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Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

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12 April 2023

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 19 APRIL 2023** at **10:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES**
 - (a) Planning, Protective Services and Licensing Committee held on 22 March 2023 at 11.30 am (Pages 3 - 8)
 - (b) Planning, Protective Services and Licensing Committee held on 22 March 2023 at 2.00 pm (Pages 9 - 16)
 - (c) Planning, Protective Services and Licensing Committee held on 22 March 2023 at 2.30 pm (Pages 17 - 18)
 - (d) Planning, Protective Services and Licensing Committee held on 22 March 2023 at 3.00 pm (Pages 19 - 20)
4. **CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW**
(Pages 21 - 24)
Report by Executive Director with responsibility for Legal and Regulatory Support

5. **THE SCOTTISH GOVERNMENT ON BEHALF OF SCOTTISH POWER RENEWABLES (UK) LIMITED: ELECTRICITY ACT SECTION 36 CONSULTATION FOR EARRAGHAIL RENEWABLE ENERGY DEVELOPMENT, COMPRISING THIRTEEN ONSHORE WIND TURBINES AROUND 78MW, SOLAR PHOTOVOLTAIC ARRAY AROUND 5MW AND BATTERY STORAGE TECHNOLOGIES (BESS) AROUND 25 MW: LAND SOUTH OF TARBERT AND NORTH OF SKIPNESS (REF: 22/00445/S36/ECU00003421)** (Pages 25 - 70)

Report by Head of Development and Economic Growth

6. **JOINT PUBLIC HEALTH PROTECTION PLAN 2023-2025** (Pages 71 - 112)

Report by Executive Director with responsibility for Regulatory Services

REPORT FOR NOTING

7. **PRIVATE HIRE CARS AND TAXIS LICENSED IN ARGYLL & BUTE** (Pages 113 - 118)

Report by Executive Director with responsibility for Legal and Regulatory Support

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

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 22 MARCH 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Daniel Hampsey	Councillor Luna Martin
Councillor Graham Hardie	Councillor Peter Wallace
Councillor Fiona Howard	

Also Present: Councillor Robin Currie Councillor Alastair Redman

Attending: Stuart McLean, Committee Manager
Peter Bain, Development Manager
Matt Mulderrig, Development Policy and Housing Strategy Manager
Susan Mair, Legal Manager
Sandra Davies, Major Applications Team Leader
David Moore, Senior Planning Officer
Emma Jane, Planning Officer
Raymond Kane, Traffic and Development Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Amanda Hampsey, Willie Hume, Mark Irvine and Paul Kennedy.

The Chair ruled, and the Committee agreed, to consider a report on the Scottish Government's consultation on proposals for Highly Protected Marine Areas as a matter of urgency as a decision was required before the next ordinary meeting of the Committee. It was agreed to suspend Standing Order 8.1.12 and consider this report at item 4 of this Minute.

The Chair intimated that Councillors Robin Currie and Alastair Redman, who were not members of the Planning, Protective Services and Licensing Committee, had notified the Executive Director that they wished, in terms of Standing Order 22.1 to speak but not vote on the above urgent item. The Chair confirmed that he would exercise his discretion to allow Councillors Currie and Redman to speak but not vote on item 4 of this Minute.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTE

The Minute of the Planning, Protective Services and Licensing Committee held on 15 February 2023 was approved as a correct record.

4. SCOTTISH GOVERNMENT PROPOSALS FOR HIGHLY PROTECTED MARINE AREAS (HPMA)

The Scottish Government are consulting on proposals to establish Highly Protected Marine Areas (HPMAs) across Scotland. The consultation, which runs until 17 April 2023, is seeking views on a number of key documents including draft Policy Framework and Site Selection Guidelines.

Consideration was given to a report proposing that Officers of the Council prepare a response to the consultation, in consultation with the Leader, Depute Leader, Leader of the largest Opposition Group, and the Policy Lead for Planning and Regulatory Services prior to the deadline of 17 April 2023.

Decision

The Committee agreed that:

1. the Council's response to the consultation be delegated to the Executive Director with responsibility for Development and Economic Growth in consultation with the Leader, Depute Leader, Leader of the largest Opposition Group, and the Policy Lead for Planning and Regulatory Services to ensure that a response could be submitted by the deadline of 17 April 2023;
2. the Members of the Council have an opportunity to comment on the agreed delegated response prior to submission; and
3. the Council would continue to raise awareness of this consultation to ensure that local communities in Argyll and Bute could submit their own thoughts on the process being taken forward.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 20 March 2023, tabled)

5. MR GRAHAM WYLIE: VARIATION OF CONDITION NUMBERS 3, 4, 5 AND 6 AND REMOVAL OF CONDITIONS 7 AND 8 RELATIVE TO PLANNING PERMISSION 20/01150/PP (ERECTION OF DWELLINGHOUSE). ACCESS ARRANGEMENTS: RHU LODGE, FERRY ROAD, RHU, HELENSBURGH (REF: 21/02709/PP)

The Planning Officer spoke to the terms of supplementary report number 5 and also drew Members' attention to the main report of handling and supplementary reports numbered 1, 2, 3 and 4.

At the PPSL Committee on 23 November 2022 it was agreed to continue consideration of this application and instruct Officers to make arrangements for the Committee to accompany Planning and Roads Officers on a site visit which subsequently took place on 12 January 2023.

The Committee agreed to postpone determination of the application at their meeting on 18 January 2023, pending the submission of further drawings from the Applicant, which were received on 6 February 2023.

The Committee agreed to postpone determination of the application at their meeting on 15 February 2023 to allow time for the Roads Officer to respond to the revised drawings submitted by the Applicant and for policy National Planning Framework 4 (NPF 4) to be applied to the application following its adoption on 13 February 2023.

There are a range of policies within NPF 4 that cover all developments however, as the principle of this development has been established under the previous consent (ref: 20/01150/PP), this application solely relates to the variation/omission of roads conditions relative to planning permission 20/01150/PP. As such, Officers have only addressed the policies of NPF 4 which relate to this aspect. In this instance the key relevant policy is policy 13(G) Sustainable Transport. This policy is strongly aligned with current Local Development Plan Policies LDP 11 and SG TRAN 4. Based on this, it is considered that NPF 4 supports the current policy assessment and as such the current recommendation stands.

The additional revised drawings submitted by the Applicant were considered and commented on by Officers and did not alter the recommendation contained in the main report of handling dated 8 November 2022, namely that the application be granted subject to the conditions, reasons and informative notes contained in the report of handling.

Decision

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

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 20/12/2021 and, the original approved drawings from application ref; 20/01150/PP listed in the table below and the related amendment approved under this 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	1 of 14	A	02.02.2020
Site Photographs Sheet 1	2 of 14	A	02.02.2020
Site Photographs Sheet 2	3 of 14	C	02.02.2020
Site Photographs Sheet 3	4 of 14	-	02.02.2020
Site Photographs Sheet 4	5 of 14	-	02.02.2020
Site Plan/Roof Plan as Proposed	6 of 14	C	02.02.2020
Floor Plans as Proposed	7 of 14	A	02.02.2020
North and West Elevations as	8 of 14	B	02.02.2020

Proposed			
South and East Elevations as Proposed	9 of 14	B	02.02.2020
Cross Section X X as Proposed	10 of 14	-	02.02.2020
Proposed Landscape and Planting Layout Plan	11 of 14	-	02.02.2020
Topographic Survey	12 of 14	-	02.02.2020
Arboricultural Report	13 of 14	-	02.02.2020
Design and Access Statement 2020	14 of 14	-	02.02.2020

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

2. Notwithstanding the effect of Condition 1; Prior to the commencement of development the developer shall submit written evidence to the Planning Authority that an agreement with Scottish Water is in place for the connection of the proposed development to the public water supply.

Reason: In the interests of public health and to ensure the availability of an adequate water supply to serve the proposed development.

3. Notwithstanding the effect of Condition 1; the following improvement works to the access road are required:
 - a) The provision of a 3.5 metre adopted road between A814 and the entrance dwellings.
 - b) Passing places at a maximum of 100 metre spacing's should be provided as per Operational Services Drg No SD 08/003 rev a.

Full details of these proposed road improvements at Ferry Road shall be submitted to and agreed in writing with the Planning Authority in consultation with the Council's Road Network Manager prior to works commencing on site. Thereafter the improvements shall be completed and in place before the dwellinghouse hereby approved shall be completed or brought into use.

Reason: In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.

4. Notwithstanding the effect of Condition 1; In accordance with 'Roads Guidance For Developers' a sightline visibility splay of 2.4 x 25 x 1.05 metres at the driveway access with Ferry Road. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and

thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

5. Notwithstanding the effect of Condition 1; The private access to the dwelling house should be constructed as per Drg SD 08/002.

Reason: *In the interest of road safety and in accordance with the Council's Roads Guidance for Developers'.*

6. Notwithstanding the effect of Condition 1; Prior to construction of the dwelling house, the private access shall be surfaced with bituminous material (or other approved hard material) for a distance of 5m from the edge of the carriageway and graded to prevent the discharge of water/materials onto the public road.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

7. Notwithstanding the effect of Condition 1; The gradient of the private accesses will not exceed 5% for the first 5 metres and no more than 12.5% over the remainder of the access. Details of this shall be submitted to and approved in writing by the Planning Authority prior to works starting on site.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

8. Notwithstanding the effect of Condition 1; Prior to work starting on site full details of 2 No. parking spaces to be provided within the curtilage of the dwellinghouse shall be submitted to and approved in writing by the Planning Authority. Thereafter the required car parking spaces shall be fully implemented prior to the occupation of the dwellinghouse.

Reason: *In the interest of road safety and in accordance with the Council's 'Roads Guidance for Developers'.*

9. Notwithstanding the effect of Condition 1; Samples of the proposed materials to be used for the external walls and roof of the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

Reason: *In the interests of visual amenity and in order to integrate the proposal with its surroundings.*

NOTE TO APPLICANT

The proposed road improvements to the existing private road to bring it to an adoptable standard will require the submission of an application for a roads construction consent. After subsequent Approval a finance security road bond will be required to be lodged before any works commence on site.

(Reference: Report by Head of Development and Economic Growth dated 8 November 2022, supplementary report number 1 dated 22 November 2022, supplementary report number 2 dated 10 January 2023, supplementary report number 3 dated 16 January 2023, supplementary report number 4 dated 8 February 2023 and supplementary report number 5 dated 14 March 2023, submitted)

6. THE SCOTTISH GOVERNMENT ON BEHALF OF SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: CONSTRUCTION OF APPROXIMATELY 13.3 KM OF 275 KV OVERHEAD LINE (OHL) FROM BETWEEN A PROPOSED SUBSTATION AT CREAG DHUBH TO THE EXISTING SCOTTISH POWER ENERGY NETWORKS (SPEN) 275 KV OHL THAT RUNS FROM DALMALLY TO INVERARNAN: LAND SOUTH OF DALMALLY AND EAST OF CLADICH (REF: 22/01298/S37)

The Senior Planning Officer spoke to the terms of the report. This Section 37 proposal was originally presented to Members on 28 September 2022 with an Officer recommendation that no objection be lodged. The Committee determined, on behalf of the Council, as Planning Authority, to object to this proposal and the Energy Consents Unit were notified of this decision accordingly.

Since Members determined to object, Officers consider that there has been a substantial material change in circumstances which merits the matter being brought back to Members. National Planning Framework 4 (NPF 4) has become part of the statutory planning framework with it being formally adopted on 13 February 2023.

Officers consider that following the adoption of NPF 4 more weight should be given to the policies within it which support the delivery of nationally important energy transmission and grid infrastructure to assist in the transition to net zero and address the climate emergency. NPF 4 Policies 1 and 11 provide support for the current proposals as Nationally Important Development. This, in the opinion of Officers, strengthened the overall policy framework in support for the proposals since Members previously determined to object to the development.

Members were invited to re-consider their decision to object to the proposals in light of the enhanced status of NPF 4 and instruct Officers accordingly on this matter.

Decision

The Committee, having considered NPF 4 Policies including Policies 1, 4, 7 and 11 in relation to the proposed 275 kv Overhead Line from Creag Dhubh to Dalmally, agreed to instruct Officers to maintain the current objection.

(Reference: Report by Head of Development and Economic Growth dated 7 March 2023, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 22 MARCH 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Graham Hardie	Councillor Luna Martin
Councillor Fiona Howard	Councillor Peter Wallace

Attending: Stuart McLean, Committee Manager
Sheila MacFadyen, Senior Solicitor
Fiona Macdonald, Solicitor
Nigel Judson, Applicant
Mrs Judson, Applicant's wife

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Amanda Hampsey, Daniel Hampsey, Willie Hume, Mark Irvine and Paul Kennedy.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A STREET TRADER LICENCE (N JUDSON, SALEN, AROS, ISLE OF MULL)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant requested that he be permitted to attend the meeting from the Council Chamber. This was agreed to and he was joined by Officers to facilitate his attendance to address the Committee by video call.

Police Scotland opted to proceed by way of audio call and Sergeant David Holmes joined the meeting by telephone.

The Chair referred to a preliminary matter and advised that Police Scotland had requested the Committee take account of number of a number of matters which were considered "spent" in terms of the Rehabilitation of Offenders Act 1974. It was noted that the Committee may take into consideration evidence relating to "spent" matters where they are satisfied that justice could not be done except by admitting such evidence.

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

POLICE SCOTLAND

Sergeant Holmes advised that the Applicant had a number of matters which were considered "spent" in terms of the Rehabilitation of Offenders Act 1974 and that it was the

Chief Constable's contention that justice could not be done in this case except by admitting evidence relating to these "spent matters".

The Chair then invited the Applicant to ask Police Scotland questions and to address the relevancy of the "spent" matters to his application.

APPLICANT

Mr Judson said that he did not believe the "spent" convictions had anything do with his application and that he did not think they were relevant. He intimated that he would not have a problem with discussing them if it was decided that they should be disclosed.

Mr Judson then read out a statement explaining the circumstances of his medical condition Attention deficit hyperactivity disorder (ADHD) in order to give the Committee some insight into the difficulties that he now has and how it affects his life on a daily basis. He also advised of his qualifications, volunteering work, and other licences held which were relevant to his application. He advised that his medical condition was managed by medication and the support of family and friends. He referred to the Police objection and he explained the background to this. He said that his mother had called the Police in the hope that they could have helped calm him down but they came and took him away. He commented that the Chief Constable's assertion that he was not a fit and proper person had left him feeling worthless and a lost cause. He said that he has never behaved inappropriately towards any member of the public or work colleague and advised that he was ashamed of his past. He said he was not a bad person and that he just got overwhelmed at times.

The Chair invited Police Scotland to comment on the Applicant's submission and Sergeant Holmes confirmed that he had nothing further to add.

The Chair then invited Members to ask questions and determine the relevancy of the "spent" convictions.

MEMBERS' QUESTIONS AND DEBATE

Councillor Wallace sought and received confirmation from Mr Judson that the first "spent" conviction was dated 1988 and the last was dated 2013.

Councillor McCabe sought and received confirmation from Mr Judson that there were 10 "spent" convictions.

Councillor Howard asked Mr Judson if any of the "spent" convictions directly related to his business. Mr Judson advised that most of them had happened when he was young and before he was diagnosed. He said that he had never been in trouble working for other people or himself.

Councillor Hardie advised that as there were 10 "spent" convictions he thought it was essential that the Committee hear about them.

Councillor Green agreed that it would be helpful to hear the detail of these.

The Committee agreed that justice could not be done without admitting the "spent" convictions into the process due to the number of them spanning a number of years. A

letter dated 6 February 2023 from the Chief Constable outlining the detail of the “spent” convictions was circulated.

After a brief adjournment the Chair outlined the hearing procedure that would be followed and invited the Applicant to speak in support of his application.

APPLICANT

Mr Judson referred to the detail of each “spent” conviction in turn. He said there was no excuse for them. He explained that he was young and foolish and, without being diagnosed with ADHD at that time, he was easily led and influenced. He said that he had grown up in a little village which was an ex mining community. He advised that once the collieries closed down this led to a lot of unemployment in the community and in the majority of these cases the children suffered for it. He said that it has taken a lot of time for him to look into his past and understand his behaviours. He referred to travelling to school by bus and being bullied by 7 children from the same family. He had to travel on this bus with these children for 10 years and in order to try and stop the bullying he took the easy route and tried to fit in with them. He advised that his parents were good parents. He said that his father drank every night of the week except Christmas. He advised that the first thing he looked forward to when he turned 18 was to stand at a bar and drink a pint. He said he started to be institutionalised and did not seem able to fit in with the good kids that were from the area he lived. He said he got in with the wrong crowd. He commented that his mum had been a nurse and when she worked nights he would be out till 2 am as a young child getting up to no good.

Referring to the earlier convictions he said he disputed the assault on a Constable. He said that none of these offences were physically violent and that they were little more than arguments which, he said, was why he questioned their relevancy. He said that he wanted to set up the burger van to get a better life and advised that the Police wanted to make things sound far worse. He referred to the justice system encouraging people to plead guilty to speed up the process.

He referred to his conviction on 25 January 2023 and explained the circumstances of it. He said that he had pled guilty on the advice of his solicitor. He advised that he was told that if he pled not guilty he would not get home. He said that he had punched a wall as he was angry at himself. He said that his wife could confirm that he was not violent. Mrs Judson confirmed that her husband had not been aggressive towards her on that occasion and that he never had been. He said that Oban Police, knowing his medical condition, had not taken that into account and that he felt his treatment by them was cruel and barbaric.

He referred to the most recent incident on 2 February 2023 and commented that Lochgilphead Police Officers had been very kind and said that the case would not be taken any further. He said he was shocked to find that he had been reported to the Procurator Fiscal and that the letter from the Chief Constable stated that it could be reasonably inferred that he intended to commit a crime.

He questioned what the difference would be to him working in McDonald’s or having his own business. He referred to his catering van which he said he had spent nearly £30,000 on, the report from Environmental Health, and all the certificates he had in place to carry out his business. Mr Judson read out a reference from a previous employer at Tralee Holiday Park in Benderloch, which stated that Mr Judson proved to be a reliable,

conscientious employee, able to work alone or as part of a team as required and that there would be no hesitation in recommending him as a good employee.

Mr Judson said that he was a fit and proper person and had done everything he had been asked to do. He said that he was quite able and always put 110% into any task. He said he hoped to employ someone to assist him. He added that he had been drinking when all of the offences had taken place and that he had now stopped drinking.

QUESTIONS FROM POLICE

Sergeant Holmes confirmed that he had no questions.

POLICE SCOTLAND

Sergeant Holmes advised that Mr Judson had covered the detail of all his convictions and that he had nothing further to add. He commented that if Mr Judson felt he had not been treated well by the Police he could raise a complaint with them.

QUESTIONS FROM APPLICANT

Mr Judson said he had no questions.

MEMBERS' QUESTIONS

Councillor Brown referred to Mr Judson advising that all of his convictions related to drink and that he had now stopped drinking. She said that she hoped that he would continue to stop drinking. She said that she appreciated what he had said about his ADHD and about getting angry and frustrated. She advised that she would have a concern about Mr Judson working in the burger van if a customer became obstructive and annoyed him and this led to him losing his temper. She asked Mr Judson what he could say to alleviate her worries. Mr Judson said that the customer was always right. He referred to the reference he read and advised that his job had involved taking bookings up to 10 pm, visiting people in their rented caravans and calling on private owners. He said that he had only drank in his personal life and never in his working life. He said that he had stopped drinking and intended to keep it that way. He advised that he had used alcohol to rest his mind. He said that when it came to work he was entirely professional.

Councillor Wallace referred to Mr Judson advising that some of the convictions were arguments and not assaults. He asked Sergeant Holmes to comment. Sergeant Holmes advised that some of these convictions went back several years and that he did not have the Procurator Fiscal reports as they were English convictions. He referred to the assault in Oban at the Oyster Bar and said that Mr Judson was charged with a physical assault.

Councillor McCabe sought and received confirmation from Mr Judson that it had been about 8 weeks since he had stopped drinking. He said he was not addicted to alcohol and that he had just used it to de-stress.

Councillor Armour sought and received confirmation from Mr Judson that he was first diagnosed with ADHD when he was 39 or 40 years old.

Councillor Martin referred to Mr Judson drawing comparisons between working for himself and working for a company. She asked Mr Judson if he felt, with his treatment and

medications, he would be able to cope with the added stress of working for himself. Mr Judson advised that he had worked for himself most of his life.

Councillor Hardie asked Mr Judson how the mental health team felt about him starting up this business. He asked if they were supportive. Mr Judson said that his Community Psychiatric Nurse (CPN) thought this would be a good thing. He referred to being trapped in his house and that he needed something to keep his mind occupied. He said that due to his ADHD, when he did anything, he always gave 150%.

Councillor Hardie asked Mr Judson if the licence was granted, would his CPN support him if things got difficult. Mr Judson said yes and that his CPN would be happy to provide a report if required.

SUMMING UP

Police Scotland

Sergeant Holmes advised that he had nothing further to add.

Applicant

Mr Judson said he just wanted the chance to get on with his life and that he was sorry for the nuisance he had caused.

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

DEBATE

Councillor Hardie said that it had been an interesting hearing. He referred to Mr Judson's criminal record being slightly concerning but said that it filled him with confidence that Mr Judson had the support of the mental health team and, with that in mind, he would be happy to grant the licence.

Councillor Brown commented that since Mr Judson had been diagnosed his last "spent" conviction was in 2013 and that there had been nothing further up until now. She referred to the tough time Mr Judson had gone through in his personal life recently, including the death of his father and the stress and strain of looking after his elderly mother in his home. She said she hoped that now his mother was moving into a home Mr Judson would be able to get back to normal family life. She commented on the support he received from the mental health team, his medications, and his attitude, and said she would second Councillor Hardie's comments and would be happy to grant this licence.

Councillor McCabe said that she took a different view. She said there was too much here and felt there would be a big risk if Mr Judson happened to have a drink and someone was angry at him while working. She said she was not convinced this would work.

Councillor Howard said she would like to give Mr Judson the chance. She advised that being back at work and having to keep a van going and organising everything, she felt that this would keep Mr Judson from straying more than anything. She suggested granting a licence for 6 months to try it out.

Councillor Kain said that he agreed that everyone needed a chance. He advised that in this case there had been too many repeats. He referred to the last incidents occurring in

January and February this year which, he said, was not long ago. He referred to Mr Judson being diagnosed for some considerable time and questioned on what basis he was referred and if this had been connected to the convictions. He also referred to the definition of common assault.

Councillor Armour referred to the detail provided by Mr Judson and the difficulties he had overcome. He commented that it must have been very difficult for Mr Judson to go over that today. He acknowledged that Mr Judson had been very open, but advised that he did have concerns about granting the licence. He asked if it would be possible to get a report from the mental health team that could give the Committee some confidence that the licence could be granted. He also advised that he would support the suggestion by Councillor Howard of granting the licence for 6 months. He asked if there was a possibility of getting this report and of granting the licence initially for 6 months as he was keen to award the licence to Mr Judson.

Councillor Brown referred to the length of time between convictions. She pointed out that it had been nearly 10 years since the last "spent" conviction.

Councillor Martin asked whether the mental health team had been supporting Mr Judson before the most recent conviction and alleged offence. She said it would be reassuring to get a mental health report.

Councillor McCabe commented that although it had been 9 years since the last "spent" conviction, there had already been 2 convictions this year within a very short timeframe.

The Committee Manager, Mr McLean, pointed out to Councillor McCabe that there had only been one conviction this year, not two.

Councillor Green asked if it would be possible for the Committee to adjourn until a mental health report was received. Mr McLean said that there would be nothing to prevent the Committee continuing consideration of this application and invited the Council's Senior Solicitor to comment. Mrs MacFadyen advised that there would be nothing to prevent the Committee continuing the hearing in order to seek a report. She pointed out that the Applicant would need to give his consent to the Committee receiving this report. Mrs MacFadyen also confirmed that the Committee could grant the licence for a shorter period if they felt this was appropriate.

Councillor Armour suggested that the Committee should continue this hearing that if Mr Judson contact the Social Work team to obtain a report and forward this to the Legal Team or subsequent consideration by the Committee.

Councillor Green advised that before doing this it would be worth checking with Mr Judson if he would be happy with that report being asked for. Mr Judson confirmed that his only concern was regarding permission he had received from Mull and Iona Community Trust to pitch his van on their land for the season which was about to start on 1 April 2023. He said he had no objection to the request for the report and he would have no objection to the licence being granted for a shorter period. He advised that he did have a concern that he could lose the pitch if he was not able to start on 1 April. He commented that he had never drunk during employment and that if he misbehaved he would lose the pitch.

Mrs MacFadyen pointed out that if the licence was granted today it would be 28 days before it would come into force due to the Police objection.

Councillor Hardie said he would like to see the mental health report before granting the licence. He suggested that if Mr Judson explained the situation to the land owner they would understand the delay.

Councillor Armour asked Mrs MacFadyen if it would be possible to grant the licence today, request the report from Social Work for consideration at the April meeting of the PPSL, and if it was felt at that stage it was not suitable to grant the licence, it could be revoked at the April meeting. Mrs MacFadyen said that would not be competent as the Committee should only grant the licence today if they believed that Mr Judson was a fit and proper person.

Councillor Howard said she would like to grant the licence for 6 months and also get the report to reassure the Committee. She said that 6 months would give Mr Judson the chance to settle down and establish himself.

Mrs MacFadyen said that if the Committee were satisfied that Mr Judson was a fit and proper person they could grant the licence today. She advised that it would not be competent to grant a licence subject to a report being provided.

Councillor Martin sought and received confirmation from Mrs MacFadyen that the Committee could grant the licence for 6 months or get a report first.

Councillor Armour confirmed that he would like the hearing to be continued to April and in the interim period ask for a report to come from Social Work.

Decision

The Committee agreed to continue consideration of this Application to the next meeting in April 2023 and to request the Applicant submit a report from his health care provider to the Legal Team for consideration at the next meeting.

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

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
BY MICROSOFT TEAMS on WEDNESDAY, 22 MARCH 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Daniel Hampsey	Councillor Luna Martin
Councillor Graham Hardie	Councillor Peter Wallace
Councillor Fiona Howard	

Attending: Stuart McLean, Committee Manager
Fiona Macdonald, Solicitor
Kevin Hail, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Amanda Hampsey, Willie Hume, Mark Irvine and Paul Kennedy.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI CAR LICENCE (K HAIL, BONHILL, ALEXANDRIA)

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

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

APPLICANT

Mr Hail said that he received his first taxi licence in 1999 from West Dunbartonshire Council. He referred to the LVSA survey carried out in 2019 which, he noted, had concluded that there were a sufficient amount of taxis and private hire cars in the Helensburgh and Lomond area. He advised that from what he has heard from other taxi drivers and taxi car owners in Helensburgh and Lomond, there seemed to have been a down turn in the number of cars since the pandemic. He said that he also knew from the office he worked out of that they regularly had to send cars over to the Helensburgh and Lomond area to cover work there as they were short of cars.

He advised that he was looking to move over to Helensburgh and Lomond and that in September last year he obtained a taxi driver licence and that someone had offered him shifts. He advised, however, that he did not want to go back to working for someone else and that was why he had decided to apply for his own car licence. He said again that staff

in the office he was working out of at the moment were saying there was a shortage of cars in the Helensburgh and Lomond area and that was his second reason for applying for this licence.

MEMBERS' QUESTIONS

Councillor Green sought and received confirmation from the Council's Solicitor that there were currently 45 taxi car licences in the Helensburgh and Lomond area and that this was down from 48 when the LVSA survey was carried out in 2019.

Councillor Brown referred to Mr Hail working in Bonhill and running a taxi there. She asked Mr Hail, if he was granted this licence, would he continue to work in both areas. Mr Hail said that he could possibly keep his other licence if he was able to get another driver and, if that was not possible, he would surrender his other licence when it was due for renewal in July.

SUMMING UP

Applicant

Mr Hail advised that he had nothing further to add. He thanked the Committee for the opportunity to speak and he confirmed that he had received a fair hearing.

DEBATE

Councillor McCabe said that she would be happy to go with this licence and that she had no objection to this application especially as they were 3 short in the Helensburgh and Lomond area.

Councillor Hardie commented that he was quite surprised when he recently travelled through Helensburgh to see a queue of people waiting at the main taxi rank at Helensburgh Central station with no sign of any taxis. He said that he believed there was a shortage of taxis in the town especially at the weekends when it was busy.

DECISION

The Committee unanimously agreed to grant a Taxi Car Licence to Mr Hail and noted that he would receive written confirmation of this within 7 days.

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

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 22 MARCH 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Daniel Hampsey	Councillor Luna Martin
Councillor Graham Hardie	Councillor Peter Wallace
Councillor Fiona Howard	

Attending: Stuart McLean, Committee Manager
Fiona Macdonald, Solicitor
Sergeant David Holmes, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Amanda Hampsey, Willie Hume, Mark Irvine and Paul Kennedy.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

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

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NUMBER 6556) (A SIMPSON, DUNOON)

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

The Licence Holder opted to proceed by way of a written submission and a copy of this was circulated to the Committee in advance of the hearing.

The Chair outlined the procedure that would be followed and invited Police Scotland to speak in support of the Chief Constable's complaint.

POLICE SCOTLAND

Sergeant Holmes read out the contents of a letter from the Chief Constable dated 22 February 2023 which requested the immediate suspension of the licence and outlined the reasons for this.

LICENCE HOLDER

In the absence of the Licence Holder, the Committee Manager read out an email from Mr Simpson dated 22 March 2023.

MEMBERS' QUESTIONS

The Members were given the opportunity to ask questions.

SUMMING UP

Police Scotland

Sergeant Holmes advised that he had nothing further to add and confirmed that he had received a fair hearing.

DEBATE

The Members of the Committee debated the request to suspend the Taxi Driver Licence.

DECISION

The Committee unanimously agreed to suspend Mr Simpson's Taxi Driver Licence (Number 6556) with immediate effect for the unexpired portion of the Licence as they considered that Mr Simpson was no longer a fit and proper person to be the holder of the Licence.

(Reference: Report by Head of Legal and Regulatory Support and written submission from Licence Holder dated 22 March 2022, submitted)

ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE****LEGAL AND REGULATORY
SUPPORT****19 APRIL 2023**

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

1.0 EXECUTIVE SUMMARY

In terms of Section 17 of the Civic Government (Scotland) Act 1982, the Local Authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. The fares were last reviewed by members on 23rd March 2022 and took effect on 22nd April 2022.

A letter will be issued to all taxi operators on 24th April 2023 inviting their comments by 29th May 2023. A further report will be placed before the Committee at their meeting on 21st June 2023 detailing the comments received from the taxi operators.

2.0 RECOMMENDATIONS

The Committee are asked to:

- a) Agree to commence the review of fares in order that this can be completed within the 18 months required in terms of the Act.
- b) Agree that the consultation required in terms of the Act will be in writing.

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE

LEGAL AND REGULATORY
SUPPORT

19 April 2023

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

TAXI FARE SCALE REVIEW

1. SUMMARY

- 1.1** In terms of Section 17 of the Civic Government (Scotland) Act 1982, the Local Authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. The fares were last reviewed by members on 23rd March 2022 and took effect on 22nd April 2022.
- 1.2** A letter will be issued to all taxi operators on 24th April 2023 inviting their comments by 29th May 2023. A further report will be placed before the Committee at their meeting on 21st June 2023 detailing the comments received from the trade.

2. RECOMMENDATIONS

- 2.1** The Committee are asked to:
- a) Agree to commence the review of fares in order that this can be completed within the 18 months required in terms of the Act.
 - b) Agree that the consultation required in terms of the Act will be in writing.

3. DETAIL

- 3.1** Section 17 of the Civic Government (Scotland) Act 1982 states that “the licensing authority must fix scales for the fares and other charges within 18 months beginning with the date on which the scales came into effect”. In terms of the last review the fares came into force on 22nd April

2022. The next fares scale will need to come into force in October 2023. Therefore the review process would require to commence in April 2023.

3.2 At the 2022 review the committee agreed to a 15% increase so the fares changed as follows:-

Tariff 1 £3.00 to £3.45

Tariff 2 £3.60 to £4.14

Tariff 3 £4.20 to £4.83

Charges in respect of soiling remained as £100 (maximum), waiting and telephone bookings increased by 5p so from 35p to 40p per minute and from 30p to 35p respectively;

Although no changes were implemented to the yardage distances which are currently based on an initial charge, the initial charge increased as follows:-

Tariff 1 - 860yds and a subsequent charge from 20p to 23p for each additional 176 yards

Tariff 2 - 860yds and a subsequent charge from 20p to 23p for each additional 150 yards.

Tariff 3 - 860yds and a subsequent charge from 20p to 23p for each additional 120 yards.

As previously stated the most recent taxi fare scales took effect from 22nd April 2022.

3.3 In terms of Section 17 of the Act in carrying out a review of taxi fares, the licensing authority must –

- a) Consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area.
- b) Following the consultation –
 - (i) Review the existing scales
 - (ii) Propose new scales (whether at altered rates or the same rates).

3.4 The Act does not stipulate how the consultation should be effected.

4. CONCLUSION

4.1 Members are invited to agree that;

A) The next taxi fare review should commence in order that it can be completed within 18 months as required by the 1982 Act.

and

B) Agree that the consultation required in terms of the Act will be in writing.

5. IMPLICATIONS

5.1 Policy- None

5.2 Financial -none

5.3 Legal – The Council require to review taxi fares in terms of the Civic Government (Scotland) Act 1982

5.4 HR -none

5.5 Fairer Scotland Duty:-none

5.5.1 Equalities - protected characteristics-none

5.5.2 Socio-economic Duty-none

5.5.3 Islands -none

5.6 Climate Change-none

5.7 Risk-none

5.8 Customer Service-none

Douglas Hendry

Executive Director with responsibility for Legal and Regulatory Support

Policy Lead: Cllr Kieron Green

For further information contact: Sheila MacFadyen, Senior Solicitor

Tel: 01546 604265 Email Sheila.macfadyen@argyll-bute.gov.uk

Argyll & Bute Council
Development & Economic Growth

This report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) Section 36 consultation regarding the proposed Earraghail Renewable Energy Development on land south of Tarbert and north of Skipness, Argyll & Bute

Reference No:	22/00445/S36/ECU00003421
Applicant:	The Scottish Government on behalf of Scottish Power Renewables (UK) Limited
Proposal:	Electricity Act Section 36 consultation for Earraghail Renewable Energy Development, comprising thirteen onshore wind turbines around 78MW, solar photovoltaic array around 5MW and battery storage technologies (BESS) around 25 MW
Site Address:	Land South of Tarbert and North of Skipness, Argyll & Bute

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

- 13 wind turbines, up to 180 m to blade tip, including foundations and aviation lighting
- Ground mounted solar arrays
- Battery Energy Storage System (BESS) units
- Crane hardstandings for wind turbine installation and maintenance
- Transformer/switchgear housings located adjacent to turbines & solar arrays
- New (10.4 km) and upgraded (12.9 km) access tracks including watercourse crossings, passing places and turning heads
- Underground electrical cabling
- Compound containing substation, control building and BESS
- One main site construction and maintenance compound and a security compound
- Permanent lattice construction meteorological mast, up to 105 m high
- Health & safety and other directional site signage
- Search areas for up to 3 new borrow pit areas
- Peatland restoration, habitat improvement, and native woodland planting
- Proposed new walking bothy and stone seating on the Kintyre Way; circular walking route and viewpoint near Tarbert

Grid Connection – The grid connection may require consent under Section 37 of the Electricity Act 1989, which is the subject of a separate consenting process to this Section 36 application.

(B) RECOMMENDATION:

It is recommended that the Council as Planning Authority **OBJECTS** to this proposal for the reasons detailed below, and that the Scottish Government be notified accordingly. Members should note that an objection from the Council will instigate the requirement for a Public Local Inquiry to be held.

(C) CONSULTATIONS:

ENERGY CONSENT UNIT RESPONSES:

NatureScot (7th October 2022) – in summary, advise the ECU that **this proposal will have significant adverse day and night time effects on the special landscape qualities of the North Arran National Scenic Area (NSA) such that the objectives of the designation and overall integrity of the area would be compromised. NatureScot therefore object to this Proposal.** The Proposal (with turbines up to 180 m tall) will substantially compound the adverse effects of existing and consented wind farms from the western coast and hills of North Arran NSA. There will be a marked increase in the size, prominence and visual intrusion of turbines and turbine lighting will contribute to these effects. NatureScot also advise there are likely to be significant adverse effects on North Arran Wild Land Area (WLA) 03. In addition, there are natural heritage interests of international importance on the site, but NatureScot's advice is that these will not be adversely affected by the proposal. NatureScot also consider that the proposal will result in adverse effects, at a local scale, on a known golden eagle range.

NatureScot consultation response on Wild Land Area – North Arran (26th October 2022) – advised the ECU they object due to significant adverse effects on Wild Land Area (WLA) 03 - North Arran.

NatureScot notification on NPF4 and withdrawal of their objection on WLA – North Arran (15th February 2023) – advised the ECU their objection relating to significant adverse effects on Wild Land Area (WLA) 03 - North Arran is withdrawn. This is in light of NPF4 policies relating to Wild Land Areas. **Their objection on grounds of the effects of the proposal on the North Arran National Scenic Area (NSA) is maintained.**

NatureScot response to Additional Information (21st March 2023) – advise the ECU that they have no further comment to make on the Additional Information.

Historic Environment Scotland (4th May 2022) – advised the ECU they do not object and welcome where mitigation has been embedded into the design to reduce and avoid impacts on heritage assets and their settings. They note that some adverse impacts will remain on the settings of **Skipness Castle and Kilbrannan Chapel** (Property in Care and Scheduled Monument) and **the Dun Skeig, duns and fort** (Scheduled Monument).

Historic Environment Scotland response to Additional Information (6th March 2023) – advised the ECU they have no comments.

Transport Scotland (4th April 2022) – advised the ECU they are satisfied with the assessment of environmental impacts associated with increased construction traffic but require the submission of a Stage 1 Road Safety Audit for the proposed access junction before concluding their consultation.

Applicant's response to Transport Scotland with Stage 1 audit report (3rd August 2022) – the applicant provided the ECU with the Stage 1 Road Safety Audit requested by Transport Scotland.

Transport Scotland response – sign off Stage 1 Audit Report (4th October 2022) – advised the ECU they have no further comments to make regarding the Stage 1 Road Safety Audit.

Transport Scotland response to Additional Information (21st March 2023) – advised the ECU they are satisfied this has no impact on the conclusions of their previous responses which remain valid.

Scottish Environment Protection Agency (4th May 2022) – advised the ECU they are generally satisfied with the approach to issues in their remit relating to: GWDTE; Peat; Buffers; Mitigation; Watercourse Crossings; and Regulatory Requirements.

Marine Science Scotland response to Additional Information (9th March 2023) – provide advice to the ECU on fish surveys; site specific mitigation and fish monitoring programme; water quality monitoring programme; pre & post construction monitoring; and EcoW inspections.

Scottish Forestry (31st March 2022) – advised the ECU they had insufficient information to advise whether the proposal meets the requirements in the Practice Guide and recommended the Applicant provides additional information demonstrating the proposals alignment with the Practice Guide. They also advised they had insufficient information to agree a Compensatory Planting (CP) area, and recommended that the applicant provide additional information regarding the area of permanent removal of woodland and extent of peatland restoration achievable around the base of the turbines, with a recalculation of the CP required. Details of a Compensatory Planting condition are provided.

Applicants clarification to Scottish Forestry on Compensatory Planting (16th September 2022) – the Applicant provided clarification to the points raised in Scottish Forestry's consultation advice to the ECU.

Scottish Forestry – further comments on Compensatory Planting (20th September 2022) – advised the ECU the details provided address their concerns. Scottish Forestry recommend that the 56.3 hectares of compensatory planting is secured by a condition.

Scottish Forestry response to Additional Information (23rd March 2023) – advised the ECU that they have no comment.

Woodland Trust (1st April 2022) – advised the ECU they object on the basis of likely damage and loss to Bardaravine Wood, an area of 1a woodland of ancient semi-natural origin (ASNO) designated on NatureScot's Ancient Woodland Inventory (AWI).

Applicant's clarification is response to Woodlands Trust consultation comments (16th August 2022) – The Applicant provided a response to the points raised by the Woodlands Trust to the ECU.

Woodland Trust response to Additional Information (22nd March 2023) – advised the ECU they have reviewed the agent's response and acknowledge that the existing holiday park has resulted in the removal of Bardaravine Wood, and they withdraw

their objection to this element of the proposal. They oppose the loss of ancient woodland to facilitate proposed road widening works and highlight that NPF4 does not support the loss of ancient woodlands. They further advise that they do not support woodland translocation as a means of mitigation.

Royal Society for the Protection of Birds (22nd June 2022) – advised the ECU they do not object and provide advice, in relation to biodiversity and habitat management to minimise and ensure any impacts are fully mitigated and biodiversity benefits achieved. They ask that: a bird monitoring plan; habitat management plan; ecological clerk of works and post-construction monitoring are secured as conditions of any consent.

Scottish Water (25th February 2022) and Scottish Water response to Additional Information (21st February 2023) - advised the ECU they do not object, this does not confirm the proposal can be serviced. Advice is provided on: drinking water protected areas and surface water.

Ministry of Defence (MOD) (21st March 2022) – advised the ECU they have no objection subject to conditions to secure: aviation safety lighting and aviation charting & safety management.

Ministry of Defence response to Additional Information (6th March 2023) – advised the ECU their position has not changed. They have no objection subject to conditions to secure: aviation safety lighting and aviation charting & safety management.

National Air Traffic Services Safeguarding (NATS) (25th February 2022) – advised the ECU the proposal has been examined by their technical safeguarding teams and conflicts with their safeguarding criteria. Accordingly, NATS (En Route) plc objects. The reasons for NAT's objection is that a technical impact is anticipated, which has been deemed to be unacceptable.

Highlands & Islands Airport Limited (HIAL) (28th March 2022) – initially advised the ECU that, the proposal may infringe the safeguarding criteria for Campbeltown Airport. HIAL requested that the Applicant commission an Aviation Impact Feasibility Study (AIFS). With the aim of understanding any impact on the operation of Campbeltown Airports.

Highlands & Islands Airport Limited (HIAL) (18th October 2022) – advised the ECU they have no objection – they have reviewed the IFP Assessment and confirm the proposal does not impact the safeguarding criteria and operation of Campbeltown Airport.

Aberdeen International Airport response (7th March 2022) & Response to Additional Information (24th February 2023) – advised the ECU the proposal is located outwith their consultation zone. As such they have no comment.

Glasgow Airport (16th March 2022) – advised the ECU the proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria and they have no objection.

Glasgow Prestwick Airport (10th April 2022) – advised the ECU the proposal raises aviation safety concerns which have an operational impact on the Airport as an air navigation services provider. Until all technical and operational aviation safety

matters are addressed to the satisfaction of the Airport, and a mitigation agreement is put in place for the life of the wind farm, the Airport objects.

Glasgow Prestwick Airport response to Additional Information (20th February 2023) - no further comment – objection remains.

BAA Aerodrome Safeguarding (Edinburgh) response (28th February 2022) & Response to Additional Information (22nd February 2023) – advised the ECU the proposal lies outwith the Aerodrome Safeguarding zone for Edinburgh Airport and they have no objection.

BT (8th March 2022) – advised the ECU the project should not cause interference to BT's current and presently planned radio network.

Joint Radio Company (10th March 2022) – advised the ECU the proposal is cleared with respect to radio link infrastructure operated by: The Local Utility and Scotia Gas Networks.

Royal Yachting Association Scotland response (25th March 2022) & Response to Additional Information (17th February 2023) – advised the ECU they have no comment.

Ironside Farrar (22nd July 2022) – advised the ECU the Peat Landslide Hazard Risk Assessment (PLHRA) requires minor revisions. Given that there is a significant amount of peat on the site, some clarification and further justification is requested to address several queries, mainly relating to the methods of assessment.

Applicants response to Ironside Farrar (25th January 2023) – the Applicant provided a clarification letter to the ECU to address Ironside Farrar's comments.

Ironside Farrar – at time of writing, no further advice has been received in response to the clarification provided by the Applicant.

North Ayrshire Council (14th April 2022) – advised the ECU they do not object to but consider the proposal has the potential to have significant adverse impacts on the qualities of the North Arran NSA. They request that consideration is given to the significance of impacts on both Wild Land Area (WLA) 03 – North Arran and North Arran National Scenic Area designations when determining the suitability of the proposal. Furthermore, they understand that NatureScot provide consultation advice on the potential impacts on these designations.

Arran Community Council (3rd April 2022) – advised the ECU that there does not appear to be a strong adverse view of the proposal from Arran with the responses highlighting some of the issues around Visual impact. There are also views that we need to consider how future energy demand will be met if policy is to reduce carbon fuels. They will monitor the proposal and respond further if required.

East Kintyre Community Council (28th February 2022) – advised the ECU they object on the following grounds: a) visual amenity due to cumulative harmful visual impacts contrary to Argyll & Bute Council's LDP 6 and Proposed Local Development Plan 2 Diagram 7, and b) Community Development Amenity due to the wholesale harmful impacts to a designated Tourism development area. Details supporting this objection are provided in their letter to the ECU.

West Kintyre Community Council (15th May 2022) – conclude by advising the ECU that they consider the application would significantly affect the visual, residential and landscape amenity of the area to both its visitors and residents alike and trust the concerns of the local community will be considered fully when determining the application.

As a community they are increasingly aware of the effects of global warming and climate change and agree there is a need to develop a mix of strategies to combat this. The Scottish Government has set ambitious targets to help combat the effect of global warming. WKCC believe Kintyre is helping to achieve these targets by the number of operational, consented and under construction in planning or at appeal developments already present on the peninsula. Currently the peninsula hosts 180+ turbines either operational, under construction or approved, there are also 46 proposed turbines in planning awaiting a decision (including this application). Many residents state they increasingly feel they are not being heard due to the area being sparsely populated and producing good renewable on shore wind energy results and are therefore an easy option for governments wishing to reach these renewable targets.

WKCC object to the proposal on behalf of the local community and request that the issues raised by the community are taken into consideration when determining this application.

Tarbert & Skipness Community Council (30th May 2022) – advised the ECU they object to this proposal on the following grounds: significant landscape impacts; loss of residential visual amenity; shadow flicker; adverse impact of aviation lighting on dark skies; significant effects on Designated Landscapes; transformation of ancient path (forms opening section of Kintyre Way) linking Tarbert and Skipness (and their castles); adverse impact/direct damage on heritage and archaeological assets (castle, chapel, historical townships, bronze-age sites and ancient woodland); unacceptable proximity/ecological risk to largest area of ancient woodland on Kintyre (SSSI/SAC); destruction of ancient woodland Bardaravine (Woodland Trust); direct and indirect environmental impacts (rare, red-listed protected bird species (golden and sea eagles, black grouse and red-throated diver); downstream hydrological impacts (change in upland land use, vibration and sonic impacts); buffer zones inadequate to protect habitats and non-development areas around the site; unreasonable proximity to coastal fringe; significant negative cultural and natural heritage impacts; significant negative cultural and natural heritage impacts, reflected in changes to both the built and natural environment, contrary to SPP; adverse cumulative impact (clustering, amalgamation in Kintyre and Knapdale, and tunnelling effect B8001); adverse impact on maritime scenic qualities (ferry routes, key sea routes from Clyde to Tarbert); adverse impact on visitor experience in one of the most beautiful areas in the Firth of Clyde (uniquely dominated by wild-land views); significant local economic and employment impact; adverse impact on critical tourism sector; significant planning conflict with adjacent land use and business/community interests; and inadequate mitigation.

South Knapdale Community Council (21st June 2022) – advised the ECU they shall not be making formal comment, they remain neutral on this matter.

Skipness Estate (31st May 2022) – advised the ECU they object on the grounds detailed in the community statement. This response serves to raise additional points and supply information regarding the new land-holding developing eco-tourism and high-biodiversity agroforestry which stands to be rendered unviable, should the proposal be approved in its current design. A planning application has now been

submitted for this project and it is considered that only if turbine 3 (T3) were removed, would it have any hope of survival. If T3 was removed, and another visual and sonic assessment conducted a decision could be made as to whether the loss of visual and auditory amenity would render the project unviable. Further detail including: the history of their proposal; a complaint relating to unauthorised access; and the Design & Access Statement for the proposal are provided in their letter to the ECU. (Off grid-artists retreat).

Applicants clarification in response to Skipness Estate's consultation response (12th September 2022) – the Applicant provided a clarification letter to the ECU to address the points (access and eco-tourism and agro-forestry development at Altgalvash (22/01120/PPP)) raised in Skipness Estate's consultation response.

Skipness Estate further comments in response to RSK letter of 12th September 2022 (6th October 2022) – provide further comments to the ECU in respect to: the unacceptable consultation process; visual impact (T3); tourism impact; economic and employment impact; cultural, ecological and regional economic importance of the site; planning application (should have been included in cumulative assessment in EIAR); unauthorised access; ancient coastal woodland; adverse impacts of T3 and T5 on Skipness Castle, Kilbrannan Chapel, Skipness Point and beaches; aviation lighting; and will withdraw objection if T3, T5 and T6 are removed (would continue to support community objection to the entire development); communities are up in arms about the scale of development on the Kintyre Peninsula; proposal is contrary to both regional and national policy; and they are happy to cooperate with the government reporters in any further inquiry.

Note: 22/01120/PP (application referred to by Skipness Estate) was withdrawn on the 10th March 2023, following receipt of a statement of withdrawal from the Applicant dated 31st January 2023.

The following consultees have not responded to the ECU: Civil Aviation Authority, Crown Estate, Argyll Fisheries Trust, Argyll District Salmon Fishery Board, John Muir, Mountaineering Scotland, Scottish Rights of Way, Scottish Wildlife Trust, Scottish Wild Land Group, Visit Scotland, Maritime & Coastguard Service, West of Scotland Archaeology Service, OFCOM, Ericsson and Atkins; and Gigha, Ardrishaig, Kilfinnan and Bute & Cowal Community Councils.

ARGYLL & BUTE COUNCIL RESPONSES

ABC Landscape Consultant Review (April 2022) - advice to the Council is to raise an objection on landscape and visual grounds. This is principally because this proposal would introduce new visibility of prominent wind farm development into the Ardlamont Peninsula, affecting its character (including part of the Area of Panoramic Quality (APQ) covering this area) and views from coastal walks, Kilbride Beach, the B8000 and from the Portavadie Marina resort. This area is promoted as Argyll's 'Secret Coast' and is valued for its scenic qualities as evidenced by the APQ designation. The significant adverse effects that would affect the character of a broad seascape area (encompassing outer Loch Fyne/the western Sound of Bute and northern part of the Kilbrannan Sound) and also effects on views from the ferries across Loch Fyne and to Arran, which are popular with visitors, are of equal concern.

ABC Roads & Amenity Services (22nd March 2022) – no objection subject to conditions to ensure the site is accessed from the A83 Tarbet-Campbeltown Trunk Road, and no other public road is used to access the site; and, all vehicles leaving the site must leave by the site access that connects directly to the A83 Tarbet –

Campbeltown Trunk Road. They must not use the lightly constructed Local Authority maintained single track roads.

ABC Local Biodiversity Officer (22nd March 2022) – no objection, advice/comments provided in regard to: Borrow Pits; Peat Management Plan; Designations & Constraints; Ecological Interest; Habitat Management Plan; Forestry Assessment; Water Courses; Crossings; Species Surveys; European Protected Species; Monitoring; Ornithological Interest; and Construction Environment Management Plan. In summary, the Local Biodiversity Officer notes the contents of the Ecological including fish species and Ornithological surveys along with the Habitat Management, Peat Management and Forest Assessment Plans. The Local Biodiversity Officer supports the pre-construction start surveys and monitoring as set out in the CEMP. The Ecological and Ornithological mitigations are to be included in the CEMP, as well as specific Toolbox talks and monitoring of species, watercourses including keeping a log of any issues relating to silt contamination and any bird strikes, all to be overseen by an Ecological Clerk of Works.

ABC Flood Prevention Officer (13th May 2022) – no objections subject to conditions. It is recommended that planning conditions to the effect of the following be attached to any consent granted for this application: Watercourse crossings not to reduce the existing capacity of the channel and ideally be designed to convey the 1:200 year plus climate change flow plus an allowance for freeboard; and drainage to be designed in accordance with CIRIA C753 guidance and Sewers For Scotland 4th edition.

ABC Noise Consultant (3rd March 2023) - desktop review and site survey concludes that good practice has been adopted by the applicant, with a few minor issues identified. The most significant of these issues is the identification of a number of derelict buildings within 2km of the site boundary, for which the planning status is unknown, for which, the ongoing residential use should be established. If it remains the planning authorities wish that these properties should remain with a residential use, then these should be reassessed by the Applicant, including where relevant the battery storage equipment which may become significant. As presented, the wind farm will not exceed 31 dB LA90 at any receptor or any wind speed up to 12m/s. This makes the site suitable for adopting the ETSU-R-97 simplified noise limit of 35 dB LA90 at any wind speed up to 12m/s for day or night periods. However, the developer may wish to have a higher headroom and request a noise limit based on background + 5dB, with a lower fixed limit. If this is considered, the Noise Consultant suggests a lower fixed limit of 35 dB LA90 daytime and 38 dB LA90 night-time to be appropriate for this scheme. In the absence of any new residential receptors being identified (e.g. currently derelict properties), there are no reasons to object to the scheme on noise grounds, but a suitably worded condition to limit the noise levels, tonality and amplitude modulation should be applied.

West of Scotland Archaeology Service – at time of writing no response has been received (Officers tried to secure a response and have highlighted the proposal was scheduled to be reported to committee).

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

(D) REPRESENTATIONS:

As the Council is not the determining Authority all letters of representation are considered by the Energy Consents Unit. At time of writing, public representation figures stand at 12 of which 11 are objections and 1 is in support, all of which are published on the ECU website. The main issues raised are summarised below:

Material Considerations raised in the objections are summarised as follows:

- Adverse Ecological Impact (river systems, biodiversity, protected habitats, inadequate buffer zone)
- Adverse Ornithological Impact (rare birds, eagle strikes)
- Adverse Impact on Ancient Woodland (largest protected SSSI/SAC on Kintyre)
- Adverse Landscape & Visual Impacts (including from Arran)
- Adverse Impact on Landscape Designations (Arran's National Scenic Area,
- Adverse Cumulative Landscape & Visual Impact (with Transmission Infrastructure and other wind farms (capacity has been reached)
- Adverse Aviation Lighting Impacts (visual impact, dark skies, light pollution, impact on local astronomers, impacts on Arran)
- Adverse Tourism Impact (including adverse visual impact on Portavadie Leisure Facilities – one of the main attractions is the stunning views over to Kintyre which will be adversely affected by the proposal)
- Adverse Economic Impact – due to impact on tourism
- Adverse Cultural Heritage Impact
- Adverse Impact on Kintyre Way
- Adverse Impact on Coastal Fringe – proximity, out of scale with coastal fringe surroundings.
- Minimal Socio-economic benefits v Adverse Tourism Impacts
- Connection from the Transmission Network to the wind farm should be underground.
- The Scottish Government have already overturned local objections to wind farms on Kintyre.
- Contrary to the Argyll & Bute Landscape Wind Energy Capacity Study (2017)
- Lack of consultation with local businesses, communities and community councils
- Wind farms/Renewable Energy Developments and their Transmission Lines should be dealt with in an integrated manner (consultation and applications)
- Precedent - a precedent will be established for further 180m high development southwards along Kintyre.
- Capacity - No more wind farms should be built on Kintyre. Offshore wind should become the predominant location for wind farms.

Considerations raised in support are summarised as follows:

- Positive Impact for RTS Forestry, working on current projects within Kintyre. Have been able to develop and sustain business including direct employment of over 50 staff and indirect employment of c120 full time equivalent sub-contractors within the forestry industry. A significant proportion of these have and continue to be involved in infrastructure and renewable energy projects such as Earraghail (planning & development, site preparation works, and design and delivery of mitigation works e.g. compensatory planting to assist in The Scottish Government Policy on Woodland Removal.

The following matter raised in representations is not a material planning consideration:

- Community Benefit

Public Consultation – Whilst not a statutory requirement for Section 36 applications, the applicant has undertaken Public Consultation. Further information on this is contained in the Pre-Application Consultation Report (February 2022) which is available on the ECU website (reference: ECU00003421).

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

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

(E) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report(EIAR):** Yes

EIAR (February 2022) presented in 4 volumes:

- Volume 1: Non-Technical Summary
- Volume 2: Environmental Impact Assessment Report (EIA Report)
- Volume 3: EIA Report Figures
- Volume 4: EIA Report Technical Appendices

Key matters covered in the EIAR include: Introduction; Site Description and Design Evolution; Proposed Development; Climate Change, Renewable Energy and Planning Policy; EIA Approach and Methodology; Scoping and Consultation; Landscape and Visual Impact Assessment; Ecology; Ornithology; Hydrology, Hydrogeology, Geology and Soils; Archaeology and Cultural Heritage; Access, Traffic and Transport; Noise; Socio-economics, Recreation and Tourism; Other Issues; and Schedule of Commitments.

The EIAR should be read with the following supplementary documents:

- Planning Statement
- Design and Access Statement (DAS)
- Pre-Application Consultation Report (PAC Report)
- **Additional Information (10th February 2023)** – includes viewpoints and visualisations from the Isle of Arran (requested by NatureScot); correspondence from stakeholders clarifying matters in the EIAR (Appendix A – D); and update on aviation consultation status (requested by ECU).
- **Planning Statement Addendum (16th March 2023)** – prepared to provide an updated policy context for the proposed development. Since the application was submitted the Scottish Government has adopted the National Planning Framework 4 (NPF4), a revised Onshore Wind Policy

Statement (OWPS) and published the Draft Energy Strategy and Just Transition Plan.

- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes – the proposal is likely to have a significant effect on the Western acidic oak woodland feature of the Tarbert Woods SAC. Consequently, the ECU, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest.
- (iii) **A Design or Design/Access statement:** Yes (February 2022)
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc.:** All relevant reports are encompassed within the EIAR and Additional Information.

(F) Statutory Development Plan (NPF4 and LDP) 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.**

National Planning Framework 4 (Adopted 13th February 2023)

Part 2 – National Planning Policy

Policy 1 – Tackling the Climate and Nature Crises

Policy 2 – Climate Mitigation and Adaption

Policy 3 – Biodiversity

Policy 4 – Natural Places

Policy 5 – Soils

Policy 6 – Forestry, Woodland and Trees

Policy 7 – Historic Assets and Places

Policy 11 – Energy

Policy 12 – Zero Waste

Annex B – National Statements of Need

3. Strategic Renewable Electricity Generation and Transmission Infrastructure

Argyll & Bute Local Development Plan (2015)

Policy LDP STRAT 1 – Sustainable Development

Policy LDP DM1 – Development within the Development Management Zones

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

Policy LDP 5 – Supporting the Sustainable Growth of Our Economy

Policy LDP 6 - Supporting the Sustainable Growth of Renewables

Policy LDP 8 – Supporting the Strength of Our Communities

Policy LDP 10 – Maximising our Resources and Reducing our Consumption

Policy LDP 11 – Improving our Connectivity and Infrastructure

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

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

Supplementary Guidance 2- Renewable Energy (December 2016) (December 2016)

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

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

- Draft Energy Strategy and Just Transition Plan (January 2023)
- Onshore Wind Policy Statement (OWPS) (December 2022)
- Historic Environment Policy for Scotland (HEPS, 2019)
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
- Scottish Government Good Practice Principles for Shared Ownership and Community Benefit of Onshore Renewable Energy Developments (May 2019)
- Argyll & Bute Landscape Wind Energy Capacity Study (2017)

- Siting and Designing Wind Farms in the Landscape, SNH (August 2017)
- ABC Technical Note – Biodiversity (Feb 2017)
- Onshore Wind Turbines: Planning Advice, Scottish Government (May 2014)
- Guidance for Landscape and Visual Impact Assessment, 3rd Edition, Landscape Institute, and Institute of Environmental Management & Assessment, (2013)
- PAN 1/2011: ‘Planning and Noise’ (March 2011)
- The Scottish Government’s Policy on ‘Control of Woodland Removal’ (Forestry Commission Scotland 2009)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- Views of statutory and other consultees;
- Planning history of the site
- Legitimate public concern or support expressed on relevant planning matters

Argyll & Bute proposed Local Development Plan 2 (November 2019) – The Reporters have written to Argyll & Bute Council regarding the Proposed Local Development Plan 2, which is currently at Examination. Due to the status of National Planning Framework 4 the reporters are currently determining what, if any, further processes are required as a consequence. Although PLDP2 remains a material consideration it is now subject to this further assessment **against NPF4 policies**. Therefore, it is considered appropriate **not** to attach significant weight to PLDP2 **policies** during this time, i.e. until the consequences of NPF4 **policies** for the PLDP2 have been assessed by the Reporters and the Examination report is issued. **Specific sites in PLDP2 that have not received objections and are not being dealt with at the Examination may continue as strong material considerations, e.g. allocations and potential development areas.**

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

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

Author of Report: Arlene Knox

Date: 6th April 2023

Reviewing Officer: Sandra Davies

Date: 6th April 2023

Fergus Murray
Head of Development & Economic Growth

RECOMMENDED REASONS FOR OBJECTION TO: 22/00445/S36

1. Landscape & Visual Impact (including cumulative)

The proposed development site lies within the Upland Forest Moor Mosaic Landscape Character Type (LCT) identified in the Argyll & Bute Landscape Wind Energy Capacity Study. This landscape has some characteristics which reduce sensitivity to large scale wind energy development including a generally simple landform and landcover and an expansive scale. These uplands already accommodate a number of operational and consented wind farms. One of the more sensitive features of this LCT is the rugged and minimally modified coastline between Skipness and Tarbert.

There would be relatively limited visual intrusion associated with the proposal from the West Loch Tarbert area, Gigha and the eastern and western coastal edges of Kintyre. The proposal would however be widely visible across the broad sea basin formed by outer Loch Fyne, the Sound of Bute and the north Kilbrannan Sound and from the western part of the Ardlamont Peninsula and the north Arran coast and hills.

This proposal would have significant adverse effects on part of the Upland Forest Moor Mosaic LCT affecting the development site and an area approximately 3km beyond outer turbines. The proposal would also have significant adverse indirect effects on the character of part of the Rocky Mosaic LCT over the western part of the Ardlamont Peninsula. An area of seascape (comprising the broad sea basin of outer Loch Fyne, the northern part of the Kilbrannan Sound and the western Sound of Bute and associated coastal fringes) would also be significantly and adversely affected by the proposal.

The proposal is not located in a designated or otherwise formally valued landscape but it would indirectly and significantly affect some of the qualities of the Area of Panoramic Quality (APQ) covering the western part of the Ardlamont Peninsula.

In terms of visual impact, this proposal would principally significantly affect views from the western coast and open hills of the Ardlamont Peninsula including from parts of the Portavadie Marina resort. It would have significant adverse effects from the sea including from the Tarbert/Claonaig to Lochranza and Portavadie to Tarbert ferries, which are routes popular with tourists, and from a section of the Kintyre Way.

This proposal could be one of the first wind farms to introduce lighting to the dark skies of Argyll & Bute with all 13 turbines having visible aviation lighting on nacelles and towers. The Applicant has committed to installing an Aircraft Detection Lighting System (ADLS). Such a system would substantially reduce the duration of night-time lighting as lights would only come on when an aircraft approaches. The effects of constant night-time lighting (without the installation of an ADLS) would be significant and adverse from parts of Argyll & Bute and north Arran but would not be significant if an ADLS was installed.

All wind farm proposals are likely to incur significant landscape and visual effects and it is therefore important to gauge the range, extent and severity of effects in making judgements on acceptability in landscape and visual terms. Having evaluated the likely landscape and visual effects of this proposal, and additionally compared these with operational, consented and application-stage wind farms, Argyll & Bute Council object on landscape and visual grounds. This is principally because this proposal would introduce new visibility of prominent wind farm development into the Ardlamont Peninsula, affecting its character (including part of the APQ covering this area) and views from coastal walks, Kilbride Beach, the B8000 and from the Portavadie Marina resort. This area is promoted as Argyll's 'Secret Coast' and is valued for its scenic qualities as evidenced by the APQ designation. The significant adverse effects that would affect the character of a broad seascape area

(encompassing outer Loch Fyne/the western Sound of Bute and northern part of the Kilbrannan Sound) and also effects on views from the ferries across Loch Fyne and to Arran, which are popular with visitors, are of equal concern.

Having due regard to the above it is concluded that the proposal will have significant adverse landscape and visual impacts and is therefore inconsistent with the provisions of: Policy 11 – Energy and Policy 4 – Natural Places of National Planning Framework 4, Policies LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; and SG LDP ENV 14 – Landscape; SG 2 Renewable Energy of the Argyll & Bute Local Development Plan; and guidance contained in the Argyll & Bute Landscape Wind Energy Capacity Study 2017.

2. Aviation

National Air Traffic Services Safeguarding (NATS) have advised that an unacceptable technical impact is anticipated and they object. Glasgow Prestwick Airport advise that the development raises aviation safety concerns which have an operational impact on the airport as an air navigation services provider. Until all technical and operational aviation safety matters are addressed to the satisfaction of Glasgow Prestwick Airport, and a mitigation agreement is put in place for the life of the wind farm, the airport also objects to the proposal.

National Development Plan Policy 11 – Energy requires aviation matters to be addressed, and Local Development Plan Policy is clear that developments that have an adverse impact on the Safeguarding of Airports should be refused.

Having due regard to the above it is concluded that due to the fact that National Air Traffic Services Safeguarding (NATS) and Glasgow Prestwick Airport have advised the Energy Consents Unit that they object to the proposal, it will have an adverse impact on aviation and is therefore inconsistent with the provisions of: Policy 11 – Energy of National Planning Framework 4, Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Policy SG TRAN 7 – Safeguarding of Airports, and Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan.

Argyll & Bute Council therefore object to the proposal due to the adverse impact it would have on Aviation. The Energy Consents Unit should please note that in the event that National Air Traffic Services (NATS) and Glasgow Prestwick Airport withdraw their objections, then Argyll & Bute Council would no longer object on these grounds. Should these objections not be removed and the proposal progresses to an Inquiry, Argyll & Bute Council would defer to National Air Traffic Services and Glasgow Prestwick Airport as the Technical Experts on this matter.

Notes for the Energy Consents Unit

Battery Storage – Whilst, the provision of battery storage meets the requirements of policy, Officers are concerned that no consideration has been given to the Landscape & Visual Impact of this battery storage facility. This is would comprise large shipping containers located in a rural landscape. Before a decision is reached on this proposal by the ECU it is the view of Argyll & Bute Council that any impacts of this needs to be considered/clarified

Noise – Argyll & Bute Council would be grateful to receive clarification from the Applicant in respect to the points raised by the Noise Consultant on residential receptors (derelict properties).

Historic Environment - Whilst it is acknowledged that Historic Environment Scotland have not objected to this proposal, it has not been possible for Argyll & Bute Council to reach a conclusion on the proposals acceptability in this regard in the absence of advice from the West of Scotland Archaeology Service.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 22/00445/S36

PLANNING LAND USE AND POLICY ASSESSMENT

A. THE SECTION 36 CONSENTING REGIME

In Scotland, any application to construct or operate an onshore power generating station with an installed capacity of over 50 megawatts (MW) requires the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Any ministerial authorisation given would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this process is one of a consultee along with various other consultation bodies.

The Development Plan is not the starting point for consideration of S36 applications. This is because Sections 25 and 37 of the Town & Country Planning (Scotland) Act 1997 which establish the primacy of LDP policy in decision-making, are not engaged in the deemed consent process. NPF4 and the Local Development Plan now form the Statutory Development Plan. Whilst the Statutory Development Plan does not have primacy in S36 decision-making it still remains an important material consideration informing the Council's response to the proposal.

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

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

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

Similarly, it obliges the Scottish Ministers in their capacity as decision maker to have regard to the desirability of the matters at a) and the extent to which the Applicant has complied with the duty at b).

Consideration of the proposal against both NPF4 (2023) and the adopted Argyll & Bute LDP 2015 will ensure that proper consideration is given by the Council to the extent to which the proposal satisfies these Schedule 9 duties.

It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by Scottish Ministers. In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry (PLI) if they are minded to approve the proposal. They can also choose to hold a PLI in other circumstances at their own discretion. Such an Inquiry would be conducted by a Reporter(s) appointed by the Directorate for Planning and Environmental Appeals. In the event that consent is given, either where there has been no objection from the Council, or where objections have been overruled following PLI, the Council as Planning Authority would become responsible for the agreement of matters pursuant to conditions, and for the ongoing monitoring and enforcement.

This report reviews the policy considerations which are relevant to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations undertaken by the Council, and 3rd party opinion expressed to

the Scottish Government following publicity of the application by them. It recommends views to be conveyed to the Scottish Government on behalf of the Council before a final decision is taken on the matter. The conclusion of this report is to recommend that the Council raise an Objection to this Section 36 consultation on Landscape & Visual and Aviation Grounds for the reasons detailed in this report.

B. SETTLEMENT STRATEGY

Policy LDP DM1 establishes acceptable scales of development in three different 'zones' or the 'Settlement Strategy'. In terms of the local development plan proposals map, the proposal is predominantly located within 'Very Sensitive Countryside'. In the Very Sensitive Countryside, only specific categories of development are supported. This however includes renewable energy related development. In principle, policy LDP DM 1 supports renewable energy and ancillary developments in these areas, providing they are consistent with all other Local Development Plan Policies.

Policy 11 – Energy and Policy LDP 6: Renewable Energy provides the primary policy framework for assessing wind farms. In this case, it is considered that it has not been demonstrated that the scale and location of the proposal, will integrate sympathetically without giving rise to adverse consequences in terms of: landscape & visual impact (including cumulative) and aviation. For the reasons detailed below in this report, it is considered that this proposal does not satisfy Development Plan Policy and associated guidance in respect of renewable energy development.

Having due regard to the above it is considered that due to significant adverse Landscape & Visual Impact (including cumulative) and Adverse Aviation Impact this proposal cannot be considered 'sustainable' and is therefore contrary to the provisions of LDP DM1 – Development within the Development Management Zones.

C. ENERGY & SUPPORTING THE SUSTAINABLE GROWTH OF RENEWABLES

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

This proposal has been assessed primarily against the criterion in the two lead Statutory Development Plan policies relating to renewable energy. These are: Policy 11 – Energy of National Planning Framework 4 and Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan. Other policies are referred to where relevant. It should be noted that in accordance with the advice of the Chief Planner, where there are discrepancies between these policies or the LDP policy is out-of-date, the default position is to defer to Policy 11. An example of this is the reference to SPP and the Spatial Framework in Policy 6. SPP is no longer extant and the requirement for a Spatial Framework has not been carried forward to NPF4. Consequently, it has not been considered in this report.

D. LOCATION, NATURE AND DESIGN OF PROPOSED DEVELOPMENT

Location - The proposal is located within the forestry areas of Skipness and Corranbuie between Tarbert, to the north east, and Skipness, to the south, situated within the northern part of Kintyre Peninsula. The nearest turbines are located approximately 5.7 km south of Tarbert and 3 km north of Skipness.

The Site - is dominated by the Corranbuie (1065ha) and Skipness (1165 ha) forests, and the land consists predominantly of commercial forestry. The topography of the site is variable and undulating and is dictated by 5 small hills within the forested areas: Cnoc nan Caorach (254 m AOD), Cruach Bhreac (351 m), Cruach na Machrach (346 m), Guallan Mhor (303 m) and Meall Donn (276 m).

The main transport route within the immediate area is the A83 trunk road which serves the Kintyre peninsula between Tarbert and Campbeltown and passes the north western end of the site. The B8001, also a key route runs along the western end of the site. The Kintyre Way walking route traverses parts of the site. There is an additional walking route, Corranbuie Walking Trail, a circular route from Tarbert that is also part of the Kintyre Way that passes along part of the northern boundary.

There are several Landscape designations outwith the site, the North Arran National Scenic Area (NSA) and Special Landscape Area (SLA), and the Argyll & Bute Council Areas of Panoramic Quality (APQ). Tarbert Woods Special Area of Conservation (SAC) is the closest natural heritage designation. The Local Nature Conservation Site West Loch Tarbert adjacent and to the west of the site, while 0.8 km north west and 0.5 km to the west is the Glen Ralloch to Baravalla Woods Site of Special Scientific Interest (SSSI). The nearest Special Protection Areas (SPAs) are Knapdale Lochs SPA & Kintyre Goose Roosts SPA, respectively 8.3 km and 14.9 km away. The Sound of Gigha proposed SPA (pSPA) is 0.2 km away. Skipness Castle and Kilbrannan Chapel schedule monument, a medieval chapel and castle, are located 1.5 km south east.

Description of the Proposal - The proposal comprises 13 three-bladed horizontal axis wind turbines up to 180 m tip height, with a rated output of 78 megawatts (MW) and ground mounted solar arrays of around 5 MW, producing a combined output of around 83 MW or between 230-280GWh of electricity annually. A battery energy storage system (BESS) of around 25 MW would also be installed to store generated renewable energy and provide flexible management of energy delivery and ancillary support services to the National Grid.

In addition to the turbines, solar arrays and BESS, the proposal also includes: aviation lighting; turbine foundations; crane hardstandings; transformer/switchgear housings; up to 3 borrow; a permanent lattice meteorological mast, up to 105 m high; underground cabling; new (10.4 km) and upgraded (12.9 km) access tracks; watercourse crossings; passing places and turning heads; one main site construction and maintenance compound and a security compound; health & safety and other directional site signage; compound containing substation, control building and BESS; peatland restoration; habitat improvement; native woodland planting; proposed new walking bothy and stone seating on the Kintyre Way; circular walking route and viewpoint near Tarbert.

As a result of any possible issues encountered during site construction it may be necessary to microsite elements of the proposal. It is proposed that a 50m micrositing tolerance from turbines and other infrastructure would be applied and within this distance any micrositing would be agreed in advance.

The proposal would require 110.79ha of woodland to be felled in order to facilitate wind turbines, solar arrays and associated infrastructure. Forestry felling will be required in a 108m key holed radius from each turbine location within woodland to allow for construction, operation and environmental mitigation, including bat habitat standoff distances. In line with the Scottish Government's Control of Woodland Removal Policy, compensatory planting (CP) of an area equivalent to the net loss, or habitat restoration would be undertaken. Of the 110.79 ha of forestry to be felled, approximately 27.18ha could be replanted following completion of the construction phase.

The proposal is anticipated to have an operational life of 40 years, after which it would be decommissioned, and the turbines dismantled and removed. Effects associated with carbon emissions during manufacturing and pay-back period during operation have been calculated – estimating a total of 22 months of operation to offset life-cycle emissions.

The proposal would be connected to the substation and electricity network via an onsite control building. The control building would also host solar panels on the roof to reduce the carbon footprint of the building and will likely include other energy efficient measures, such as electric vehicle charging points and rainwater harvesting. A small car park will also be located adjacent to the control building.

Access - access is via the A83 at Tarbert Holiday Park to the north of the site.

Grid Network - The grid connection does not form part of the section 36 consent application. The proposal would connect to the electricity transmission network via an SSE overhead line (OHL) between Crossaig and Craig Murrail substations. The grid connection may require consent under Section 37 of the Electricity Act 1989, which is the subject of a separate consenting process to this Section 36 application.

Infrastructure

Audit of Proposal - Scottish Water have considered the EIAR and the Additional Information and has advised the ECU that they have no objection, however, they advise that this does not confirm the proposal can be serviced. They also provide advice on drinking water protected areas, surface water and general notes.

Drinking Water Protected Areas – Scottish Water has advised the ECU that a review of their records indicates that there are no Scottish Water drinking catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposal.

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

E. NET ECONOMIC IMPACT, INCLUDING LOCAL AND COMMUNITY SOCIO-ECONOMIC BENEFITS

Policy 11 – Energy of NPF4 states that proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan require all applications for wind turbine developments to be assessed in terms of net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

The EIAR, Planning Statement and Planning Statement Addendum detail the benefits the proposal will bring to the economy. In summary, the benefits during construction include: The capital expenditure during the construction phase is estimated to be approximately £117.1 million (including solar), approximately £13.78 million spent in the local economy and approximately £43 million spent in Scotland as a whole; The local economy would be expected to be boosted by a total of £4.2 million of net Gross Value Added (GVA) 2 during the construction period. The Scottish economy would benefit by approximately £17.4 million net GVA; and during construction, the proposal is expected to support employment in the Argyll &

Bute economy which has the potential to be beneficial for local residents. There would be 53 person years of employment benefiting local residents and approximately 215.4 person years of employment for Scotland as a whole.

During the operational phase, the proposal is expected to support, in net terms, 9 permanent person years of employment benefiting local residents and 13 permanent person years of employment for Scotland as a whole.

Experience from other renewable energy projects developed and constructed by the Applicant indicates that a wide selection of supply chain businesses could expect to benefit from the investment in the local and Scottish economy, including haulage, aggregates supply, forestry services, building services, fencing, plant hire and security. The Applicant is committed to employing good practice measures regarding maximising local procurement.

It is considered likely that the proposal would operate in combination with other renewable energy projects in the area to encourage the development of the relevant skills and longer term business opportunities as Argyll and Bute continues to capitalise on its natural energy resources as part of its commitment to economic recovery and response to climate change. Therefore, the Applicant concludes that for both construction and operational phases, the socio-economic effects at the level of Argyll & Bute are considered beneficial.

The EIAR advises that Community Benefit Funds would be made available for the local community. Community Benefit is not however, considered to be a 'material planning consideration' in the determination of planning applications. If permission were to be granted, the negotiation of any community benefit, either directly with the local community or under the auspices of the Council, would take place outside the application process.

Tarbert & Skipness Community Council have advised the ECU that they object on the grounds of significant local economic and employment impact and significant planning conflict with adjacent land use and business/community interests. Skipness Estate have advised the ECU that they object to the proposal on the grounds of economic and employment impact. They have also raised concerns regarding the impact of the proposal on a planning application for an eco-tourism and high-biodiversity agroforestry which they had submitted. However, it is understood that this application has now been withdrawn.

Having due regard to the above it is considered a degree of net economic impact, including local and community socio-economic benefits, typical of such developments will be provided. It is therefore concluded that the proposal is consistent with the provisions of Policy 11 – Energy of NPF4, Policies LDP DM1 – Development within the Development Management Zones; LDP 6 – Supporting the Sustainable Growth of Renewables and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan.

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

Policy 11 – Energy of NPF4 requires that project design and mitigation will demonstrate how impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker have been addressed. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan require all applications for wind turbine developments to be assessed in terms of impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker (including cumulative).

Noise – It has not been possible to obtain advice from Environmental Health on Noise. Consequently, the advice of an independent Noise Consultant has been obtained. They have advised that good practice has been adopted by the applicant, with a few minor issues identified. The most significant of these issues is the identification of a number of derelict buildings within 2km of the site boundary, for which the planning status is unknown, and for which the ongoing residential use should be established. If it remains the planning authorities wish that these properties should remain with a residential use, then these should be reassessed by the applicant, including where relevant the battery storage equipment which may become significant. As presented, the wind farm will not exceed 31 dB LA90 at any receptor or any wind speed up to 12m/s. This makes the site suitable for adopting the ETSU-R-97 simplified noise limit of 35 dB LA90 at any wind speed up to 12m/s for day or night periods. However, the developer may wish to have a higher headroom and request a noise limit based on background + 5dB, with a lower fixed limit. If this is considered, the Noise Consultant suggests a lower fixed limit of 35 dB LA90 daytime and 38 dB LA90 night-time to be appropriate for this scheme. In the absence of any new residential receptors being identified (e.g. currently derelict properties), there are no reasons to object to the scheme on noise grounds, but a suitably worded condition to limit the noise levels, tonality and amplitude modulation should be applied.

Air Quality, Lighting and Private Water Supplies – It has not been possible to obtain advice from Environmental Health.

Shadow Flicker – the EIAR concludes that no properties will experience Shadow Flicker effects from the proposal.

Tarbert & Skipness Community Council have advised the ECU that they object to the proposal on the grounds of shadow flicker. The EIAR concludes that no properties will experience this, consequently, it is considered that the proposal is satisfactory in this regard.

Having due regard to the above it is considered that subject to clarification being provided in respect to the derelict properties referred to by the Noise Consultant, and subject to the recommended conditions being applied in the event that consent is granted it is considered that the proposal is consistent with the provisions of Policy 11- Energy, and Policies 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 6 – Supporting the Sustainable Growth of Renewables and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan.

G. SIGNIFICANT LANDSCAPE AND VISUAL IMPACTS (INCLUDING CUMULATIVE)

Policy 11 – Energy of NPF 4 requires that project design and mitigation demonstrates how significant landscape and visual impacts have been addressed, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Policy 11 – Energy of NPF4 also states that proposals that impact on international or national designations will be assessed in relation to Policy 4. Policy 4 – Natural Places of NPF4 states that proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where: the objectives of the designation and the overall integrity of the areas will not be compromised; or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. Proposals that affect a landscape area in the LDP will only be supported where: development will not have significant adverse effects on the integrity of

the area or the qualities for which it has been identified; or any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against landscape and visual impacts, including effects on wild land (including cumulative).

Argyll & Bute Council's landscape consultant provides the following advice:

Introduction – A review of the landscape and visual effects of the proposal has been undertaken following review of the EIAR dated February 2022 and additionally informed by field work, to consider potential landscape and visual effects, including cumulative effects with the applications for the Narachan and Rowan wind farms.

The proposed development - The proposal comprises 13 turbines, 180m to blade tip and ancillary development including a battery storage compound, solar array and access tracks. Access would be from the A83, south-west of Tarbert. The wind farm would be largely located in an area of productive forestry owned by Forestry and Land Scotland and keyhole felling is proposed to accommodate turbines and other development. This would result in a loss of 110 hectares of forestry and compensatory planting will be undertaken by the Applicant. The proposals also include an area of native woodland planting and restoration of peatland and moorland.

Visible aviation lighting is proposed on all 13 turbines with 2000 candela medium intensity lights affixed to nacelles with these able to be dimmed to 200 candela when visibility is good. Low intensity lights would additionally be fixed half-way up each turbine tower. Nacelle lights would be subject to shielding which would reduce the intensity of lighting experienced from lower elevations. The Applicant is committed to the installation of an Aircraft Detection Lighting System (ADLS) which would substantially reduce the duration of night-time lighting as lights would only come on when an aircraft approaches. This commitment is dependent on the agreement of the Civil Aviation Authority (CAA) but there is confidence that such a system could be deployed by 2025 at the latest, as explained in EIA-R Technical Appendix 15.5¹.

Information provided in the Landscape and Visual Impact Assessment (LVIA) - The LVIA has been undertaken in general accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition although it differs from many other LVIA in the way effects on visual receptors are assessed. The level of detail provided is appropriate and consideration has also been given to seascape and coastal character, relevant given the location of the proposal. The Council's Landscape Consultant considers that effects on some landscapes and on seascape character are under-estimated in the LVIA although visual effects are generally accurate for identified receptor groups.

The figures supporting the LVIA are clear and informative with representative viewpoint location maps, the Zone of Theoretical Visibility (ZTV) map, taking into account screening by woodland, and photographs and wirelines illustrating sequential effects from ferry routes especially useful.

2017 Argyll & Bute Landscape Wind Capacity Study - The proposed wind farm lies within the *Upland Forest Moor Mosaic* Landscape Character Type (LCT) identified in the Argyll & Bute Landscape Wind Capacity Study (LWECS). This LCT covers the Kintyre peninsula between Machrinhanish/Campbeltown in the south and West Loch Tarbert in the north.

¹ This document is called Technical Appendix 15.4 in the document footer and in cross references in some of the chapters within the main EIA-R

This LCT has a predominantly large scale and simple landform and landcover. While these key characteristics are generally less sensitive to larger wind turbines, smaller scale hills and glens on the outer fringes of these uplands and the remote and little modified coast between Skipness and Tarbert are specifically noted in the study as being of increased sensitivity. The proposed turbines, which would be up to 180m high to blade tip, would fall within the 'Very Large' typology considered in the LWECS. The LWECS concludes that the sensitivity of the *Upland Forest Moor Mosaic* LCT is high-medium to wind turbines of this size. The guidance set out in the study for this LCT advises that there is very limited scope for additional turbines to be accommodated within this landscape principally due to potential cumulative effects that could occur on the coastal fringes of Kintyre and on views from Arran and Gigha. Since the study was issued in 2017 the Eascairt, Clachaig Glen, Beinn an Tuirc III and High Constellation wind farms have been consented on the Kintyre peninsula.

The guidance set out in the LWECS for the *Rocky Mosaic* LCT, which covers the narrow, settled fringes on the east and west coasts of Kintyre, Knapdale and Loch Fyne and the Ardlamont Peninsula, concludes that this landscape would be highly sensitive to larger wind turbines sited on the edges of adjacent upland areas.

Landscape effects - The proposed development site lies within the northern extent of the *Upland Forest Moor Mosaic* LCT6 identified in the LWECS. While the generally large scale, simple landform and landcover of this LCT reduces susceptibility to wind energy development, the proposal would introduce large scale infrastructure to a new part of the Kintyre Peninsula and one where the coastal edge of this LCT against Loch Fyne has a distinctly remote and natural character that would be diminished when appreciated from the sea. The Council's Landscape Consultant considers that there would be significant adverse effects on part of this LCT specifically affecting the proposed development site and up to approximately 3km surrounding it.

Screening by landform would limit the extent of visibility of turbines in views to the west from West Loch Tarbert, Gigha and the east coast of Kintyre. However, there is little containment to the east of the development site and the proposal would form a prominent feature seen across an extensive sea basin and coastal fringes. The Council's Landscape Consultant considers that significant adverse effects would be likely to arise on the character of part of the *Rocky Mosaic* LCT on the eastern coastal fringes of Loch Fyne between Portavadie and Ardlamont Point. While there would be no direct effects on the physical components of this LCT as the proposal is not sited in it, the prominence of large wind turbines would be likely to affect the seclusion and the little developed character of this landscape experienced in the western part of the Ardlamont Peninsula.

Significant adverse effects would also arise on the character of the **seascape** which covers the broad sea basin where Loch Fyne merges with Kilbrannan Sound and the Sound of Bute and which includes the coastal fringes of the Ardlamont and Kintyre Peninsulas and north Arran. While some wind farm development is seen at distance on the Kintyre peninsula and further north within Loch Fyne from parts of this seascape area, this proposal would introduce much more prominent large scale infrastructure into this scenic and little modified area.

The requirement for visible aviation lighting on all 13 turbines within the proposal will contribute to the duration of landscape effects. Argyll & Bute, Arran and associated seascapes have low night-time lighting and dark skies and this would alter, introducing new sources of light which would diminish the sense of remoteness and naturalness that can be experienced. Mitigation committed to by the Applicant in the form of an ADLS would reduce these effects to not significant.

Effects on valued landscapes - The proposed development site is not covered by any

landscape designations or other recognised landscape interests.

The Kyles of Bute National Scenic Area - The Kyles of Bute National Scenic Area (NSA) lies within approximately 13km east of the proposal. EIA-R Figure 7.13 (Screening ZTV with Designations) indicates that visibility of the proposal would be relatively limited across this generally visually contained and well-wooded landscape which is focussed on the narrow waters of the Kyles and the steep slopes which contain them. Patches of visibility would be likely from the relatively little frequented open slopes within the NSA east of Bute (on the Strone Peninsula) and from the open water and a small part of the shore of the Kyles. Viewpoint 15 in the EIA-R is a rare open view from densely forested hills and a viewpoint which is not easy to access. The small viewpoint close to the A8003 at Creag Rubha Bhain (EIA-R Illustrative Wireline F) offers a more accessible open view towards the proposal. Viewpoint 16 serves as an example of the type of views which will occur from near sea level. In this view the proposal is seen directly above Tighnabruich in a dip in the low hills of the Ardlamont Peninsula which immediately back the settlement. While this would result in an adverse effect, the extent of visibility would be limited and this, together with the distance from the view, would be unlikely to be significant. Overall, while there would be some adverse effects from relatively rare open views out from the NSA, it is concluded that effects on the special qualities of the Kyles of Bute NSA would not be significant.

Areas of Panoramic Quality (APQ) - The principal areas of visibility affecting the APQ designation are associated with the Ardlamont Peninsula which lies to the east of the proposal. It is considered that there would be very limited visibility from the Knapdale and West Kintyre parts of the APQ lying to the south-west or west/north-west of the proposal and effects on these areas would therefore not be significant.

There is no citation for the APQ designation covering the Ardlamont Peninsula. This area is classified as the *Rocky Mosaic* LCT and the detailed assessment against landscape value set out in the ABLWECS considers that the qualities/reasons for designation are likely to be the diverse landform and landcover of these coastal fringes and the scenic views possible over water to a backdrop of mountains. While the APQ is mapped as a land-based designation, the panoramic scenic qualities indicated by the name of this local designation are likely to relate to wider seascapes, some of which lie outside Argyll & Bute's boundaries. An example of this is the importance of views across the sea from parts of the APQ covering the Ardlamont Peninsula to north Arran. This proposal would introduce new visibility of wind farm development into presently little developed scenic views. It would also diminish the sense of seclusion and naturalness associated with part of this designated area. The Council's Landscape Consultant considers that effects would be significant and adverse on the character of the part of this APQ covering the western coast of the Ardlamont Peninsula and its associated seaward views.

Valued landscapes lying outside Argyll & Bute - Effects on the *North Arran NSA* and the *North Arran Wild Land Area (WLA)* are not considered in detail in this appraisal as these landscapes lie outside Argyll & Bute. It is however noted that effects on views from some of the northern hills and from the remote northern coast of Arran would be adversely and significantly affected by this proposal. Lighting of turbines (particularly if mitigation proposed to reduce the duration of night-time lighting does not materialise) would contribute to these effects and could diminish the perception of wildness within the WLA.

Effects on visual amenity - The Zone of Theoretical Visibility (ZTV) mapping within the LVIA indicates that there would be relatively little visibility of the proposal from the west Kintyre coast, West Loch Tarbert and Knapdale area and also from the B8001. There would be some visibility from the east coast of Kintyre, affecting views from the B842 when travelling south, where this proposal would be seen directly above Skipness (Viewpoint 11) although visibility from Skipness itself would be limited.

Principal areas of visibility will occur east of the proposal, across Loch Fyne and from the coast and immediate hinterland of the western part of the Ardlamont peninsula. There would also be widespread visibility across outer Loch Fyne and the northern part of the Kilbrannan Sound and from the coast and mountains of north Arran and western side of Bute.

The most significant adverse effects of this proposal on views from within Argyll & Bute would be from:

- Outer Loch Fyne/northern Kilbrannan Sound - significantly affecting views from the Lochranza to Claonaig/Tarbert ferry routes and the Portavadie to Tarbert ferry and users of other watercraft in this area. Useful sequential photographs and wireline visualisations are shown in EIA-R Technical Appendix 7.6. This proposal would be seen in particularly close views from the Tarbert to Lochranza ferry route where it would detract from the rugged and little developed coastline between Skipness and Tarbert. The proposal would also detract from the scenic qualities of the Skipness area from the Tarbert and Claonaig to Lochranza ferry routes being seen directly in the backdrop to the settlement and the richly pattern woodlands, moorland and farmland which characterise this area.
- Portavadie/West Ardlamont Peninsula - where there would be visibility from some of the key facilities within the Portavadie Marina complex, views from sections of the B8000 (on the descent to Portavadie from Millhouse), from walking routes along the coast and from the popular beach at Kilbride Bay. This proposal would introduce new visibility of wind farm development into many of these views. In some views from the Ardlamont coast, the proposal would detract from the focus provided by the north Arran Mountains in views from the Ardlamont Peninsula, introducing large modern structures into views and diminishing the scenic qualities and, in less developed areas, also the sense of seclusion and naturalness experienced.
- The Kintyre Way - introducing new and close visibility from the route between Skipness and Tarbert as demonstrated by Viewpoint 1 where the proposed turbines would detract from views towards the north Arran hills and affect the experience of receptors using this long-distance route.

It should be noted that while the LVIA concludes that views from parts of the Portavadie Marina resort would be significantly affected, the closest representative visualisation is from the Portavadie Ferry terminal where visibility is restricted by vegetation and landform (EIA-R Viewpoint 5) and effects would therefore not be significant. Review of the cumulative visualisations within the proposed Rowan wind farm EIA-R (VPs 9 and 20) illustrate the greater vertical extent of the Earraghail turbines (when compared with the Rowan turbines) that would be seen from the east Loch Fyne/Portavadie area. More elevated open parts of the resort and the Portavadie Spa will be significantly affected; the proposal would be likely to detract from long channelled views down outer Loch Fyne to the north Arran Mountains in these views.

The proposal would also introduce more prominent wind farm development into views from the western parts of Bute (as demonstrated in Viewpoint 13 from Ettrick Bay).

There would also be significant adverse effects on views from the northern hills and north coast of Arran. While these are not addressed in detail in this review as they lie outside Argyll & Bute, this proposal would be likely to significantly affect views from the Arran Coastal Way on the north coast of Arran as evidenced in EIA-R Viewpoint 8 from Cock of Arran and Viewpoint 9 from Lochranza.

Night-time lighting - Visible aviation lighting is proposed on the nacelles and towers of all 13 turbines of the proposal. Night-time visualisations have been produced from 3 representative viewpoints from Kilbride Bay, Cock of Arran and Mullach Buidhe. The Council's Landscape Consultant considers that the night-time visualisations need to be treated with caution as while they provide some indication of effects, they do not replicate the levels of brightness that can be experienced in the field.

The LVIA concludes that lighting would incur significant effects on receptors in the Portavadie and Ardlamont Peninsula area and the northern end of Arran. The Council's Landscape Consultant agrees that effects would be significant and adverse from these areas. The Council's Landscape Consultant does not agree with the assumption made in the lighting assessment that the only people in the Arran hills at night are walking to Goat Fell as wild camping is popular across the north Arran hills (LVIA, paragraph 342). The night-time visual analysis similarly assumes that there would be no receptors on the Kintyre Way or Arran Coastal Way at night (Viewpoints 1 and 8, Technical Appendix 7.7, paragraph 1.2). This seems unreasonable given that some walkers may choose to camp near these routes overnight.

The applicant is committing to the installation of an Aircraft Detection Lighting System (ADLS). Such a system would substantially reduce the duration of night-time lighting as lights would only come on when an aircraft approaches. The Council's Landscape Consultant considers that the significant effects of night-time turbine lighting would be reduced to not significant if an ADLS was in operation.

Cumulative landscape and visual effects - At a strategic level, this proposal would extend new development northwards on the Kintyre Peninsula and introduce new visibility of wind farm development into parts of Argyll & Bute. This proposal would principally be seen together with operational and consented wind farms located on Kintyre in views from the Kilbrannan Sound and from north and west Arran. There would be significant adverse cumulative effects arising from the Lochranza to Claonaig ferry and from the Kintyre Way where this proposal would be seen in sequential views from this long-distance recreational route.

This proposal would be seen in combination and sequentially with the application-stage Rowan wind farm from parts of Loch Fyne and its eastern shores. Views from the B8000 north of Portavadie would be intermittent due to screening by vegetation and this, together with the separation distance between the two developments, would avoid significant cumulative effects. Cumulative effects with the application-stage Narachan wind farm on Argyll & Bute receptors would not be significant due to the distance between the two developments.

Aviation lighting associated with this proposal and the Narachan and Rowan wind farm proposals would be likely to contribute to significant adverse cumulative night-time effects on north Arran and surrounding seascapes (as demonstrated in EIA-R Viewpoint 18). The implementation of an ADLS proposed by the applicant would result in this proposal making a minor contribution to these effects.

Summary and conclusions - The proposed development site lies within the *Upland Forest Moor Mosaic* Landscape Character Type (LCT) identified in the Argyll & Bute Landscape Wind Energy Capacity Study. This landscape has some characteristics which reduce sensitivity to large scale wind energy development including a generally simple landform and landcover and an expansive scale. These uplands already accommodate a number of operational and consented wind farms. One of the more sensitive features of this LCT is the rugged and minimally modified coastline between Skipness and Tarbert.

There would be relatively limited visual intrusion associated with the proposal from the West Loch Tarbert area, Gigha and the eastern and western coastal edges of Kintyre. The proposal

would however be widely visible across the broad sea basin formed by outer Loch Fyne, the Sound of Bute and the north Kilbrannan Sound and from the western part of the Ardlamont Peninsula and the north Arran coast and hills.

This proposal would have significant adverse effects on part of the *Upland Forest Moor Mosaic* LCT affecting the development site and an area approximately 3km beyond outer turbines. The proposal would also have significant adverse indirect effects on the character of part of the *Rocky Mosaic* LCT over the western part of the Ardlamont Peninsula. An area of seascape (comprising the broad sea basin of outer Loch Fyne, the northern part of the Kilbrannan Sound and the western Sound of Bute and associated coastal fringes) would also be significantly and adversely affected by the proposal.

The proposal is not located in a designated or otherwise formally valued landscape but it would indirectly and significantly affect some of the qualities of the Area of Panoramic Quality (APQ) covering the western part of the Ardlamont Peninsula. It may also significantly affect the North Arran National Scenic Area and Wild Land Area although no detailed appraisal has been undertaken of potential effects on these valued landscapes as they lie outside Argyll & Bute.

In terms of visual impact, this proposal would principally significantly affect views from the western coast and open hills of the Ardlamont Peninsula including from parts of the Portavadie Marina resort. It would have significant adverse effects from the sea including from the Tarbert/Claonaig to Lochranza and Portavadie to Tarbert ferries, which are routes popular with tourists, and from a section of the Kintyre Way. Significant adverse effects would be likely to occur on views from parts of north Arran, lying outside Argyll & Bute.

This proposal could be one of the first wind farms to introduce lighting to the dark skies of Argyll & Bute with all 13 turbines having visible aviation lighting on nacelles and towers. The Applicant has committed to installing an Aircraft Detection Lighting System (ADLS). Such a system would substantially reduce the duration of night-time lighting as lights would only come on when an aircraft approaches. The effects of constant night-time lighting (without the installation of an ADLS) would be significant and adverse from parts of Argyll & Bute and north Arran but would not be significant if an ADLS was installed.

All wind farm proposals are likely to incur significant landscape and visual effects and it is therefore important to gauge the range, extent and severity of effects in making judgements on acceptability in landscape and visual terms. Having evaluated the likely landscape and visual effects of this proposal, and additionally compared these with operational, consented and application-stage wind farms within Argyll & Bute, my advice to the Council would be to raise an objection on landscape and visual grounds. This is principally because this proposal would introduce new visibility of prominent wind farm development into the Ardlamont Peninsula, affecting its character (including part of the APQ covering this area) and views from coastal walks, Kilbride Beach, the B8000 and from the Portavadie Marina resort. This area is promoted as Argyll's 'Secret Coast' and is valued for its scenic qualities as evidenced by the APQ designation. The significant adverse effects that would affect the character of a broad seascape area (encompassing outer Loch Fyne/the western Sound of Bute and northern part of the Kilbrannan Sound) and also effects on views from the ferries across Loch Fyne and to Arran, which are popular with visitors, are of equal concern.

The Council's landscape consultant recommended the following visualisations for the Committee to review: Earraghail wind farm EIAR - Viewpoint 1: Kintyre Way between Skipness and Tarbert; Viewpoint 3: B8001; Viewpoint 7: Kilbride Bay, Ardlamont Peninsula; Viewpoint 8: Arran Coastal Way, Cock of Arran; Viewpoint 9: Lochranza, Arran; Viewpoint 11: B842 east coast Kintyre; Viewpoint 12: A83 near Clachan (illustrates relatively limited comparative visibility); Viewpoint 18: Mullach Buidhe night-time visualisations (NB all Narachan turbines shown as being lit); Technical Appendix 7.6 Ferry Route Visualisations;

and Rowan wind farm EIAR - Viewpoint 9: Portavadie (Figure 6.29b and c) and Viewpoint 20: Waters of Loch Fyne (Figure 6.40b)

The Applicant organised for the visualisation packs to be printed for Members consideration. The only exclusion from the Council's Landscape Consultants list is the "Rowan wind farm EIAR - Viewpoint 9: Portavadie (Figure 6.29b and c) and Viewpoint 20: Waters of Loch Fyne (Figure 6.40b)".

North Arran National Scenic Area – NatureScot have advised the ECU that they object to the proposal due to the fact that it will have significant adverse day and night time effects on the special landscape qualities of the North Arran National Scenic Area (NSA) such that the objectives of the designation and overall integrity of the area would be compromised.

Strategic Implications - NatureScot have advised the ECU that the location of the proposal will have strategic implications for both Arran and Argyll & Bute. Those of relevance to Argyll & Bute are as follows. Development in this location opens up a new area for development spreading large scale wind energy development to the more sensitive northern end of Kintyre where there are currently no wind farms. This part of the Kintyre coast, between Tarbert and Skipness, is noted for its remote and undeveloped character (Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) 20171), which would be compromised.

Strategically, the introduction of large scale wind energy in this location would also introduce new visibility and significant adverse effects to some parts of the wider countryside including from the secluded west coast of the Ardlamont peninsula promoted as Argyll's Secret Coast. There would be significant adverse effects on the wider seascape including the expansive seascape area and the associated coasts spanning between northern Arran, west Bute, northern Kintyre and Cowal. At present, existing and consented wind farm development on Kintyre is focussed on the main plateau between Campbeltown and the B8001. This Proposal is further north beyond the valley of the B8001 on a series of slightly detached hills, on the headland at the northern end of Kintyre where it is highly prominent. NatureScot concur with the LWECS that there is very limited scope for additional turbines in this landscape character type due to potential significant cumulative effects from sensitive landscapes.

North Ayrshire Council have advised the ECU they do not object but consider that the proposal has the potential to have significant adverse impacts on the qualities of the North Arran NSA. They request that consideration is given to the significance of impacts on both Wild Land Area (WLA) 03 – North Arran and North Arran National Scenic Area designations when determining the suitability of the proposal. Furthermore, they advise they understand that NatureScot will provide advice on the potential impacts on these designations.

West Kintyre Community Council have advised the ECU that they object to this proposal and consider it would significantly affect the visual, residential and landscape amenity of the area to both its visitors and residents alike and trust the concerns of the local community will be considered fully when determining the application.

Tarbert & Skipness Community Council have advised the ECU that they object to the proposal on the grounds that the proposal will have highly significant landscape impacts; loss of residential amenity (Skipness); adverse impact of aviation lighting on dark skies; significant effects on Designated Landscape (North Arran NSA, Special Landscape Areas, Kyles of Bute NSA and Areas of Panoramic Quality); unreasonable proximity to the coastal fringe; and adverse cumulative impact (clustering, amalgamation in Kintyre and Knapdale, and tunnelling effect on B8001); adverse impact on maritime scenic qualities (ferry routes, key sea routes from Clyde to Tarbert); and adverse impact on visitor experience in one of the most beautiful areas in the Firth of Clyde (uniquely dominated by wild-land views).

East Kintyre Community Council have advised the ECU that they object to the proposal on the grounds of visual amenity due to cumulative harmful visual impacts contrary to Argyll & Bute Council's LDP 6 and proposed Local Development Plan 2, Diagram 7.

Skipness Estate have advised the ECU that they object to the proposal on the grounds of adverse landscape and visual impact; adverse cumulative impact (clustering, amalgamation in Kintyre and Knapdale, and tunnelling effect B8001); adverse impact on maritime scenic qualities (ferry routes, key sea routes from Clyde to Tarbert); adverse impact on visitor experience in one of the most beautiful areas in the Firth of Clyde (uniquely dominated by wild-land views); and aviation lighting.

Officer's Conclusion - All of the above consultee advice and responses have been considered. Officers concur with the expert advice of NatureScot and the Council's landscape consultant in respect to landscape and visual impacts (including cumulative). In relation to landscape and visual impacts NPF4 advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable. However NPF4 must be read as a whole and detailed consideration given to linked policies. Policy 4 (Natural Places) – sets out that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. Furthermore, Policy 4 protects local landscape designations, such as the Area of Panoramic Quality paragraph (d) states that: *“development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where (i). development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or (ii) any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.”* It is considered that this proposal will have a significant adverse landscape and visual impact which are not outweighed by social, environmental or economic benefits and is therefore contrary to the provisions of the Development Plan in this regard.

Having due regard to the above it is concluded that the proposal will have adverse landscape and visual impacts (including cumulative) and is therefore contrary to the provisions of Policies 11 – Energy and 4 – Natural Places of National Planning Framework 4, and Policies LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality; SG LDP ENV 14 –Landscape and Supplementary Guidance 2 Renewable Energy of the Argyll & Bute Local Development Plan. It is therefore recommended that Argyll & Bute Council object to the proposal on these grounds.

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

Policy 11 – Energy of NPF4 does not require Impacts on tourism to be considered – this criterion is no longer included. In the Planning Statement Addendum the applicant states that this is presumably reflecting the evidence that there is limited or no impact on tourism from wind farms. Officers are unclear what evidence is being referred to, and are not aware of any recent studies which have reached this conclusion. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan require all applications for wind turbine developments to be assessed against impacts on tourism and recreation.

Tourism – It is acknowledged that Policy 11 of NPF4 does not include a requirement for the impact of proposals on tourism to be assessed. However, Policy LDP 6 of the Local Development Plan does. In Argyll & Bute the landscape is regarded as being a particularly valued asset both in terms of its intrinsic qualities and in terms of its value to the tourism

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

Recreation – The proposal also includes enhancement measures to support recreational and tourism uses within the site during the operational phase based on consultation with stakeholders. These include a new circular walking route, the provision of a new bothy for recreational users of the Kintyre Way, and a viewpoint location.

West Kintyre Community Council (WKCC) – have advised the ECU they consider the application would significantly affect the visual, residential and landscape amenity of the area to **both its visitors** and residents alike and trust the concerns of the local community will be considered fully when determining the application.

East Kintyre Community Council – have advised the ECU that they object to the proposal on the following grounds of Community Development Amenity due to the wholesale harmful impacts to a designated Tourism development area.

Tarbert & Skipness Community Council have advised the ECU that they object to the proposal on the grounds that it will transform an ancient path (forms opening section of Kintyre Way) linking Tarbert and Skipness (and their castles); and adverse impact on maritime scenic qualities (ferry routes, key sea routes from Clyde to Tarbert); adverse impact on visitor experience in one of the most beautiful areas in the Firth of Clyde (uniquely dominated by wild-land views); and adverse impact on critical tourism sector.

Skipness Estate have advised the ECU that they object to the proposal on the grounds of tourism impact.

Royal Yachting Association Scotland have considered the EIAR and the Additional Information and have advised the ECU that they have no comment.

The concerns expressed in regard to the adverse landscape and visual impact this proposal will have on tourism have been taken into account. As these two matters are intrinsically linked, and there is little evidence to demonstrate whether or not wind farms adversely affect tourism, it is considered that such impacts are covered in the landscape and visual impact assessment of the proposal and recommended reason for objection.

Having due regard to the above it is considered that the proposals is consistent with the provisions of Policy 11- Energy, and Policies 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 6 – Supporting the Sustainable Growth of Renewables; SG LDP TRAN 1 – Access to the Outdoors; and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan.

I. PUBLIC ACCESS

Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how impacts on public access are addressed, including impact on long distance walking and cycling routes and scenic routes. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind

turbine developments to be assessed against impacts on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF.

During construction, where possible, recreational access to the site would be maintained along publicly accessible paths such as the Kintyre Way. Where access along the existing route is not possible, a diversion would be agreed and implemented. There may be occasions when access to the site for members of the public is not possible for short periods during the construction phase for health and safety reasons (e.g., during delivery of certain infrastructure components). Changes to access arrangements within the site would be detailed in an Access Management Plan prepared in advance of construction commencing. The Access Management Plan details will be discussed with Argyll & Bute Council's Outdoor Access Manager and shared with key stakeholders such as Local Community Council's and the Kintyre Way Scottish Charitable Incorporated Organisation (SCIO)

Having due regard to the above subject to a condition to secure an Access Management Plan in the event that consent is granted it is considered that the proposal is consistent with the provisions of Policy 11- Energy, and Policies 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 6 – Supporting the Sustainable Growth of Renewables; SG LDP TRAN 1 – Access to the Outdoors; and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan.

J. AVIATION AND DEFENCE INTERESTS INCLUDING SEISMOLOGICAL RECORDING

Policy 11 – Energy of NPF4 requires that project design and mitigations demonstrates how impacts on aviation and defence interests including seismological recording have been addressed. Policy LDP 6 – Supporting the Sustainable Growth of Renewables and of the Argyll & Bute Local Development Plan requires impacts on aviation and defence interests and seismological recording to be addressed. Policy SG LDP TRAN 7 – Safeguarding of Airports of the Argyll & Bute Local Development Plan states that development will be refused where it would constrain the present and future operations of existing airports and airfields.

The Ministry of Defence (MOD) – have advised the ECU that they have no objection to the proposal subject to conditions to secure: aviation lighting and aviation charting & safety management. BAA Aerodrome Safeguarding (Edinburgh) have considered both the EIAR and the Additional Information and have advised the ECU that the location of this development falls outwith the Aerodrome Safeguarding zone for Edinburgh Airport therefore they have no objection/comment. Aberdeen International Airport have considered both the EIAR and the Additional Information and have advised the ECU that the proposal is located outwith their consultation zone. As such they have no comment to make and need not be consulted further. Highlands and Islands Airports Limited (HIAL) have advised the ECU in their most recent advice that they have reviewed the Instrument Flight Procedure Assessment submitted by the developer and can confirm that the proposal does not impact the safeguarding criteria and operation of Campbeltown Airport. Therefore, HIAL have no objection to this proposal.

National Air Traffic Services Safeguarding (NATS) – have advised the ECU that the proposal has been examined by their technical safeguarding teams and conflicts with their safeguarding criteria. Accordingly, NATS (En Route) plc objects to the proposal. The reasons for NAT's objection is that a technical impact is anticipated, which has been deemed to be unacceptable. Glasgow Prestwick Airport have considered both the EIAR and the Additional Information and continue to advised the ECU the proposal raises aviation safety concerns which have an operational impact on the Airport as an air navigation services provider. Until all technical and operational aviation safety matters are addressed to the satisfaction of the Airport, and a mitigation agreement is put in place for the life of the wind farm, the Airport objects.

Civil Aviation Authority (CAA) – at time of writing the ECU have not received any consultation advice from the CAA.

Additional Information - The ECU requested that an update to the current aviation consultation status be included in the Additional Information. This explains that following the withdrawal of the objection from Highlands & Islands Airport Limited, that 2 objections remain in relation to aviation from Glasgow Prestwick Airport and NATS Safeguarding. The Applicant further explains that they have submitted a formal response to Glasgow Prestwick Airport's objection, and are awaiting a response. They also advise that similar objections regarding aviation have been introduced across other wind farm sites in Scotland. There are ongoing discussions between them, GPA and other stakeholders in relation to a variety of projects. Finally, they are confident that the advanced nature of these discussions will lead to a positive resolution.

The relevant National and Local Development Plan Policies are quite clear that impacts on aviation require to be addressed. Furthermore, that development should be refused where it would constrain the present and future operations of existing airports and airfields. As there are two outstanding aviation objections, it is considered that these matters require to be addressed before a decision is made by Scottish Ministers, and that the application cannot be supported until these outstanding issues are resolved.

Having due regard to the above it is concluded that due to the fact that National Air Traffic Services Safeguarding (NATS) and Glasgow Prestwick Airport have advised the Energy Consents Unit they object to the proposal, it will have an adverse impact on Aviation and is therefore inconsistent with the provisions of Policy 11 – Energy of National Planning Framework 4, Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Policy SG LDP TRAN 7 – Safeguarding of Airports, Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan in this respect.

Furthermore, that the Energy Consents Unit should be advised that in the event that National Air Traffic Services (NATS) and Glasgow Prestwick Airport withdraw their objections, then Argyll & Bute Council would no longer object on these grounds. In the event that a Public Inquiry is held Argyll & Bute Council would not give evidence on this technical matter, and would defer to NATS and GPA in this regard.

K. TELECOMMUNICATIONS AND BROADCASTING INSTALLATIONS (INCLUDING CUMULATIVE IMPACTS)

Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how impacts on telecommunications and broadcasting installations, have been addressed particularly, ensuring that transmission links are not compromised. Policy LDP 6 – Supporting the Sustainable Growth of Renewables and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts on telecommunications and broadcasting installations particularly ensuring that transmission links are not compromised.

BT have advised the ECU that the project indicated should not cause interference to BT's current and presently planned radio network. The Joint Radio Company have advised the ECU that this proposal is cleared with respect to radio link infrastructure operated by: The Local Utility and Scotia Gas Networks. It is therefore concluded that impacts on telecommunications and broadcasting links have been satisfactorily addressed.

Having due regard to the above it is concluded that the proposal will not have any adverse impacts on telecommunications, broadcasting installations and transmission

links (including cumulative impacts) and is consistent with the provisions of Policy 11- Energy of National Planning Framework 4, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan in this respect.

L. ROAD TRAFFIC AND ADJACENT TRUNK ROADS

Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how impacts on road traffic and on adjacent trunk roads have been addressed, including during construction. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts on road traffic and impacts on adjacent trunk roads. Policy SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes of the Argyll & Bute Local Development Plan requires that accesses which connect to or impact significantly on a Trunk Road require consultation with Transport Scotland.

Access - access to the site would be secured via the A83 at Tarbert Holiday Park to the north of the site. To allow the safe delivery of turbine components and construction materials, the site entrance will require to be upgraded.

Main Impacts - The main impact upon traffic is predicted to be during the construction phase as a result of the increased number of heavy goods vehicle (HGV) movements. The proposal would result in a maximum increase in traffic on the A83 (T) Kennacraig during its construction. To minimise negative traffic and transport effects during construction, in the event that consent is granted, a Construction Traffic Management Plan (CTMP) will be prepared and agreed with Argyll & Bute Council and Transport Scotland in advance that will identify the measures to be put in place.

Provision and Delivery of construction materials - for the provision and delivery of construction materials, two different delivery scenarios have been assessed. First, a scenario whereby all construction materials are delivered to the site. The second is for access track aggregate other than the running surface to be sourced from onsite borrow pits, thereby reducing the total number of heavy goods vehicle movements. Both result in increases in heavy goods vehicles (HGV) movements on the A83, but the use of borrow pits would result in a lower rate.

Detailed access assessment - should consent be granted, a detailed access assessment would be undertaken which would identify the requirements for any road modifications, vegetation or tree trimming required along the access route.

Transport Scotland (TS) – initially advised the ECU that they were satisfied with the assessment of environmental impacts associated with increased construction traffic but that they would require the submission of a Stage 1 Road Safety Audit for the proposed access junction before concluding their consultation response. They also confirmed in this correspondence that they agree, that in the event that the proposal receives consent, that the detail of the Abnormal Load Assessment may be secured by condition. They also note that an outline Construction Traffic Management Plan has been prepared, and advise that once prepared the final Construction Traffic Management Plan will require to be agreed by them. It is expected that this would also be the subject of a planning condition in the event that consent is granted. The Applicant provided the ECU with the Stage 1 Road Safety Audit requested by Transport Scotland. In their most recent correspondence to the ECU (Additional Information - Appendix A) Transport Scotland have confirmed that they have signed off the Stage 1 Audit Report and have no further comments to make.

The Council's Roads & Amenity Services have advised that the applicant's Access, Traffic and Transport document, item 21 states: "*Vehicular traffic would not approach the site from*

the B842 Claonaig Southend Road and no construction traffic shall use it without a prior written authorisation from the Roads and Infrastructure Services. This assumption is consistent with the consultation received from A&BC. As vehicles travel away from the proposal, they would be distributed across wider network. Beyond the Study Area, professional judgment suggests that effects relating to site access, traffic and transport would unlikely be significant”.

The wording "As vehicles travel away from the proposal, they would be distributed across wider network. Beyond the Study Area, professional judgment suggests that effects relating to site access, traffic and transport would unlikely be significant" gives serious concern.

The single track public road leading to Skipness is lightly constructed, has been subject to a landslide which has not been permanently dealt with, is a ferry route, a cycling and walking route and is the only road available to access properties and the ferry terminal.

Consequently, Roads & Amenity Services have no objection subject to conditions to ensure: that the site is accessed from the A83 Tarbet - Campbeltown Trunk Road, no other public road shall be used to access this site; and, All vehicles leaving the site must leave by the site access that connects directly to the A83 Tarbet - Campbeltown Trunk Road. They must not use the lightly constructed Local Authority maintained single track roads.

Having due regard to the above, subject to the relevant conditions being attached in the event that consent is granted it is concluded that the proposal is consistent with the provisions of Policy 11 – Energy of National Planning Framework 4, Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes, and Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan.

M. HISTORIC ENVIRONMENT

Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how impacts on the historic environment have been addressed. Policy 7 – Historic Assets and Places of NPF4 intent is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts on the historic environment, including scheduled monuments, listed buildings and their settings.

Historic Environment Scotland (HES) – have advised the ECU that they do not wish to object to the proposals and welcome where mitigation has been embedded into the design of the proposals to reduce and avoid impacts on heritage assets and their settings. They note that some adverse impacts will remain on the settings of Skipness Castle and Kilbrannan Chapel and the Dun Skeig, duns and fort.

The West of Scotland Archaeology Service (WOSAS) – at time of writing no response has been received from WoSAS despite trying to secure it in advance of completion of this report.

Tarbert & Skipness Community Council – have advised the ECU that they object to this proposal on the grounds of adverse impact/direct damage on heritage and archaeological assets (castle, chapel, historical townships, and bronze-age sites).

Skipness Estate have advised the ECU that they object due to the adverse impacts of T3 and T5 on Skipness Castle, Kilbrannan Chapel, Skipness Point and beaches.

Whilst it is acknowledged that Historic Environment Scotland have not objected to this proposal, Officers consider that it is not possible to reach a conclusion on the proposal's acceptability in this regard in the absence of advice from the West of Scotland Archaeology Service. It is therefore recommended that a note is attached to the recommendation to the Energy Consents Unit, informing them of this concern.

N. HYDROLOGY, THE WATER ENVIRONMENT AND FLOOD RISK

Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how effects on hydrology, the water environment and flood risk have been addressed. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts arising from effects on hydrology, the water environment and flood risk (including cumulative). Policy SG LDP SERV 7 – Flooding and Land Erosion - The Risk Framework for Development of the Argyll & Bute Local Development Plan provides guidance on the type of development that will be generally permissible within specific flood risk areas. It requires flood risk assessments, drainage impact assessments, or land erosion risk appraisals to accompany application where required.

SEPA - Groundwater Dependent Terrestrial Ecosystems (GWDTEs) – has advised the ECU that they gladly note, the GWDTE technical report is comprehensive and includes detailed maps of all the areas including GWDTE and proposed work. This meets all SEPA application guidelines and is helpful to interpreting the report. The majority of GWDTE habitat (M23/M25) located in all four areas highlighted are likely to be fed by surface/rainwater sources. The description and outline of each area is excellent, clearly identifying the sensitive areas and possible impacts. The planned work to widen access tracks and placement of crane pads within the buffer zones of these habitats is minor and unlikely to have negative impact. This is aided by a detailed analysis of the topography and geology within the report.

SEPA – Buffers – has advised the ECU that the intrusions into the buffer zones have been carefully considered and determined to be acceptable. The careful management of drainage placement and system should assure minimal impact. The re-establishment of current drainage systems once construction work has settled will further help to support the existing habitat. A 10m buffer is appropriate for the solar array, where only small watercourses are present and in line with regulatory requirements.

SEPA – Mitigation – has advised the ECU that the mitigation steps are reassuring and thorough. The report helpfully provides a breakdown of general good practice for the site as well as specifically each area of sensitivity. The proposal to have Environmental Clerk of Works is welcomed as is the recommendation to avoid higher sensitivity areas via micro-siting where appropriate.

SEPA – Watercourse Crossings – has advised the ECU that replacement culverts are likely to require authorisation by way of registration and otherwise all reinstated culverts (even on minor watercourses) should adhere to best practice as some existing ones may not live up to that standard depending on when they were put in. SEPA note two new bridging arch culverts are proposed for new crossings which arguably could classify as a minor bridge with no construction on the bed or the banks, providing this is the case. Consideration should be given as to whether any of the existing culverts could be replaced with something to improve on the closed culverting option.

The Council's Flood Prevention Officer – has advised that they have no objections subject to conditions. It is recommended that planning conditions to the effect of the following be attached to any consent granted for this application: watercourse crossings not to reduce the existing capacity of the channel and ideally be designed to convey the 1:200 year plus climate

change flow plus an allowance for freeboard; and drainage to be designed in accordance with CIRIA C753 guidance and Sewers For Scotland 4th edition.

Tarbert & Skipness Community Council have advised the ECU that they object on the grounds of downstream hydrological impacts (change in upland use, vibration and sonic impacts).

Having due regard to the above, subject to the relevant conditions being attached in the event that consent is granted it is concluded that the proposal is consistent with the provisions of Policy 11 – Energy of National Planning Framework 4, Policy LDP 6 – Supporting the Sustainable Growth of Renewable, Policy SG LDP SERV 7 – Flooding and Land Erosion - The Risk Framework for Development and Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan.

O. BIODIVERSITY (INCLUDING CUMULATIVE)

Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how impacts on biodiversity, including birds have been addressed. Policy 3 – Biodiversity of NPF4 requires development proposals to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 5 – Soils of NPF4 supports the generation of energy from renewable sources that optimises the contribution of the area to GHG emissions reduction targets on peatland, carbon-rich soils and priority peatland. A detailed site specific assessment will be required for development on peatland which will include the likely net effects of the development on climate emissions and loss of carbon. **(Impacts on carbon rich soils and reference to the carbon calculator have not been carried forward from SPP).** Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts arising from effects on the natural heritage, including birds and to be assessed against impacts on carbon rich soils, using the carbon calculator (including cumulative)

Ornithology

Designated Sites

NatureScot - Knapdale Lochs SSSI / SPA – the proposal is located within foraging range of the Knapdale Lochs SSSI / Special Protection Area (SPA), selected for breeding black throated diver. No black throated divers were recorded during the surveys or observed using habitats within the site. NatureScots have advised the ECU that it is unlikely that the proposal will have a significant effect on any qualifying features either directly or indirectly. An appropriate assessment is therefore not required.

NatureScot - Ornithology – have advised the ECU that they consider that there is potential for adverse effects on the golden eagle territory in which the proposal is located. This could lead to a loss in productivity as the proposal will likely erode their habitat and result in loss of range. Productivity could also be affected by collision risk. This loss of productivity would not have a significant impact on golden eagles at the regional (Natural Heritage Zone) level, NatureScot conclude this would result in adverse effects at a local level and they consider that this is a poor location for a wind farm. In their opinion, the habitat displacement and collisions risks to golden eagles could be reduced by removing Turbines 11, 4 and 5, however, it should be noted that this would not alleviate their concerns in regard to landscape and visual effects. They also advise that there are gaps/inconsistencies in proposed mitigation in relation to species protection plans for other sensitive species present (red throated diver, black grouse and hen harrier). A Species Protection Plan will also be required to cover the proposed Habitat Management Works due to proximity to golden eagle nest sites.

The Royal Society for the Protection of Birds Scotland (RSPB) - advised the ECU they do not object and provide advice, in relation to biodiversity and habitat management to minimise and ensure any impacts are fully mitigated and biodiversity benefits achieved. They ask that: a bird monitoring plan; habitat management plan; ecological clerk of works and post-construction monitoring are secured as conditions of any consent.

Ecology

Ecology - NatureScot have advised the ECU they are generally satisfied with the assessment of the impacts of the proposal on protected species and habitats and the proposed mitigation measures.

Micrositing – NatureScot have advised the ECU they note that a micro-siting allowance of 50m has been sought by the Applicant. Micro-siting should be utilised to avoid areas of deep peat whilst maintaining the appropriate buffer distances of sensitive ecological features within the site e.g. watercourses and woodland edges.

Habitat Management Plan (HMP) - NatureScot have advised the ECU they note the ambitions of the HMP to deliver large scale restoration of blanket bog and heath habitats and to create 25ha of new native woodland. However, they consider that a number of factors need to be considered in the development of the HMP. All 3 HMP units are within disturbance buffers of recent and historical golden eagle nest sites. As such, species protections plan and an Ecological Clerk of Works (ECoW) will be required to ensure an offence is not committed under the Wildlife and Countryside Act 1981. In addition, given the proximity of the native woodland creation adjacent to the Tarbert Woods SAC and Tarbert to Skipness Coast SSSI, there is a risk that planting new trees could introduce pests, pathogens or invasive species into the SSSI / SAC if planting stock is not appropriately sourced.

NatureScots preference on sensitive sites such as this to increase woodland cover is by natural regeneration. Where this is not possible, planting should use indigenous origin material from the same seed zone to best conserve genetic patterns and adaptation. It is important to note that woodlands are more than just the trees themselves, they encompass the soils, ground flora and shrubs, all of which play important roles within the woodland habitat. The Applicant should therefore consider including some non-tree related objectives in the HMP.

The EIAR acknowledges that some of the mire habitats within the site are currently negatively impacted by deer browsing. Active and ongoing management of deer numbers will be key to ensure that the objectives of the HMP are met. NatureScot acknowledge that Forest and Land Scotland (FLS) will continue to manage deer within the site, and reiterate that the results from the monitoring of habitat restoration / woodland establishment as part of the HMP should feed into FLS's deer management activities. NatureScot appreciate that the details of the HMP will be developed further should the proposal be consented and they would expect to be consulted on this.

Fish

Marine Science Scotland – the Applicant included a completed Marine Scotland Questionnaire in the Additional Information (Appendix B). Marine Science Scotland have provided a response to this and have provided advice to the ECU on fish surveys; site specific mitigation and fish monitoring programme; water quality monitoring programme; pre & post construction monitoring; and EcoW inspections.

Soils

Peat – NatureScot have advised the ECU they are content with the assessment of the proposal on the peat resource and note efforts have been made in the design of the wind farm to avoid areas of deep peat. They are also content with the measures detailed in the Outline Peat Management Plan (OHMP) with regards to the storage and reuse of peat on site.

Peat – SEPA have advised the ECU the placement of turbines and infrastructure actively avoids deeper areas of peat by design and additionally via micro-siting. Most of the proposed infrastructure is on < 0.5m peat depth or no peat. The PMP seems reasonable. Use of peat in borrow pit and peatland restoration is acceptable providing it is being done as part of a wider approved restoration plan for the site such as creating/restoring borrow pits to usable habitat.

Mitigation – SEPA has advised the ECU that the mitigation steps are reassuring and thorough. The report helpfully provides a breakdown of general good practice for the site as well as specifically each area of sensitivity. The proposal to have Environmental Clerk of Works is welcomed as is the recommendation to avoid higher sensitivity areas via micro-siting where appropriate.

Ironside Farrar on behalf of the ECU – advised the ECU the Peat Landslide Hazard Risk Assessment (PLHRA) requires minor revisions. Given that there is a significant amount of peat on the site, some clarification and further justification is requested to address several queries, mainly relating to the methods of assessment. The Applicant has provided a clarification letter to the ECU to address Ironside Farrar's comments. At time of writing, no further advice has been received in response to the clarification provided by the Applicant.

The Council's Local Biodiversity Officer – has no objection, and notes the contents of the Ecological Chapter of the EIAR including fish species and Ornithological surveys along with the Habitat Management, Peat Management and Forest Assessment Plans. The Local Biodiversity Officer supports the pre-construction start surveys and monitoring as set out in the CEMP. The Ecological and Ornithological mitigations are to be included in the CEMP, as well as specific Toolbox talks and monitoring of species, watercourses including keeping a log of any issues relating to silt contamination and any bird strikes, all to be overseen by an Ecological Clerk of Works.

Tarbert & Skipness Community Council have advised the ECU that they object on the grounds of direct and indirect environmental impacts (rare, red-listed protected bird species (golden and sea eagles, black grouse and red-throated diver) and buffer zones inadequate to protect habitats and non-development areas around the site.

Skipness Estate have advised the ECU that they object on the grounds of ecological impact/importance of the site.

Officers note the concerns that have been highlighted to the ECU by NatureScot in respect to the potential impact of the proposal on golden eagle and suggested mitigation, it is also noted that this would not alleviate their landscape objection. It is also acknowledged that they have not objected on ornithological grounds.

Having due regard to the above it is concluded that subject to the conditions recommended by NatureScot, RSPB, Marine Science Scotland and the Council's Local Biodiversity Officer being attached in the event that consent is granted the proposal is consistent with the provisions of Policies 11 – Energy, 3 – Biodiversity, and 5 – Soils of NPF4, and Policies LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 1 – Development Impact on Habitats,

Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 7 – Water Quality and the Environment; SG LDP ENV 11 – Protection of Soil and Peat Resources and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan.

P. TREES, WOODS AND FORESTS

Policy 11 – Energy of NPF4 requires that project design and mitigation will demonstrate how impacts on trees, woods and forests have been addressed. Policy 6 – Forestry, woodland and Trees of NPF4 intent is to protect and expand forests, woodland and trees. Policy SG LDP ENV 6 - Development Impact on Trees / Woodland of the Argyll & Bute Local Development Plan states that Argyll & Bute Council will resist development likely to have an adverse impact on trees by ensuring that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.

Designated Sites

Tarbert Woods SAC / Tarbert to Skipness Coast SSSI - NatureScot have advised the ECU the proposal is located close to the Tarbert Woods SAC (designated for Western acidic oak woodland) and Tarbert to Skipness Coast SSSI (designated for upland oak woodland and bryophyte assemblage). It is one of 4 component SSSI woodlands that make up the Tarbert Woods SAC. NatureScot have also advised the ECU that this proposal is likely to have a significant effect on the Western acidic oak woodland feature of the Tarbert Woods SAC. Consequently, the ECU, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest. To help them do this, NatureScot advise that on the basis of the information provided to date, if the proposal is carried out strictly in accordance with the measures outlined in the draft CEMP and mitigation detailed in Chapter 10: Hydrology, Hydrogeology, Geology and Soils, their conclusion is that the proposal will not adversely affect the integrity of the site. They also consider that the measures provided in the draft CEMP will also prevent any adverse effects on the objectives of the Tarbert to Skipness Coast SSSI or the overall integrity of the area.

Bardaravine Wood – the Woodland's Trust initially advised the ECU that they objected on the basis of likely damage and loss to Bardaravine Wood, an area of 1a woodland of ancient semi-natural origin (ASNO) designated on NatureScot's Ancient Woodland Inventory (AWI). The Applicant provided a response to the points raised by the Woodlands Trust to the ECU, demonstrating the proposal is not located in an area of ancient woodland and has provided information in relation to access track upgrade works including mitigation. The Woodland Trust considered this response and advised the ECU they acknowledge that the existing holiday park has resulted in the removal of Bardaravine Wood, and they withdraw their objection to this element of the proposal. They continue to oppose the loss of ancient woodland to facilitate proposed road widening works and highlight that NPF4 does not support the loss of ancient woodlands. They further advise that they do not support woodland translocation as a means of mitigation.

It is considered that the assessment within the EIAR and the Applicant's response to the Woodland Trust's consultation response demonstrates that the proposal is in compliance with Policy 6 - Forestry, woodland and trees. The existing access track is a timber haul road. It is noted that NatureScot have not raised any concerns in respect to ancient woodland loss to facilitate widening of this to facilitate delivery of turbine components. It is acknowledged that upgrading the existing road reduces the overall amount of ground disturbance. The Applicant confirmed that the primary aim will be to reduce impacts as far as reasonably possible, the second will be to provide mitigation where impacts are unavoidable (EcoW to oversee works and woodland translocation is proposed to compensate for loss of any ancient woodland).

Practice Guide & Compensatory Planting - Scottish Forestry initially advised the ECU that they required additional information regarding the proposals alignment with the Practice Guide and Compensatory Planting Areas. The Applicant provided the Additional Information (Appendix D) requested by Scottish Forestry. Scottish Forestry have now advised the ECU that they are satisfied that the information provided addressed their concerns. Scottish Forestry recommend that the 56.3 hectares of Compensatory Planting is secured by condition in the event that the proposal receives consent. Appendix D of the Additional Information includes the letter to Scottish Forestry and the response.

Tarbert & Skipness Community Council have advised the ECU they object to this proposal on the grounds of impacts on ancient woodland; unacceptable proximity/ecological risk to largest area of ancient woodland on Kintyre (SSSI/SAC); and destruction of ancient woodland Bardaravine (Woodland Trust).

Skipness Estate have advised the ECU that they object to the proposal due to the impact it would have on ancient coastal woodland.

Having due regard to the above it is concluded that subject to the conditions recommended by NatureScot, and Scottish Forestry being attached in the event that the proposal receives consent it is consistent with the provisions of Policies 11 – Energy and 6 – Forestry, woodland and Trees of NPF4 and Policies LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 6 - Development Impact on Trees /Woodland; SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity(i.e. biological diversity); SG LDP ENV 7 – Water Quality and the Environment; Supplementary Guidance 2 Renewable Energy; of the Argyll & Bute Local Development Plan.

Q. DECOMMISSIONING, SITE RESTORATION AND QUALITY OF SITE RESTORATION PLANS

Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration have been addressed. It also requires that project design and mitigation demonstrates how the quality of site restoration plans have been addressed including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans. Policy LDP 6 – Supporting the Sustainable Growth of Renewable and of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts arising from the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration and the need for a robust planning obligation to ensure that operators achieve site restoration.

Following construction and commissioning, the proposal would be operational and generating electricity for a period of approximately 40 years, after which it would be decommissioned and removed, or alternatively, a further application could be made to extend the period of operation. If a further application is not submitted, decommissioning would require the total removal of above-ground infrastructure. Reinstatement of the site would be carried out in accordance with an approved method statement. It is recommended that this matter is covered by planning conditions consistent with other projects across Argyll & Bute in the event that the proposal obtains consent from the ECU.

Having due regard to the above it is concluded that subject to an appropriate condition being attached in the event that the proposal receives consent the proposal is consistent with the provisions of Policy 11 – Energy of NPF4 and Policy LDP 6 –

Supporting the Sustainable Growth of Renewables and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan,

R. CUMULATIVE IMPACTS

Policy 11 – Energy of NPF4 requires that project design and mitigation will demonstrated how cumulative impacts have been addressed. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan also require cumulative impacts to be addressed. Any cumulative impacts which have been identified are covered in the preceding sections of this report.

S. RENEWABLE ENERGY GENERATION TARGETS AND GREENHOUSE GAS EMISSIONS REDUCTION TARGETS.

Policy 11 – Energy of NPF4 requires that, in considering the impacts of the proposal, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Policy 1 – Tackling the climate and nature crises of NPF4 requires that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan require all applications for wind turbine developments to be assessed against the scale of contribution to renewable energy generation targets and greenhouse gas emissions.

Climate Change Mitigation - The calculations of total carbon dioxide savings and payback time for the proposal indicate the overall payback period of a development with 13 turbines with an average (expected) installed capacity of around 6MW each would be approximately 1.8 years, when compared to the fossil fuel mix of electricity generation. The payback will be further reduced by the proposed addition of solar arrays, although not included within the Carbon Calculator (which was solely devised for the Scottish Government to monitor onshore wind energy).

This means that the proposal is expected to take around 22 months to repay the carbon exchange to the atmosphere (CO₂ debt) through construction of the wind turbines; the site would in effect be in a net gain situation following this time period and would contribute to national objectives.

This proposal would produce around 245 to 295 GWh of electricity annually which equates to the annual power consumed by approximately 50, 4306 average UK households (depending on the actual turbines installed). A key benefit is the savings in CO₂ emissions due to the replacement of other electricity sources over its lifetime and displacement of carbon-emitting generation after 1.8 years of operation.

When decision makers are considering the impacts detailed in Policy 11 they need to give significant weight to the contribution of the proposed development to renewable energy generation targets and on GHG emissions reduction targets. The recently published OWPS sets a minimum target of 20GW of deployed onshore wind by 2030 which is an additional 12GW. In addition, Policy 1 – Tackling the climate and nature crises of NPF4 states that significant weight is to be given to the global climate and nature crises when considering all development proposals.

Having due regard to the above it is considered that the proposal by its very nature is consistent with the provisions of Policies 1 – Tackling the climate and nature crisis and 11 – Energy of National Planning Framework 4, Policies LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment, LDP 6 – Supporting the Sustainable Growth of Renewables, LDP STRAT 1 – Sustainable Development, LDP

DM1 – Development within the Development Management Zones, and Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan.

T. GRID CAPACITY & ENERGY STORAGE

Policy 11 – Energy of NPF4 requires that grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan require all applications for wind turbine developments to be assessed against impacts arising from opportunities for energy storage.

Opportunities for energy storage - A key benefit of this proposal is that it includes a battery energy storage system (BESS) to store energy from the proposal or excess electricity from the national grid, providing stability to the electricity supply network, meeting energy demands and providing improved energy security. Whilst, the provision of battery storage meets the requirements of policy, Officers are concerned that no consideration has been given to the Landscape & Visual Impact of this battery storage facility. This is a large facility of shipping containers proposed to be located in a rural landscape. Before a decision is reached on this proposal by the ECU it is the view of Officers that the impacts of this needs to be considered.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy 11 – Energy of National Planning Framework 4, Policy 6 – Supporting the Sustainable Growth of Renewables and Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan in this respect.

U. PERPETUITY

Policy 11 – Energy of NPF4 requires that consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity. It is acknowledged that areas identified for wind farms are expected to be suitable for use in perpetuity.

Should consent be granted for this proposal Officers would expect it to be time limited to 40 years to reflect the life of the wind farm as detailed in the EIAR.

V. CONCLUSION & RECOMMENDATION

This proposal is classed as “Strategic Renewable Electricity Generation” - a National Development, in terms of the Spatial Strategy given its capacity to generate and store more than 50MW. In principle, there is support for this scale of development given its importance in the delivery of Scotland’s Spatial Strategy. However, such projects are still required to be assessed against the provisions of the Development Plan, which now consists of National Planning Framework 4 and the Argyll & Bute Local Development Plan.

The lead Development Plan policies support renewable energy development in principle, but requires that proposals are assessed against the criterion detailed in this report. While the weight to be given to each of the considerations is a matter for the decision maker, NPF4 is clear that significant weight will require to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. However, a balance still requires to be reached in terms of the impact of the development.

In relation to landscape and visual impacts NPF4 advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable. However NPF4 must be read as a whole and detailed consideration given to linked policies. Policy 4 (Natural Places) – sets out that development proposals which

by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. Furthermore, Policy 4 protects local landscape designations, such as the Area of Panoramic Quality paragraph (d) states that: *“development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where (i). development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or (ii) any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.”* It is considered that this proposal will have a significant adverse landscape and visual impact which are not outweighed by social, environmental or economic benefits and is therefore contrary to the provisions of the Development Plan in this regard.

Development Plan Policy also requires aviation impacts to be resolved – there are two outstanding aviation objections, consequently, it is considered that the proposal is also contrary to the provisions of the Development Plan in this regard.

The Scottish Government gives considerable commitment to renewable energy and encourages Planning Authorities to support the development of wind farms where they can operate successfully in appropriate locations. This is not however blanket support without qualification. In considering the appropriateness of the development, while significant weight has been given to these matters, the significant adverse Landscape & Visual Impact (including cumulative) and adverse aviation impacts are considered to outweigh the benefits of the development in relation to contribution towards energy targets, and limited socio-economic benefits.

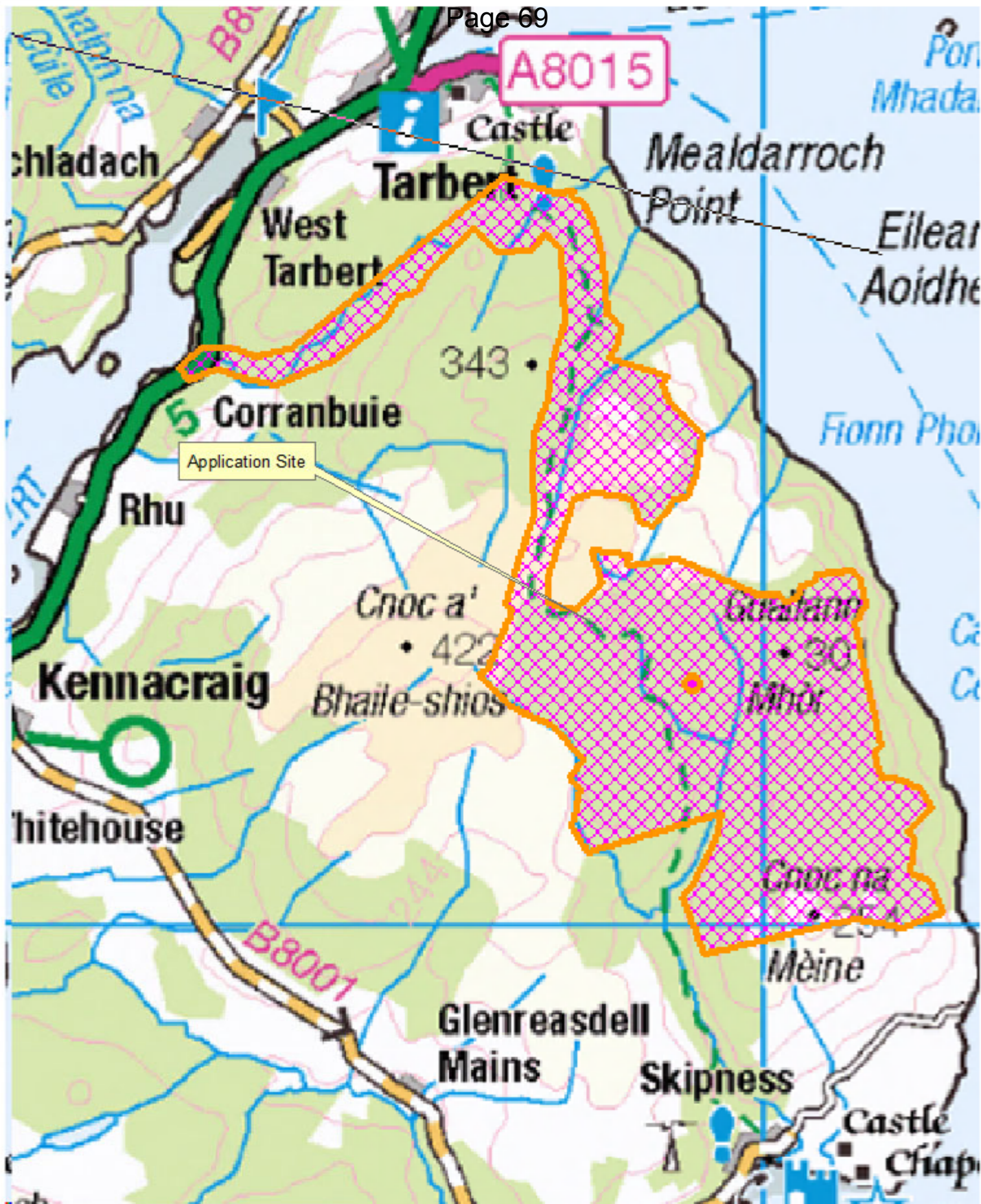
This project has the potential to contribute to combating the climate emergency through an additional 78MW (wind), 5MW (solar photovoltaic array) and 25MW (battery storage technologies (BESS) of renewable energy capacity towards Scottish Government targets. In reaching the recommendation to object to this proposal, Officers have had regard to relevant National and Local Policy and guidance; the EIAR and other supporting documents; the advice of key consultees; and the material consideration raised in the representations. It has been concluded that notwithstanding those factors which weigh positively in the balance of considerations, the significant adverse Landscape and Visual Impact (including cumulative) and Aviation Impacts would significantly and demonstrably outweigh the benefits of the development and would therefore be unacceptable.

Para 3.6.1 of the Onshore Wind Policy Statement states that: *“meeting our climate targets will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place. Meeting the ambition of a minimum installed capacity of 20GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines. This will change the landscape”*.

As referred to above *“the aim is to ensure the right development happens in the right place,”* there is not a policy expectation that an adverse impact on the local environment should be accepted as the price to pay for the ability to satisfy Scotland’s energy needs and UK climate change commitments.

Regional Spatial Priorities for the North and West Coast and Islands of NPF4 (p22) states: *“The area has an exceptional environment with coastal and island landscapes that are an important part of our national identity”*.

The natural environment in Argyll & Bute continues to be seen as a finite resource worthy of protection. It must therefore be recognised that support for renewable energy should only be given where justified.



Survey Licence number 100023368



Location Plan Relative to Planning Application: 22/00445/S36



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ARGYLL AND BUTE COUNCIL**Planning, Protective Services and Licensing
Committee****DEVELOPMENT AND INFRASTRUCTURE****19 April 2023**

JOINT PUBLIC HEALTH PROTECTION PLAN 2023-2025

1.0 EXECUTIVE SUMMARY

- 1.1 Purpose:** This report invites Members to endorse the Joint Public Health Protection Plan which outlines our health protection priorities for the period 1 April 2023 to 31 March 2025. This is a statutory plan, required under the Public Health etc. (Scotland) Act 2008, which has been developed in conjunction with Argyll and Bute Council, Highland Council and NHS Highland. It is also consistent with the Councils corporate priorities.
- 1.2** The Public Health etc. (Scotland) Act 2008 outlines a range of statutory powers available for the purpose of health protection for use in a situation when action needs to be taken to protect public health, sometimes against the expressed wishes of an individual or organisation. Under the Act, health boards assume the lead role for health protection activities relating to people, and local authorities retain the lead role for premises and property.
- 1.3** The plan strengthens the partnership approach between the three agencies and ensures that appropriate “health protection arrangements” are in place between the Council’s environmental health service and the Consultant in Public Health Medicine, NHS Highland. This ensures that we are able to respond effectively to an outbreak or public health incident (e.g. Covid, E.coli 0157 outbreak; norovirus; blue-green algae, etc.), deliver our preventative work to protect public health and illness, and meet societies expectations.
- 1.4 Financial:** The work will be undertaken principally by the Council’s environmental health service with support from other areas of Regulatory Services. The plan has been developed having regard to our available resource and budget. Resourcing pressures on environmental health will result in work being prioritised focusing on areas of greatest public health significance in the first instance. The team are continually exploring ways of delivering services more efficiently within our existing resource.
- 1.5 Recommendations**

Members are asked to:-

- (i) Approve the Joint Public Health Protection Plan for 2023-25 (Appendix I), recognising the key role of local authorities and environmental health
- (ii) Formally reaffirm the appointments of the Regulatory Services and Building Standards Manager, as the Council’s Designated Competent Person under the Public Health etc. (Scotland) Act 2008, and the appointments of Depute Designated Competent Persons as detailed in section 4.8 of this report and 4.2 of the JHPP.
- (iii) Agree that the Regulatory Services and Building Standards Manager signs the JHPP plan on behalf of the Council, and takes the necessary steps to deliver the plan including appointing appropriate competent authorised officers, and provides a progress report to Committee in May 2024.

JOINT PUBLIC HEALTH PROTECTION PLAN 2023-25

2.0 INTRODUCTION

- 2.1** Local authorities have a significant role to play in public health and health protection. The Public Health etc. (Scotland) Act 2008 place a requirement on NHS Boards to prepare, in conjunction with local authorities a Joint Public Health Protection Plan (hereafter referred to as JPHPP) every 2 years. The plan requires to be formerly approved by each agency, and must outline the health protection priorities for the forthcoming period of the plan.
- 2.2** The Joint Public Health Protection Plan 2023-25 has been developed by the three agencies and having regard to the 2015-17 Plan, our achievements; and emerging national and local priorities. The national priorities are common to all but some of the local issues highlighted are specific to our own area. Progress will be monitored by the respective partners and the plan will continue to be subject to annual review although the formal Act only requires a new plan to be produced every two years.

3.0 RECOMMENDATIONS

Members are asked to:-

- i. Approve the Joint Public Health Protection Plan for 2023-25 (Appendix I), recognising the key role of local authorities and environmental health
- ii. Formally reaffirm the appointments of the Regulatory Services and Building Standards Manager, as the Council's Designated Competent Person under the Public Health etc. (Scotland) Act 2008, and the appointments of Depute Designated Competent Persons as detailed in section 4.8 of this report and 4.2 of the JHPP.
- iii. Agree that the Regulatory Services and Building Standards Manager signs the JHPP plan on behalf of the Council, and takes the necessary steps to deliver the plan including appointing appropriate competent authorised officers, and provides a progress report to Committee in May 2024.

4.0 JOINT PUBLIC HEALTH PROTECTION PLAN 2023-25

- 4.1** There is an expectation by the public, that the NHS and Local Authorities undertake work which keeps people and communities safe, and have adequate arrangements in place to deal with any incidents of disease which pose a risk to public health. This Plan details the extent of the health protection work which is being undertaken. It focuses our Health Protection activity and resources on key national and local priorities, provides a means to highlight our intentions and to report on our actions/progress.

Health Protection work largely goes unnoticed, other than during a major outbreak or incident where the investigation and control of disease is paramount, but came to the forefront during the Covid pandemic. Day-to-day work is undertaken principally by Environmental Health in the Local Authorities and colleagues within the Health Protection team in NHS Highland. The Plan seeks to ensure that the standards defined by statute, or expected by society are met, namely that food is safe to eat from commercial premises, that water is safe to drink, that air is safe to breathe, that workplaces and other facilities/attractions (e.g. leisure facilities etc.) are safe to use and that we have a good and healthy environment.

4.2 The Scottish Government and Convention of Scottish Local Authorities (COSLA) strategy 'Public Health Priorities for Scotland' emphasises the essential role of health protection work and workforce planning including environmental health is being taken forward at a national level

4.3 The Joint Public Health Protection Plan 2023-25 has been developed in partnership at an officer level, and is currently going through the committee approval process at NHS Highland, and Highland Council. This the fifth plan, with the first plan being published in 2021, although it was not possible to update the 19/21 plan, due to the pressures of the Covid-19 pandemic.

4.4 The Plan, in **Appendix I**, targets resources at key national and local priorities and provides a number of key benefits:

- i ensures that there are effective arrangements in place between Councils and the NHS to deal with any incidents of disease or which pose a risk to public health.
- ii The Plan details the details the extent of the health protection work which is being undertaken on a proactive and preventative basis
- iii focusses our activity and resources on key national and local priorities, provides a means to highlight our intentions and to report on our actions/progress.
- iv raises the profile of 'health protection' which largely goes unnoticed, other than during a major outbreak or incident where the investigation and control of disease is paramount. The day-to-day work is undertaken principally by environmental health, and seeks to ensure that the standards defined by statute, or expected by society are met.
- v provides confidence to elected members, and others, that appropriate arrangements are in place to respond to any suspected or confirmed outbreak or public health incident.

4.5 Section 1.2 of the plan details the challenges and response of the partners through the Covid-19 pandemic. As members are aware, Health Protection had a key role throughout the pandemic with the Health Protection Team at NHS Highland managing outbreaks, contact tracing, and providing specialist advice. The environmental health teams focused on outbreak investigation, the statutory enforcement role for the Covid- 19 legal requirements and providing support and advice to local businesses on restrictions. As previously reported to Committee, the team provided these duties while managing concurrent challenges on EU Exit and legal changes including new licensing regimes. **Appendix II** provides a useful infographic on the work of environmental health

4.6 Sections 1.4 and 1.5 details the challenges of providing health protection over the areas given geography and the specific challenges to environmental health teams in workforce planning and prioritising existing resources on areas of greatest public health significance.

4.7 The national and local priorities identified for the period are given in Table 3 in the middle of the plan. These have been developed by the three bodies to ensure key health protection priorities are addressed. As stated in the plan, the local priorities recognise the work undertaken by the environmental health teams in the following areas of responsibility and service delivery:

- i. Protecting public health
- ii. Preventing the spread of communicable diseases in the community • Improving standards of food safety
- iii. Ensuring safe and potable drinking water supplies
- iv. Improving standards of workplace health and safety standard
- v. Promoting a safe environment and protecting the public from environmental hazard
- vi. Providing safe private and short term let accommodation
- vii. Ensuring adequate plans are in place to respond to incidents and emergencies

4.8 To meet national guidance, the plan concludes by providing information on the operational arrangements of the teams including specific health protection response plans, staff resources, details of designated staff under the Public Health Act, mutual aid arrangements, and out of hours arrangements.

Argyll and Bute Council require to appoint a Competent Public Health Person, Deputes, and thereafter appointment of officers by the Local Authority Competent Person. Accordingly, environmental health officers and other professional staff are authorised under the Act. This provides flexibility in authorising officers to meet specific circumstances, workload and demand, or new staff without having to amend the Plan or obtain Committee approval. It is recommended that these arrangements continue and the following appointments are made:

Local Authority Designated Competent Person	Alan Morrison, Regulatory Services and Building Standards Manager
Depute Local Authority Designated Competent Person	Mary Watt, Environmental Health Manager (East)
Depute Local Authority Designated Competent Person	Iain MacKinnon, Environmental Health Manager (West)
Depute Local Authority Designated Competent Person	Jacqui Middleton, Environmental Health Officer

4.9 The pressures on the environmental health profession and challenges in workforce planning have been noted by COSLA and the Scottish Government. Work is ongoing with the Royal Environmental Health Institute of Scotland (REHIS) and the Society of Chief Officers of Environmental Health in Scotland (SoCOEHS) to increase resilience of the service and a sustainable workforce. A new format of the BSc course at University of the West of Scotland which includes an integrated placement with Councils should encourage greater update of new EHOs. The Council are participating in the scheme to assist with our workforce planning

5.0 CONCLUSIONS

5.1 Local authorities have a significant role to play in public health and health protection, and it is not solely for NHS services. Much of the work of local authorities is preventative and reduces the burden at primary care level.

5.2 The Joint Public Health Protection Plan for 2023-25 meets the Council's statutory obligations under the Public Health (Scotland) Act 2008, and the Council's Corporate priorities. As the Council's Designated Competent Person, under the Act, the Council's Regulatory Services Manager recommends to members to endorse the plan and in particular the appointments of the Designated Competent Person and the Depute Designated Competent Persons as they relate to Argyll and Bute Council.

- 5.3 The Plan was agreed by Highland Council on the 23 February 2023 and will be considered by NHS Highlands Board in May 2023. Following approval by all three agencies, the plan will be published to demonstrate the work being done to protect the health of the people who live, visit and work in the Highlands and Argyll & Bute.

6.0 IMPLICATIONS

- | | | |
|-------|------------------|--|
| 6.1 | Policy | Consistent with Council priorities |
| 6.2 | Financial | The plan will be delivered within our current service, although progress is dependent upon resource levels, other workload, and no reduction in resources |
| 6.3 | Legal | Meets the Council's legal obligations under Section 7 of the Public Health (Scotland) Act 2008. |
| 6.4 | HR | None. |
| 6.5 | Fairer Scotland | |
| 6.5.1 | Equalities | There are no equality or sustainability issues associated with the plan |
| 6.5.2 | Socio-economic | Plan supports social and economic issues |
| 6.5.3 | Islands | There are no island implications. |
| 6.5.4 | Climate Change | There are no climate change implications. |
| 6.6 | Risk | Delivery of the plan is dependent on resources and will be impacted by staff absence, vacancies, new service demands, service cuts, or significant reactive work.
Priority will be given to delivering this plan, and the risks will be actively managed. In the event of an outbreak of incident, resources will be redirected from routine operational work |
| 6.7 | Customer Service | No significant issues. |

Executive Director with responsibility for Regulatory Services
Policy Lead Councillor: Kieron Green

For further information contact: Alan Morrison, Regulatory Services and Building Standards Manager,
 Tel: 01546 604292, email: alan.morrison@argyll-bute.gov.uk

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Appendix I: Joint Health Protection Plan 2023-25

Appendix II : Infogram illustrating the role of environmental health in public health

Appendix 1: Joint Health Protection Plan 2



NHS Highland Joint Health Protection Plan (JHPP) 2023-2025

**Prepared by Dr Jenny Wares, Mr Alan Morrison and Mr Alan Yates on behalf of
NHS Highland, Argyll and Bute Council and Highland Council respectively**

April 2023 – April 2025

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Introduction

The Public Health etc. (Scotland) Act 2008 requires NHS Boards, in consultation with Local Authorities, to produce a Joint Health Protection Plan (JHPP) which provides an overview of health protection priorities, provision and preparedness for the NHS Board area. Guidance on the content of JHPPs has been published by the Scottish Government.¹

This is the fifth Highland JHPP, with the first plan being published in 2010. As detailed within the plan, it was not possible to update the current JHPP in accordance with the previously agreed time-frames due to the constraints of the COVID-19 pandemic. This updated plan covers the period 1st April 2023 to 31st March 2025. It is a public document and is available to members of the public on the NHS Highland website and on request. We hope that you will find this plan to be of interest, and of value, and that its production will contribute to protecting the health of the people who live, visit and work in the Highlands and Argyll & Bute.

Signed:

.....

Dr Jenny Wares

Consultant in Public Health Medicine (Health Protection)
NHS Highland, Larch House, Stoneyfield Business Park, Inverness, IV2 7PA.

.....

Mr Alan Morrison

Regulatory Service and Building Standards Manager
Argyll & Bute Council, Kilmory, Lochgilphead, PA31 8RT.

.....

Mr Alan Yates

Environmental Health Manager
The Highland Council, 38 Harbour Road, Inverness, IV1 1UF.

Section 1: Overview

1.1 The Joint Health Protection Plan

This plan has been created following the requirements set out in the Public Health etc. (Scotland) Act 2008. NHS Highland, Argyll and Bute Council and Highland Council have prepared this plan in collaboration and consultation. This plan is herewith referred to as the Joint Health Protection Plan (JHPP).

Although the plan would previously have been reviewed and formally updated in December 2020, this was not possible due to the competing priorities of the COVID-19 pandemic and the challenges this placed on each of the three agencies. This was not unique to Highland with similar challenges facing all NHS Boards and local authorities across Scotland. The updated plan relates to the period 1st April 2023 to 31st March 2025.

The plan requires to be formally approved by the NHS Highland Board and the appropriate Committees of each of the local authorities. The plan has been developed in accordance with national guidance.

The purposes of the plan are:

- To provide an overview of health protection priorities, provision and preparedness for NHS Highland, Highland Council and Argyll & Bute Council.
- To outline the joint arrangements which Argyll and Bute Council, Highland Council and NHS Highland have in place for the protection of public health.
- To improve the level of preparedness to respond effectively to a health protection incident and emergency.
- To clarify the priorities for the period of the plan 2023 – 2025.
- To identify the resources which are required to meet the plan.
- To detail the liaison arrangements between NHS Highland, the two Local Authorities and other Agencies (e.g. Scottish Water, SEPA etc.).
- To develop learning across the agencies.
- To provide a mechanism for reviewing and recording outcomes and achievements.
- The plan will be reviewed annually by the multi-agency Environmental Health Liaison Committee and any necessary changes made. However the plan will only be formally changed and updated every two years in accordance with the legislation.

1.2 Current context

1.2.1 Background

Health Protection is an area of public health that is responsible for the surveillance, prevention, investigation and management of communicable diseases and environmental hazards in addition to incident and outbreak management. The outcome of this is that the population's health is protected from infectious and environmental threats and major incidents and that across our communities, health inequalities are reduced.

Health Protection Teams (HPTs) within NHS Health Boards work in partnership with Environmental Health teams and other partners to support this area of work. Whilst there has always been very close working, this has never been more so than during the COVID-19 pandemic. The existing strong working relationships were incredibly beneficial and these foundations were further built on over the course of the pandemic.

The past three years have been exceptional for many services including that of the HPT and the environmental health teams, in that the predominant activity has been the pandemic response. Whilst the demands of the pandemic necessitated an almost wholesale temporary transformation of the services, the reactive response to the management of other infectious diseases continued on a 24/7 basis. Due to the competing priorities for teams and the often overwhelming needs of the pandemic response, non-urgent work programmes were paused.

On the 9th January 2020, Health Protection Scotland (HPS) (now Public Health Scotland's Clinical and Protecting Health Division, PHS) convened an Incident Management Team (IMT) meeting with Scottish Government and NHS Board HPTs following the identification of a cluster of pneumonic illness in Wuhan City associated with a novel coronavirus. This novel coronavirus was subsequently identified as SARS-CoV-2, the virus causing the infection known as COVID-19. The World Health Organisation declared the outbreak a 'Public Health Emergency of International Concern' at the end of January 2020.

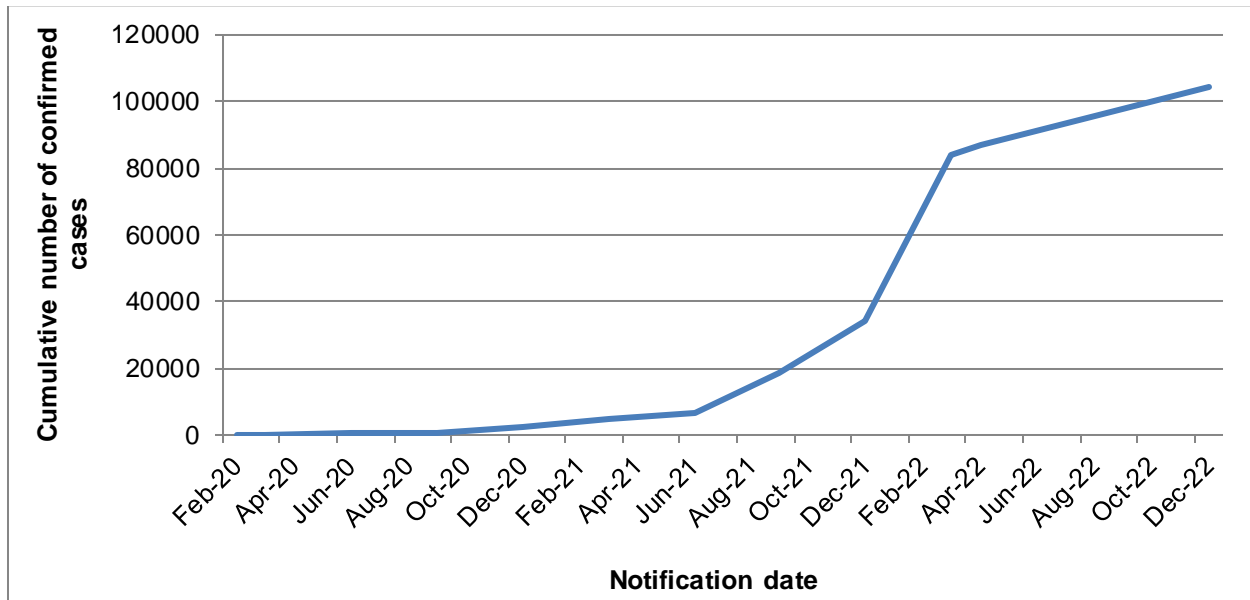
More than three years have now passed since this initial activity. The response to the pandemic was greatly assisted by the existing strong relationships and arrangements between NHS Highland HPT and the Environmental Health (EH) teams in both Highland Council and Argyll and Bute Council. This had been fostered through many years of partnership working and evidenced through the development of previous Joint Health Protection Plans which demonstrates the effectiveness and importance of this JHPP process and document as part of routine working but also as part of preparedness activity.

1.2.2 COVID-19 activity

The first confirmed case of COVID-19 in Scotland was announced on 1st March 2020 in Tayside in a returning traveller who had visited Italy. NHS Highland's first case was notified on March 13th 2020. Since the start of the pandemic, over 17 million PCR tests for COVID-19 have been carried out across Scotland and over two million cases of COVID-19 have been identified (data accurate as of 30th January 2023). This represents around 39.2% of the population. Sadly, there have been over 16,000 people who have died as a result of COVID-19 across Scotland since the pandemic began.

With respect to NHS Highland, there has been a total of 104,494 cases of COVID-19 to date as detailed in figure 1 (as of December 2022).²

Figure 1: Cumulative number of confirmed cases of COVID-19 across NHS Highland (as of December 2022)



Over 9,000 separate enquiries and over 841 situations relating to COVID-19 have been handled by the HPT although it is recognised that this is likely to be an under-reporting. This activity was replicated for the environmental health teams with more detail overleaf. Multi-agency Incident Management Team (IMT) meetings were convened in response to different outbreaks necessitating effective partnership working. Over the course of the pandemic, clusters and outbreaks were managed in relation to a range of different settings and locations including an outbreak in Grantown-on-Spey which also included a local slaughterhouse; an outbreak in Kilcreggan on the Rosneath peninsula linked to a private event held in a local bowling club and many other outbreaks affecting specific settings such as care homes, schools, ships and workplaces.

Unfortunately, when the incidence rises within our communities, there is a high risk of spread to local workplaces and care settings. One of the most significant areas of activity has been the provision of specialist infection control advice and training to independent care homes and care at home settings in addition to the management of clusters and outbreaks in these vulnerable settings. The HPT has a statutory responsibility for outbreak management in care homes in addition to being responsible for providing all of the infection, prevention and control support across the 67 independent and local authority care homes across the NHS Highland board area. A dedicated team within the health protection team was developed to support this significant area of work. A recent review of activity has highlighted that there have been over 50,000 separate events documented pertaining to the management of outbreaks in independent care homes in Highland over the course of the pandemic. An event in this context is activity undertaken as part of the outbreak management such as a phone call or an email.

From a local authority perspective, in addition to responding to reported cases and outbreaks, new powers were given to local authorities in respect of securing public health controls within businesses/places and to Police Scotland to enforce the lockdown conditions in public places under the Coronavirus regulations. The enforcement of these regulations were challenging given the statutory requirements and guidance changing quickly as the pandemic developed, and a key role was providing clear, up to date advice to local businesses and the public on requirements particularly when local authorities were in different control levels. The levels sought to minimise spread by restricting business use and ensuring appropriate public health controls were in place. This required Argyll and Bute Council

and Highland Council to redesign services in order to focus resources on COVID-19 enforcement activities whilst continuing to deliver other core services. Some of the key highlights from this work are detailed below:

Table 1: Number of COVID-19 interventions by local authority area

Local Authority COVID-19 interventions (01/03/2020 – 31/3/22)	Number of COVID-19 interventions by local authority area		Total
	Argyll and Bute Council	Highland Council	
Business interventions	2,033	1,684	3,717
Business revisits	235	N/A	235
Enquiries/complaints	1,244	1,370	2,614
Specific business enquiries	531	523	1,054
Enforcement action - warnings	113	187	300
Enforcement action - Prohibition Notices	10	0	10
Referrals from NHS Highland HPT for investigation (due to the referral process, there could be some potential for duplication)	1,309	4,526	5,835

From the table above, it is evident that the enforcement strategy developed and implemented across all Scottish local authorities of the 4Es (Engage, educate, encourage and enforce) resulted in a very positive response from the business community and high levels of compliance. Formal enforcement action was taken in the minority of cases where there was obvious non-compliance or risks to public health or non-cooperation by the business. There was a 100% response to identified outbreaks which ranged significantly from premises related to ship-based outbreaks where the ships had to be detained, the infected crews isolated and removed to alternative accommodation, the ship deep-cleaned and disinfected and a new crew put on board. The logistics associated with dealing with this response, in the height of a pandemic and the associated restrictions, were extremely challenging.

1.2.3 COVID-19 support to Health Protection and Environmental Health teams

Over the early part of the pandemic, it quickly became apparent that despite support from other departments an expanded health protection function would be required to support the ongoing pandemic response.

This was implemented in NHS Highland through the recruitment of additional nursing and administrative staff in addition to the development of a clinical fellow role plus additional input at Consultant level from the existing Consultant in Public Health Medicine (CPHM) specialising in Health Protection. Over the course of the pandemic, a local contact tracing service was also established which was integrated with the HPT. The expansion to the specialist function was hugely valued albeit, in keeping with other services, the response was very challenging despite having the expanded team. In accordance with the current strategic direction, the contact tracing service was stood down in April 2022 but an expanded health protection team remains in place to address the ongoing impact of COVID-19 but also to enable the effective remobilisation of other health protection responsibilities.

At a local authority level, the focus was on managing the Councils' response to COVID-19, delivering core services and establishing new services to support communities. This included the establishment of catering services and food packs to vulnerable communities, families and individuals. In environmental health terms, resources were redirected into COVID-19 work with other non-urgent activities paused.

The Scottish Government provided some financial support to environmental health services to support the additional COVID-19 demands and enforcement activities. This short-term funding was provided over an 18 month period ending on the 31st March 2021. This helped to fund two Full Time Equivalent (FTE) COVID-19 Compliance Officers in Argyll and Bute and four COVID-19 Compliance Officers and one temporary COVID-19 EHO in Highland Council. This assistance was invaluable and enabled essential health protection services to continue. There was also an increase in environmental health service requests partly due to people working at home and being more aware of issues within their neighbourhoods.

1.2.4 Wider health protection activity and future priorities

The control measures implemented as part of the COVID-19 response, including the lockdowns and other non-pharmacological interventions (NPIs) such as masks and physical distancing, were incredibly beneficial with respect to reducing the incidence of COVID-19. However, the benefits were not limited to COVID-19 and there was also a reduction in other infectious diseases given the reduced potential for person to person spread and also a decrease in possible exposures. There was a dramatic reduction in the incidence of a number of notifiable infections including pertussis, invasive Group A Streptococcus (iGAS), Meningococcal infection and Shiga toxin-producing *Escherichia coli* (STEC). Similar trends were seen at a national and international level.³ This adds to the evidence for continuing with some of the basic public health measures such as rigorous hand and cough hygiene, enhanced cleaning and better adherence to staying at home when unwell. The move to living with COVID-19 with the resultant easing of measures and subsequent increase in mixing has led to a corresponding increase in infections although the positive legacy of the pandemic with respect to behaviour change and infection control practices is unknown.

The requirements of the pandemic response meant that it has not been possible to fulfil all normal activities to the same extent. This has been common to all areas with all NHS Board HPTs, local authority environmental health teams and Health Protection Scotland (now Public Health Scotland) having to prioritise the pandemic response.

Although we are now in a different phase of the pandemic, there continues to be an impact on morbidity and mortality from COVID-19 infection in addition to the ongoing potential of a new SARS-CoV-2 variant. As such, the response to COVID-19 will continue to necessitate considerable input with future waves alongside the remobilisation of the health protection function. Section two details the health protection priorities to be progressed over the course of this plan.

1.3 Health Protection Planning

The prevention, investigation and control of communicable diseases and environmental hazards requires specialist knowledge and skills. These include risk assessment, risk management and risk communication amongst others. These specialist skills and knowledge are applicable to a wide range of potential incidents or scenarios and are often facilitated by the existence of agreed plans and procedures for specific diseases or situations. There are many such national and local plans. The response to the pandemic was supported by the arrangements already in place through previous Joint Health Protection Plans which facilitated the implementation of processes.

Effective working arrangements are in place to support partnership working between NHS Highland and the environmental health services within Argyll and Bute Council and Highland Council. This is evidenced through work undertaken to develop common plans to ensure a systematic and consistent approach to tackling common public health issues and learning from best practice in both local authority areas and has been demonstrated through the approach taken to the pandemic response.

A list of the plans which are common to all three agencies is included within appendix 1. It has not been possible to update many of these plans in accordance with the normal timeframes due to the pandemic response and this is therefore a priority for teams in the short-term.

Although excellent working relationships were already in place, the pandemic response necessitated even closer working and more regular meetings were convened to support effective communication and information sharing between the three agencies. The frequency varied according to need but was weekly at the height of the pandemic. This forum was felt to be very beneficial for sharing information and has been retained on an ongoing basis on a bimonthly basis.

1.4 Risks and Challenges

The geographical profile of the area presents several challenges to effective and timely management of a health protection incident. This poses a risk to the delivery of the service and further emphasises the importance of local knowledge and effective working relationships to an incident response. From an NHS Board perspective, the NHS Highland Board is the largest board in Scotland covering an area of 32,560km² and accounting for 42% of Scotland's land mass. This vast geographical area means that travelling arrangements must be factored into the planning of a response to an incident. This is particularly the case for island communities where access is dependent on ferries. There are 37 inhabited islands across both council areas. Many communities are remote and can be isolated, particularly during periods of adverse weather or, as has been increasingly the case, as a result of breakdowns or availability of ferries. The maps of the area are provided in Appendix 3.

All three agencies are heavily dependent on effective telecommunications systems and a lack of mobile telephone network coverage is a problem in some remote areas and some island communities although this is improving. The response to a public health incident could be compromised in the event of a significant failure of the telecommunications system although the pandemic has resulted in improvements to communications through the use of MS teams.

Staff from all three agencies may be required to travel to the site of a public health incident. This may necessitate several hours of journey time, increased by the need for specific transport or adverse weather conditions. As such the duration of deployment is increased. It is accepted that any reduction in staffing for any of the agencies would impact even further on capacity to respond appropriately and timeously to health protection incidents. This can in part be mitigated by some of the communications improvements experienced in recent years.

Collection and analysis of samples forms a key step in the management of a disease outbreak. The specimens are routinely delivered to the regional or national laboratories by road. There may be a longer turnaround time from submitting the sample to receiving a result depending on the analysis required. In some more urgent circumstances couriers and specialist transport including air transport should be used in order to reduce sample transit time.

NHS Highland collates the surveillance data and information relating to disease outbreaks and environmental incidents and also contributes to national surveillance work. Local Authorities have systems in place for the recording of investigative and monitoring work associated with health protection. These systems include in-house case management systems and also include the use of the Scottish Food Sampling Database (SFSD). The teams may also utilise Geographical Information Management Systems (GIS). HPZone Scotland was introduced by all NHS Boards prior to the Commonwealth Games in 2014 and is now well established. This aims to provide a standardised Health Protection IT system for national surveillance and managing cases and incidents across the country. All three organisations have local risk registers. These highlight specific high risk facilities, events or scenarios within each area and are also available through the Regional and Local Resilience Partnerships – West of Scotland Regional Resilience Partnership (RRP), Argyll and Bute Resilience Group, the Highlands and Islands Local Resilience Partnership (HILRP) and the North of Scotland RRP.

As identified in the latest Climate Change Risk Assessment (CCRA3)⁴ there are increasing risks posed by climate change with an increased risk of morbidity and mortality from extreme weather events, possible changes in indoor and outdoor air quality, vector-borne disease and an increased incidence of food poisoning and water-borne infections.

The NHS Highland board area has the greatest proportion of Private Water Supplies (PWS) with over a quarter (n=6,224; 28%) of the total number of registered PWS in Scotland occurring in the area. When compared to the mains supply, the health risks from the consumption of water from a PWS are higher with an increased risk of infections such as cryptosporidiosis and STEC. The climate change predictions of drier summers interspersed with heavy rain are likely to increase the risk of raw water contamination and could increase the risk to human health of water-borne infections.

1.5 Capacity and Resilience

Capacity and resilience are ongoing challenges, particularly in response to the current pressure on all services to reduce expenditure. Human resource capacity of specialist health protection skills in NHS, Argyll and Bute Council and Highland Council is limited although there was a temporary expansion as a result of the pandemic response. It is possible that there will be some retention of an expanded function in the longer term in NHS Highland although not at the same levels as that experienced during the pandemic. This will be necessary due to the ongoing requirements from COVID-19.

Appendix 2 lists the designated competent persons in terms of the Act. NHS services are located in Inverness although cover the whole board area. The local authorities deliver their services from a number of geographical centres. This approach is an efficient use of limited human resources.

The challenges affecting local authorities, are:

- The challenges with the recruitment of qualified environmental health professionals due to a workforce shortage across Scotland. This is being considered nationally and work is ongoing to address this, although there is no short-term solution. The impact is that there can be challenges in recruitment. In Argyll and Bute some EHO posts remain vacant placing a significant capacity and resilience issue to these services. Highland has to date been successfully in recruiting EHOs although lower numbers of applications are noted. This is at a time of increasing workload and areas of new work including short-term let licensing, property checks associated with the Ukrainian Resettlement programme and EU exit implications. This is compounded by an increasing reactive workload and emerging issues such as that of the increased incidence of avian influenza. There has been an increase in the reactive workload of 60% in the last 18 months in Argyll and Bute Council.
- Ongoing challenges of prioritisation of available resources to meet statutory public health requirements. Existing environmental health resources are focussed on high-risk priorities and are managed to allow flexibility to respond to new challenges such as the COVID-19 response and the 2022 work on property inspections for Ukraine refugee schemes. The teams actively engage in national groups to share best practice and ensure efficient and proportionate approaches to implementation of statutory public health duties.
- An example of engagement is through the partnership working between the environmental health teams and Food Standards Scotland (FSS) on the delivery of statutory food safety legislation. The restart of food controls following the COVID-19 pandemic and ongoing audit work has identified significant challenges. Research by FSS in late 2021 estimated a resource gap of as much as 178 FTE officers across all 32 Local Authorities to fulfil all food law requirements, including lower risk

activities, of the Food Law Code of Practice. Officers from both Argyll and Bute and the Highland Council are engaged in a new national project to review the approach to food safety law to provide assurance in public health protection, with sufficient and sustainable resources to deliver the required work.

Officers may be required to take on both strategic and operational roles during a large incident. Regular multi agency training exercises and debriefs give strategic leads flexibility in the roles taken during an outbreak.

Staff from the wider department of public health are utilised as required in a large incident and beyond that staff from other teams/departments in NHS Highland. Formal arrangements for mutual aid with other NHS Boards in the North of Scotland and also NHS Greater Glasgow and Clyde are in place and reviewed through the resilience procedures. Informal arrangements for mutual aid exist within the local authorities and act to support the provision of the service in remote and isolated areas.

1.5.2 Risk and mitigation

There is enhanced risk that low risk activities and business may become a higher risk to public health through inadequate management etc., and that these will not be identified and corrected via routine inspections by environmental health services. There are a number of other preventative measures in place to mitigate this risk through:

- Provision of advice and guidance to business and individuals
- Targeted, intelligence led interventions, and liaison with other partner agencies

Notwithstanding this increased risk, priority will always be given to responding to public health incidents and cases of suspected or confirmed communicable disease, by redirecting resources to these investigations. The COVID-19 pandemic demonstrated this flexibility and effectiveness of the Councils' environmental health services and NHS health protection teams.

1.6 Supporting information

Appendix 3 provides the following background information in support of the plan:

- Health Protection definitions
- Overview of NHS Highland and its local authority partners
- Resources and operational arrangements for Health Protection
- Emergency Planning and Business Continuity
- Inter-organisation collaboration and mutual aid
- Out-of Hours arrangements
- Maintenance of competencies for Health Protection staff
- Public Feedback

Section 2: National and local Health Protection priorities

2.1 National Priorities

As part of Public Health Reform the Scottish Government and COSLA, working with a range of partners and stakeholders, developed a set of public health priorities to improve Scotland's health. The following priorities were published in 2018 and provide a ten year focus for improving the health of the nation.

Table 2: Scotland's Public Health priorities

Priority 1:	A Scotland where we live in vibrant, healthy and safe places and communities
Priority 2:	A Scotland where we flourish in our early years
Priority 3:	A Scotland where we have good mental wellbeing
Priority 4:	A Scotland where we reduce the use of and harm from alcohol, tobacco & other drugs
Priority 5:	A Scotland where we have a sustainable, inclusive economy with equality of outcomes for all
Priority 6:	A Scotland where we eat well, have a healthy weight and are physically active

It is acknowledged that the priorities do not reflect all of the activities that contribute to the health of Scotland's communities and that many activities are included in the broader public health reform work but not explicitly reflected. The report⁵ on Scotland's six public health priorities states how, *'our work to protect the health of the population from serious risks and infectious diseases through vaccination, infection control and incident response (health protection), will continue to be an essential public health function and must be maintained. We will not compromise our existing, high quality protections and our ability to respond to emerging threats.'*

The Scottish Health Protection Network (SHPN) is an obligate network of existing professionals, organisations and groups within the health protection community across Scotland.

In line with the stated aims, the SHPN supports the development, appraisal and adaptation of health protection guidance, seeking excellence in health protection practice. The shared ownership of the network is one of its key strengths and all three organisations contribute to the collective work of the network. Many of the work-streams of both the HPT and the environmental health teams are directed by the work of the SHPN.

An independent review of the structure, function and deliverables of the SHPN was undertaken in 2022. This review⁶ concluded that *'the SHPN is a unique resource which is impartial, highly valued and appreciated. It is not perfect, but its work needs to be focused, streamlined and give maximum value for money. The network must not be lost, diluted or allowed to disintegrate. Instead, it should be cherished, strengthened and widely publicised.'* All three teams are committed to continuing to support the work of the network and to support the implementation of the review recommendations in due course.

Furthermore, the Chief Medical Officer and Scottish Government have previously identified various national health protection priorities as detailed within table 3. NHS Highland JHPP commits to meeting these in the term of this plan.

Areas that will require further work in future years include:

- Ensuring that the learning from the COVID-19 pandemic is captured within ongoing future pandemic preparedness;
- Continuing to support the transition to living with COVID-19 and contributing to Scotland's COVID-19 Inquiry as required;
- Improving health in the early years especially through new and existing vaccination programmes, particularly as we transition through the Vaccination Transformation Programme;

- Contributing to Scotland’s aim of eliminating hepatitis C as a public health concern by 2024;
- Ensuring the effective implementation of current policy such as Scotland’s TB Framework;
- Further implementing a coherent, measurable strategy to reduce the risks to health from environmental risk factors such as air pollution, lead in water, contaminated land and radon;
- Improving food, water and environmental safety;
- Protecting vulnerable groups, especially older people in health and social care, against exposure to hazards and their adverse effects;
- Mitigating the impact of climate change;
- Being prepared to respond to current and emerging diseases including new variants of SARS-CoV-2, Mpox and avian influenza etc.;
- Addressing place standard and resettlement challenges;
- Mitigating the impact of the cost of living crisis on individuals, families and communities and the resultant public health issues

2.2 Local Priorities

Health Protection is a core part of the services delivered by NHS Highland through the Public Health Department’s HPT and both Argyll & Bute and Highland Councils through the protective services remits (environmental health, trading standards, licensing standards and animal health and welfare). This plan recognises that work is undertaken on a daily basis relating to the following areas of responsibility and service delivery:

- Protecting public health;
- Preventing the spread of communicable diseases in the community;
- Improving standards of food safety;
- Ensuring safe and potable drinking water supplies;
- Improving standards of workplace health and safety standards;
- Promoting a safe environment and protecting the public from environmental hazards;
- Providing safe private and short term let accommodation;
- Ensuring adequate plans are in place to respond to incidents and emergencies.

In addition, a number of local health protection priorities requiring joint action have been identified through a variety of mechanisms including regular review of surveillance data and joint meetings in conjunction with a review of national priorities.

The local priorities, which are detailed in table 3 below, will be progressed through them being incorporated within the operational service plans of each Local Authority or NHS Highland, and where they are common, delivered through effective working and partnership between the agencies.

As detailed in section 1, the impact of the pandemic has been significant and a core focus for teams is that of remobilisation whilst also continuing to react to the ongoing challenges posed by COVID-19. This winter has demonstrated some of the ongoing challenges posed by respiratory infections with exceptional levels of influenza activity being experienced across our communities in addition to a further

wave of COVID-19 plus unusually high levels of Group A Streptococcal infections. The increased activity resulting from COVID-19 has resulted in a new normal when compared to routine activity pre-pandemic and going forwards teams will be required to meet this need in addition to existing priorities underpinning the need for the continued HPT expansion.

Table 3: National and Local Priorities

	Source	Outcome	Work plan	Agencies involved
1.	National priority	Reduce Vaccine Preventable Diseases	<p>After the supply of clean drinking water, immunisation is the most effective public health intervention for preventing illness and deaths from infectious diseases.</p> <p>Although vaccination is a well established intervention, ensuring vaccine uptake remains high remains a key priority. There are currently a number of challenges facing healthcare services with respect to maintaining high uptake rates. These include the re-emergence of eliminated diseases such as measles, the emergence of new outbreaks, service reorganisation and the increasing risks posed by the global anti-vaccination movement.</p> <p>NHS Highland is currently implementing the Vaccination Transformation Programme (VTP) which is the transition away from a primary care based delivery model to one that is primarily through NHS Boards. The aim is to build on the already successful vaccination programme across Scotland and further increase vaccination uptake and it is critical that the benefits afforded by successful immunisation programmes are not put at risk by structural changes in delivery.</p> <ul style="list-style-type: none"> • <i>Deliver the Vaccination Transformation Programme by implementing models of delivery that fit a rural area and ensure continued high levels of vaccine uptake in all childhood and adult programmes.</i> 	NHS Highland Highland Council Argyll and Bute Council
2.	National priority	Reduce the incidence of tuberculosis (TB)	<p>TB remains a leading cause of morbidity and mortality worldwide and disproportionately affects the most deprived and vulnerable members of society serving to exacerbate existing health inequalities.</p> <p>Over recent years there has been a considerable reduction in TB incidence in Scotland. However, the predominant challenge facing low TB incidence countries is that of latent tuberculosis infection (LTBI) as the majority of active cases are the result of 'reactivation' of LTBI.</p> <ul style="list-style-type: none"> • Implement the actions within the Scottish Tuberculosis (TB) Framework including that of the development of an overarching policy for the management of latent tuberculosis. 	NHS Highland Highland Council Argyll and Bute Council

3.	National priority	Progress action towards Hepatitis C (HCV) elimination	<p>The Scottish Government has set a goal to eliminate HCV infection and HCV related severe disease and death as a major public health concern by 2024.</p> <p>The area of sexual health and blood-borne viruses (SHBBV) has been significantly impacted by the pandemic. An update to the SHBBV Framework is due to be published in early 2023.</p> <ul style="list-style-type: none"> • <i>Implement any actions and recommendations developed as part of national SHBBV policy. One specific area of work will be updating NHS Highland's HCV Elimination Plan.</i> 	NHS Highland Highland Council Argyll and Bute Council
4.	National priority	Addressing health inequalities	<ul style="list-style-type: none"> • Utilise Private Landlord Registration scheme to assist with improving housing conditions in the private rented sector and reducing antisocial behaviour. • Continue working on strategies to improve housing conditions including licensing of HMOs and residential mobile home sites. • Review approaches to incivilities to identify good practice and specific projects to implement. Incivilities can include issues such as vandalism, graffiti, litter, dog-fouling and fly-tipping. • Implement short term let licensing regimes with the aim of securing safety within premises used for this purpose and safeguarding communities • Support the Ukrainian Resettlement Program and ensure that accommodation provided is safe and has adequate facilities and services. • Support the empty homes strategy aimed at encouraging improvements to properties in order to bring them back into housing use. 	Highland Council Argyll and Bute Council
5.	National priority	Minimise the risk to the public from Shiga toxin-producing <i>E. coli</i> (STEC) infection	<ul style="list-style-type: none"> • Implement any outstanding recommendations within the VTEC Action Plan for Scotland. • Improve the safety of private water supplies and ensure that public health interventions are taken for any failing drinking water supplies, whether public or private. • Promotion of safe practices and procedures where there is contact with livestock at animal parks and farms • Implement recommendations on the safe use of agricultural ground for recreational events. • Investigations of cases of STEC and implementation of appropriate control measures. 	NHS Highland Highland Council Argyll and Bute Council

6.	National priority	Food control	<ul style="list-style-type: none"> • Deliver a range of food interventions in respect of the national Food Safety Code of Practice. • Working with FSS, develop a new approach to food enforcement in Scotland (SAFER) whilst ensuring that food safety and public health is protected. 	Highland Council Argyll and Bute Council
7.	National priority	Scottish Veterinary Service review	<ul style="list-style-type: none"> • Participating in the national program relating to the creation of a Scottish Veterinary Service, and the impact on local authority animal health and welfare services. • Managing the risk relating to the possible transfer of AHW services from local authorities which will impact adversely on other statutory services relating to environmental health and trading standards. 	Highland Council Argyll and Bute Council
8.	National priority	Monitoring and Improving drinking water quality	<ul style="list-style-type: none"> • Collaboration between all three agencies and Scottish Water in the monitoring and improvement of public and private water supplies. • Work with DWQR to deliver the requirements on Private Water Supplies. 	NHS Highland Highland Council Argyll and Bute Council
9.	Local priority	Control Environmental exposures which have an adverse impact on health	<ul style="list-style-type: none"> • Tackle the effects of antisocial or excessive noise in the community. • Deliver on air quality standards within each local authority area. • Review approaches to swimming pools and spas to ensure appropriate controls are in place regarding infection control. • Blue-green algae - Promotion of safe usage of recreational waters where there is a risk of BGA, implementation of permanent signage and responding to incidents that occur. • Progress Contaminated Land strategies and ensure land is made suitable for use through development management. • Monitoring of bathing water quality (designated beaches/lochs) with SEPA. • Apply the regulations for legionella safety in public buildings. • Monitor the levels of lead in drinking water in public buildings especially schools and in relevant private establishments such as nurseries. 	NHS Highland Highland Council Argyll and Bute Council

10.	Local priority	Resilience to respond to pandemics through effective multi-agency response	<ul style="list-style-type: none"> Review business continuity plans and Pandemic plans in light of the learning from the COVID-19 pandemic 	NHS Highland Highland Council Argyll and Bute Council
11.	Local priority	Effective sea and airport health plans to provide adequate disease control measures	<ul style="list-style-type: none"> Review existing sea and airport health plans across Argyll and Bute Council and Highland Council to include arrangements for any imported disease e.g. Viral Haemorrhagic Fever Hold a desktop exercise to test these plans. Review the current situation concerning Port Health and identify whether Argyll and Bute should become a designated Port Health Authority. 	NHS Highland Highland Council Argyll and Bute Council
12.	Local priority	Enhance recovery planning for a major incident	<ul style="list-style-type: none"> Review and further develop the generic Recovery Plan outlining multi-agency responses. Exercise recovery plan for major flood or events. Contribute to Regional Resilience Partnerships. Continue implementation of Care for People guidance Specific training in respect of Scientific and Technical Advisory Committees (STAC) to NHS and LA staff 	NHS Highland Highland Council Argyll and Bute Council
13.	Local priority	Effective and proportionate arrangements in place to protect public health	<ul style="list-style-type: none"> Revise joint health protection policies and procedures between all three parties. Review existing arrangements/plans as a routine part of each incident that occurs. Undertake specific exercises for the purposes of training and evaluation of contingency plans relating to water and waste-water incidents and the recovery phase following a radionuclide incident. Consider key performance standards for the response, investigation and actions for public health incidents Joint training in managing incidents/outbreaks and chairing these meetings such as STAC. To investigate and take appropriate action in response to service requests which have the potential to impact adversely on the environment or to public health. Joint protocol to be devised to manage vulnerable individuals displaying hoarding behaviour or whose lifestyle behaviour affects others. 	NHS Highland Highland Council Argyll and Bute Council

14.	Local priority	Minimise the risk to the public from Lyme Disease	<ul style="list-style-type: none"> • Assist with ongoing research and reviews. • Continue to raise public awareness. • Review and develop websites/links to provide suitable information. 	NHS Highland Highland Council Argyll and Bute Council
15.	Local priority	Reducing the impact of tobacco, alcohol and other harmful substances on public health	<ul style="list-style-type: none"> • Continued regulation of the smoking ban in enclosed and public places including NHS premises. • Continued work with licensed trade in respect of responsible drinking and minimum pricing. • Continue regulatory work on age-related sales activity of cigarettes and other products. • Promotional campaign targeted at reducing the under-age sale of tobacco and vaping products to children and young adults. • Joint working with the police relating to the sale of Novel Psychoactive Substances (NPS). • Continue to review and consider possible health issues related to e-cigarettes. 	NHS Highland Highland Council Argyll and Bute Council
16.	Local priority	Strong and Safe Communities	<ul style="list-style-type: none"> • To investigate and implement effective controls to minimise the spread of suspected and confirmed cases of communicable and notifiable diseases in the community. • The protection of the vulnerable in communities from the impact of cold calling and rogue traders. 	Highland Council Argyll and Bute Council
17.	Local priority	Radon protection	<ul style="list-style-type: none"> • Ensure that the public in radon affected areas are provided with adequate information relating to the risks of radon and the mitigation measures which can be taken to reduce the risk. • Raising awareness of radon monitoring responsibilities to employers and landlords. • Produce a Radon Strategy for ABC to include council owned property and rented property. • Ensure Radon awareness through development management. 	NHS Highland Highland Council Argyll and Bute Council

18.	Local priority	Education and advice programme	<ul style="list-style-type: none"> • Raising awareness of the Outdoor Code and communicable disease and controls through improved public information. • Development and review of existing information leaflets and improvements to website. • Where possible, consider and coordinate seasonal promotions and awareness raising campaigns e.g. a summer campaign highlighting the risks of ticks and barbecues. • Increase awareness of health protection issues with local businesses through use of alternative enforcement plans. 	NHS Highland Highland Council Argyll and Bute Council
19.	Local priority	Preventing and minimising the spread of infection	<ul style="list-style-type: none"> • Investigation of suspected and confirmed cases of communicable disease and implementation of appropriate controls to prevent further spread. • Monitoring trends by enhanced surveillance and reporting. • Implement the national microbiology strategy locally and ensure appropriate access to testing in the public analyst labs. • Ensure public health actions are taken to minimise risks from zoonotic infections reported by Scottish Veterinary Service (SVS). 	NHS Highland Highland Council Argyll and Bute Council
20.	Local priority	Food safety priorities	<ul style="list-style-type: none"> • To undertake the duties as statutory Food Authority in protecting food safety in the food industry, and deliver the Councils' Food Safety Law Enforcement Work plan. • Work with other agencies to reduce the impact of illegal shellfish harvesting and distribution. 	Highland Council Argyll and Bute Council
21.	Local priority	Health and safety at work initiatives	<ul style="list-style-type: none"> • To complete the Councils' Health and Safety at Work Law Enforcement Plan. 	Highland Council Argyll and Bute Council
22.	Local Priority	Horizon Scanning and Emerging Infections	<ul style="list-style-type: none"> • Be aware of new and emerging infections and plan how to minimise their impact locally e.g. Mpox 	NHS Highland Highland Council Argyll and Bute Council
23.	Local priority	Minimise the adverse impact of climate change	<ul style="list-style-type: none"> • Work together to mitigate the effects of climate change. 	NHS Highland Highland Council Argyll and Bute Council

24.	Local	Animal health and zoonoses	<ul style="list-style-type: none"> • Respond to current and emerging diseases such as the risks from avian influenza. • Deal with the illegal import of animals. • Carry out animal health and welfare enforcement activities in accordance with Framework Agreements. • Improve preparedness to deal with animal health disease outbreaks. 	NHS Highland Highland Council Argyll and Bute Council
25.	Local	Workforce planning and resilience	<ul style="list-style-type: none"> • Training and support in incident management and response including STAC training. 	NHS Highland Highland Council Argyll and Bute Council
26.	Local	Water safety plans	<ul style="list-style-type: none"> • Progress water safety plans. • Review of boat hirers arrangements. 	Highland Council Argyll and Bute Council
27.	National	Coordinated approach to public health	<ul style="list-style-type: none"> • Actively participate in the national Scottish Health Protection Network and associated governance groups to promote a coordinated approach to protecting public health and developing new guidance and systems. 	NHS Highland Highland Council Argyll and Bute Council

Section 3: Review

3.1 Review of Joint Health Protection Plan 2019-20

In preparing the JHPP 2023-25, we have considered the findings of the review of the previous JHPP. This review identified that:

- Good progress had been made in delivering the national and local priorities in the plan.
- The established working arrangements, promoted through this plan, proved to be effective in responding to communicable disease outbreaks and general incident management (e.g. blue-green algae, drinking water incidents) and responding to the unforeseen and lengthy impact of the COVID-19 pandemic
- It is acknowledged that the pandemic posed significant challenges and necessitated prioritisation of the pandemic response. Areas that we did not achieve or complete have been taken forward into this current JHPP.

3.2 Review of Standard Operating Procedures, Protocols and Plans

NHS Highland and its two local authorities have numerous standard operating procedures (SOPs) and policies. These concern a variety of health protection issues including food safety. Each policy held by NHS Highland has a scheduled date of review. However, the competing priorities posed by the pandemic has meant that these have not been updated in accordance with planned timescales. This work is being prioritised as part of the remobilisation of the HPT and both local authorities.

The Environmental Health Liaison Group provides an opportunity for members to highlight policies that may require revision in light of new evidence or legislation and to discuss issues of common interest.

Section 4: Appendices

4.1 Appendix 1: List of joint NHS/Council Plans

There are an increasing number of national plans for managing the public health management of infectious diseases and environmental hazards.

Some key examples are:

- **Management of Public Health Incidents: Guidance on the Roles and Responsibilities of NHS led Incident Management Teams.**
- Scottish Waterborne Hazard Plan

In addition to national plans sometimes there is a requirement to have, or added value in having, a specific joint local plan. Some key examples are listed below:

	Title
1.	Investigation of Enteric disease protocol
2.	Protocol for failures following scheduled statutory sampling of Private Water Supplies
3.	Protocol for failures involving lead in water supplies
4.	Blue-Green Algae (Cyanobacteria) in Inland and Inshore Waters: Assessment and Minimisation of Risks to Public Health. Monitoring and action plan for NHS Highland Board area.
5.	Protocol for the investigation and management of viral outbreaks in the tourist and leisure Industry
6.	Protocol for the investigation and management of viral outbreaks in care homes
7.	Procedure for cases of illness in vessels arriving at ports/harbours in Highland & Argyll & Bute
8.	Procedure for cases of illness in aircraft arriving at Inverness airport

4.2 Appendix 2: Designated Competent Persons under the Public Health etc. (Scotland) Act 2008

NHS Highland	
Dr Tim Allison	Director of Public Health
Dr Jenny Wares	Consultant in Public Health Medicine (Health Protection)
Dr Rob Henderson	Consultant in Public Health Medicine
Dr Nicola Schinaia	Consultant in Public Health Medicine
Ms Liz Smart	Consultant in Public Health
Dr Stephen Bridgman	Consultant in Public Health Medicine
Ms Lynda Davidson	Senior Health Protection Nurse
Ms Sandra Dekker	Health Protection Nurse
Ms Phyllis Smith	Health Protection Nurse

Highland Council Environmental health	
Lead Local Authority competent person:	Alan Yates (Strategic Lead - Environmental Health & Bereavement Services)
Depute Local Authority competent persons:	Daniel Hopwood, Clifford Smith, Patricia Sheldon, Gregor MacCormick, John Murray (Senior EHOs)
Competent persons	Professional staff are authorised by the Strategic Lead - Environmental Health & Bereavement Services according to competency and experience. At the time of developing the plan, those EHOs are: Alana Steven, Helen Gordon, Philip Dent, Robert Murdoch, Zoe Skinner, Robin Fraser, Karen Johnstone, Barry Cumming, Michael Hayes, Barry Parkins, Eleanor Hood, Sharon Stitt, Mark Herron, Beatrice Aitken, Chris Ratter, Fiona Yates, Carol Rattenbury, Coila Hunter, Tanya Grosle, Andrew Hurst

Argyll & Bute Council Environmental health	
Lead Local Authority competent person:	Alan Morrison, (Strategic Lead- Regulatory Services and Building Standards Manager)
Depute Local Authority competent persons:	Iain MacKinnon, Environmental Health Manager (West)
Depute Local Authority competent persons:	Mary Watt, Environmental Health Manager (East)
Depute Local Authority competent persons:	Jacqueline Middleton, Environmental Health Officer (Public Health and Housing)
Competent persons	Professional staff are authorised by the Regulatory Services Manager according to competency and experience. At the time of developing the plan, those officers are Pamela Fraser, Cameron McAuley, Richard Gorman, Anthony Carson, Patrick Mackie, Nicole Hamilton, Andy McClements, Jo Rains, Mark Parry, Sue Stefek, Pauline Varley and Andy MacLeod

4.3 Appendix 3: Supporting information

4.3.1 Health Protection

Health protection is a specialist function within public health responsible for the investigation and management of communicable diseases and environmental hazards in order to protect population health.

The health protection function is a key statutory responsibility for NHS Highland Health Board and acts to:

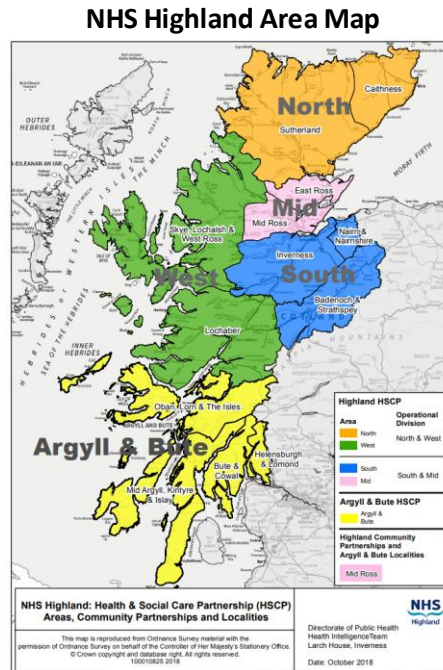
- advise NHS Highland and its partners on health protection policies and programmes;
- deliver services and supports the NHS and other agencies to protect people from communicable diseases, poisons, chemical and radiological hazards;
- respond to new threats to public health;
- and provide a rapid response to health protection incidents and outbreaks.

NHS boards are accountable to the Scottish Government for protecting and improving the health of people living within their geographic areas. The Public Health (Scotland) Act 2008 provides clarity over the roles and responsibilities of NHS boards and Local Authorities (LAs) and provides extensive powers to protect public health. In general, NHS boards are responsible for people and LAs are responsible for premises. NHS boards and LAs have a duty to co-operate in exercising their functions under the Act, and to plan together to protect public health in their area as detailed within this JHPP. Environmental Health is the branch of Public Health that is concerned with all aspects of the natural and built environment that may affect human health. This remit is delivered within local authorities. The Environmental Health Service has a lead role in Health Protection through its regulatory core functions of Food Safety, Health and Safety at Work, Communicable Disease control, Public and Private Water Supplies, Monitoring bathing water quality, Contaminated Land, Air Quality, Noise control, Nuisance abatement, Smoking Enforcement, and prevention and control of Zoonotic diseases.

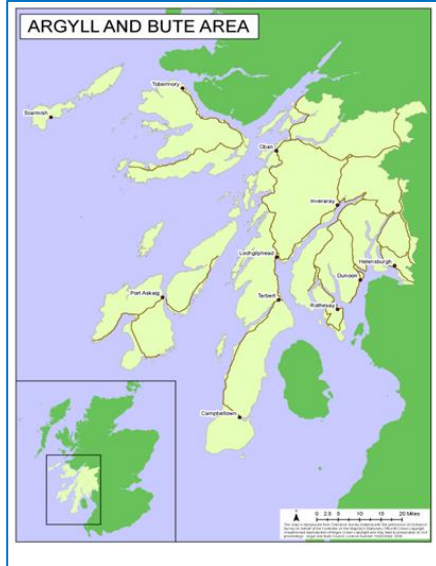
The Trading Standards Service performs the Council's Consumer Protection function, which includes tobacco and vaping products controls; product and consumer safety; fair trading; licensing of explosives/petroleum storage and taxi operation; age related sales; weights and measures; tackling scams and doorstep crime; intellectual property; consumer buying rights and unfair contract terms; feeding stuffs and fertilisers.

4.3.2. Overview of NHS Highland and its Local Authority partners

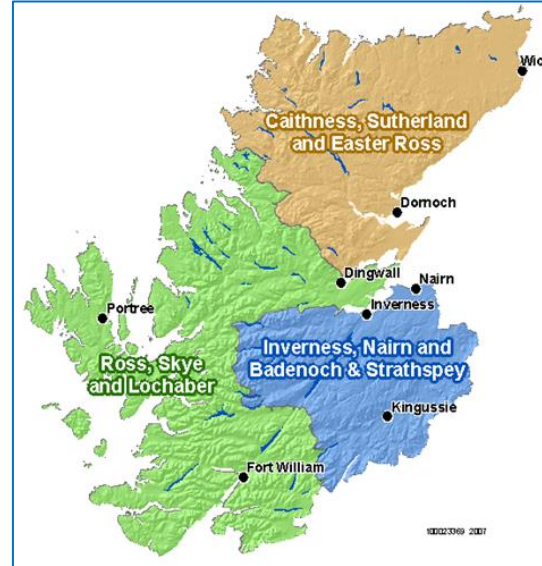
The NHS Highland board area, encompassing the two local authorities of Highland Council and Argyll and Bute Council, encompasses a vast and diverse area as detailed in the maps below.



Argyll and Bute Council Area Map



Highland Council Area Map



The resident population is estimated to be 324,280 according to the latest population estimates. The population is ageing, this profile is increased by the large number of young people leaving to continue education or seek employment in other urban settlements. The territorial area covers 32,560 km² which represents approximately 42% of the Scottish land surface. It extends across the most northerly and westerly fringes of the Scottish mainland and includes 37 inhabited islands. A large proportion of the population lives in remote rural towns and settlements. Transport infrastructure across much of the Highlands and Argyll and Bute consists of single road or rail networks. Island communities are reliant on ferries with few inter island connections.

A large number of tourists visit the area throughout the year pursuing a variety of activities. This influx, particularly to remote and rural areas, increases demands on both health and local authority services. In order to facilitate trade and tourism, the area contains several air and sea ports providing local and international connections.

4.3.3 Resources and Operational Arrangements for Health Protection

The human resources available for delivering health protection services are outlined in the table below. As detailed earlier in the plan, there has been an expansion as a result of the COVID-19 pandemic.

Table 4: NHS Highland Health Protection Team (Not inclusive of temporary staff/expanded HPT)

Job Title	Role and Responsibility	WTE
Director of Public Health	Strategic and Operational Lead for Public Health activities in NHS Highland.	1
Consultant in Public Health Medicine (Health Protection)	Provide leadership and strategic oversight for health protection development and implementation in NHS Highland. To co-ordinate the provision of an effective service for the control of communicable diseases and environmental health hazards on a 24/7 basis.	1
Health Protection Nurse Specialists	Coordinate, lead and deliver activities surrounding the prevention, investigation and control of communicable disease and immunisation programmes.	4.4
TB Liaison Nurse	Coordinate the contact tracing for TB cases/contacts	0.4
Public Health Surveillance Officer	Responsible for disease surveillance records and reports.	0.2
Administration and secretarial support	Provision of administrative and secretarial support.	3

Table 5: Argyll and Bute Council

Job Title	Role and Responsibility	WTE
Regulatory Services and Building Standard Manager	Strategic and operational management of environmental health, animal health, short-term let and building standards Delivery of effective health protection interventions. Lead and support the development of staff. Effective management of resources. Council's Head of Food Safety and Lead competent Public Health Officer.	1
Environmental Health Managers	Management and delivery of the environmental health service within a geographical area of Argyll and Bute – east and west regions	2
Environmental	Provide specialist food safety advice and expertise within Argyll	1

Health Officer (Food Control and Service Support)	and Bute Council. Provides specific advice and supports the development of protocols, service plans and ensure that they are in line with current legislation. The inspection of high risk and EC approved food premises.	
Environmental Health Officer (Health and Safety and Service Support)	Provide specialist health and safety advice and expertise within Argyll and Bute Council. Provides specific advice and supports the development of protocols, service plans and ensure that they are in line with current legislation.	1
Environmental Health Officer (Public Health and Housing)	Provide specialist public health advice and expertise within Argyll and Bute Council. Provides specific advice and supports the development of protocols, service plans relating to private water supply regulation, private landlord registration including houses of multiple occupation and public health.	
Environmental Health Officers	Full range of environmental health duties including public health, food safety, environmental protection and health and safety.	9.8
Environmental Health Officer	Carrying out the Council's statutory duty to identify contaminated land and local air quality. To deal with historic contamination under the planning process and by programmed inspection; to carry out risk assessments in accordance with legislation, statutory guidance and the Council's published Strategy.	1
Regulatory Services Officers	To undertake a specific range of environmental health duties principally in food safety.	3.6
Technical assistants/ Sampling Officers	To support the environmental health service and undertake environmental sampling and monitoring programmes.	5.2 (including 1 FTE temporary)
Senior Animal Health and Welfare	To supervise the delivery of animal health and welfare service. To undertake programmed visits relating to animal health and welfare and primary food production. Investigate all cases of notifiable animal disease including zoonotic diseases.	1
Animal Health and	To undertake programmed visits relating to animal health,	1

Welfare	welfare and primary food production. Investigate all cases of notifiable animal disease including zoonotic diseases	
Civil Contingencies Manager	Ensuring Argyll & Bute Council is prepared for a major incident.	1
Civil Contingencies Officer	Ensuring Argyll & Bute Council is prepared for a major incident.	1
Trading Standards Manager	Manage, co-ordinate, lead and support activities surrounding Trading Standards. Develop protocols, service plans in line with current legislation.	1
Trading Standards Officers and Regulatory Services Officers	Carry out Trading Standards interventions in accordance with current plans, protocols and legislation	4
Short-term let Licensing lead	Delivery the operational work associated with the short-term let licensing scheme	1
Short-term let licensing team	Enforcement and administrative staff delivering STL scheme	4
Liquor Licensing Officers	Focused on compliance, mediation and support relating to Liquor Licensing (Scotland) Act	2

Table 6: Highland Council

Job Title	Role and Responsibility	FTE
Strategic Lead - Environmental Health & Bereavement Services	Strategic and Operational Lead for Environmental Health and Public Health activities in Highland Council.	1
Senior EHOs	Operational Lead in respective areas for Environmental Health and Public Health activities.	5
Environmental Health Officers	Carry out Environmental Health and Public Health interventions and inspections in accordance with current plans, protocols and legislation.	19.04 (inc. 2 temp posts)
Environmental Health	To undertake a specific range of environmental health duties	14.2

Technical Officers	principally in food safety and Health & Safety, pollution, licensing and housing.	
Technical Assistants/ Sampling Officers	To support the environmental health service and undertake water sampling and monitoring programmes.	5.3
Assistant Community Works Officer	To support the environmental health service and undertake dog control, litter, fly-tipping, pest control	8
Scientific Officer (Contaminated Land)	Carrying out the Council's statutory duty to identify contaminated land.	1.91
Information Technician & system administrator	Maintenance of the Council's contaminated land information records & IT functions.	2
Animal Health & Welfare Officer	Carry out Council's statutory duty in relation to Animal Health and Welfare.	3
Short Term Licensing	Delivery the operational work associated with the short-term let licensing scheme	5 (inc. 3 temp posts)
Emergency Planning and Business Continuity officers	Strategic and Operational Lead for Emergency Planning and Business Continuity	2
Trading Standards Manager	Strategic and Operational Lead for Trading Standards.	1
Trading Standards Team Leader	Coordinate, lead and support activities surrounding Trading Standards.	1
Trading Standards Officers, Senior Enforcement Officers, Enforcement Officers & Assistant Trading Standards Officers	Carry out Trading Standards interventions in accordance with current plans, protocols and legislation.	12

4.3.4 Laboratory Services

Arrangements to access laboratory facilities vary across the two local authorities. Argyll and Bute services tend to be provided by laboratories located in Glasgow for logistical and practical convenience. Highland use Edinburgh Public Analyst and Scottish Water. The HPT utilise NHS clinical laboratories.

4.3.5 Emergency Planning and Service Continuity

Resilience within NHS Highland is led by the Resilience Team (Head of Resilience and a Resilience Advisor). They provide specialist support and

expertise and maintain operational links with multi-agency partners.

Governance for this function is through the NHS Highland Resilience Committee and this group support the development of incident response and continuity plans across the Board. The Group meets on a quarterly basis and supports the Acute, Communities and Argyll and Bute Resilience Groups to develop operational response arrangements. The Committee also support the Digital Resilience Group whose current focus is compliance with the Network and Information Systems (NIS) Regulations.

Highland Council and NHS Highland are members of the North Regional Resilience Partnership. Argyll & Bute Council and NHS Highland are members of the West Regional Resilience Partnership. In addition there is the Highland & Islands Local Resilience Partnership, and Argyll and Bute Local Resilience Partnership and various locality groups as well.

4.3.6 Inter-organisational collaboration

Feedback on disease surveillance collected as part of routine and statutory monitoring is given from NHS to both Highland Council and Argyll and Bute Council quarterly.

The Environmental Health Liaison Group which meets twice per year provides an opportunity to evaluate the management of significant incidents. Lessons learnt can be shared and disseminated within each partner agency.

Following a significant incident, debriefing is organised routinely for the involved agencies. This provides an opportunity for those involved operationally and strategically to evaluate the management of the incident and provides a forum for critical reflection. A final incident report should be produced within six weeks of the debrief.

Table 7: Inter-organisational collaboration

Meeting / Group	Membership	Frequency
Environmental Health Liaison Group	NHSH, ABC, HC, Scottish Water, SEPA, Animal Health, SRUC, FSA, PHS	6 monthly
Scottish Water Liaison Group	Scottish Water, NHSH ABC, HC, DWQR	6 monthly

4.3.7 Mutual Aid

Due to the vast geography of NHS Highland, it has been necessary to develop arrangements with NHS Greater Glasgow and Clyde in relation to the initial response to major incidents occurring within Argyll and Bute. In particular, there are specific arrangements written into the HM Naval Base Clyde Off-Site Contingency Plan which is designed to cover radiation emergencies at HM Naval Base Clyde. While NHS Highland retains overall responsibility for the NHS response, they would be assisted, particularly in the initial stages, by personnel from NHS Greater Glasgow and Clyde (NHS GGC), with staff from both boards being deployed to manage the incident from the Clyde Off-Site Centre. Additionally, depending on the extent and volume of casualties, designated receiving hospitals would be nominated within NHS GGC for the reception of casualties.

Across the North of Scotland Public Health Network all participating public health departments have signed a mutual aid agreement which states that each Board will assist any of the others which has pressures it cannot meet on its own e.g. a large outbreak or incident. There is also an informal mutual local authority support arrangement in place with neighbouring authorities.

4.3.8 Out-of-hours arrangements

NHS Highland

A senior member of public health staff is available 24 hours a day 7 days a week. Outside of office hours, this service is provided by medical and non-medical public health consultants, health protection nurses and public health specialists, as well as training grade specialty registrars. The service can be accessed through the Raigmore hospital switchboard on 01463 704000. Raigmore laboratory provides a microbiology service out of hours. Urgent sample requests can be performed for some diseases following discussion with the on call microbiology team. National Reference laboratories will also perform analysis of urgent specimens following discussion of their appropriateness.

Highland Council

There are out-of-hours arrangements in place to access the service in case of emergency. This can be accessed through the following number: 01349 886690. Arrangements are in place to access public analyst or other appropriate laboratory services out with normal hours.

Argyll and Bute Council

There are out-of-hours arrangements in place to access the service in case of emergency. This can be done through the Regulatory Services Manager or the Civil Contingencies Manager through the following number: 01436 658988. Similar arrangements are in place to access laboratory services out with normal hours.

4.3.9 Maintenance of Competencies for Health Protection Staff

NHS Highland

NHS Highland staff undergo an annual appraisal to ensure their knowledge and skills remain up to date. The health protection team run regular update sessions for on call colleagues out with the HPT. Staff are encouraged to identify their own learning needs and attend external conferences and meetings as part of continuing professional development (CPD) activities. Nursing staff meet the requirements of the Knowledge and Skills Framework and the revalidation requirements of The Code (NMC).

Highland Council

Highland Council has a corporate performance and development review process. Managers review staff training at regular intervals and as part of the employee review and development process. Staff are also encouraged to identify their own learning needs and attend external conferences as appropriate and meetings as part of continuing professional development (CPD) activities.

Argyll and Bute Council

Argyll and Bute Council has a corporate performance and development review process with its entire staff. Appraisals are carried out on an annual basis. Details of this are held centrally on a register which managers review at regular intervals and as part of the employee appraisal process. The individual learning needs of each member of staff can be identified and targeted through this mechanism. Within Regulatory Services, professional and technical officers are required to meet the continued development requirements in the Royal Environmental Health Institute of Scotland's CPD scheme.

4.3.10 Public Feedback

NHS Highland

Information is provided to the public through the use of local media and the NHS Highland website along with targeted written information where required. NHS Highland Health Protection Team does not have any formal processes for obtaining feedback from the public.

Argyll and Bute Council

Customer and business surveys are regularly undertaken as part of the customer engagement strategy. Whilst not specific to health protection, these surveys provide useful information about the service provided and are used to inform improvements and developments.

Highland Council

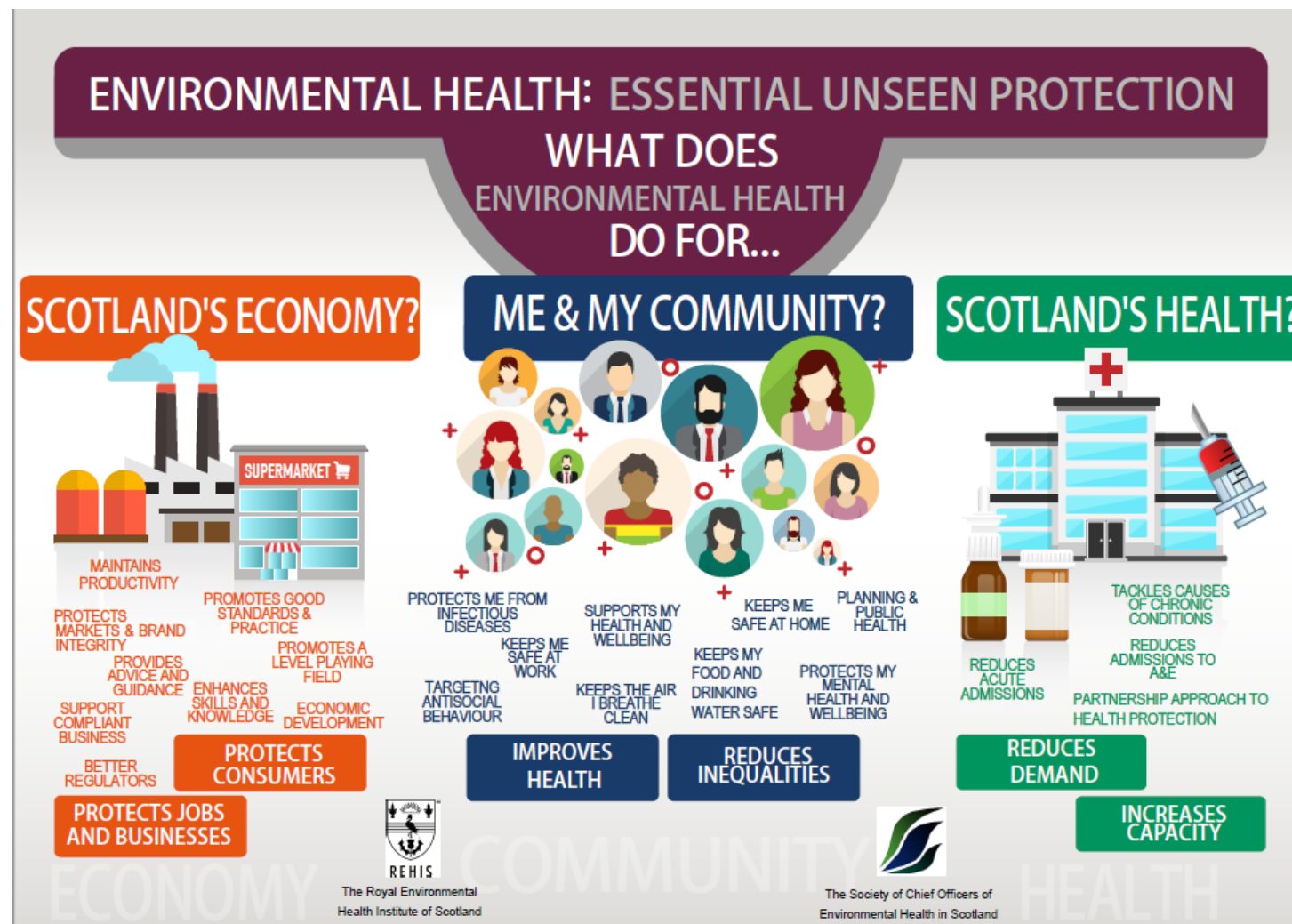
Information is provided to the public through the use of local media and the Highland Council website along with written information where required. Feedback surveys are available to the public.

References

Appendix 2: Infogram illustrating the role of environmental health in public health

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- ¹ Scottish Government. *Guidance on Part 1 and Designation of Competent Persons Regulations*. Scottish Government, 2012.
 - ² Scottish Government, *Coronavirus (COVID-19): trends in daily data*. Scottish Government, 2022.
 - ³ Brueggemann et al. *Changes in the incidence of invasive disease due to Streptococcus pneumoniae, Haemophilus influenzae, and Neisseria meningitidis during the COVID-19 pandemic in 26 countries and territories in the Invasive Respiratory Infection Surveillance Initiative: a prospective analysis of surveillance data*. Lancet Digit Health 2021; 3: e360–70.
 - ⁴ Sniffer. *Evidence for the third UK Climate Change Risk Assessment (CCRA3) – Summary for Scotland*. UK Climate Risk, 2021
 - ⁵ Scottish Government and COSLA. *Public Health Priorities for Scotland*. Scottish Government, 2018.
 - ⁶ Ghebrehewet, S., Stewart, A., Wilkinson, E., Conrad, D. *Scottish Health Protection Network: Independent Review*. 2022.

Appendix II : Infogram illustrating the role of environmental health in public health



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ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE SERVICES &
LICENSING COMMITTEE**

LEGAL AND REGULATORY SUPPORT 19 APRIL 2023

PRIVATE HIRE CARS AND TAXIS LICENSED IN ARGYLL & BUTE

1.0 EXECUTIVE SUMMARY

The Planning, Protective Services and Licensing Committee agreed at their meeting on 18 November 2020 that Officers should prepare periodic reports at least every six months providing updates on the number of private hire cars and taxis across the licensing authority's area.

ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE SERVICES &
LICENSING COMMITTEE**

LEGAL AND REGULATORY SUPPORT 19 APRIL 2023

PRIVATE HIRE CARS AND TAXIS LICENSED IN ARGYLL & BUTE

2.0 INTRODUCTION

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

The Committee agreed at their meeting on 18th November 2020:

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

The last report was considered by the Committee on 28th September 2022.

3.0 RECOMMENDATIONS

3.1 That the members note the number of private hire cars and taxis across the licensing authority's area as detailed in Appendix 1 and 2.

4.0 DETAIL

4.1 The purpose of this report is to provide an update on the numbers.

5.0 CONCLUSION

5.1 An update of these figures will be provided on a 6 monthly basis.

6.0 IMPLICATIONS

6.1 Policy: None

6.2 Financial: None

6.3 Legal: None

6.4 HR: None

6.5 Fairer Scotland Duty:

6.5.1 Equalities - protected characteristics

6.5.2 Socio-economic Duty

6.5.3 Islands

6.6 Climate Change: None

6.7 Risk: none

6.8 Customer Service: None

Douglas Hendry

Executive Director with responsibility for Legal and Regulatory Support

Policy Lead Kieron Green

27th March 2023

For further information contact: Sheila MacFadyen Ext: 4265

APPENDIX 1

STATISTICS ON NUMBER OF PRIVATE HIRE CAR LICENCES (with addresses in the areas) – ARGYLL AND BUTE – March 2023

Area	No. Private Hire Car referenced in LVSA Report 2019	No. Licences lapsed since LVSA report	New licences granted since LVSA report	Licences surrendered since LVSA report	Current Total as at March 2023	No. as at September 2022
Bute & Cowal	1	2	5	0	4	4
Helensburgh & Lomond	14	8	7	4	9	12
Mid Argyll, Kintyre & Islay	37	11	7	5	28	29
Oban, Lorn & Isles	16	3	1	4	10	11

APPENDIX 2

STATISTICS ON NUMBER OF TAXI LICENCES – ARGYLL AND BUTE – March 2023

Area	No. Taxis referenced in LVSA Report 2019	No. Licences lapsed since LVSA report	New licences granted since LVSA report	Licences surrendered since LVSA report	Current Total as at March 2023	No. Licences as at Sept 2022
Bute & Cowal	57 Mistake on report Actual no. 54	0	1	0	55	55
Helensburgh & Lomond	48	5	9	6	46	45
Mid Argyll, Kintyre & Islay	24	1	1	1	23	24
Oban, Lorn & Isles	52	3	3	2	50	50

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