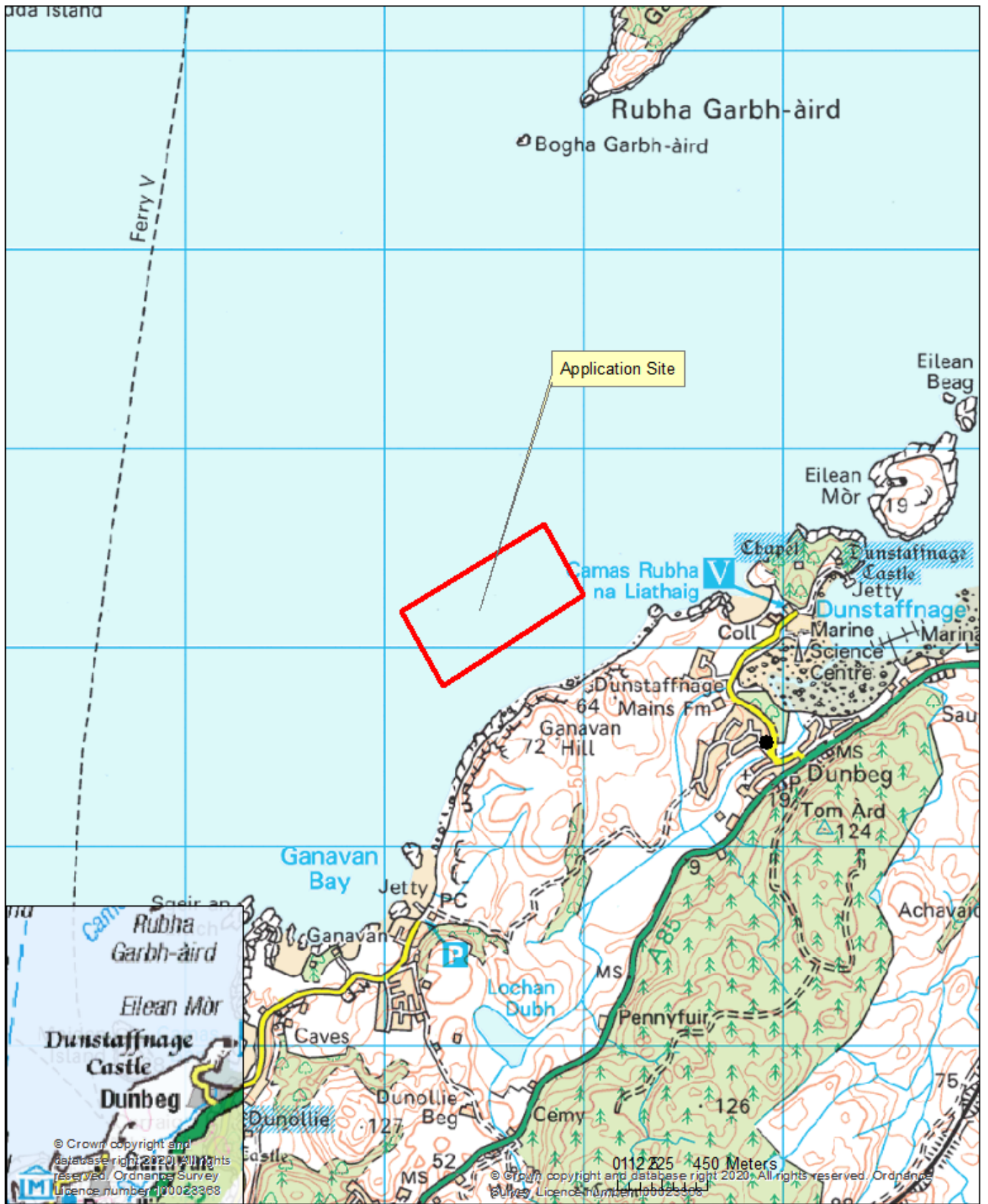
If entanglement records show significant entrapment or entanglement occurring then consider appropriate alterations to the top net design including changes in mesh size, net colour and marking the top nets to make them more visible to birds; and


If bird entanglement continues despite alterations, top net design could be changed to the traditional hamster-wheel system.

NatureScot has also stated that there should be no use of drift nets, vertical static nets, or gill nets to recapture escaped fish as this will be a number of marine birds, including guillemots, shags, divers and others at risk.

### **Conclusion**

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 impacts arising from the operation of the development as proposed, in combination with the operation of other farms nearby will not, with identified mitigation in place, have a significant impact upon qualifying interests, and accordingly there is no reason to withhold permission on European nature conservation grounds.



 **Location Plan Relative to Planning Application: 20/02358/MFF** 

1:24,000

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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**

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**Reference No:** 21/01102/PP  
**Planning Hierarchy:** Local  
**Applicant:** Isle of Gigha Heritage Trust  
**Proposal:** Erection of 3 dwellinghouses and 2 flats. Installation of air source heat pumps, formation of access and parking arrangements and associated landscaping.  
**Site Address:** Field adjacent to Playpark, Ardmish, Isle of Gigha

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### **DECISION ROUTE**

Local Government Scotland Act 1973

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### **(A) THE APPLICATION**

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

- Erection of 3 dwellinghouses and 2 flats (total five new dwelling units);
- Formation of new vehicular access;
- Formation of 10 parking spaces;
- Formation of refuse collection/bin store;
- Installation of air source heat pumps;
- Installation of private foul drainage treatment plant and soakaway;
- Landscape and boundary treatment.

#### **(ii) Other specified operations**

- Connection to public water supply;
- 

### **(B) RECOMMENDATION:**

Recommend that planning permission be granted subject to the conditions and reasons attached.

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### **(C) CONSULTATIONS:**

ABC Roads (17.12.2021 & 31.03.2022) – No objections subject to conditions in relation to the layout of the junction with the public road, provision of visibility splays, and provision of onsite parking and turning to meet the requirements of the new development.

Scottish Water (17.12.2021) – No objections with confirmation that there is sufficient capacity in the Gigha Water Treatment Works to service the development, and confirmation that there is no public sewer in the vicinity of the development site.

Health & Safety Executive (05.01.2022) – No objections.

Gigha Community Council (17.02.2022) – Highlight that this currently undeveloped area provides a green space adjacent to an existing playpark and is utilised as an extension to the playpark for ball games. Development of this location will result in the loss of a valued play space. It is also highlighted that noise from the use of the adjacent existing playpark may impact upon the amenity of the residents of the new development. It is suggested that alternative locations may be better suited for development.

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**(D) HISTORY:**

06/02516/COU – Change of Use of Agricultural Land to Form Play Area – PER – 30.01.2007

*This detailed planning permission relates to the provision of a play park at an amended location to details previously approved under 04/01466/DET, and for the formation of a putting green on the lower part of the site. The play area has been implemented the putting green has not, however this permission must be considered to be 'live' by means of a material commencement of works. The current proposal does not affect the site of the existing play park but would occupy the entire site previously identified for development of the putting green.*

04/01466/DET – Erection of 18 dwellinghouses, associated drainage, play area and footpath – PER – 25.11.2004

*This detailed planning permission relates to a housing development that has now been implemented in full. The current application site is located on land that was identified in this permission for provision of a playpark, alternative arrangements have however subsequently been approved (06/02516/COU) and implemented.*

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**(E) PUBLICITY:**

The application has been advertised under Reg. 20 for the purpose of vacant land. Published 17<sup>th</sup> December 2021 – expired 28<sup>th</sup> January 2022.

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

The proposal has been subject to objection from the 10 individual third parties listed below:

Rhona Martin, 9 Grianan, Isle of Gigha (28.01.22, 28.01.22, & 24.02.22)

Tony Philpin, Tighcruinn, Isle of Gigha (28.01.22)

John MacDonald, Cnoc An Lein, Isle of Gigha (24.01.22)

Willie McSporrán, 10 Ardminish, Isle of Gigha (21.01.22)

Malcolm Henderson, North Drumachro, Isle of Gigha (20.01.22)

Karen Durnin, 7 Ardmish, Isle of Gigha (19.01.22)  
Keith Helm, Gigulum, Isle of Gigha (19.01.22)  
Tracy Helm, Gigulum, Isle of Gigha (19.01.22)  
Audrey Dickie, Gigulum Cottage, Isle of Gigha (18.01.22)  
Jacqueline Cochrane, North drumachro, Isle of Gigha (17.01.22)

**(ii) Summary of issues raised:**

Representations are published in full on the Public Access planning application file. The issues raised are summarised as follows:

Requirement for Housing Development

- It is contended that there is no requirement for additional housing on Gigha. It is identified that there are a number of vacant properties on the island at this time. It is contended that these 5-7 properties include buildings owned by the Trust and Fyne Homes that could potentially accommodate 20 people, which would equate to around 12% of the current population of the island.
- The applicant has not demonstrated a socio-economic or housing land supply case in support of the development.
- It is contended that there are currently limited employment opportunities on the island and that the provision of more housing will exacerbate this problem.

*Comments: The proposal is for a 'small scale' development that is consistent with the scales of housing development generally supported by the LDP within the context of Ardmish. There is no requirement for the applicant to be able to demonstrate a specific requirement for the development in this instance.*

Concern about activity/actions of the applicant (Isle of Gigha Heritage Trust)

- Concern is raised that there has been no opportunity for members (of the Isle of Gigha Heritage Trust) and residents of Gigha to discuss the proposals and the requirement for housing on the island. Concern is raised that the Trust have not followed due democratic process in deciding to take forward their proposals without first engaging with the island community. It is noted that Trust members meetings have been impacted by Covid.
- Concern is expressed that the Trust have previously sold property that has been renovated with Government funding. It is contended that had they retained these assets the current development would not be required.

*Comments: It is advised that the proposal is a 'local' scale development and accordingly does not require statutory pre-application consultation with stakeholders/community.*

*The constitutional arrangements of the Isle of Gigha Heritage Trust and any requirement that this places upon the applicant to engage with members/residents of Gigha is not a material planning consideration.*

Concern about notification procedures

- Concern is raised that the only properties served neighbour notification by the Council were in the ownership of the applicant.

*Comment: It is confirmed that the Council has served neighbour notification in accordance with the requirements of the Development Management Procedure (Scotland) Regulations 2013. In this instance this has involved direct postal notification issued to the owner/occupier/lessee of 4 properties falling within the notifiable distance and placement of an advertisement in the local press in respect of 'vacant land'.*

Concern relating to the site/design of the development

- Concern is raised that the proposed development will adversely impact on the rural qualities of Ardmish/Isle of Gigha.
- Concern is expressed that the proposal will impact adversely on the "environment and topography" of Gigha.
- Concern is expressed that the development will occupy a green space that provides separation between existing nodes of development within Ardmish, and that the land would be better used for play space/biodiversity. It is identified that Ardmish is a linear settlement with green spaces between clusters of buildings; concern is expressed that this development shall result in clusters being merged and a cumulative scale of development that is out of keeping with the rural locale.
- It is contended that the proposal does not respect the landscape character of the area and is contrary to Policy LDP STRAT 1 (h) and (i).

*Comment: An assessment of the suitability of the siting and design of the proposed development in relation to the receiving environment and requirements of relevant policy provisions is contained within Appendix A.*

- Concern is expressed that the loss of this open aspect will impact on the amenity of adjacent residential properties, including loss of view.

*Comments: The enjoyment obtained by neighbouring properties of the currently undeveloped/open aspect of the development site is a 'free' amenity and does not in itself preclude a landowner's ability to develop the site.*

*The site is currently in agricultural use and does not form part of any formally recognised play space or open space protection area.*



*Loss of view from private residential premises is not a material planning consideration.*

*The proposed development is sufficiently removed from existing residential property that it is not expected to have any significant impact upon loss of daylight or privacy.*

- Concern is expressed that the proposal is not environmentally sustainable and in particular it is intimated that the use of air source heat pumps will not be effective within the building design proposed and may give rise to significant energy costs to heat the properties. It is also noted that the proposal does not include solar water or solar PV provision built into the design, or future proofed insulation requirements.
- Concern is expressed that the proposal does not include water conservation measures within the project design.

*Comments: The Argyll and Bute LDP 2015 does not include any policy requirement stipulating the inclusion of renewable energy within new development. The energy efficiency of new buildings is however a matter that will be considered in detail through subsequent Building Warrant requirements.*

- Concern is expressed that the development will require street lighting that will cause light pollution.  
*Comment: The details presented do not indicate the intention to install street lighting on the private road serving the site.*

Concern about road safety

- Concern is expressed at the potential increase on traffic on the single track public road both during construction and the residential occupation of the development.

*Comment: The Council's Roads Officer has not raised objection to the proposal subject to conditions relating to access arrangements.*

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- |              |  |    |
|--------------|--|----|
| <b>(i)</b>   | <b>Environmental Statement:</b>  | No |
| <b>(ii)</b>  | <b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b> | No |
| <b>(iii)</b> | <b>A design or design/access statement:</b>  | No |
| <b>(iv)</b>  | <b>A report on the impact of the proposed development eg. Retail impact, transport</b>       | No |

impact, noise impact, flood risk, drainage impact etc:

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**(H) PLANNING OBLIGATIONS**

Is a Section 75 agreement required: No

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

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

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

**'Argyll and Bute Local Development Plan' 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

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

**Natural Environment**

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity

**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 2 – Incorporation of Natural Features / SuDS
- SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development
- SG LDP SERV 8 – Development in the Vicinity of Notifiable Installations
- SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

**Transport (Including Core Paths)**

- SG LDP TRAN 1 – Access to the Outdoors
- SG LDP TRAN 2 – Development and Public Transport Accessibility
- 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

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

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**(L) Has the application been the subject of statutory pre-application consultation (PAC): N/a**

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

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

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**(O) Requirement for a hearing: No**

There is a total of 10 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.

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.

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

The proposal seeks detailed planning permission for a development comprising three dwellinghouses and two flatted dwellings located within the 'settlement area' of Ardminish, Isle of Gigha.

The proposal is considered to be of appropriate location, scale, design and finishes, and does not give rise to any concern in relation to infrastructure, services or, to its compatibility with surrounding land uses. The proposal is accordingly considered to be consistent with the relevant provisions of policies LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 10, LDP 11, SG LDP and relevant supporting Supplementary Guidance.

The application has however been subject to representation from ten individuals who have raised objection to the proposals, and also concern raised by Gigha Community Council about the prospective loss of land used for recreational purposes.

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

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

The proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.

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

N/a

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

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**Author of Report:** Peter Bain

**Date:** 2<sup>nd</sup> June 2022

**Reviewing Officer:** Sandra Davies

**Date:** 6<sup>th</sup> June 2022

**Fergus Murray**

**Head of Development & Economic Growth**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/01102/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 25<sup>th</sup> May 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	LO_001		09.12.2021
Existing Site Plan	PL_100		09.12.2021
Proposed Site Plan	GA_100_C	C	28.03.2022
Proposed Elevations	EL_001		09.12.2021
Proposed Floor Plans	GA_001	B	
Proposed Roof Plan	GA_102		26.05.2021
Proposed Drainage Layout	20.0276 – 5000	E	28.03.2022
Proposed Site Levels & Grading Layout	20.0276 – 7000	D	28.03.2022
Visibility Splay Layout	20.0276 – SK01	A	28.03.2022
3D Visualisation	SK_01		09.12.2021
ASHP Specification	MSZ-LN50VG R/B/V/W		09.12.2021

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

2. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD08/004 rev A (min. access width 5.5m) and visibility splays of 2.5 metres to point X by 75.0 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

3. The parking and turning area 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.

Reason: In the interest of road safety.

4. The refuse collection area 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 as such.

Reason: In the interest of road safety.

5. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority.

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

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

6. 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.

Planting proposals shall include additional hedge planting along the northern boundary of the site in so far as this might practicably be accommodated on the land available.

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.

7. 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 external walls, roofs, windows and doors 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.

**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.

**Advice from ABC Roads:**

- 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.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- Existing public road drainage ditch to be cleaned out to establish correct invert level in preparation for the new filter drain. Filter drain to be installed in existing public road ditch, along the frontage of the development.
- Headwalls and inspection chambers to be constructed where required. Details to be submitted for written approval by Roads & Infrastructure Services, prior to any work starting on site.
- Surface water drainage investigation to be carried out to ensure the existing road drainage system can cope with the surface water drainage proposal. Details to be submitted for written approval by Roads & Infrastructure Services, prior to any work starting on site.



**APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/01102/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The proposal seeks detailed planning permission for a residential development of three dwellinghouses and two flats. The application site is located within the 'settlement area' of the Key Rural Settlement of Ardminish wherein the provisions of policies LDP DM 1, LDP 8, and SG LDP HOU 1 set out support in principle for development of up to and including 'medium scale' on appropriate sites subject to compliance with all other relevant provisions of the Development Plan, including the overarching aims of policy LDP STRAT 1 which are reflected in the assessment below.

Scales of Housing Development are identified under policy SG LDP HOU 1, within this context the proposal would fall within the category of 'small scale' housing development.

Gigha Community Council have raised some concern that the proposed development will result in the loss of open space that is currently utilised for recreational purposes in association with an existing equipped play park. It is however highlighted that the site itself is currently in agricultural use and is not identified in the LDP as either a formal recreational facility or an Open Space Protection Area that would have afforded some protection against loss of recreational land to other uses.

**The scale and location of the proposed is considered to be consistent with the relevant provisions of policies LDP DM 1, LDP 8 and and SG LDP HOU 1.**

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

Policies LDP9 and SG LDP Sustainable seek an appropriately high standard of design, and provide guidance on the setting, scale, design and finishes of new development.

The application site relates to an area of just under 0.3ha located to the immediate north of the Isle of Gigha Craft Workshops and Gigha Hotel. The land is bounded to the east by the public road, and to the west by an existing equipped play area and gently rising agricultural land beyond. The land to the north of the site is also in agricultural use and will provide an open space buffer of approx. 40m between the boundary of the proposed development and an existing residential development to the north (approx. 60m building to building).

The existing site is an open area of rough grazing bounded by a post and wire fence. The existing site slopes up gently from its boundary with the public road increasing in height by between 2.0 and 3.5m across a distance of approx. 55m. An existing field access crosses the northern part of the development site running east to west with parallel power lines route.

The settlement of Ardminish consists of several dispersed clusters of development that generally occupy the lower lying land adjacent to the public road. Whilst the settlement is linear in nature it is also punctuated by open green spaces of undeveloped farmland that help to emphasise the rural nature of the settlement and its surrounds. Previously great care has been taken to preserve an element of space between the individual nodes of development and this is evident in particular with the design and layout of the

relatively modern Fyne Homes development that was split into two nodes of development either side of the Gigha Hotel. The current proposal will reinforce the existing node of development around the Hotel/CraftWorkshop but would still leave a substantial area of open space between this and existing to the north and as such it is considered that the development would not be out of character with the existing settlement pattern.

The proposed development is shown as a single 'L-shaped' footprint with the short section addressing the public road. The developer has however made considerable effort to break up the scale and massing of the development and whilst the development comprises a single block of buildings, visually this is broken down into a number of distinct elements through the use of stepped floor levels and ridge heights that makes effective use of existing site topography and will result in a grouping of buildings that are similar in design, scale, massing and appearance to existing residential development in the immediate locale.

The east elevation (road facing frontage) will comprise a two storey element containing two 1 bedroom flats (Units 4 & 5) with a proposed finished ground floor level of 12.8m AoD, and an attached 2 bedroom single storey dwelling (Unit 3) with a proposed finished floor level of 13.3m AoD and lower hipped roof. Units 1 and 2 are attached to the rear elevation of Unit 3 with the principle elevations (front door) facing north, these are also two bedroom single storey units but step up the slope with respective finished floor levels of 14.1m AoD and 13.5m AoD, and staggered roof lines to match. The main living apartments in Units 1 and 2 are located within the rear of the property to ensure a south facing aspect.

Externally it is proposed to finish the buildings in vertical timber cladding, and profile metal sheet roofing. The proposed materials are generally considered to be appropriate and compatible with the rural nature of this location however further detail on the exact specifications to be utilised in external finishes and window/doors should be secured and subject to further approval by means of planning condition. Air Source Heat Pumps will also be located externally to the rear of each property.

The layout of the proposed development will afford an appropriate standard of privacy and daylight to the occupants of the new properties. The proposal is well removed from existing residential development and will not give rise to any substantive loss of privacy or impact upon daylight to the established amenity of those properties.

The submitted details show the use of hedgerows / post and wire fencing to the north, east and west boundaries of the development, and use of a 1.2m high timber fence on the southern boundary adjoining the Craft Workshops. Individual gardens that appear to be finished in grass and slabbed paths will be provided adjacent to the eastern and southern elevations of the building. Block paved communal parking and the site access will be provided to the north. It would be appropriate to secure additional detail of landscape, boundary and surface treatment by condition, the provision of additional hedgerow planting along the northern boundary of the development site would also partially screen and soften the visual impact of the access road and parking area when viewed from the north.

**Having regard to the above the location, siting, design and finishes of the proposed development are considered to be consistent with the requirements of policies LDP 9 and SG LDP Sustainable.**

### **C. Natural Environment**

The provisions of policies LDP 3 and SG LDP ENV 1 set out general considerations for the impact of new development on habitats, species and biodiversity.

The proposal is not located within any area designated for nature conservation purposes. The application site relates to an existing area of rough grazing and is unlikely to give rise to any significant impact through loss of habitat or other impact upon biodiversity, including any loss of connectivity between green spaces.

**The proposal is considered to be consistent with the relevant provisions of policy LDP 3 and SG LDP ENV 1.**

#### **D. Built Environment**

There are no built/cultural heritage designations or constraints relating to the development site itself.

Policy LDP 3 and SG LDP ENV 16a would seek to resist development that has an adverse impact upon a listed building or upon the setting of a listed building.

The Gigha Hotel to the south is a category B listed building; it is however noted that the proposed development will be located some 50m north of this property on the opposite side of the Craft Workshop. The proposed development is set back from the public road and is not considered to have any significant or adverse impact upon the setting of the listing.

**The proposal is considered to be consistent with policies LDP 3 and SG LDP ENV 16a.**

#### **E. Access to Countryside.**

The public road forms part of the identified Core Path routes but will not be impacted by the development. The application site currently contains an existing field access that provides access to fields further to the west, the submitted details indicate that this will be retained on its current alignment.

The proposals also indicate that the development will not impact on pedestrian access to the existing playpark which will be retained via connection to the Craft Workshop carpark area.

**The proposal is considered to be consistent with policies LDP 11 and SG LDP TRAN 1.**

#### **F. Landscape Character**

The development is not located within any formal landscape designations. The provisions of policies LDP 3 and SG LDP ENV 14 set out that the Council will resist development where its scale, location or design would have a significant adverse impact on the character of the landscape.

The proposed development will be viewed within the context of the existing settlement area of Ardmish and will be open to view from both the public road and also at significant distance from the West Kintyre coast. As noted in section B above, the

development is considered to be of appropriate location, scale, design and finish to blend well within the immediate townscape context and its surrounding landscape setting.

**The proposal is considered to be consistent with policies LDP 3 and SG LDP ENV 14.**

#### **G. Road Network, Parking and Associated Transport Matters.**

The provisions of policies LDP 11, SG LDP TRAN 4, and SG LDP TRAN 6 seek to ensure that new development is served by satisfactory access and parking arrangements. The provisions of policies LDP 10 and SG LDP SERV 5(b) seeks to ensure that new development includes appropriate provision for the management of any waste that it will generate.

The site is currently served by an existing field access which connects to the adopted public road. The proposed development includes for the formation of a new private access road and turning area that will be constructed to the south of the existing field access with provision of a service layby within the public road verge. The proposal includes for the provision of 10 parking spaces, and for a roadside refuse collection point.

The Council's Roads Officer has not raised objection to the development subject to the imposition of planning conditions to ensure that the means of access, turning and parking are delivered to the specification shown and in a timely manner, and to ensure that surface water drainage is dealt with appropriately to avoid any adverse impact on road safety.

**The proposal is considered to be consistent with the relevant provisions of policies LDP 10, LDP 11, SG SERV 5(b), SG LDP TRAN 4, and SG LDP TRAN 6.**

The provisions of proposed LDP2 policies 35, 36 and 39 are also relevant to the assessment of the current application. These provisions however operate very much in the same manner as the current LDP and do not give rise to conflict in this instance.

#### **H. Infrastructure**

Water supply will be by connection to the public water main; Sottish Water have not raised objection to the proposal and confirmed that capacity is currently available.

Foul drainage shall be to a new private wastewater treatment system which discharges to a ground based soakaway within the boundary of the application site. Scottish Water have confirmed that there is no public sewer within the vicinity of the development to provide a connection.

The proposal includes details showing discharge of surface water from the development to an existing drainage ditch with provision of attenuation to restrict the outfall. ABC Roads have advised that further investigation is required in relation to the design of surface water drainage proposals however this can be adequately secured by planning condition.

**The proposal is considered to be consistent with policies LDP 10, SG LDP SERV 1, SG LDP SERV 2, and SG LDP SERV 6**

TCB  
LB

PO

Mast

Tel Ex

Bay View

RAONNOR

The Old Nurse's House

The School House

Heather L

Ceolmara

Gigha Primary School

Path (um)

Track

Achad

Application Site

Play Area

Path

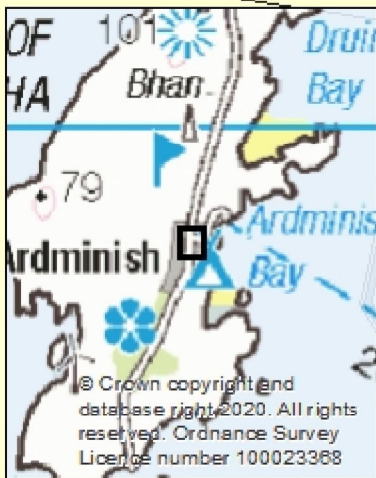
Drain

Drain

Path

Gigha Hotel

Car Park



Ardminish

0 5 10 20 Meters

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GRIANAN



### Location Plan Relative to Planning Application: 21/01102/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**

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**Reference No:** 21/01943/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr Paul Rodger  
**Proposal:** Demolition of detached dwellinghouse, erection of 3 detached dwellinghouses and formation of vehicular access  
**Site Address:** Peat Knowe, Back Road, Clynder, Helensburgh, Argyll and Bute G84 0QF

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**DECISION ROUTE**

Local Government Scotland Act 1973

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**(A) THE APPLICATION**

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

- Erection of 3 no. dwellinghouses
- Associated groundworks and retaining structures
- Alteration to access and formation of internal access road and parking areas

**(ii) Other specified operations**

- Demolition of dwellinghouse (derelict condition)
  - Connection to public drainage network
  - Connection to public water supply network
  - Landscaping
- 

**(B) RECOMMENDATION:**

Planning permission be approved subject to conditions recommended herein.

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**(C) CONSULTATIONS:**

**Area Roads** - 11.11.2021 - No objections subject to conditions.  
Sightline splays of 2.4 x 42 x 1.05m required in both directions.  
Gradient of new driveway shall be no steeper than 1 in 20 (5%) over the first 5m and thereafter no greater than 1 in 8 (12.5%).  
Off-street car parking to be provided in accordance with SG LDP TRAN6.  
Surface water must not be allowed to flow onto the carriageway.

**Scottish Water** - 25.10.2021 - No objections. This does not confirm that the proposal can currently be serviced. Applicant should note that further investigation may be required with regard to Water and Waste Water Capacity upon submission of a formal application directly to Scottish Water. Records appear to show abandoned water infrastructure within the site. Applicant advised to contact Scottish Water Asset Impact Team for guidance if the infrastructure requires to be removed to enable development. New surface water connection will be allowed into combined public sewer system in limited exceptional circumstances.

**Scottish Rights of Way and Access Society** – 09.11.2021 - Right of Way SD13 crosses close to the application site. Request that the above affected route is kept open and free from obstruction or obstruction before, during and after any proposed development.

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**(D) HISTORY:**

None

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**(E) PUBLICITY:**

Regulation 20 Advert Local Application – Expired 25.11.2021

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

A total of 20 representations have been received from interested third parties. One of these supports the proposed development and 17 are objections. The remaining two representations raise planning issues but are neutral in terms of support or objection.

**Support**

- James McGuigan - Ardgare Back Road Clynder Helensburgh

**Objection**

- Owner of no. 28 Straid-a-cnoc, Clynder, Helensburgh
- Julie Cameron - 3 Pier Road, Clynder, Helensburgh
- Ms Frances Harrison-Coyle - 36 Straid-a-cnoc, Clynder, Helensburgh
- Karen Pritchard - 22 Straid-a-cnoc, Clynder, Helensburgh
- Mike Kenyon – Address not provided
- Carolyn Kenyon – 23 Straid-a cnoc
- Alison Hamilton - 11 Straid-a-cnoc, Clynder, Helensburgh
- Margaret Swan - 21 Straid-a-cnoc, Clynder, Helensburgh
- Kim Chapman - Address not provided
- Beth Sinclair – Heatherdale, Back Road, Clynder, Helensburgh
- Jake McGibbon - Address not provided
- Gordon MacMillan – Invergare, Back Road, Clynder, Helensburgh
- Fay MacMillan – Invergare, Back Road, Clynder, Helensburgh
- Mrs. P. Walker - 20 Straid-a-cnoc, Clynder
- Gini Allison - Address not provided
- Maxime Stiles - Crossowen Cottage Back Road Clynder Helensburgh



- Dr. Lucy J Troup - Address not provided

**Representation**

- Helen Williams - The Villas, Pier Road, Clynder Helensburgh
- Nigel Carlisle - 11 Straid Bheag, Clynder, Helensburgh

**(ii) Summary of issues raised:**

**Support**

- Positive opportunity to achieve enhancement of a derelict site to local community benefit.

Comment – Noted

- Development will be of benefit in terms of drainage and proper grounds maintenance

Comment – Drainage issues arising from proposed development will be fully assessed later within this report

**Objection**

Impact on Visual Amenity

- Proposed development are not in keeping with the area. Specific reference is made to the proposed number of units/plot densities, size and design relative to existing development. Will result in detrimental impact to visual amenities.

Comment – The siting, plot density and design of the proposed development relative to the character and pattern of existing built development will be assessed with regard to Local development Plan policy later within this report.

Impact on Residential Amenity

- Loss of residential amenity of occupiers of nearby houses by reason of loss of privacy through overlooking, loss of natural light and general noise disturbance.

Comment: - Impact upon residential amenities will be assessed in full within section p and the appendices to this report.

- Impact of construction noise.

Comment: - It is recommended that planning permission, if approved, be subject to a condition restricting the hours of construction activity in order to protect local residential amenity.

Impact on Road Safety, On-street Parking and Congestion

- The existing site access junction with Pier Road is substandard in terms of gradient, alignment and visibility. Intensification of use will increase road safety hazards.

- It is noted that existing local roads are narrow in width with high traffic speeds and insufficient car parking resulting in congestion. Intensification

of traffic that will have a detrimental impact upon local road safety and congestion exacerbating these existing issues.

- Inadequate off-street parking provision
- Specific concern is expressed regarding the impact of large construction vehicles infrastructure on narrow roads during the construction phase.

*Comment: - The Council's Area Roads Engineer has not objected to the proposed development in relation to matters of road safety and congestion subject to planning conditions relating to technical design of the access arrangements and the provision of off-street car parking in accordance with Council standards.*

#### Impact on Land Drainage/Flooding/Mudslides

- Development, including land engineering works will result in surface water run-off and increased risk of flooding on nearby properties. This has resulted in substantial water/mud run-off into the gardens of adjoining gardens. Flooding on Pier Road has increased significantly since mature trees were felled and ground re-profiling took place on the site. This has caused damage to the road surface in places. Exacerbate existing drainage problems.
- The levelling of the site comprising a significant volume of excavated material steeply banked up along the eastern edge of the site has caused concern with regard to stability and potential landslides onto residential properties downhill to the east. Insurance claims arising from mud/landslides and flooding will increase local insurance premiums.

*Comment: - The planning authority notes that significant ground engineering works have been carried out prior to submission of an application for planning permission and that this has caused significant concern to local residents with regard to flooding and potential mud slides.*

*It is recommended that any planning permission be subject to a suspensive planning condition requiring the submission and approval of further details of the proposed drainage infrastructure to demonstrate that the proposed development will not result in an increased risk of flooding on adjoining land.*

*Potential collapse of raised land impacting upon adjoining properties is a private legal matter between the party that has carried out these operations and the owner of any adjoining land that may be affected by reason of potential collapse of the material.*

#### Impact on Natural Environment/Biodiversity

- Detrimental impact on wildlife and local biodiversity. Hedgerow boundary/mature trees have been ripped out which provided species habitat including for a large number of bats and a family of Tawny owls.
- It is submitted that any approval of planning permission be subject to the implementation of mitigation measures.

*Comment: - It should be noted that the complete clearance and stripping of established natural vegetation, and potential detriment to biodiversity*

*and species habitat, prior to submission of an application for planning permission is considered to be extremely unfortunate.*

*The trees and hedgerows were not protected by a Tree Preservation Order, and the site is not within a Conservation Area, and as such the clearance work does not constitute a breach of planning control. However, wildlife habitat are protected under separate legislation, notably the Wildlife and Conservation Act 1981 which potentially makes habitat destruction a criminal offence. Police Scotland has responsibility with regard to enforcing the provisions of the Countryside and Wildlife Act as opposed to the local planning authority.*

*Re-planting, and other measures, to provide potential for wildlife habitat and to encourage biodiversity, in mitigation of the loss of natural features, can be secured by means of a planning condition.*

#### Infrastructure

- Further development may have a detrimental impact on water pressure.

*Comment – The consultation response from Scottish Water does not indicate any public infrastructure constraints with regard to water supply, however further investigation may be required when an application is submitted to Scottish Water.*

- The Rosneath Peninsula does not have the wider community infrastructure e.g transport, to support expansive development.

*Comment: - The proposed development of 3 no. houses is considered to be small-scale development with regard to the LDP. The site is within the settlement of Clynder. As such the scale of development will not have a material impact upon social/transport infrastructure services and is consistent with the LDP Settlement and Spatial Strategy.*

#### Procedural Issues

- Not many of the home-owners were notified of the planning application.

*Comment: - Adjoining and nearby properties have been individually notified of the planning application fully in accordance with the relevant provisions of the Town and Country Planning Development Management Procedure Regulations*

- Did the applicant have authorisation from the roads authority to expand the width of the roadside around the bend on Back Road to its junction with pier Road/

*Comment: - This matter has been referred to Council Roads for investigation.*

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## **(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) Environmental Statement:** No

- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** Yes
- Historic development has created a development pattern characterised by a broad mix of plot sizes; layout; densities; house sizes, ages, design and materials resulting in a semi-urban character and including original Victorian villas and 1970s bungalow type expansion.
  - A key design principle is for a high level of contemporary design (avoiding a pastiche design solution). Such an approach will reflect the uncompromisingly modern design of the existing house on the plot (when it was constructed.)
  - Proposed plot sizes and development pattern is to be similar to that of Straid-a-Cnoc adjacent to the east.
  - Scale and massing of the proposed houses is to be between that of the bungalows to north and east and the large Victorian era villas to the south.
  - Potential loss of privacy by reason of direct overlooking between windows has been carefully considered and can be achieved by window positions, arrangement of ancillary accommodation and screen walls.
  - A staggered linear site layout along an (approximately) north-south axis will help to maintain privacy of occupiers of nearby houses and maximise views/solar gain.
  - Main living spaces will be at first floor level and face east and southwards to maximise views and natural light.
  - Existing access is clear and statutory sightlines can be achieved. Access will be by means of a shared hard-surfaced driveway with 12.5% gradient compliant with Scottish Technical Standards. Parking and turning to satisfy Council standards can be provided within the site.
  - Treatment/screening of boundaries and material finishes will help to visually integrate the proposed development into its setting and maintain privacy.
  - Concludes that the design is modern and striking (in keeping with the original development at Peat Knowe) whilst also respectful and sympathetic to existing development by reason of privacy and material finishes.

- (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

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- (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

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

**Natural Environment**

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity  
SG LDP ENV 6 – Impact on Trees / Woodland

**Landscape and Design**

SG LDP ENV 14 – Landscape

**General Housing Development**

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

**Enforcement Action**

SG LDP ENF – Enforcement Action

**Departures from the Local Development Plan**

SG LDP DEP – Departures from the Local Development Plan

**Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

**Resources and Consumption**

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

**Transport (Including Core Paths)**

SG LDP TRAN 1 – Access to the Outdoors

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 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 78 – Woodland Removal

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

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

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

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

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**(O) Requirement for a hearing:** No. This is a local application. It is considered that the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan and that the material land-use planning issues arising are not unduly complex. As such it is not considered that a Hearing will add value to the determination process.

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

The proposed development comprises small scale housing development on an existing residential site bounded on three sides by residential development and located within the Key Settlement of Clynder/Rosneath as identified in the Argyll and Bute Local development Plan 2015 (LDP). As such, it is considered that the proposed development accords with the LDP Settlement and Spatial Strategy.

The site is currently occupied by a modestly sized single-storey house. The proposal is to redevelop the site to provide 3 no. 4-5 bedroom houses sited in a staggered pattern along the south west, upper part of the site with the principle elevations orientated towards the east to take advantage of views over the Gare Loch. The lower levels are to be 'dug into' the slope of the land with a highly glazed pavilion style of structure containing the main living spaces above. Whilst overtly contemporary in terms of form and detailing, the design is well-considered and whilst distinct from the 60s/70s housing to the north and east; and the Victorian era development to the south, the scale, proportions, detailing and external materials are considered to be sensitive to existing visual character. It is considered that the proposed development, by reason of location, scale, siting, massing, form, design detailing and external material finishes will visually integrate with the existing character and pattern of development in the area in accordance with the provisions of policy LDP 9 and Supplementary Guidance on Sustainable Siting and Design Principles.

The site is bounded on three sides by housing development with open farmland rising to a ridge to the rear (west). The proposed development is relatively modest in scale relative to the landscape character. As such, it is considered that the development will relate well to the existing pattern of development and will not be detrimental to landscape character in accordance with policy LDP 3 and SG LDP ENV 14. In coming to this conclusion, officers have had regard to the "Landscape Character Types" classification published by Nature.Scot.

It is considered that the proposed development will not have a materially adverse impact upon the residential amenities of adjoining properties. The proposed houses are sited at a significantly higher level than existing houses to the east, and have large areas of glazing with external balconies orientated towards the rear of these properties. However the three proposed houses are sited and orientated such that they will look out to the loch over the top of existing houses rather facing directly towards windows of existing houses on the same level. In addition, the horizontal distances between proposed and existing houses exceed the minimum distance

advised in guidance relating to protection of privacy and daylight. Therefore, on balance, whilst the proposed houses will be prominent from the rear of adjacent houses due to relative ground levels, it is considered that the residential amenities of existing occupiers will be retained.

The site has an existing access onto an adopted road, known as Back Road. It is proposed to alter the access junction and form a shared driveway with a turning head, along the north eastern edge of the site. Individual driveways to each house will be formed off of the shared driveway. It is considered that the existing public road network serving the site has adequate capacity to accommodate the intensification of traffic resulting from a net increase of 2 no. residential units without detriment to road safety or congestion. This is reflected in the consultation response by the Council's Roads Engineer advising that there are no highways objections to the proposed development subject to planning conditions relating to technical design of the access and provision of off-street parking in accordance with Council parking standards.

Local residents have expressed strong concerns that substantial ground engineering works have been carried out on the site, which in combination with removal of trees and natural vegetation, has resulted in increased surface water run-off onto adjoin properties and the public road. It is considered that the site is capable of development in principle without resulting in flooding outside of the site subject to the applicant demonstrating that any risk of increased flooding can be avoided by means of a new drainage system. This can be satisfactorily achieved by means of a suspensive planning condition. There are no other infrastructure constraints.

The site has also been stripped of trees and natural planting prior to submission of this application. This has given rise to concern that this has had a detrimental impact upon biodiversity and destruction of species habitat. Policy LDP 3 and SG LDP ENV 1 operate a general presumption against development that does not protect, conserve and enhance the environment. Whilst the clearance of trees and natural features prior to the application is very unfortunate, some mitigation of potential destruction of habitat and opportunities for bio-diversity can be secured by means of a suspensive planning condition attached to any planning permission. However, the applicant/developer should be aware that a comprehensive biodiversity strategy should inform the landscaping scheme as opposed to a purely cosmetic, visual landscape planting scheme. It is also expected that the landscaping scheme will re-introduce a substantial natural edge along the south west boundary of the site in order to provide a suitably defined edge to built development.

On the basis of the above assessment, subject to planning conditions, it is considered that the proposed development is in accordance with the relevant provisions of the Argyll and Bute Local Development Plan – 2015 and all other associated guidance.

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

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

It is considered that, subject to planning conditions, the proposed development is in accordance with all relevant provisions of the Argyll and Bute Local Development



Plan and does not give rise to any other material land-use planning matters such as would warrant a departure to these provisions.

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

Not applicable – It is considered that the proposed development accords with all relevant provisions of the Development Plan

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

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**Author of Report:** Norman Shewan                      **Date:** 31<sup>st</sup> May 2022

**Reviewing Officer:** Howard Young                      **Date:** 08<sup>th</sup> June 2022

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/01943/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 10<sup>th</sup> October 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	PL-659-00	A	20.10.2021
Existing Site Plan	PL-659-01	-	13.09.2021
Proposed Site Plan, Elevations and Sections	PL-659-02	C	24.05.2022
Proposed Floorplans and Site Elevation	PL-659-03	B	20.10.2021
Site Section E-E & Photographs	PL-659-04	-	24.05.2022

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, no development shall commence until the following information is submitted to and approved in writing by the planning authority in consultation with the Area Roads Engineer; -**

- A scaled drawing showing a long section demonstrating that the following gradients can be achieved. The gradient of the new shared driveway shall be no steeper than 1 in 20 (5%) over the first 5 metres and thereafter no greater than 1 in 8 (12.5%).

Thereafter the proposed access shall be formed in accordance with the following criteria: -

- Visibility splays in both directions of 2.40 metres to point X by 42 metres to point Y from the centre line of the proposed access.
- The first 5.0 metres of the shared access driveway shall be surfaced with a bituminous material or other alternative hard material approved in writing by the planning authority.
- The driveway shall be formed in accordance with the approved minimum gradients.
- Surface water must not be able to flow from the site onto the public carriageway.

Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the first occupation of any of the houses and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety and to ensure that the proposed development is implemented in accordance with the provisions of the Local Development Plan policy LDP 11 and SG LDP TRAN 4.

3. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area to accommodate 3 no. vehicles per dwellinghouse within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. The duly approved scheme shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

4. 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) A biodiversity statement demonstrating how the planting strategy contributes towards biodiversity and creation of wildlife habitat;
  - v) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
  - 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.

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 and to encourage biodiversity and provide compensatory species habitat in order to mitigate against loss of habitat potential as a result of site clearance.

5. Notwithstanding the provisions of Condition 1, no development shall commence until full 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 design shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753.

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

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding of nearby properties and/or the public adopted roads in accordance with the provisions of policy LDP 10 and SG LDP SERV 2.

6. Notwithstanding the provisions of Condition 1, construction activity shall be restricted to between the hours of 08:00 – 18:00 Mon-Fri and to 08.00 - 12.00 on Saturdays. No construction activity shall take place outside of those periods or at any time on Sundays and Bank Holidays when such activity shall not be permitted at all.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1D, 2A, 2B, 3A, 3C, 3D and 3E and Part 2 and Classes 8 and 9 of the aforementioned Schedule, as summarised below:

#### PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2A: The erection, construction or alteration of any access ramp outside an external door of a dwellinghouse.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally carried out without planning permission; these normally

being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

8. 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, window and door frames 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.

9. The existing core footpath C283 which follows the public roads including Pier Road and Back Road directly adjoining the application site the site shall be retained free from obstruction across its full width, including by construction vehicles, plant or materials associated with the proposed development, unless alternative provision has been implemented with the prior written approval of the Planning Authority in consultation with the Council's Access Officer.

Reason: In order to maintain pedestrian access.

**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).]
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk)
- Contact the Council's Access Officer for further advice in this respect of the Public Right of Way along Back Road if required.
- 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: 21/01943/PP**

**PLANNING LAND USE AND POLICY ASSESSMENT**

**A. Settlement Strategy**

The application site comprises an existing residential unit located within the Key Rural Settlement of Clynder/Rosneath wherein the provisions of the Argyll and Bute Local Development Plan – 2015 (LDP) policy LDP DM1 (B); LDP 8; and SG LDP HOU 1 offer support in principle for up to medium scale housing development on appropriate sites.

(“Medium-scale” development in relation to residential development is defined as between 6-30 (inc.) units in the supporting text to SG LDP HOU 1.

It is therefore considered that the proposed development is consistent in principle with the LDP Settlement and Spatial Strategy.

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

The application site comprises 0.30 hectares (as stated on the application forms) located towards the western edge of the settlement of Clynder.

It is occupied by a small single-storey dwellinghouse within a relatively large curtilage.

The site has a short frontage of approximately 13 metres in length at its south eastern corner onto the outside bend of an adopted road, Back Road, to the south west of the junction of Pier Road, Straid-a-cnoc and Back Road. It is otherwise bounded to the north west and north east by bungalow properties that front onto Straid-a-cnoc and to the south west by a larger detached Victorian house set in a generous plot fronting onto Back Road. A small watercourse runs south west to north east adjacent to south west boundary. The site is bounded to the rear by open farmland which slopes upwards to the west, away from the site boundary.

The prevailing ground levels rise from the north eastern to the south western site boundaries with a level change of some 8.5 metres (from NE to SW) towards the middle of the site (taken from the submitted drawings.) The site also has a cross fall from the access point at the south east corner of the site upwards to the north-west corner amounting to a change in levels of some 9.43 metres diagonally from SE to NW. The existing modestly-scaled, flat roofed dwellinghouse is sited toward the north-west part of the site at a significantly higher level than the adjacent bungalows lower down the slope and fronting Straid-a-cnoc. The existing house has been unoccupied for some considerable time and is currently in a semi-derelict condition.

Prior to submission of this application for planning permission, the land has been stripped of natural features including trees, hedgerows and ground vegetation. In addition, significant ground engineering works have been implemented including excavation towards the south western part of the site and the formation of a level area towards the north east of the site which includes the formation of a steep bank from excavated material. This bank is directly adjacent to the rear boundaries of 3 no. bungalows fronting Straid-a-cnoc and rises to a maximum height of some 4.0 metres above pre-existing ground level. The exposed earth bank created by excavation along the south-west boundary with open farmland is a maximum of some 2.90 metres in

height. The site, at the time of the application submission, is bare earth with exposed excavated bank and built up levels with patches of pre-existing concrete apron and a derelict house. All existing tree planting and natural vegetation has been stripped from the site.

It is proposed to demolish the existing dwellinghouse and re-develop the site to create 3 no. detached dwellinghouses in a staggered, linear layout along a south-east to north- west axis. The principal elevations face due east towards the Gare Loch. The site layout shows the proposed houses sited on the upper level of the site close to the south west (rear) site boundary with open farmland. A shared driveway runs along the north east edge of the site from its junction with Back Road. This shared drive has a turning head at its northern end and 3 no. driveways off of its south western side serving the 3 no. individual houses. The shared driveway is proposed at an elevated level (relative to the pre-existing ground levels) and is proposed to be retained with sheet piling and screen planted.

The houses have an identical design comprising a rectilinear floor plan and strong cubic volumetric form. Ground level accommodation is 'built into' the slope of the site and comprises double garage, guest bedroom, office/5<sup>th</sup> bedroom and utility room and stairs to the upper level. The lower level is expressed as a white, rendered masonry volume. The upper level accommodates an open-plan kitchen/dining/living space on the principal (east facing) side of the building with three bedrooms to the rear. The main, open living space is enclosed by uninterrupted full-height glazed screens under a projecting, shallow pitched canopy roof resulting in a pavilion type of structure at the upper levels on the principal elevations. The living space gives access onto a balcony that wraps around the front and north elevations. The bedroom areas at the rear are enclosed by timber clad walls. A large, 2 storey high, stone screen wall on either end elevation sits between the glazed pavilion on the principal elevation and the more discreet timber cladding to the bedroom accommodation to the rear. Responding to the prevailing levels, the 3 number houses step up in level from south-east to the north-west.

Access to the proposed development will be from the B833 main coastal road via Pier Road and Back Road. Each house is provided with an integral double garage and private driveway. The site layout drawing indicates 3 no. cars parked on the driveways at plots 2 and 3 with 2 no. cars on that at plot 1.

### **C. Natural Environment**

Policies LDP 3 operates a general presumption against development that does not protect, conserve and enhance the environment. SG LDP ENV 1

Regrettably, the application site has been cleared of natural vegetation, and significant land engineering works implemented, prior to the submission of this application for planning permission.

The removal of trees and hedgerows does not constitute development requiring express planning permission. The trees on the site were not subject to a Tree Preservation Order, nor is the site located within a designated Conservation Area, and as such, whilst unfortunate, the clearance of natural vegetation in itself does not constitute a breach of planning control.

Any resultant destruction of habitat, as alleged by several local residents, is covered by separate legislation including the Wildlife and Countryside Act 1981. Destruction of



habitats can be a criminal offence under the provisions of the above Act however this would have been the responsibility of Police Scotland as opposed to the local planning authority.

As such, it is now very difficult for the planning authority to make a considered assessment of the impact of the site clearance works on the natural environment. However, the removal of hedgerows and mature trees will have had an undoubted impact upon biodiversity and wildlife habitat. In order that the development complies with relevant planning policy, it should be demonstrated that it can provide for mitigation of these impacts by means of a significant re-planting scheme that not only contributes to visual integration but in particular provides enhanced opportunities for biodiversity and wildlife habitat to redress the losses resulting from wholesale site clearance.

It is considered that adequate mitigation to impact on biodiversity can be provided by a suspensive planning condition to secure a fully considered and comprehensive scheme of natural re-planting and other measures in order to make appropriate provision for compensatory wildlife habitat. This will require the submission and approval of a landscaping/re-planting scheme in consultation with the Council's Biodiversity Officer prior to the commencement of any further development.

#### **D. Built Environment**

Clynder is a linear settlement with well-defined edges that extends along the western side of the B833 loch-side road to the north of Rosneath. The street pattern comprises the A833 with frontage development, and a secondary vehicle route running roughly parallel with the main road comprising Straid-a-cnoc and Back Road with residential development fronting onto both sides for much of its length. The two main routes are linked by a series of for shorter lengths of road. Development steps up the hill away from the shore to farmland behind rising to the central ridge of the Rosneath Peninsula.

The larger, southern part of Clynder from the junction of Pier Road/A833 south to the junction with Back Road has a 'loose', large grain texture comprising a mix of house sizes, types, ages and materials but predominantly relatively large, detached villas set in large plots with mature landscape screening, mature tree planting and natural, planted boundaries along frontages giving a spacious, informal, semi-rural character, particularly to Back Road. The part of the settlement to the north of Pier Road has a distinct character to the development pattern south of Pier Road. This area, comprising Straid Bheag and Straid-a-cnoc has a finer-grain, more regular and dense development pattern of bungalows that appear to date from the 1960s/70s. This enclave has more of an open plan estate character in comparison to Back Road, however is nonetheless attractive for its type. A line of mature trees and natural vegetation gives a very clearly defined edge to the built development and open farmland to the west.

The application site pre-dates the bungalows to the north and west and when built (est. early 20<sup>th</sup> Century) was in a prominent and relatively isolated siting and of an uncompromising Modernist design with Art Deco influence, single-storey with a flat roof. The site is immediately to the rear of bungalows fronting onto Straid-a-cnoc and as such, in spatial terms, the site relates more to the 20<sup>th</sup> century estate of bungalows, particularly when viewed from the shore to the east. However, it could be argued that the site also relates to the earlier traditional development pattern to the south and east, perhaps to a lesser degree.

It is proposed to demolish the existing house sited toward the north-west corner of the site. Whilst of some local historic and architectural interest, the building is not listed and is in a considerable state of disrepair due to long-term neglect. As such it is considered that the demolition is acceptable in principle.

Policy LDP 9 and associated Supplementary Guidance of Sustainable Siting and Design Principles seek to ensure that the design of new housing in settlements, by reason of siting; layout; density; massing; form and design details, effectively integrates with its contextual setting, as well as protecting residential amenities of the occupiers of nearby houses.

The proposed layout, scale, massing, form and design of the proposed redevelopment is set out in section B (above.) It is noted that the site layout seeks to make maximum development potential from the plot however, notwithstanding the comments made within interested third party representations, it is considered that the plot sizes and overall pattern of density is comparable to that of the existing built development on Straid-a-Cnoc to the east and that along the southern side of Pier Road in the vicinity of the site.

The scale and massing of the house type is not considered to be out of keeping with the wider development pattern which comprises a wide mix of house period, scales, form, design and material finishes. The house type design responds to the change in site levels by proposing a masonry 'box' at ground level on the front elevation with a visually lighter, pavilion style upper level under a simple, flat roof laid at a shallow mono-pitch sloping upwards from rear to front elevation and cantilevering out over the front balcony. As such, the building will appear as a single storey form when viewed from the west and a two storey form from the east. It is acknowledged that this will result in distinct form of development to both the twentieth century bungalows in front and the larger, more ornate Victorian development to the south, it is considered that this is a considered and good quality of contemporary design which responds to the site context. This contemporary intervention will add to the existing mix of styles, periods and building forms whilst having a relatively modest scale; restrained volumetric form; crisp detailing; and appropriate material finishes that is sympathetic to the visual character of existing nearby development.

Therefore, having taken into account all material considerations relating to design, including policy guidance and representations, it is considered that this is a good quality of contemporary design that will reflect the nearby built development pattern and respect or compliment nearby buildings in terms of scale, shape, proportion and material finish in accordance with the provisions of policy LDP 9 and SG on Sustainable Siting and Design Principles.

**E. Impact on Residential Amenity of the Occupiers of Nearby Houses**

Potential impacts in this respect include primarily loss of privacy by reason of direct overlooking; loss of natural daylight; and general disturbance including by reason of noise, odours or dust.

Overlooking

Policy LDP 9 and Supplementary Guidance on Sustainable Siting and Design Principles require that new development is carefully sited and designed in order to preserve residential amenities of nearby properties.

The 3 no. proposed houses are sited to the rear of existing bungalows fronting Straid-a-cnoc. Due to ground levels, the finished floor level (FFL) of the proposed house at

plot 3 will be very approximately 7.5-8.0 metres above the FFL of the bungalows to the north east. The horizontal distance from the edge of the first floor balconies to the rear elevations of the existing bungalows ranges from 19.7 metres to 31.4 metres. The proposed houses are generally orientated at an angle to the existing bungalows such that there is no direct window to window relationship. The siting and orientation is such that the principal elevations face directly towards gaps between neighbouring house to the north east and largely avoid direct overlooking between windows. The front elevation of the proposed house on plot 3 does directly face towards the rear elevation of no. 36 Straid-a-cnoc however the horizontal separation distance between relative windows will be approximately 37 metres in this instance. SG provides guidance on overlooking, advising that *“no main window of a habitable room shall overlook (directly facing) the main windows of habitable rooms in neighbouring dwellings at a distance of not less than 18 metres.”* The guidance continues that *“standards may be relaxed where the angle of view allows privacy to be maintained.”* It is considered that by reason of the horizontal separation distances exceeding the minimum 18 metre guideline, combined with the orientation of the proposed houses relative to the rear elevations of the existing bungalows that the proposed development will not have a materially adverse impact on the privacy of the existing houses by reason of direct overlooking. It is noted that the proposed houses (and the upper level living areas and external balconies) are significantly higher than the rear elevations of the neighbouring bungalows which may result in a heightened perception of overlooking, however the relative levels are so significant that occupiers of the proposed development will look over the top of the neighbouring houses to the north east.

Having regard to all material considerations including third party representations and LDP policy guidance, it is considered on balance, that the proposed development will not have a materially adverse impact on the privacy of the occupiers of neighbouring development in accordance with policy LDP 9 and SG on Sustainable Siting and Design Principles.

#### Loss of Daylight

Policy LDP 9 and Supplementary Guidance on Sustainable Siting and Design Principles seek to resist development that overshadows other sites. The Guidance advises that planning permission will be refused *“where a proposed development has a significant adverse effect on daylight and direct sunlight to existing neighbouring properties.”*

The proposed development is to be sited to the south west of existing bungalows fronting Straid-a-cnoc. Taking the relationship between plot 3 and no. 34 Straid-a-cnoc as a typical example there is a horizontal separation of some 34 metres between the buildings and the highest part of the roof of the proposed house is approximately 11.6 metres above the height of the (horizontal) mid-point of the windows on the rear elevation of no. 34. Having regard to the “25° angle” assessment method set out in “Site layout Planning for Sunlight and Daylight” published by the Building Research Establishment (BRE), it is considered that the propose development will not have a materially adverse effect on natural daylight to neighbouring houses consistent with the provisions of policy LDP 9 and associated Supplementary Guidance on Sustainable Siting and Design principles.

#### Noise

Potential noise nuisance will be restricted to the construction phase of development. The impact of construction can be mitigated by a planning condition that restricts the hours of construction activity to avoid evening and early morning disturbance. It is appreciated that many people now work from home during day-time hours and that some disturbance may impact on neighbours during the construction phase however,

this will be for a limited period only and construction noise is inevitable for all development. It is considered that the restriction of construction activity to avoid more sensitive hours will satisfactorily mitigate against noise disturbance during the construction phase.

**F. Access to Countryside.**

The Clynder High Road C283 core path follows the public road (Pier Road and Back Road) past the access to the application site.

Policy LDP 11 and SG LDP TRAN 1 generally requires that development safeguards and enhances public rights of access to the outdoors.

In the longer term, it is not considered that the proposed development will impact upon this core path. However, it is recommended that a planning condition be attached to any permission to ensure that the path is kept clear of any obstruction at all times and that public access is not compromised in any way during construction activity given the narrow road width and site constraints.

Subject to such a planning condition, it is considered that the proposal complies with the provisions of policy LDP 11 and SG LDP TRAN 1 in respect of Access to the Outdoors.

**G. Landscape Character**

Policy LDP 3 and SG LDP ENV 14 generally seek to resist development when its scale, location or design will have an adverse impact on the character of the landscape.

NatureScot define this area as Landscape Character Type 38 – Open Ridges characterised by broad, even slopes forming rounded ridges and occasional steep summits with marginal farmland confined to loch fringes with open moorland/forestry on the higher slopes. Built development is generally concentrated along very narrow shoreline strips.

The site, currently occupied by a house is enclosed on three sides by residential development. The land to west is open farmland rising to a ridge. As such, the site relates well in spatial terms to the existing pattern of development characteristic of this landscape type i.e. a narrow strip of coastal development. Whilst the 3 no. proposed houses will be prominent from the shore area due to the elevated nature of the site, the built development will be viewed in the context of built development in the foreground and against the backdrop of the hillside behind. As such, the proposed built development pattern will reflect the visual character of the landscape in accordance with the provisions of policy LDP 3 and SG LDP ENV 14.

**H. Road Network, Parking and Associated Transport Matters.**

The site is served by an existing access junction onto Back Road at a point to the south of its junction of Pier Road, Straid-a-cnoc. The most direct vehicular access to the site from the A833 road is via Pier Road and Back Road.

Policy LDP 11 and SG LDP TRAN 4 generally require that new development is served by an appropriate standard of access. SG LDP TRAN 6 requires that adequate

provision is made for off-street car parking in accordance with approved parking standards (in this case – 3 no. parking spaces per house).

The site is served by a network of existing public adopted roads serving residential development. It is considered that the public road network has capacity to accommodate an intensification of residential traffic generated by 2 no. additional houses without detriment to road safety or congestion.

This is reflected by the consultation response from the Council's Area Roads Engineer who has no objections on highways grounds to the propose development subject to planning conditions relating to matters of technical design and provision of car parking in accordance with Council standards.

The Council's Parking Standards require 3 no. spaces for a house with more than three bedrooms. Integral garages are not taken into account. The proposed site plan drawing shows parking for 3 cars on the driveways at plots 2 and 3 but only two spaces for plot 1. However, the site is large enough to provide an additional space and this can be secured by means of a planning condition requiring submission and approval of further details.

As such, subject to these recommended planning conditions, it is considered that the propose development will have an appropriate standard to access without detriment to matters of road safety or congestion in accordance with the provisions of policy LDP 11 and SG LDP TRAN 4 and TRAN 6.

## **I. Infrastructure**

It is noted that a significant scale of ground engineering works has taken place on site prior to the submission of this application for planning permission. These works comprised excavation towards the upper rear of the site resulting in an exposed steep bank approximately 2.9 metres in height at its highest point. Material has been banked up to create a level plateau along the front to the site (adjacent to the rear boundaries of bungalows fronting Straid-a-cnoc). This bank is steep and rises to approximately 4.0 metres above pre-existing ground level at its highest point. Various ditches and flexible pipes are evident on site to manage surface water drainage.

Occupiers of nearby properties have raised strong concern regarding these works in relation to an increase of water run-off onto their property and onto the public road. Strong concern has also been expressed with regard to the banking of a significant amount of excavated material at a steep angle and significant height adjacent to and uphill of gardens and the potential for damage to adjoining property by reason of mud slide or collapse of the banked material.

It is again regrettable that significant land engineering operations have been implemented on this site prior to submission of an application for planning permission.

Notwithstanding the notes relating to drainage on the submitted application drawings, given the prevailing ground levels of the site in relation to nearby development; and the scale of proposed development including a significant increase in hard surfaced areas and the substantial alteration of the land form, it is considered that full design details of a specific drainage design are required in order to ensure that the proposed development is served by adequate drainage infrastructure in accordance with the provisions of policy LDP 10, SG LDP SERV 2 and SERV 7, in order to demonstrate that the proposed development will not result in flooding of nearby land.

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**Location Plan Relative to Planning Application: 21/01943/PP**



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

**PROPOSAL OF APPLICATION NOTICE**

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**Reference:** 22/00998/PAN

**Applicant:** Flexion Energy UK Storage

**Proposal:** Proposal of application notice for installation of a grid battery energy storage facility (up to 50 MW), with associated development

**Site Address:** Land West Of Ardnadam Electricity Sub Station, Sandbank

---

**1.0 INTRODUCTION**

Proposal of Application Notices only relate to National and Major Applications as defined by the Government's planning hierarchy and are a statutory requirement prior to the submission of the planning application. The PAN heralds the start of a minimum 12 week period to allow for community consultation before an application can be lodged.

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 and 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.

The applicant has confirmed that they intend to undertake community consultation in line with the requirement of the Town and Country Planning (Miscellaneous Temporary Modifications) (Scotland) Regulations 2022 which came into force as a result of the COVID-19 Pandemic. These Regulations have suspended the requirement for a physical, face-to-face public event with an alternative, online version. This temporary guidance has been extended until September 2022.

In accordance with the above legislation the following public consultation is proposed for the above project:

- An online consultation event, with live chat facilities where members of the Team are on hand to answer questions directly;
- The online consultation event will take place in June 2022 (date TBC) on a dedicated website. Exhibition material, detailing the proposed development, will be uploaded for viewing on the website. It will also have live chat facilities to allow the public to ask direct questions of the Project Team about the proposed development;

- The exhibition material will remain available online, alongside the questionnaire / feedback form, for a minimum period of 3 weeks to allow feedback to be completed and returned to the Project Team;
- Separate, direct engagement will be offered to Sandbank Community Council via video or phone call. If a suitable format cannot be arranged, then they will have the opportunity to comment through the main online consultation event or can contact the Project Team directly via email.

Officers are content that the proposed steps accord with the current legislation with regard to pre-application consultation on Major applications.

The Proposal of Application Notice took effect from the 25<sup>th</sup> May 2022 and as such no formal Planning Application relative to this proposal can be made before 17<sup>th</sup> August 2022.

## 2.0 PROPOSAL AND SITE DESCRIPTION

A letter from the Scottish Government's Chief Planner dated 27<sup>th</sup> August 2020 stated that *"The Scottish Government considers that a battery installation generates electricity and is therefore to be treated as a generating station. As a result, a battery installation should be treated as any other generating station for the purposes of deciding whether Section 36 consent is required for its construction and operation"*. In this case, as the generating capacity would be greater than 20MW and less than 50MW this would be a Major planning application.

The site which currently appears to be rough grazing land measures less than 1 hectare and is rectangular in shape. It is located to the west of the electricity sub station at Ardnadam and to the south of Ardnadam Farmhouse. It slopes from a level of approximately 70m AOD along its south western boundary to 62m AOD on the north eastern boundary. It is advised that the generating capacity would be no more than 50MW. Access would likely be taken from the north east of the site although at this stage this is indicative only. The applicant has advised that a development of this type would include the following:

- Battery energy storage modular racks, typically with indicative size of c.2.28m high by 1.3m wide by 1.3m long;
- MV Skids (Power Conversion System, Transformer and Ring Main Unit together) with an indicative size of c.2.9m high by 2.5m wide by 6.1m long;
- A switch room, control room and storage locker with an indicative height of c.3.5m and indicative size 5x15m for the switchroom and 5x5m for the control room;
- Fencing around the site boundary, which will be "V" mesh security fence, 2.4m in height;
- Lighting and infrared CCTV columns with an indicative height of 4.5m; and
- Associated infrastructure (access, drainage etc).

## 3.0 DEVELOPMENT PLAN POLICY

PAN submissions are not planning applications and therefore do not require to be evaluated and determined in accordance with Section 25 of the Planning Act against the Development Plan and its policies at this stage. In considering the merits of the PAN a

number of Development Plan Policies will inform the assessment of any future detailed application as set out below:

**'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 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 and Bute Local Plan 2015' (Adopted March 2016)**

**Natural Environment**

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity  
SG LDP ENV 5 – Development Impact on Local Nature Conservation Sites (LNCS)

**Landscape and Design**

SG LDP ENV 14 – Landscape

**Historic Environment and Archaeology**

SG LDP ENV 19 - Development Impact on Scheduled Ancient Monuments  
SG LDP ENV 20 - Development Impact on Sites of Archaeological Importance

**Support for Business & Industry: General**

SG LDP BUS 2 – Business & Industry Proposals in the Countryside Zones

**Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

**Resources and Consumption**

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 9 – Safeguarding Better Quality Agricultural Land

**Addressing Climate Change**

SG LDP Sust Check – Sustainability Checklist

**Transport (Including Core Paths)**

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes  
SG LDP TRAN 6 – Vehicle Parking Provision

**4.0 POTENTIAL MATERIAL CONSIDERATIONS**

One of the main determining issues in terms of this development will be the consideration of the likely landscape and visual effects of this development within the countryside zone.

## **5.0 CONCLUSION**

This report sets out the information submitted to date as part of the PAN. The policy considerations against which any future planning application is likely to be judged against and potential material considerations are noted above. The list is not exhaustive and further matters may arise as and when any planning application is received, and in the light of public representations and consultation responses.

## **6.0 RECOMMENDATION**

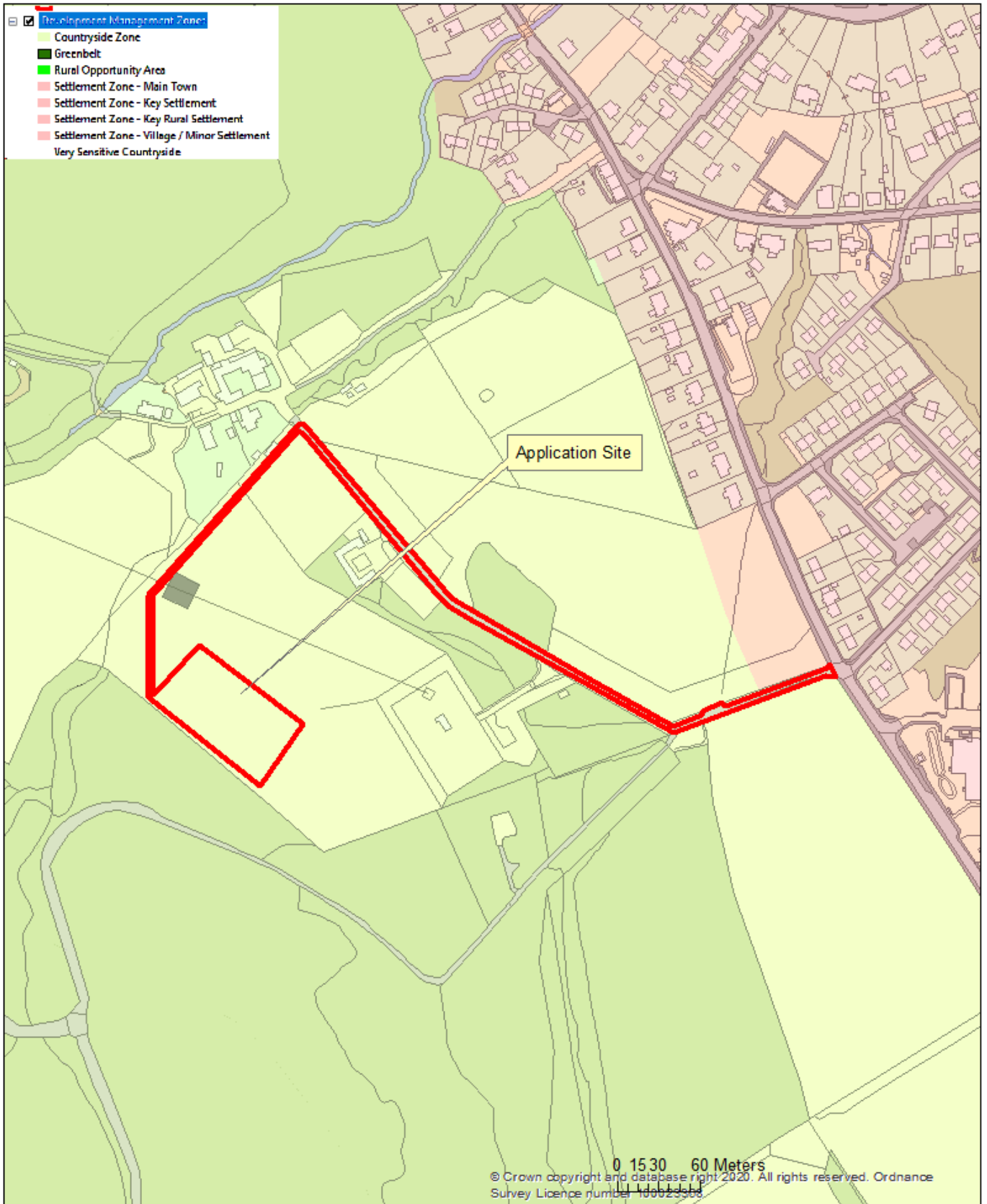
It is recommended that Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow any matters to be considered by the applicant in finalising any future planning application.

**Author of Report:** Sandra Davies

**Date:** 27<sup>th</sup> May 2022

**Reviewing Officer:** Peter Bain

**Date:** 7<sup>th</sup> June 2022



**Location Plan Relative to Planning Application: 22/00998/PAN**



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**ARGYLL AND BUTE COUNCIL**

**PLANNING, PROTECTIVE SERVICES  
AND LICENSING COMMITTEE**

**CUSTOMER SUPPORT SERVICE**

**22 JUNE 2022**

---

**KEY PERFORMANCE INDICATORS FQ4 2021/22 –  
DEVELOPMENT AND ECONOMIC GROWTH SERVICE**

---

**1.0 EXECUTIVE SUMMARY**

- 1.1 The Council's Performance and Improvement Framework (PIF) sets out the presentation process for regular performance reporting.
- 1.2 This paper presents the Planning, Protective Services and Licensing (PPSL) Committee with the FQ4 2021/22 Key Performance Indicators (KPIs) for the Development and Economic Growth Service.
- 1.3 It is recommended that the PPSL Committee reviews and scrutinises the FQ4 2021/22 KPI Report as presented.

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**ARGYLL AND BUTE COUNCIL**

**PLANNING, PROTECTIVE SERVICES  
AND LICENSING COMMITTEE**

**CUSTOMER SUPPORT SERVICES**

**22 JUNE 2022**

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**KEY PERFORMANCE INDICATORS FQ4 2021/22 –**

**DEVELOPMENT AND ECONOMIC GROWTH SERVICE**

---

## **2.0 INTRODUCTION**

2.1. The Council's Performance and Improvement Framework (PIF) sets out the presentation process for regular performance reporting.

2.2 This paper presents the Planning, Protective Services and Licensing (PPSL) Committee with the FQ4 2021/22 Key Performance Indicators (KPIs) for Development and Economic Growth Service as agreed by Council.

## **3.0 RECOMMENDATIONS**

3.1 That members review and scrutinise the FQ4 2021/22 KPI Report as presented.

## **4.0 DETAIL**

4.1 To ensure appropriate monitoring and scrutiny of performance management during the Council's Covid-19 response and recovery the ELT have identified a Council-wide suite of 85 Success Measures detailed within the Service Plans.

From within the Service Plans some measures have been identified as Key Performance Indicators (KPIs) for 2021/22, and are currently reported quarterly to the appropriate Strategic Committees.

Pyramid remains 'live' with all Success Measures aligned to Service Plans and updated as agreed.

4.2 Attached are the KPIs FQ4 2021/22 that are relevant to the PPSL Committee (Appendix 1).

## **5.0 CONCLUSION**



5.1 Simplifying and focusing the performance reports in this manner is a proactive approach to help minimise back office function/non-essential activities whilst maintaining a level of service that supports scrutiny, performance monitoring and out statutory duties.

## **6.0 IMPLICATIONS**

6.1 Policy: None

6.2 Financial: None

6.3 Legal: The Council has a duty to deliver best value under the Local Government in Scotland Act 2003

6.4 HR: None

6.5 Fairer Scotland Duty: None

6.5.1 Equalities - protected characteristics: None

6.5.2 Socio-economic Duty: None

6.5.3 Islands: None

6.6 Climate Change: None

6.7 Risk: Ensures that all our performance information is reported in a balanced manner

6.8 Customer Service: None

**Kirsty Flanagan**

**Executive Director with responsibility for Development and Economic Growth Service**

**Policy Lead: Councillor Kieron Green - Planning and Regulatory Services**

May 2022

**For further information contact:**

Jane Fowler, Head of Customer Support Services

Tel: 01546 604466

## **APPENDICES**

Appendix 1 – Key Performance Indicators for -

- Development and Economic Growth Service FQ4 2021/22

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## Indicator: DEG103\_01-Number of new affordable homes completed per annum.

**Why measure this?** We aim to have a good supply of affordable housing across the area. This will help keep people in the area and attract inward migration. This is a core requirement of the Local Housing Strategy and Strategic Housing Investment Plan (SHIP).

**This indicator is above target. The Target and Actual are cumulative totals for the financial year.**

**Commentary** During FQ4 there were a total of 45 affordable housing completions:

8 units at Phase 3, Imereval, Isle of Islay

37 units at Phase 3, Dunbeg

The previous LHS set a minimum target of 550 new affordable homes to be delivered via the Strategic Housing Investment Plan (SHIP) by March 2021. Due to the unforeseen and unprecedented impact of the Covid-19 pandemic in 2020/21, the final year of the LHS, development activity was halted for several months and even once the new build programme was re-started ongoing constraints and restrictions led to slippage with a number of key projects, including the flagship development of 300 new homes at Dunbeg. As a consequence, the 5 year LHS target was not achieved; nevertheless, despite the extremely challenging circumstances, a very credible total of 459 new homes were actually completed, representing 84% of the Housing Supply Target. A significant number of additional units were onsite at the year end and will complete in the first year of this new LHS. This positive progress was achieved through effective partnership working between the Council, RSLs, the Scottish Government, planners, private developers, and local communities. The total investment to deliver 459 units over five years amounted to £72.6m. The primary resources included the Scottish Government's Affordable Housing Supply Programme (AHSP) (with £53.459m invested in completed new homes over the last five years, and £66m spend in total; which is 57% higher than the AHSP spend for the previous LHS); the Council's Strategic Housing Fund (a total of £9.354m invested over the period, excluding empty homes spend); plus RSL investment via their private finance borrowing capacity. The majority of the new build homes were for social rent, however, 5% were made available for other forms of subsidised tenure such as new supply shared equity.

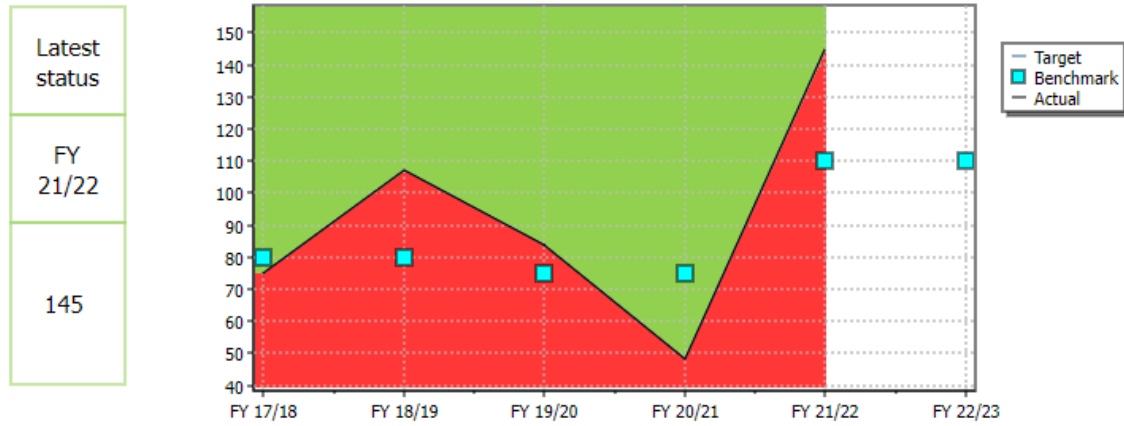
The majority of these new homes were provided by local RSLs: ACHA, Fyne Homes, Dunbritton, and West Highland (in association with Link Group). Almost 35% of the new builds (159) were located in Lorn, and 19% (87) were in Helensburgh & Lomond; while Mid Argyll and Cowal both had 15% (68 and 67 respectively). 12% (56) were on Islay, Jura & Colonsay; 4% (19) were on Mull; and there were 2 units on Coll & Tiree, plus one refurbished property in Kintyre.

**Target:** Annual FQ4:145.

**Actual:** Annual FQ4:145 **Green.**

**Benchmark:** 110.

**Graph illustration of performance:- DEG103\_01-Number of new affordable homes completed per annum.**



**Indicator: DEG103\_02-The percentage of positive homeless prevention interventions (Prevent 1).**

**Why measure this?** We personalise preventative measures to help people access a housing option that meets their needs. This statutory measure recognises the importance to prevent homelessness.

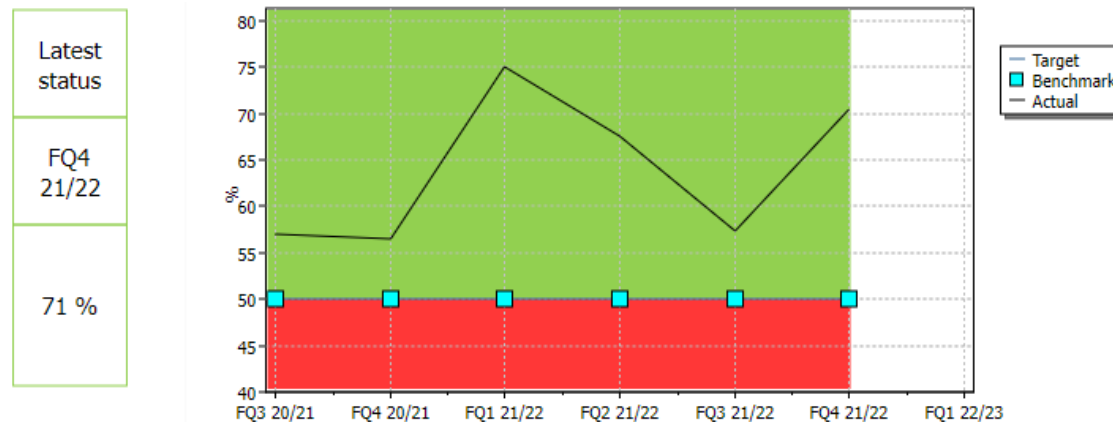
**This indicator is above target and performance has improved since the last reporting period.**

**Commentary** This target is focused on the effective prevention work carried out by Housing staff and during the period of the Covid-19 pandemic the Housing Service has continued to provide housing advice and assistance via a virtual service. During FQ4 this has resulted in positive interventions for 71% of households seeking advice. Of the remaining 29%: 21% made a homeless application, 1% lost contact, 4% Not Known and 3% Moved in with Family or Friends. Positive interventions by Housing staff enabled 190 (87%) of households to remain in their own accommodation, 22 households (10%) secured an RSL tenancy and 6 (3%) households secured a private rented tenancy.

The number of households requiring to make a homeless application per area: Bute and Cowal 30 (26%) of households seeking advice within this area, Helensburgh & Lomond 4 (33%) of households seeking advice within this area, Oban, Lorn and the Isles 15 (11%) of households seeking advice within this area, Mid Argyll, Kintyre and Islay 15 (36%) of households seeking advice within this area.

- Target:** Quarterly FQ4: 50%.
- Actual:** Quarterly FQ4: 71% **Green.**
- Benchmark:** 50%.

**Graph illustration of performance:- DEG103\_02-The percentage of positive homeless prevention interventions (Prevent 1).**



Latest status
FQ4 21/22
71 %

**Indicator: DEG103\_03-The number of empty properties brought back in to use per annum.**

**Why measure this?** We want to reduce homelessness, improve affordability and help prevent dereliction. We aim to do this by improving the housing supply.

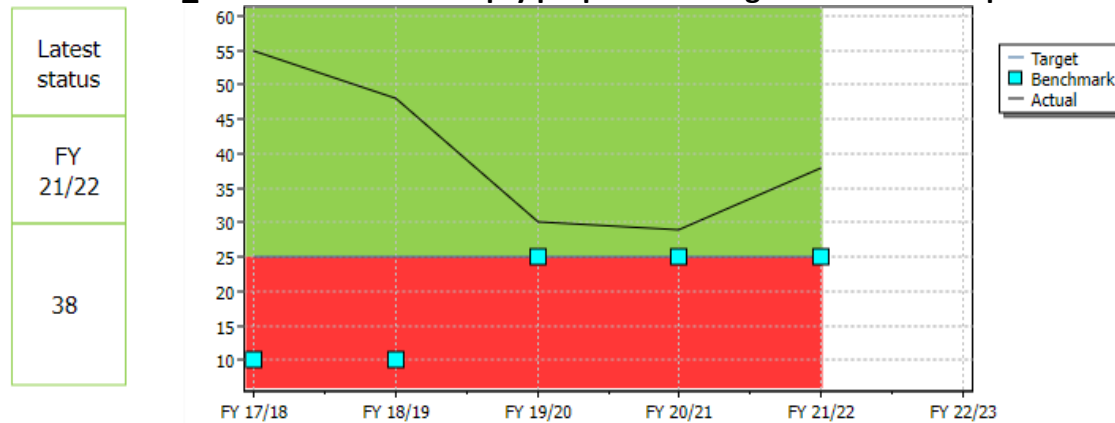
**This indicator is above target and performance has improved since the last reporting period.**

**Commentary** This measure is reported annually and has a target of 25 homes brought back into use. A total of 38 homes were brought back into use during 2021/22:- Bute & Cowal 15, Helensburgh & Lomond 6, Oban, Lorn & Isles 11, Mid Argyll, Kintyre & Islay 6.

Argyll and Bute Council's Empty Homes Team picked up the highly sought after 'Outstanding Team Award' at the March 2022 Scottish Empty Homes Awards. The awards recognise and celebrate the outstanding work and achievements of individuals and organisations in reviving empty homes across Scotland. The Council has enjoyed previous success at the awards and had five entries shortlisted as finalists this year, including two out of the three finalists in the Best before/after and Best Old Wreck categories.

**Target:** Annual FQ4: 25.  
**Actual:** Annual FQ4: 38 **Green.**  
**Benchmark:** 25.

**Graph illustration of performance:- DEG103\_03-The number of empty properties brought back in to use per annum.**



**Indicator: DEG105\_01-Respond to Building Warrant applications within 20 days.**

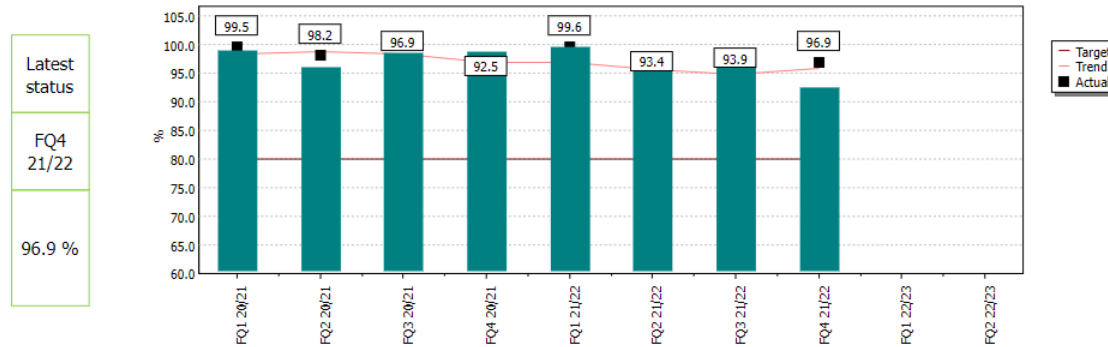
**Why measure this?** Providing a prompt service helps support the local economy. This national target allows us to benchmark our performance.

**This indicator is above target and performance has improved since the last reporting period.**

**Commentary** This is one of the national performance measures for building standards in Scotland. In quarter 4, there has been an increase in performance of 3% to 96.9% which is well above the 80% target. This is excellent performance and has been achieved in a period where:-  
 1) There are vacancies in the team and some staff illness; 2) Building warrant numbers are lower than pre-pandemic figures (19/20 - 1795 applications; 20/21 - 1533 applications and 21/22 - 1595 applications); 3) Commercial income: East Lothian Council continued to use our services and we awaiting decision from Dundee City Council for work from May-July 22; 4) Dangerous building work continued across the area; 5) The team have prioritised work well, are predominately working from home and are using a variety of different means to undertake work (e.g. remote verification inspections etc.); 6) The national consumer survey has reported that consumer satisfaction levels in Argyll and Bute are well above the Scottish average.

**Target:** Quarterly FQ4: 80.0%.  
**Actual:** Quarterly FQ4: 96.9% **Green.**  
**Benchmark:** 92.5%.

**Graph illustration of performance:- DEG105\_01-Respond to Building Warrant applications within 20 days.**



**Indicator: DEG105\_02-The percentage of Building Warrants and amendments issued within 6 days from receipt of all satisfactory information.**

**Why measure this?** Providing a prompt service helps support the local economy. This national target allows us to benchmark our performance.

**This indicator is above target and performance has improved since the last reporting period.**

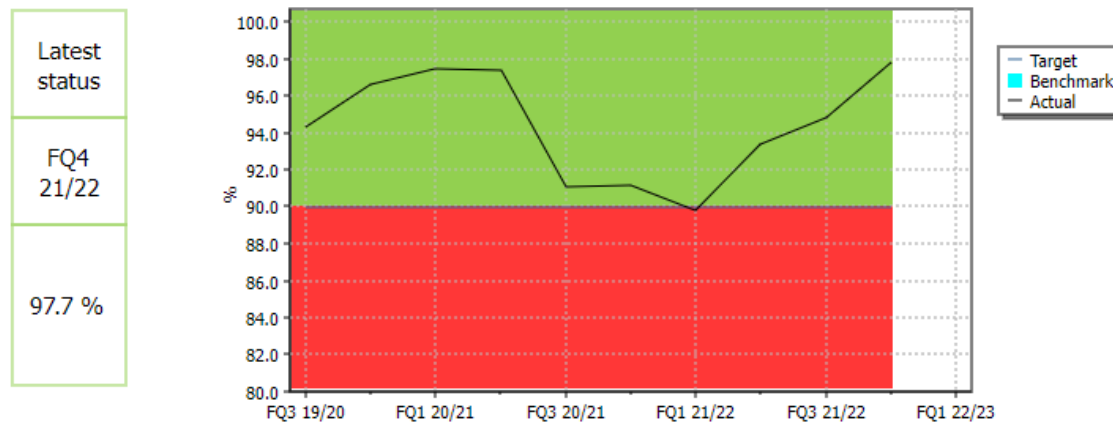
**Commentary** This is a local performance measure as the national measure is 10 days, as opposed to 6 days. It is proposed that we now report on 10 days, so we can benchmark with our peers. Performance for 10 days is above target and in quarter 4, 97.7% of all applications were issued within target. This is excellent performance of the team and the use of remote verification inspections support this work. The situation has been assisted as building warrant numbers are lower than pre-pandemic levels (19/20 1795 applications; 20/21 1533 applications and 21/22 1595 applications).

**Target:** Quarterly FQ4: 90.0%.

**Actual:** Quarterly FQ4: 97.7% **Green.**

**Benchmark:** No Benchmark.

**Graph illustration of performance:- DEG105\_02-The percentage of Building Warrants and amendments issued within 6 days from receipt of all satisfactory information.**





**Indicator: DEG110\_03-The time it takes to determine ‘local’ planning applications is no longer than 10% above the national average.**

**Why measure this?** This indicates the efficiency of the Council's planning process. Prompt planning application decisions is a driver to support and help grow the local economy.

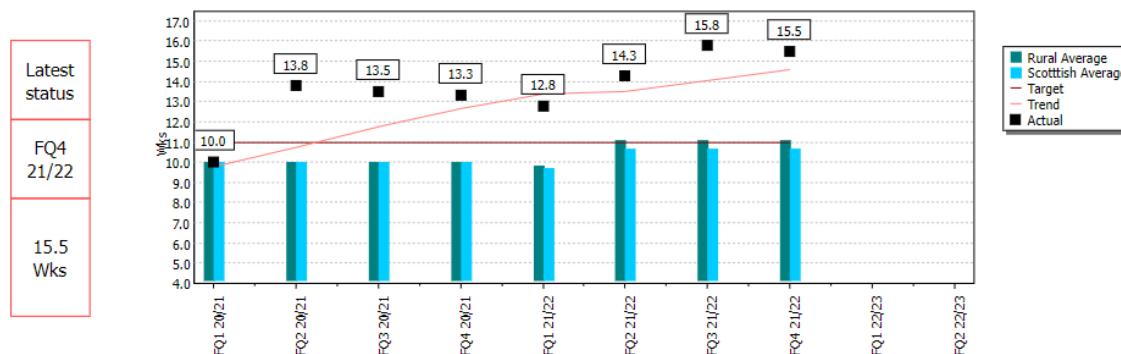
**This indicator has not met the Target, performance has improved since the last reporting period.**

**Commentary** The Development Management Team continues to operate with reduced resource. During FQ4 several legacy applications were finalised and determined, the majority of which were in the OLI team, a team which has carried vacancies and experienced staff turnover in posts over a prolonged period. The headline performance figure of an average of 15.5 weeks to determine these applications is badly skewed by 6 applications which took between 1 and 3 years to determine. Those taking in excess of a year can be broken down into areas, as follows:- OLI 3 applications varying between 1 year and 3 years; H&L 2 applications which took between 1 and 2 years; BAC 1 application which took 1.5 years.

Steps are being taken to address vacancies across the Service and attempts are being made to recruit to vacant posts. The Service has also identified the likelihood of additional pressure on staff resource/capacity arising during 2022/23 through a significantly higher than normal caseload of major planning applications and S36 consultations with many of these items being delayed as a result of the pandemic but are now ready to be progressed. The Service will shortly be seeking to increase its professional staff resource by 2fte in response to expected demands upon the Major Applications Team.

**Target:** Quarterly FQ4: 11.0 wks.  
**Actual:** Quarterly FQ4: 15.5 wks **Red.**  
**Benchmark:** 10.7 wks.

**Graph illustration of performance:- DEG110\_03-The time it takes to determine ‘local’ planning applications is no longer than 10% above the national average.**



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

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

---

**Reference No:** 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

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## **SUPPLEMENTARY REPORT NO. 2**

### **1.0 INTRODUCTION**

Members of PPSL determined at their meeting on 20<sup>th</sup> April 2022 to continue this item to a site visit and discretionary pre-determination public hearing in light of the significant volume of representation raising matters relating to planning both in support and opposition to the proposed development.

It is advised that the applicant has subsequently notified officers that they have withdrawn the application with the intent of amending the design of the proposed development and resubmitting a fresh application for planning permission in due course.

### **2.0 RECOMMENDATION**

It is recommended that Members note that the application has been withdrawn and that a formal determination of this application by the planning authority is no longer required.

**Author of Report:** Peter Bain

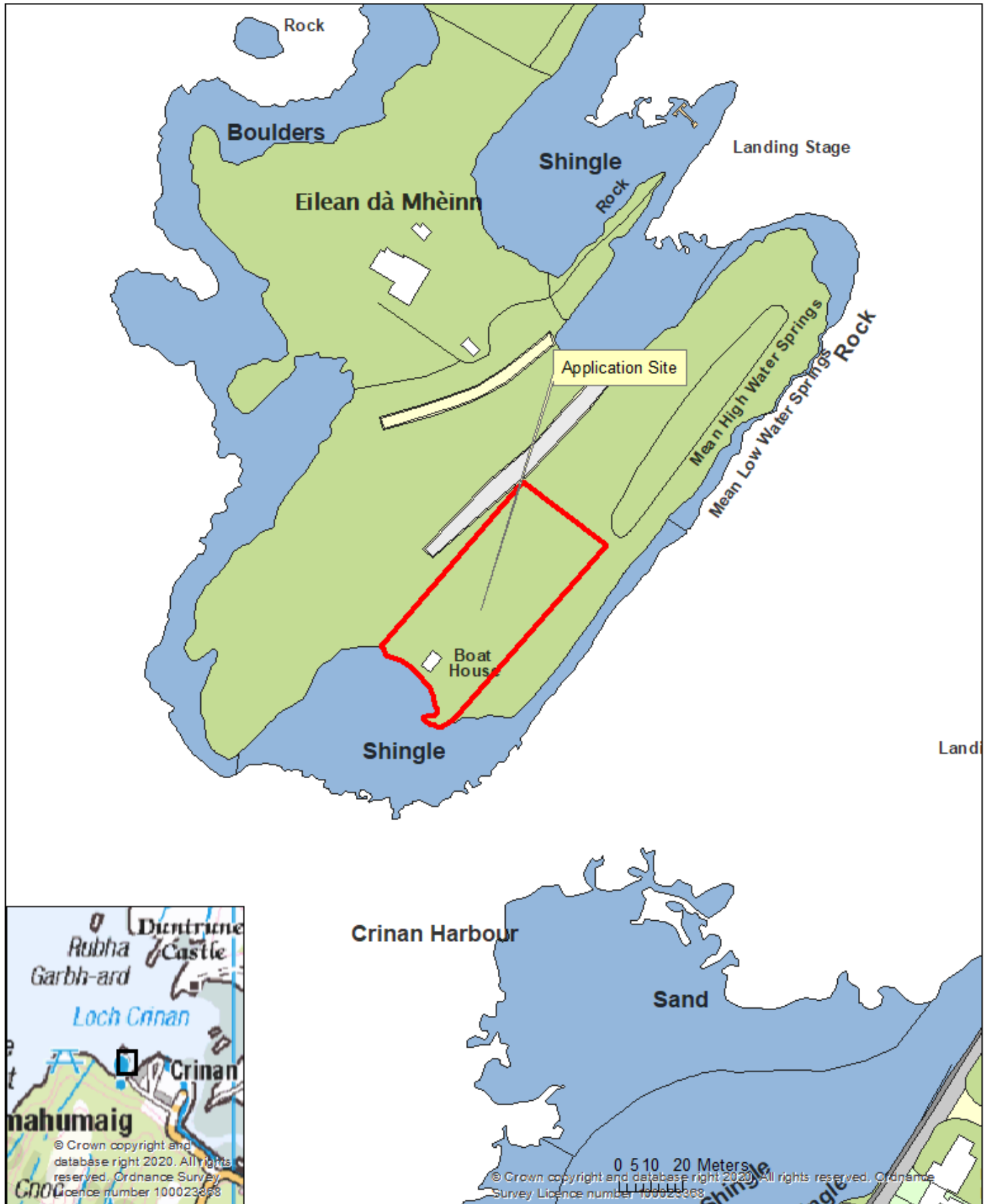
**Date:** 1<sup>st</sup> June 2022

**Reviewing Officer:** Sandra Davies

**Date:** 1<sup>st</sup> June 2022

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

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



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