

Public Document Pack

Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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

16 August 2023

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 23 AUGUST 2023** at **11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

3. MINUTES

- (a) Planning, Protective Services and Licensing Committee held on 21 June 2023 (Pages 3 - 34)
- (b) Planning, Protective Services and Licensing Committee 28 June 2023 at 2.00 pm (Pages 35 - 40)
- (c) Planning, Protective Services and Licensing Committee 28 June 2023 at 2.30 pm (Pages 41 - 46)
- (d) Planning, Protective Services and Licensing Committee 28 June 2023 at 3.00 pm (Pages 47 - 48)

4. PROTECTION OF CHILDREN AT WORK - EMPLOYMENT OF CHILDREN BYELAWS (Pages 49 - 52)

Report by Executive Director with responsibility for Legal and Regulatory Support

* 5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: SHORT-TERM LETS LICENSING POLICY HEARING PROCEDURE (Pages 53 - 58)

Report by Executive Director with responsibility for Legal and Regulatory Support

6. MR & MRS D KELLY: DEMOLITION OF EXISTING CONSERVATORY, ERECTION OF REAR EXTENSION, ERECTION OF FRONT PORCH AND ALTERATIONS TO PRINCIPAL ELEVATION: STRATHMORE, DRUMLEMBLE, CAMPBELTOWN (REF: 23/01069/PP (Pages 59 - 70)

Report by Head of Development and Economic Growth

7. **SAULMORE BAY RESORT LTD: PROPOSAL OF APPLICATION NOTICE FOR MARINA; BOATYARD (INCLUDING ANCILLARY OFFICES (CLASS 4) AND STORE (CLASS 6)); LEISURE RESORT (INCLUDING BUILDINGS FOR LEISURE USE (CLASS 11), RETAIL (CLASS 1) AND RESTAURANT/CAFE (CLASS 3)); HOLIDAY LODGES (SUI GENERIS); AND OTHER HOLIDAY ACCOMMODATION TYPES (SUI GENERIS); NEW ROADS, WALKWAYS/CYCLEWAYS; AND RELATED DRAINAGE AND OTHER INFRASTRUCTURE: CAMUS BRUAICH, RU Aidhe, Connel (REF: 23/01040/PAN) (Pages 71 - 80)**

Report by Head of Development and Economic Growth

8. **INTELLIGENT LAND INVESTMENTS: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED PUMPED STORAGE HYDRO SCHEME: LAND EAST OF BALLIEMEANOCH, DALMALLY (REF: 23/01212/PAN) (Pages 81 - 88)**

Report by Head of Development and Economic Growth

9. **SCOTTISH GOVERNMENT CONSULTATION: EFFECTIVE COMMUNITY ENGAGEMENT IN LOCAL DEVELOPMENT PLANNING GUIDANCE (Pages 89 - 98)**

Report by Executive Director with responsibility for Development and Economic Growth

10. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - FQ1 2023/24 (Pages 99 - 108)**

Report by Executive Director with responsibility for Development and Economic Growth

REPORTS FOR NOTING

11. **UPDATE ON RECENT SCOTTISH MINISTERS SECTION 36 WIND FARM DECISION (Pages 109 - 112)**

Report by Head of Development and Economic Growth

12. **PLANNING PERFORMANCE FRAMEWORK 2022/23 (Pages 113 - 164)**

Report by Executive Director with responsibility for Development and Economic Growth

Items marked with an "asterisk" are items, on the basis of information available at the time this Agenda is published, on which the Committee may not have delegated powers to act, and which may therefore require to be referred to the Council or another Committee, and that referral may depend on the decision reached at the meeting.

Planning, Protective Services and Licensing Committee

Councillor John Armour

Councillor Jan Brown

Councillor Kieron Green (Chair)

Councillor Daniel Hampsey

Councillor Mark Irvine

Councillor Paul Donald Kennedy

Councillor Luna Martin

Councillor Peter Wallace

Councillor Gordon Blair

Councillor Audrey Forrest

Councillor Amanda Hampsey (Vice-Chair)

Councillor Graham Hardie

Councillor Andrew Kain

Councillor Liz McCabe

Councillor Dougie Philand

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held ON A HYBRID BASIS IN THE MARRIAGE SUITE, HELENSBURGH AND LOMOND CIVIC
CENTRE, 38 EAST CLYDE STREET, HELENSBURGH AND BY MICROSOFT TEAMS
on WEDNESDAY, 21 JUNE 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Andrew Kain
Councillor Jan Brown	Councillor Paul Donald Kennedy
Councillor Audrey Forrest	Councillor Liz McCabe
Councillor Amanda Hampsey	Councillor Luna Martin
Councillor Daniel Hampsey	Councillor Peter Wallace
Councillor Fiona Howard	

Attending: Fergus Murray, Head of Development and Economic Growth
Shona Barton, Governance Manager
Peter Bain, Development Manager
Alan Morrison, Regulatory Services and Building Standards Manager
Sheila MacFadyen, Senior Solicitor
Sandra Davies, Major Applications Team Leader
Tim Williams, Area Team Leader – Oban, Lorn and the Isles
Kirsty Sweeney, Area Team Leader – Helensburgh and Lomond/Bute and Cowal
David Moore, Senior Planning Officer
Fiona Scott, Planning Officer
Steven Gove, Planning Officer
Norman Shewan, Planning Officer
Fiona Macdonald, Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Graham Archibald Hardie and Mark Irvine.

2. DECLARATIONS OF INTEREST

Councillor Paul Kennedy declared a financial interest in Agenda Item 4 (Civic Government (Scotland) Act 1982: Taxi Fare Scale Review) as he held a Taxi Car Licence for the Helensburgh and Lomond Area. He left the meeting and took no part in the determination of this report which is dealt with at item 4 of this Minute.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 24 May 2023 at 10.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 24 May 2023 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 24 May 2023 at 2.30 pm was approved as a correct record.

Having declared an interest in the following item, Councillor Paul Kennedy left the meeting at this point.

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

In terms of Section 17 of the Civic Government (Scotland) Act 1982, the Local Authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis. The new fare structure requires to come into force by 22 October 2023. The fares were last reviewed by Members on 19 January 2022 and took effect on 22 April 2022.

Consideration was given to a report advising the Committee they were now required to carry out a further review of taxi fares and other charges.

Decision

The Committee agreed:

1. To propose that there be no change to the existing scales and that this take effect from 22 October 2023;
2. To authorise the Head of Legal and Regulatory Support to advertise this proposal and to invite any responses within one month of the advertisement and report back to Members at their meeting on 23 August 2023; and
3. Should no objections or representations be received in relation to the proposal, to delegate to the Head of Legal and Regulatory Support, in consultation with the Chair of the PPSL Committee to conclude the review without the requirement for the Committee to consider a further report.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated 21 June 2023, submitted)

Councillor Kennedy returned to the meeting.

5. HOLIDAYS DIRECT MARKETING: CHANGE OF USE OF LAND FOR THE SITING OF 10 HOLIDAY PODS, FORMATION OF VEHICULAR ACCESS AND PARKING, INSTALLATION OF SEWAGE TREATMENT PLANT AND ASSOCIATED LANDSCAPING: LAND BETWEEN ACHNAKEEP AND SCHOOLHOUSE COTTAGE, PORTSONACHAN (REF: 22/00625/PP)

The Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised that the examination into the Argyll and Bute Proposed Local Development Plan 2 (PLDP2) by the Scottish Government had now concluded and that the Examination Report was a material consideration of significant weight. The supplementary report highlighted the PLDP2 policies relevant to this application and it was concluded that in this case there was no significant material change of policy between the Adopted Plan and the PLDP2.

The Planning Officer also referred to 3 late representations sent directly to the PPSL Committee from Mr Flint, Mr Short, and Mr and Mrs Manson. The submissions were reviewed by Officers and it was considered that they did not raise any issues not already

addressed in the reports. A further representation was also received from Councillor Julie McKenzie, on behalf on an unnamed constituent, querying the validity of the ecological assessment submitted with the application which, it was claimed, should be no older than 18 months. Referring to the ecological survey which was dated September 2021 and the tree survey dated October 2021, it was considered by Officers that there was no requirement for updated surveys to be carried out. There was no objection from the Council's Biodiversity Officer and it was not considered that any biodiversity issues affecting the site had changed since the surveys were produced.

The application seeks to secure planning permission for the change of use of land to allow it to be utilised as a small scale holiday development comprising 10 pods. In terms of the Settlement Strategy set out in the adopted Local Development Plan (LDP), the application site is situated within the defined Minor Settlement of Portsonachan where Policies LDP STRAT 1 and LDP DM 1 give general encouragement to small scale development on appropriate sites. The proposed development benefits from direct policy support from both National and Local Policy (NPF4 Policy 30 and LDP Policy LDP 5, SG LDP TOUR 1 and SG LDP TOUR 3) which recognise that tourism is a sustainable industry and has the potential to add value to the economy of Argyll.

Issues raised by third parties have all been assessed and in this instance it is not considered by Planning Officers that the objections raise any complex or technical issues that have not been addressed in the report.

In this instance the proposed development is considered to be wholly consistent with, and actively supported by, the provisions of the adopted National Policy as underpinned by the LDP and it was recommended that planning permission be granted subject to the conditions and reasons detailed in the report of handling.

Decision

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

1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 25/03/22, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Proposed Site Layout and Landscaping Plan	1538/07	D	23/06/22
Existing Site Layout Plan	1538/08	A	23/06/22
Site Location Plan	1538/09	B	23/06/22
Section A – Existing and Proposed Topography	1538/10	A	28/03/22
Section B – Existing and Proposed Topography	1538/10	B	28/03/22
Key Plan & Elevations	22-0000-001	A	23/06/22

Biodiversity Enhancement Plan – 26 PAGES			11/05/23
Civil/Structural Site Constraints Report Part 1 of 3 – 151 PAGES			23/06/22
Civil/Structural Site Constraints Report Part 2 of 3 – 30 PAGES			23/06/22
Civil/Structural Site Constraints Report Part 3 of 3 – 22 PAGES			23/06/22
Design and Access Statement Part 1 of 2 – 13 PAGES			23/06/22
Design and Access Statement Part 2 of 2 – 12 PAGES			23/06/22
Drainage Details – Greenfield and Storage Calculations			08/02/23
Drainage Details – 30 Year Storage Calculations – 4 PAGES			08/02/23
Ecological Assessment – 34 PAGES			28/03/22
Proposed Drainage Strategy	HDM-BLY-XX-XX-SK-C-96		08/02/23
Proposed Parking and Entrance Road	HDM-BLY-XX-XX-SK-C-95003	F	27/07/22
High Level Landscape and Visual Appraisal Part 1 of 2 – 17 PAGES			23/06/22
High Level Landscape and Visual Appraisal Part 2 of 2 – 20 PAGES			23/06/22
Lodge Specification – 2 PAGES			28/03/22
Noise Management Plan – 3 PAGES			06/03/23
NPF4 Statement May '23 – 11 PAGES			
Planning Statement – 49 PAGES			28/03/22
Planting Notes & Landscape Maintenance and Management Proposals – 13 PAGES			28/03/22
Tree Survey and Arboricultural Constraints – 16 PAGES			28/03/22
Vehicle Trip Briefing Note – 6 PAGES			

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

2. Vehicular Access

Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/004a and shall include visibility splays of 2.4 metres to point X by 53 metres to point Y from the centre

line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

Note to Applicant

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- A 300mm diameter twin walled culvert pipe to be installed in the existing ditch where the new access is to be situated.

3. Passing Places

Notwithstanding the provisions of Condition 1, no development shall commence on site until details, in plan form, of 6 additional passing places provided, or formalised, along the B840 public road, between the junction of the A819 and the application site, have been submitted to and their position and specification agreed in writing with the Planning Authority in consultation with the Roads Engineer. Thereafter the passing places shall be undertaken in accordance with the approved details unless otherwise agreed in writing with the Planning Authority, and shall be available for their intended use before any of the holiday pods hereby granted are first occupied.

Reason: In the interests of road safety.

4. Private Water Supply

Notwithstanding the provisions of Condition 1, no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist/hydrogeologist or other suitably competent person and shall include a risk assessment having regard to the requirements of Part 3 of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as appropriate) which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

Notes to Applicant

1. Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Service in the first instance.
 2. If the development is likely to use 10m³ water per day then the applicant will need to apply for a registration or licence for water abstraction from SEPA <https://www.sepa.org.uk/regulations/authorisations-and-permits/application-forms/#Water>.
 3. If the proposed development is a commercial undertaking including but not limited to; use as a holiday or long term private let, workplace, food business, campsite etc. then the applicant must apply to the Environmental Health service 8 weeks before the intended use date for the private water supply to be registered and certified as fit for use. Email: pws@argyll-bute.gov.uk.
 4. It is recommended that should planning permission be granted, that the applicant contact this Service to discuss further the measures needed to comply with the requirements of Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.
5. **Sustainable Drainage System**

The development shall be undertaken in accordance with the drainage details set out on Drawing Number HDM-BLY-XX-XX-SK-C-96001 – Proposed Drainage Strategy and Greenfield Run-off and Micro Drainage Calculations (GC22462 Greenfield and Storage Calculations and GC22462 30 Year Storage Calculations).

The approved surface water drainage scheme shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

Note to Applicant

- Please note the advice and guidance set out in the consultation response from JBA Consulting Ltd which is available to view via the [Public Access](#) section of the Council's website.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk

6. **Occupancy Restriction**

Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 the residential accommodation hereby approved shall be used for short term holiday occupancy only and not as a main residence and shall not be occupied by any family, group or individual for a cumulative period of more than three calendar months in any one year. A register showing dates of arrivals and departures shall be maintained at the premises and shall be available at all reasonable times for inspection by the Planning Authority.

Reason: In order to define the permitted occupancy having regard to the fact that the premises are unsuitable for occupation as a permanent dwellings.

Note to Applicant

For the avoidance of doubt this permission only provides for the occupation of the premises on a short term basis on the grounds that the development is unsuited to full time residential occupation. Specifically the occupation of the premises as a dwelling shall require the benefit of a separate planning permission.

7. **Noise Management Plan**

The development shall be operated in accordance with the measures set out in the Noise Management Plan for the proposed development dated 01/03/23 unless otherwise approved in writing by the Planning Authority.

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

8. **External Lighting**

Notwithstanding the effect of Condition 1, no development shall commence until full details of any external lighting to be used within the site has been submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. Thereafter the external lighting shall be installed in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

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

Note to Applicant

All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.

9. **Ecological Assessment**

The development shall be implemented in accordance with the mitigation measures identified in the Ecological Appraisal dated September 2021 unless otherwise agreed in writing by the Planning Authority.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

Note to Applicant:

Consideration should be given to the advice and guidance set out in the consultation response from the Council's Biodiversity Officer in relation to the requirement for checks for protected species prior to works commencing and species/habitats which may be affected and the developer's responsibilities and obligations under nature conservation legislation and associated licencing requirements. The consultation response is available to view via the Public Access section of the Council's website.

10. Tree Retention and Protection Measures

The development shall be implemented in accordance with the mitigation measures identified in the Tree Survey and Arboricultural Constraints Report dated October 2021 unless otherwise agreed in writing by the Planning Authority.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

11. Eradication of Non-Native Invasive Species

No development shall commence on site until full details of an Eradication Scheme for non-native invasive species comprising Rhododendron ponticum and Japanese knotweed within the application site has been submitted to and approved in writing by the Planning Authority in consultation with the Biodiversity Officer. The Eradication Scheme shall include a timetable for implementation and clearly identify the extent of the Rhododendron ponticum and Japanese knotweed on a scaled plan

Reason: To eradicate non-native species from the development site and to prevent their spread throughout development works.

12. Biodiversity Enhancement and Landscaping

The development shall be implemented in accordance with the approved biodiversity enhancement measures as set out in the Biodiversity Enhancement Plan dated April 2023 and received 11.05.23 and the associated Landscaping Plan (Drawing Number 1538/07 D). Notwithstanding the effect of Condition 1, the development shall not be occupied until such time as the physical biodiversity enhancement measures have been completed.

All of the agreed hard and soft landscaping works shall be completed during the first planting season following the first occupation of the development unless otherwise agreed in writing by the Planning Authority.

Any trees or shrubs which fail to become established, which die, are removed or become seriously diseased within five years of the implementation of the scheme shall be replaced in the following planting season by equivalent size and species of trees or shrubs as those originally required to be planted.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity and in order to protect and enhance natural heritage assets and

increase the biodiversity value of the site in accordance with national and local planning policy aims.

(Reference: Report by Head of Development and Economic Growth dated 1 June 2023 and supplementary report number 1 dated 20 June 2023, submitted)

6. MR COLIN CAMPBELL: ERECTION OF DECKING AND FENCING (RETROSPECTIVE): 3 ACADEMY TERRACE, ACADEMY ROAD, ROTHESAY, ISLE OF BUTE (REF: 22/01611/PP)

The Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised that the examination into the Argyll and Bute Proposed Local Development Plan 2 (PLDP2) by the Scottish Government had now concluded and that the Examination Report was a material consideration of significant weight. The supplementary report highlighted the PLDP2 policies relevant to this application and it was concluded that in this case there was no significant material change of policy between the Adopted Plan and the PLDP2.

Retrospective planning permission is sought for works that have been carried out within the curtilage of No. 3 Academy Terrace, Rothesay, Isle of Bute. Academy Terrace is a Category C Listed Building. Development Plan Policies and Supplementary Guidance and Historic Environment Scotland's publications seek to ensure that developments affecting the setting of a Listed Building should preserve its character, and its special architectural or historic interest.

The application has elicited 4 objections from neighbouring properties.

It is considered that the application is contrary to the relevant Policies and Supplementary Guidance contained in National Planning Framework 4 and the Argyll and Bute Local Development Plan 2015, and the guidance provided by Historic Environment Scotland in its "Managing Change in the Historic Environment Setting".

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

Decision

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

1. Academy Terrace is a Category C Listed Building in Rothesay that is a symmetrical gabled terrace set on a sloping site comprising six, two and three-storey, 2-bay dwellinghouses.

Academy Road looks on to the building's rear elevation and there is a set of steps that runs centrally through the back gardens down to the property. Two footpaths branch off diagonally from the steps to either end of the building.

The decking and fencing that have been erected within the rear garden area of No. 3 have a significantly adverse impact on the setting of Academy Terrace by virtue of their relatively close proximity to the main building; their central position in relation to the south western facade of the main building; and their substantial vertical and horizontal scale. These result in the diminution in one of the key views towards the building from

Academy Road and the visual intrusion into the relatively open and undeveloped character of the rear garden areas.

The front elevation of Academy Terrace faces in a north easterly direction towards the water and it occupies an elevated position above Argyle Street approximately 70 metres from the rear of the buildings at street level. Pedestrian access from Argyle Street (which was already relatively steep) looks to have diminished considerably over the years, with the path and set of steps becoming overgrown.

The fencing that has been erected around part of the north-eastern curtilage of No. 3 is considered to be unacceptable as it has a significantly adverse impact on the setting of Academy Terrace by virtue of its solid form and appearance that detracts from one of the key characteristics of the property, which is the relatively open nature of its front garden areas.

In view of the foregoing, the application is considered to be contrary to the provisions of the following:

National Planning Framework 4 (2023)

NPF4 Policy 7 – Historic Assets and Places

NPF4 Policy 14 – Design, Quality and Place

NPF 4 Policy 16 – Quality Homes

Argyll and Bute Local Plan 2015

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

Policy LDP 9 – Development Setting, Layout and Design

Supplementary Guidance policy SG LDP ENV 16(a) – Development Impact on Listed Buildings

Supplementary Guidance policy SG LDP Sustainable Siting and Design Principles

Historic Environment Scotland Published Guidance

‘Managing Change in the Historic Environment: Setting’ (2020)

2. The decking that has been erected is 3 metres closer to the building than the patio area that has been in existence for some time. The decking detracts from the privacy and amenity of No. 2 Academy Terrace to a significantly adverse degree as it constitutes an elevated external living space in association with No. 3 Academy Terrace that would allow the congregation of people for prolonged periods with a relatively direct view into the ground floor kitchen window and the upper floor bedroom window of the neighbouring dwellinghouse at a distance of approximately 5 metres.

In view of the foregoing, the application is considered to be contrary to the provisions of the following:

National Planning Framework 4 (2023)

NPF 4 Policy 16 – Quality Homes

Argyll and Bute Local Plan 2015

Policy LDP 9 – Development Setting, Layout and Design

Supplementary Guidance policy SG LDP Sustainable Siting and Design Principles

(Reference: Report by Head of Development and Economic Growth dated 6 June 2023 and supplementary report number 1 dated 19 June 2023, submitted)

7. **SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: TO CONSTRUCT AND OPERATE A 275 KILOVOLT (KV) ELECTRICITY SUBSTATION AND ASSOCIATED INFRASTRUCTURE. THE WORKS WILL COMPRISE CUT AND FILL TO TIE THE PLATFORM INTO THE EXISTING GROUND LEVEL LANDSCAPING, SUSTAINABLE DRAINAGE SYSTEMS (SUDS) BASINS, NEW PERMANENT ACCESS AND UPGRADES TO EXISTING TRACKS: LAND APPROX 1.6 KM NORTH WEST OF MINARD AND UPSLOPE OF THE EXISTING CRARAE SUBSTATION, MINARD (REF: 22/02376/PP)**

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised that a holding objection by SEPA in respect of proposals had now been withdrawn subject to the imposition of new condition to replace condition 7 detailed in the main report of handling. The supplementary report also advised that the examination into the Argyll and Bute Proposed Local Development Plan 2 (PLDP2) by the Scottish Government had now concluded and that the Examination Report was a material consideration of significant weight. The supplementary report highlighted the PLDP2 policies relevant to this application and it was concluded that in this case there was no significant material change of policy between the Adopted Plan and the PLDP2.

The proposal is for the erection of a 275kV substation as part of a number of infrastructure proposals to “maintain an efficient, coordinate and economical electrical transmission system” and is required to allow connection for renewable energy in the area across the wider electricity network.

It is considered that the proposal would accord with the principles and policies contained within the Local Development Plan and National Planning Framework 4 and is acceptable in terms of all other applicable material considerations.

It was recommended that planning permission be granted subject to the revised conditions and reasons listed in Appendix 1 of supplementary report number 1.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 23.11.22; the Environmental Appraisal (November 2022), supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the

approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Location Plan	A01	A01	23.12.22
Figure 1.1 Red Line Boundary 1:20000	A01	A01	23.12.22
Site Layout Plan	4534c-DR-P-0017	Rev.5	26.05.23
Substation Compound Layout and Electrical Section Locations	4534c-DR-P-0004	Rev.3	23.12.22
Proposed Site Access Profiles	4534c-DR-P-0021		06.12.22
Proposed Site Profiles	4534c-DR-P-0018	Rev.1	06.12.22
Site Access Details	4534c-DR-P-0008	Rev.1	24.11.22
Typical Access Track Sections – Sheet 1	4534c-DR-P-0007	Rev.2	24.11.22
Typical Access Track Sections – Sheet 2	4534c-DR-P-0012	Rev.2	24.11.22
Typical Deer Fence and Gate	4534c-DR-P-0016		24.11.22
2.5m High Security Palisade Fencing Details	CE/34/2015	Rev.E	
Electrical Layout Elevations 01	4534c-DR-P-0011	Rev.1	24.11.22
Generator Building Elevations	4534c-DR-P-0009	Rev.2	24.11.22
Substation Building Elevations	4534c-DR-P-0006	Rev.2	24
Substation Building Layout	4534c-DR-P-0005	Rev.1	24.11.22
Transformer Building Elevations	4534c-DR-P-0019	Rev.1	24.11.22
Transformer Building Layout	4534c-DR-P-0020	Rev.1	24.11.22

Septic Tank and Private Water Supply Location	A01(Dated 16.12.22)	A0!	23.12.22
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Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. No construction works shall be commenced until a Finalised Construction Environmental Management Document [CEMD] has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA and other consultees, as appropriate. The development shall then proceed in accordance with the approved CEMD unless otherwise agreed in writing by the Planning Authority. The CEMD shall include:

- a) An updated Schedule of Mitigation (SM) highlighting mitigation set out within each chapter of the Environmental Appraisal (EA), and the conditions of this consent;
- b) Processes to control/ action changes from the agreed SM;
- c) Construction Environmental Management Plans (CEMPs) for the construction phase covering:
 - i) Habitat and species protection, including ECoW Details, surveys and species protection plans;
 - ii) Landscape and Mitigation Restoration Plan including compensatory planting (refer to Condition 9);
 - iii) Pollution prevention and control;
 - iv) Dust management, including construction activity and vehicle movements;
 - v) Construction noise and vibration
 - vi) Temporary site lighting;
 - vii) Watercourse crossings;
 - viii) Site waste management
 - ix) Surface and ground water management, including: drainage and sediment management measures from all construction areas including access tracks, mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring;
 - x) Mapping of borrow pits and associated habitats identified for restoration;
 - xi) Invasive Non-Native Species Management Plan
 - xii) Emergency Response Plans;
 - xiii) Timetable for post construction restoration/ reinstatement of the temporary working areas and construction compound; and
 - xiv) Other relevant environmental management as may be relevant to the development
- d) A statement of responsibility to 'stop the job/ activity' if a breach or potential breach of mitigation or legislation occurs; and
- e) Methods of monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority, and other relevant parties.

Reason: To ensure protection of surrounding environmental interests and general amenity.

3. No development shall commence until a Construction Traffic Management Plan (CTMP) and Phased Delivery Plan have been prepared and approved in writing by the

Planning Authority and Transport Scotland as the trunk roads Authority. The Plan shall include details of:

- a) Approved access routes,
- b) Agreed operational practises (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, information of wheel cleansing facilities, signage to be installed on the A83 warning of construction traffic, signage or temporary traffic control measures to include for larger or abnormal loads, reporting of verge damage);
- c) The provision of an appropriate Code of Practice to drivers of construction and delivery vehicles.
- d) Abnormal load route surveys and finalised plan (including any accommodation measures required including the removal of street furniture, junction widening, traffic management).

The development shall be implemented in accordance with the duly approved Traffic Management Plan

Reason: To minimise the interference with the safety and free flow of traffic on the trunk road and to ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

4. No development or ground breaking works shall commence until a programme of archaeological works in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The scheme shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

5. No development shall commence, until a strategy for housing incoming construction workers shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that any potential adverse impacts on the functioning of the local housing market and tourist accommodation to the detriment of the interests of the local community are identified and mitigated in accordance with the requirements of NPF4, and in particular Policy 11C and Policy 25 Objectives.

6. No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist/ hydrogeologist or other suitably competent person and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 or Part 3 of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as appropriate) which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The

appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

7. No development shall commence until a detailed peat management and reinstatement plan has been submitted to and approved by the Planning Authority in consultation with SEPA.

This shall be submitted to the planning authority and SEPA no later than two months prior to the intended commencement of development date and include details of :

- The written consent of all landowners whose land is to be utilised
- Methodology and volume of extraction,
- Phasing/timing of any works impacting peat
- Quality/classification of Peat to be extracted
- Details of any onsite peat re-instatement and /or enhancement
- Details of storage and transportation
- Details of the location, area and condition of onsite or offsite peatland to be improved
- Details of peat enhancement measures on this land
- Details of peatland restoration outcomes to be achieved
- Details of ongoing management arrangements of the restored peatland

The restored peatland shall thereafter be maintained in accordance with the terms of the approved peatland management plan, and retained in perpetuity unless with the written agreement of the Planning Authority in consultation with SEPA.

The restored area shall not be subject to any works or operations in the future to undermine the objectives of the restoration objectives contained in the approved Peat Management Plan.

The peat improvement works shall also be undertaken in accordance with the objectives of the necessary habitat and management plan set out at condition 08 below.

Reason: In order to minimise disturbance of peat and ensure the appropriate reinstatement, reuse and management of peat in accordance with NPF 4 Policy 5 (c) objectives.

8. No works to excavate any peat on the site shall be undertaken until a Habitat Management and Enhancement Plan has been submitted to and approved by the Planning Authority in consultation with its biodiversity advisor.

Reason: To ensure that works result in habitat enhancement works being undertaken in accordance with NPF 4 and LDP Objectives.

9. No development shall commence until a detailed Compensatory Planting Plan (CPP) and Long Term Forestry Management Plan (LTFMP) are submitted to and approved in writing by the Planning Authority, in consultation with Scottish Forestry. The approved CPP and LTFMP shall be implemented in full and in accordance with the approved timing, unless otherwise agreed in writing by the Planning Authority.

Reason: To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

10. No development shall commence until a revised Landscape Planting Plan and Maintenance Plan in accordance with BS EN ISO 11091:1999 has been submitted to and approved in writing by the Planning Authority. The revised plans must include:
- a) A plan showing numbers and locations of each tree and shrub species;
 - b) Planting schedule to show for each species, the total number, type and size at planting;
 - c) Specification for planting to include ground preparation, planting operations and protection from herbivores;
 - d) Compensatory planting scheme for tree loss
 - e) Schedule of implementation and phasing;

The approved Landscape Planting Plan and Maintenance Plan shall thereafter be implemented in full in accordance with the implementation schedule and maintained in accordance with the approved details. Any plant losses within the first five years will be replaced at the next planting season.

Reason: To ensure the development conserves and enhances the landscape character and biodiversity interests of the area.

11. Any watercourse crossings, hereby permitted, shall be designed to at least the capacity of the existing channel and to the 1 in 200 year plus climate change flow and an allowance for freeboard, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that new watercourse crossings do not affect the existing flows in the interests of flood risk.

12. No external lighting shall be installed on the site other than with the prior written approval of the planning authority. In that event the location, type and luminance of the lighting units to be installed shall be specified, and any duly approved lighting shall be installed in a manner which minimises illumination and glare outwith the boundary of the application site. The completed site shall not be illuminated other than in the event of staff being present on site.

Reason: In order to avoid unnecessary visual intrusion in the interests of the visual amenity of an area otherwise unaffected by the presence of light sources.

13. No development/works shall take place outside the following hours;

0800 – 1800 hours Monday to Friday,
0800 – 1300 hours Saturday
Not at all on Sunday, Bank or Scottish Public Holidays.

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

14. No development shall commence until a noise management strategy and plan has been submitted to the Planning Authority for its approval in consultation with its Environmental Protection advisors. This shall set out the hours of associated with proposed vehicular movements which could potentially disturb residential occupiers. Such details as may be approved shall thereafter be adhered to unless with the written authority of Environmental Health Officers.

Reason: To safeguard residential amenity.

(Reference: Report by Head of Development and Economic Growth dated 7 June 2023 and supplementary report number 1 dated 20 June 2023, submitted)

8. SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: ERECTION OF HIGH VOLTAGE ELECTRICITY SUBSTATION AND FORMATION OF ASSOCIATED ACCESS, LANDSCAPING, DRAINAGE AND MEANS OF ENCLOSURE (CRAIG MURRAIL) SUBSTATION): ACHNABRECK FOREST - LAND APPROXIMATELY 2.5 KM NORTH EAST OF LOCHGILPHEAD AND 4 KM SOUTH WEST OF LOCH GLASHAN, LOCHGILPHEAD (REF: 22/02578/PP)

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised that a holding objection by SEPA in respect of proposals had now been withdrawn subject to the imposition of new condition to replace condition 7 detailed in the main report of handling. The supplementary report also advised that the examination into the Argyll and Bute Proposed Local Development Plan 2 (PLDP2) by the Scottish Government had now concluded and that the Examination Report was a material consideration of significant weight. The supplementary report highlighted the PLDP2 policies relevant to this application and it was concluded that in this case there was no significant material change of policy between the Adopted Plan and the PLDP2.

The proposal is for the erection of a 275kV substation as part of a number of infrastructure proposals to “maintain an efficient, coordinate and economical electrical transmission system” and is required to allow connection for renewable energy in the area across the wider electricity network.

It is considered that the proposal would accord with the principles and policies contained within the Local Development Plan and National Planning Framework 4 and is acceptable in terms of all other applicable material considerations.

It was recommended that planning permission be granted subject to the revised conditions and reasons listed in Appendix 1 of supplementary report number 1.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 14.12.22; the Environmental Appraisal (December 2022), supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Location Plan 1:75000	A01	A01	19.12.22
Site Location Plan 1:25000	A01	A01	19.12.22
Site Layout Plan	4534b-DR-P-0017	Rev.7	26.05.23
Substation Compound Layout and Electrical Section Locations	4534b-DR-P-0004	Rev.3	16.01.23
Proposed Site Access Profiles	4534b-DR-P-0021	-	19.12.22
Proposed Site Profiles	4534b-DR-P-0018	Rev.2	19.12.22
Site Access Details	4534b-DR-P-0008	Rev.1	19.12.22
Typical Access Track Sections – Sheet 1	4534b-DR-P-0007	Rev.2	19.12.22
Typical Access Track Sections – Sheet 2	4534b-DR-P-0012	Rev.2	19.12.22
2.5m High Security Palisade Fencing Details	CE/34/2015	Rev. E	19.12.22
Electrical Layout Elevations 01	4534b-DR-P-0011	Rev.1	19.12.22
Electrical layout Elevations 02	4534b-DR-P-0014	Rev.2	19.12.22
Electrical Layout Elevations 03	4534b-DR-P-0015	Rev.1	19.12.22
Generator Building Elevations	4534b-DR-P-0009	Rev.2	19.12.22

Substation Building Elevations	4534b-DR-P-0006	Rev.2	19.12.22
Substation Building Layout	4534b-DR-P-0005	Rev.1	19.12.22
Transformer Building Elevations	4534b-DR-P-0019	-	19.12.22
Transformer Building Layout	4534b-DR-P-0020	-	19.12.22
Switch Room Elevations	4534b-DR-P-0013		19.12.22
Switch Room Floor Plans	4534b-DR-P-0010	Rev.1	19.12.22
Septic Tank and Private Water Supply Location (15.12.22)	A01	A01	08.02.23

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

2. No construction works shall be commenced until a Finalised Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA and other consultees, as appropriate. The development shall then proceed in accordance with the approved CEMP unless otherwise agreed in writing by the Planning Authority. The CEMP shall include:
 - a) An updated Schedule of Mitigation (SM) highlighting mitigation set out within each chapter of the Environmental Appraisal (EA), and the conditions of this consent;
 - b) Processes to control/ action changes from the agreed SM;
 - c) Construction Environmental Management Plans (CEMPs) for the construction phase covering:
 - i) Habitat and species protection, including ECoW Details, surveys and species protection plans;
 - ii) Landscape and Mitigation Restoration Plan including compensatory planting (refer to Condition 9);
 - iii) Pollution prevention and control;
 - iv) Dust management, including construction activity and vehicle movements;
 - v) Construction noise and vibration
 - vi) Temporary site lighting;
 - vii) Watercourse crossings;
 - viii) Site waste management
 - ix) Surface and ground water management, including: drainage and sediment management measures from all construction areas including access tracks, mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring;
 - x) Mapping of borrow pits and associated habitats identified for restoration;
 - xi) Invasive Non-Native Species Management Plan

- xii) Emergency Response Plans;
 - xiii) Timetable for post construction restoration/ reinstatement of the temporary working areas and construction compound; and
 - xiv) Other relevant environmental management as may be relevant to the development
- d) A statement of responsibility to 'stop the job/ activity' if a breach or potential breach of mitigation or legislation occurs; and
- e) Methods of monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority, and other relevant parties.

Reason: To ensure protection of surrounding environmental interests and general amenity.

3. No development shall commence until a Construction Traffic Management Plan (CTMP) and Phased Delivery Plan have been prepared and approved in writing by the Planning Authority and Transport Scotland as the trunk roads Authority. The Plan shall include details of:

- a) Approved access routes,
- b) Agreed operational practises (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, information of wheel cleansing facilities, signage to be installed on the A83 warning of construction traffic, signage or temporary traffic control measures to include for larger or abnormal loads, reporting of verge damage);
- c) The provision of an appropriate Code of Practice to drivers of construction and delivery vehicles.
- d) Abnormal load route surveys and finalised plan (including any accommodation measures required including the removal of street furniture, junction widening, traffic management).

The development shall be implemented in accordance with the duly approved Traffic Management Plan

Reason: To minimise the interference with the safety and free flow of traffic on the trunk road and to ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

4. No development or ground breaking works shall commence until a programme of archaeological works in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The scheme shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

5. No development shall commence, until a strategy for housing incoming construction workers shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that any potential adverse impacts on the functioning of the local housing market and tourist accommodation to the detriment of the interests of the local community are identified and mitigated in accordance with the requirements of NPF4, and in particular Policy 11C and Policy 25 Objectives.

6. No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist/ hydrogeologist or other suitably competent person and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 or Part 3 of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as appropriate) which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

7. No development shall commence until a detailed peat management and reinstatement plan has been submitted to and approved by the Planning Authority in consultation with SEPA.

This shall be submitted to the planning authority and SEPA no later than two months prior to the intended commencement of development date and include details of :

- The written consent of all landowners whose land is to be utilised
- Methodology and volume of extraction,
- Phasing/timing of any works impacting peat
- Quality/classification of Peat to be extracted
- Details of any onsite peat re-instatement and /or enhancement
- Details of storage and transportation
- Details of the location, area and condition of onsite or offsite peatland to be improved
- Details of peat enhancement measures on this land
- Details of peatland restoration outcomes to be achieved
- Details of ongoing management arrangements of the restored peatland

The restored peatland shall thereafter be maintained in accordance with the terms of the approved peatland management plan, and retained in perpetuity unless with the written agreement of the Planning Authority in consultation with SEPA.

The restored area shall not be subject to any works or operations in the future to undermine the objectives of the restoration objectives contained in the approved Peat Management Plan.

The peat improvement works shall also be undertaken in accordance with the objectives of the necessary habitat and management plan set out at condition 08 below.

Reason: In order to minimise disturbance of peat and ensure the appropriate reinstatement, reuse and management of peat in accordance with NPF 4 Policy 5 (c) objectives.

8. No works to excavate any peat on the site shall be undertaken until a Habitat Management and Enhancement Plan has been submitted to and approved by the Planning Authority in consultation with its biodiversity advisor.

Reason: To ensure that works result in habitat enhancement works being undertaken in accordance with NPF 4 and LDP Objectives.

9. No development shall commence until a detailed Compensatory Planting Plan (CPP) and Long Term Forestry Management Plan (LTFMP) are submitted to and approved in writing by the Planning Authority, in consultation with Scottish Forestry. The approved CPP and LTFMP shall be implemented in full and in accordance with the approved timing, unless otherwise agreed in writing by the Planning Authority.

Reason: To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

10. No development shall commence, until a revised Landscape Planting Plan and Maintenance Plan in accordance with BS EN ISO 11091:1999 has been submitted to and approved in writing by the Planning Authority. The revised plans must include:

- a) A plan showing numbers and locations of each tree and shrub species;
- b) Planting schedule to show for each species, the total number, type and size at planting;
- c) Specification for planting to include ground preparation, planting operations and protection from herbivores;
- d) Compensatory planting scheme for tree loss
- e) Schedule of implementation and phasing;

The approved Landscape Planting Plan and Maintenance Plan shall thereafter be implemented in full in accordance with the implementation schedule and maintained in accordance with the approved details. Any plant losses within the first five years will be replaced at the next planting season.

Reason: To ensure the development conserves and enhances the landscape character and biodiversity interests of the area.

11. Any watercourse crossings, hereby permitted, shall be designed to at least the capacity of the existing channel and to the 1 in 200 year plus climate change flow and

an allowance for freeboard, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that new watercourse crossings do not affect the existing flows in the interests of flood risk.

- 12.No external lighting shall be installed on the site other than with the prior written approval of the planning authority. In that event the location, type and luminance of the lighting units to be installed shall be specified, and any duly approved lighting shall be installed in a manner which minimises illumination and glare outwith the boundary of the application site. The completed site shall not be illuminated other than in the event of staff being present on site.

Reason: In order to avoid unnecessary visual intrusion in the interests of the visual amenity of an area otherwise unaffected by the presence of light sources.

- 13.No development shall take place outside the following hours:

07.00hrs and 19.00hrs Mon to Friday (inclusive)
07.00hrs and 18.00hrs Saturday

And not at all on Sundays or Scottish Bank Holidays unless as otherwise may be agreed with Environmental Protection Officers in advance of the operations.

Reason: To safeguard residential amenity.

(Reference: Report by Head of Development and Economic Growth dated 8 June 2023 and supplementary report number 1 dated 20 June 2023, submitted)

9. SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: ERECTION OF HIGH VOLTAGE ELECTRICITY SUBSTATION AND FORMATION OF ASSOCIATED ACCESS, LANDSCAPING, DRAINAGE AND MEANS OF ENCLOSURE (CROSSAIG (NORTH) SUBSTATION): LAND ADJACENT TO CROSSAIG SUBSTATION, SKIPNESS (REF: 23/00382/PP)

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised that a holding objection by SEPA in respect of proposals had now been withdrawn subject to the imposition of new condition to replace condition 7 detailed in the main report of handling. The supplementary report also advised that the examination into the Argyll and Bute Proposed Local Development Plan 2 (PLDP2) by the Scottish Government had now concluded and that the Examination Report was a material consideration of significant weight. The supplementary report highlighted the PLDP2 policies relevant to this application and it was concluded that in this case there was no significant material change of policy between the Adopted Plan and the PLDP2.

The proposal is for the erection of a 275kV substation as part of a number of infrastructure proposals to “maintain an efficient, coordinate and economical electrical transmission system” and is required to allow connection for renewable energy in the area across the wider electricity network.

It is considered that the proposal would accord with the principles and policies contained within the Local Development Plan and National Planning Framework 4 and is acceptable in terms of all other applicable material considerations.

It was recommended that planning permission be granted subject to the revised conditions and reasons listed in Appendix 1 of supplementary report number 1.

Decision

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

1. The development shall be implemented in accordance with the details specified on the application form dated 14.12.22; the Environmental Appraisal (December 2022), supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Location Plan	A01	A01	24.2.23
Site Layout Plan	4534d-DR-P-0017	Rev.5	26.5.23
Existing Substation Proposed Platform Extension and Detail	4534d-DR-P-0027	-	24.2.23
Substation Compound Layout and Electrical Section Locations	4534d-DR-P-0004	Rev.2	24.2.23
Proposed Site Access Profiles	4534d-DR-P-0021	Rev.1	24.2.23
Proposed Site Profiles	4534d-DR-P-0018	Rev.1	24.2.23
Site Access Details	4534d-DR-P-0008	Rev.2	24.2.23
Typical Deer Fence and Gate	4534d-DR-P-0016	-	24.2.23
2.5m High Security Palisade Fencing Details	CE/34/2015	Rev. E	24.2.23
Electrical Layout Elevations 01	4534d-DR-P-0011	Rev.1	24.2.23
Compound layout& Electrical Section Locations	4534d-DR_P-0004	Rev.2	24.2.23
Generator Building Elevations and Floor Plan	4534d-DR-P-0009	Rev.2	24.2.23
Control Building Elevations	4534d-DR-P-0006	Rev.1	24.2.23
Control Building Layout	4534d-DR-P-0022	Rev.1	24.2.23
Control Building Elevations	4534d-DR-P-0023	Rev.1	24.2.23
Transformer Building	4534d-DR-P-0019	Rev.1	24.2.23

Elevations			
Transformer Building Layout	4534d-DR-P-0020	Rev.1	24.2.23

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

2. No construction works shall be commenced until a Finalised Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA and other consultees, as appropriate. The development shall then proceed in accordance with the approved CEMP unless otherwise agreed in writing by the Planning Authority. The CEMP shall include:
- a) An updated Schedule of Mitigation (SM) highlighting mitigation set out within each chapter of the Environmental Appraisal (EA), and the conditions of this consent;
 - b) Processes to control/ action changes from the agreed SM;
 - c) Construction Environmental Management Plans (CEMPs) for the construction phase covering:
 - i) Habitat and species protection, including ECoW Details, surveys and species protection plans;
 - ii) Landscape and Mitigation Restoration Plan including compensatory planting (refer to Condition 9);
 - iii) Pollution prevention and control;
 - iv) Dust management, including construction activity and vehicle movements;
 - v) Construction noise and vibration
 - vi) Temporary site lighting;
 - vii) Watercourse crossings;
 - viii) Site waste management
 - ix) Surface and ground water management, including: drainage and sediment management measures from all construction areas including access tracks, mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring;
 - x) Mapping of borrow pits and associated habitats identified for restoration;
 - xi) Invasive Non-Native Species Management Plan
 - xii) Emergency Response Plans;
 - xiii) Timetable for post construction restoration/ reinstatement of the temporary working areas and construction compound; and
 - xiv) Other relevant environmental management as may be relevant to the development
 - d) A statement of responsibility to 'stop the job/ activity' if a breach or potential breach of mitigation or legislation occurs; and
 - e) Methods of monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority, and other relevant parties.

Reason: To ensure protection of surrounding environmental interests and general amenity.

3. No development shall commence until a Construction Traffic Management Plan (CTMP) and Phased Delivery Plan have been prepared and approved in writing by the

Planning Authority and Transport Scotland as the trunk roads Authority. The Plan shall include details of:

- a) Approved access routes,
 - All HGV construction traffic to use the Cross Kintyre Haul Route.
 - The B8001 Redhouse - Skipness Road and the B842 Claonaig - Southend Road must not be used by HGV's.
 - The B8001 Redhouse - Skipness Road and the B842 Claonaig - Southend Road may be used by LGV related to these works
- b) Agreed operational practises (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, information of wheel cleansing facilities, signage to be installed on the A83 warning of construction traffic, signage or temporary traffic control measures to include for larger or abnormal loads, reporting of verge damage);
- c) The provision of an appropriate Code of Practice to drivers of construction and delivery vehicles.
- d) Abnormal load route surveys and finalised plan (including any accommodation measures required including the removal of street furniture, junction widening, traffic management).

The development shall be implemented in accordance with the duly approved Traffic Management Plan

Reason: To minimise the interference with the safety and free flow of traffic on the trunk road and to ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk or local road network.

4. No development or ground breaking works shall commence until a programme of archaeological works in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The scheme shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

5. No development shall commence, until a strategy for housing incoming construction workers shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that any potential adverse impacts on the functioning of the local housing market and tourist accommodation to the detriment of the interests of the local community are identified and mitigated in accordance with the requirements of NPF4, and in particular Policy 11C and Policy 25 Objectives.

6. No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist/ hydrogeologist or other suitably competent person and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 or Part 3 of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as appropriate) which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

7. No development shall commence until a detailed peat management and reinstatement plan has been submitted to and approved by the Planning Authority in consultation with SEPA.

This shall be submitted to the planning authority and SEPA no later than two months prior to the intended commencement of development date and include details of :

- The written consent of all landowners whose land is to be utilised
- Methodology and volume of extraction,
- Phasing/timing of any works impacting peat
- Quality/classification of Peat to be extracted
- Details of any onsite peat re-instatement and /or enhancement
- Details of storage and transportation
- Details of the location, area and condition of onsite or offsite peatland to be improved
- Details of peat enhancement measures on this land
- Details of peatland restoration outcomes to be achieved
- Details of ongoing management arrangements of the restored peatland

The restored peatland shall thereafter be maintained in accordance with the terms of the approved peatland management plan, and retained in perpetuity unless with the written agreement of the Planning Authority in consultation with SEPA.

The restored area shall not be subject to any works or operations in the future to undermine the objectives of the restoration objectives contained in the approved Peat Management Plan.

The peat improvement works shall also be undertaken in accordance with the objectives of the necessary habitat and management plan set out at condition 08 below.

Reason: In order to minimise disturbance of peat and ensure the appropriate reinstatement, reuse and management of peat in accordance with NPF 4 Policy 5 (c) objectives.

8. No works to excavate any peat on the site shall be undertaken until a Habitat Management and Enhancement Plan has been submitted to and approved by the Planning Authority in consultation with its biodiversity advisor.

Reason: To ensure that works result in habitat enhancement works being undertaken in accordance with NPF 4 and LDP Objectives.

9. No development shall commence until a detailed Compensatory Planting Plan (CPP) and Long Term Forestry Management Plan (LTFMP) are submitted to and approved in writing by the Planning Authority, in consultation with Scottish Forestry. The approved CPP and LTFMP shall be implemented in full and in accordance with the approved timing, unless otherwise agreed in writing by the Planning Authority.

Reason: To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

10. No development shall commence, until a revised Landscape Planting Plan and Maintenance Plan in accordance with BS EN ISO 11091:1999 has been submitted to and approved in writing by the Planning Authority. The revised plans must include:

- a) A plan showing numbers and locations of each tree and shrub species;
- b) Planting schedule to show for each species, the total number, type and size at planting;
- c) Specification for planting to include ground preparation, planting operations and protection from herbivores;
- d) Compensatory planting scheme for tree loss
- e) Schedule of implementation and phasing;

The approved Landscape Planting Plan and Maintenance Plan shall thereafter be implemented in full in accordance with the implementation schedule and maintained in accordance with the approved details. Any plant losses within the first five years will be replaced at the next planting season.

Reason: To ensure the development conserves and enhances the landscape character and biodiversity interests of the area.

11. Any watercourse crossings, hereby permitted, shall be designed to at least the capacity of the existing channel and to the 1 in 200 year plus climate change flow and an allowance for freeboard, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that new watercourse crossings do not affect the existing flows in the interests of flood risk.

12. No external lighting shall be installed on the site other than with the prior written approval of the planning authority. In that event the location, type and luminance of the lighting units to be installed shall be specified, and any duly approved lighting shall be installed in a manner which minimises illumination and glare outwith the boundary of

the application site. The completed site shall not be illuminated other than in the event of staff being present on site.

Reason: In order to avoid unnecessary visual intrusion in the interests of the visual amenity of an area otherwise unaffected by the presence of light sources.

13. No development shall take place outside the following hours:

07.00hrs and 19.00hrs Mon to Friday (inclusive)

07.00hrs and 18.00hrs Saturday

No construction works shall take place on Sundays or Scottish Bank Holidays

unless as otherwise may be agreed in writing with Environmental Protection Officers in advance of the operations

Non-construction work and switching works can be carried out on Sundays and Scottish Bank Holidays between the hours of 08.00 and 13.00.

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

(Reference: Report by Head of Development and Economic Growth dated 8 June 2023 and supplementary report number 1 dated 20 June 2023, submitted)

The Chair ruled, and the Committee agreed, to take a short comfort break at 3.00 pm.

The Committee reconvened at 3.10 pm.

10. MR D HIGGINS: ERECTION OF DWELLINGHOUSE, FORMATION OF VEHICULAR ACCESS AND ASSOCIATED WORKS: GARDEN GROUND OF TORWOOD HOUSE, TORWOODHILL ROAD, RHU, HELENSBURGH (REF: 22/02523/PP)

The Planning Officer spoke to the terms of supplementary report number 1 which advised that the examination into the Argyll and Bute Proposed Local Development Plan 2 (PLDP2) by the Scottish Government had now concluded and that the Examination Report was a material consideration of significant weight. The supplementary report highlighted the PLDP2 policies relevant to this application and it was concluded that in this case there was no significant material change of policy between the Adopted Plan and the PLDP2. The supplementary report also referred to a further representation received from one of the objectors.

The Planning Officer also advised of a further representation received by an original objector which related to the same subject as the late objection referred to in the supplementary report regarding concerns about flooding and drainage.

The Planning Officer advised that the most significant item in the supplementary report was a request from the Applicant that determination of this application be deferred to allow an opportunity for him to engage in discussions with Council Officers and to prepare further details of a scheme of commensurate off-site road improvements for assessment by Planning Officers in consultation with Area Roads Engineers.

It was recommended that determination of this application be deferred to allow an opportunity for the Applicant to prepare and submit further details to demonstrate to the satisfaction of Council Officers that there were no constraints to the implementation of an agreed scheme of commensurate off-site road improvements.

Decision

The Committee agreed to defer determination of this application to allow an opportunity for the Applicant to prepare and submit further details to demonstrate to the satisfaction of Council Officers that there were no constraints to the implementation of an agreed scheme of commensurate off-site road improvements and noted that this would be reported back to the Committee at a future meeting.

(Reference: Report by Head of Development and Economic Growth dated 13 June 2023 and supplementary report number 1 dated 20 June 2023, submitted)

11. PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS

Over the past 10 years a series of short training sessions or occasionally workshops/site visits have been delivered for all elected Members with an aim to improve knowledge of the planning system on a wide range of issues.

A report seeking endorsement of the training programme from August 2023 to June 2024 was before the Committee for consideration.

Decision

The Committee:

1. agreed to continuing an ongoing programme of planning related training for Members of the PPSL Committee, and that it be open to any other Members not currently involved in planning decision-making; and
2. endorsed the initial subject areas for training and the provisional dates for delivery, on the understanding that the programme may be varied to take account of any additional training requirements Members may wish to identify, along with any other particular training needs identified by Officers as a consequence of matters emerging during the course of the year.

(Reference: Report by Head of Development and Economic Growth dated 5 June 2023, submitted)

12. REGULATORY SERVICES - SERVICE PLAN 2023-25

A report presenting the Regulatory Services Service Plan 2023-25 was considered. The Plan provided details of service achievements and performance in 2022-23 together with service priorities for 2023-25.

Decision

The Committee considered and approved the Regulatory Services Service Plan 2023-25.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 12 June 2023 and Regulatory Services Service Plan 2023-2025, submitted)

13. BUILDING STANDARDS BALANCED SCORECARD 2023-25

A report presenting the Building Standards Balanced Scorecard 2023-25 was considered. The Scorecard provided details of achievements and performance in 2022-23, together with service priorities for 2023-25.

Decision

The Committee considered and approved the Building Standards Balanced Scorecard 2023-25.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 12 June 2023 and Building Standards Service Plan 2023-2025, submitted)

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

14. ENFORCEMENT REPORT REFERENCE 22/00002/ENFHSB

Consideration was given to Enforcement Report reference 22/00002/ENFHSB.

Decision

The Committee agreed the recommendations detailed in the report.

(Reference: Report by Head of Development and Economic Growth dated 6 June 2023, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 28 JUNE 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Graham Hardie
Councillor Gordon Blair	Councillor Fiona Howard
Councillor Jan Brown	Councillor Andrew Kain
Councillor Audrey Forrest	Councillor Paul Donald Kennedy
Councillor Amanda Hampsey	Councillor Luna Martin
Councillor Daniel Hampsey	Councillor Peter Wallace

Attending: Shona Barton, Governance Manager
Alan Morrison, Regulatory Services and Building Standards Manager
Fiona Macdonald, Solicitor
Alison MacLeod, Licensing Standards Officer
Roderick Scott, Applicant
Rebecca Griggs, Applicant's Associate
George Turner, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mark Irvine and Liz McCabe.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SHORT-TERM LETS) ORDER 2022: APPLICATION FOR GRANT OF A SHORT TERM LICENCE (R SCOTT, OBAN)

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, Roderick Scott, opted to proceed by way of video call and he joined the meeting by Microsoft Teams.

George Turner, Objector also joined the meeting by Microsoft Teams

Gaynor Wotherspoon, Objector was unable to attend the hearing and provided a written response which was contained in Supplementary Pack 1.

It was noted that one other Objector, Mr McKerracher, was not in attendance.

The Chair invited the Licensing Standards Officer to speak to the terms of the report. Thereafter he outlined the procedure that would be followed and invited the Objector to speak in support of his Objection.

OBJECTOR

Mr Turner advised that he only became aware of this application when he was near the garden of the property and had seen a notice displayed in the window. He said the window was some distance from the road. He noted that on the Council website it stated that notices had to be displayed where they could be publically viewed. He commented that he did not think it could be considered that this notice was in public view due to the distance away from the kerb. He advised that he has since spoken to others in the street who were not aware of this application. He suggested that if they had seen the notice there would have been more objections to this application.

Mr Turner said that he did not think the Applicant had tried to alleviate the concerns of neighbours and had shown little care for the residents in the street. He advised that he was a Paramedic in town and that he had moved to Oban in 2019 to raise his family in a safe and caring community. He said he found Nant Drive to be a respectful neighbourhood with a sense of community spirit. He advised that he did not choose to live next to a hotel or guest house and that he moved to a purely residential area to live and bring up his children. He advised that the previous tenants were always respectful to other neighbours and that he was still friends with them. He commented that many short term let properties had people coming to party and they would not want neighbours telling them what to do and not do.

He said that the property was directly next to his property and that the application was for 7 people. He said that suggested to him that this would be more than the average size family and possibly could be multiple groups. He said he was concerned about anti-social behaviour which may be exacerbated by the use of the hot tub.

He advised that the driveway was shared with a small kerb stone and commented that for 7 people, car parking for 2 would not be sufficient and may lead to parking on the main road which would bring its own set of problems. He advised that it would obscure his exit and entrance to his driveway. He commented that mitigation was offered but said it was difficult to understand how that would be policed and adhered to.

He advised that his property, with garden and driveway, mirrored the Applicant's property. He said it was completely open except for a mid-body high fence to the rear. He referred to multiple strangers arriving at all times. He commented that he had asked for the direct number of the owner in case he needed to be contacted if there were any issues and that this was refused and that the number was for someone from the management company. He said this removed the personal touch and respect for others that lived in the area.

He advised that there was the potential for anti-social behaviour and noise at all times of the night which would probably lead to disturbance for his family, including loss of sleep, which would affect learning at school and functioning at work. He referred to mitigation of a £1,000 deposit for damage or disturbance and questioned who would benefit from that money.

He referred to moving to a residential area and commented that encouragement should be given to properties being occupied by people that needed accommodation. He said that the town had multiple short term lets and no accommodation for teachers, NHS workers and key workers. He said the introduction of multiple Airbnbs would destroy the town. He commented that hotel businesses could not get staff due to the town being too expensive to live in and there being nowhere else to live. He questioned why this residential area

could not be encouraged to remain as a residential area and that the property be used for a longer term let as it was before.

MEMBERS' QUESTIONS

Councillor Martin sought and received confirmation from Mr Turner as to where the notice was displayed.

APPLICANT

Mr Scott advised that he ran a number of Airbnbs and long term lets in Oban and that he had been running these for a number of years in Oban and Argyll. He said that he tried to supply a selection of accommodation at different levels. He said that the property had previously been a long term let and that the previous occupants had been employed by him.

He advised that the property would be large enough to accommodate a minimum of 7 people and that quite often they got requests for more than that. He advised that for this property they wanted to keep it to 7 people, maybe for a family or a family with friends. He said he was trying to have a high quality residence for family occupation, with no intention of parties. He referred to having other residences of a similar size with hot tubs and commented that there had been no parties at these locations. He advised that if there was ever any noise they would attend and try to resolve any problems. He said that he quite understood that this was a residential area that would need to be kept an eye on. He said that he had space for parking cars and if space for more than 2 cars were required he could accommodate that. He also advised that they would be able to vet people as they applied to book and they would be able to refuse anyone they were concerned about. He said that he liked to operate with great efficiency and that this was a lovely opportunity for people to come to Oban.

QUESTIONS FROM OBJECTORS

Mr Turner asked what the vetting process was. Ms Griggs explained that she spoke to people directly. She said that instead of booking direct online, people had to enquire so that there could be a discussion about the potential holiday makers that would be coming and what they would be using the accommodation for. The rules to be followed would be explained from the outset and they would be advised that the accommodation would be within a residential area. She advised that if she did not like what she heard the booking would not go ahead. She explained that she has been doing this for some time now and that she trusted her opinion and feelings on how someone came across.

Councillor Green referred to the written submission by Ms Wotherspoon and read out the following questions on her behalf.

1. In respect of the management company that will be looking after the property. Can you confirm if this is the management property owned by the home owner?

Mr Scott said that he managed the bookings himself and that the cleaning etc was under his control.

2. In regards to the £1,000 deposit for disruption or rule breaking, who benefits from this?

Mr Scott advised that he did not think he could do this anymore as it would not be permitted for an Airbnb establishment.

3. In regards to the contact number, if any disruptions should occur. My previous experience with the homeowner, when contacted before for previous tenants in regard to noise. We were met with obstruction. He advised us that as long as the money (mortgage/rent) was being paid, he couldn't care less about the noise. Can I have assurances that this will not be the case with Short term lets?

Mr Scott said he had not spoken to anyone about this and that these comments had nothing to do with him.

MEMBERS' QUESTIONS

Councillor Blair sought and received confirmation from Mr Scott that he lived in Oban.

Councillor Brown sought and received confirmation from Mr Scott that he had one short term let of a similar size and another with one bedroom and that he had experienced no issues with either. He advised that he had also just received another licence for a 2 bedroom property. He referred to one occasion when someone was talking loudly on the phone in a hot tub and that he had gone round to stop that. He advised that it was his intention that there would be no late night use of the hot tub and that he expected that this would be monitored by neighbours. He said that he would have no objection to anyone contacting him directly. He explained that he was not always around and that was why he gave the number of the person in charge of laundry to be the main contact.

Councillor Kain sought and received confirmation from Mr Scott that the hot tub had been there for a number of years.

Councillor Kain sought and received confirmation that Mr Scott would like the limit of guests staying to be 7. He advised that it was a 4 bedroomed house. He said it would not be easy to let if the numbers were limited to less than 7.

Councillor Hardie sought and received confirmation from Mr Scott that the risk assessment for legionella was lodged with the application form.

Councillor Armour sought and received confirmation from Mr Scott that at the time of submitting his application he had checked where he should display the notice advising of his application and that he had displayed it where he was told to.

Councillor Martin sought and received confirmation from Mr Scott that the notice was A4 size and in the window next to the door.

Councillor Martin asked how close the hot tub was to the fence of the property next door. Mr Scott said that the section of fence where the hot tub was located was not near a public area. He said there were no windows and that the fence backed onto a blank wall.

Councillor Martin referred to concerns about noise from the hot tub and asked how Mr Scott planned to mitigate against that. Mr Scott said that it would be written into the contract that would be signed by anyone taking up the tenancy. He said there would be rules regarding parking and the use of the hot tub. He said the hot tub could not be used before 11 am and not after 10 pm. He advised that people should not use the outside

area at all after that time. Ms Griggs advised that if anyone did not comply with the rules of use of the hot tub they had the ability to lock it up for the remainder of the holiday.

Councillor Kennedy sought and received confirmation from Mr Scott that someone from the Council advised him where he should display the notice.

Councillor Kennedy sought and received confirmation from Mr Scott that he was satisfied the vetting procedure would limit any problems from occurring.

Councillor Kennedy asked Mr Scott if the hot tub was necessary. Mr Scott explained that the previous tenants did not want it removed but he could do so if required. He advised that it was a great addition to his property.

Councillor Blair sought and received confirmation from Mr Scott that many of his visitors were British with a lot from Glasgow and Scotland generally.

Councillor Blair asked if any of his customers had issues with neighbours. Mr Scott advised that there had been issues with noisy dogs.

SUMMING UP

Objectors

Mr Turner advised that the hot tub was not next to a blank wall and that there was a bedroom window next to the hot tub.

He also commented that within Appendix 2 of report it was stated that the hot tub could only be used between the hours of 11 am and 9 pm. He noted that Mr Scott was now saying the hours would be 11 am to 10 pm. He said the situation was getting worse. He said that he still wanted to object to this application as he had a young family with his children's bedrooms to the back of the house. He said he did not want a constant stream of strangers coming each week. He said that he really hoped Mr Scott would revert back to maintaining this property as a long term let.

Applicant

Mr Scott said he thought he had done his best to placate the situation and that he would like to go ahead with his application.

When asked, both parties confirmed that they were satisfied they had said all they wished to.

At this point the Committee agreed to retire and deliberate in private.

DEBATE

The Committee debated the merits of the application and objections submitted.

Thereafter the Applicant and Objectors were invited back into the meeting.

Motion

To agree to grant a short term let licence to Mr Scott subject to the conditions recommended in the report and to the inclusion of an additional condition limiting the use of the hot tub to the hours of 11 am – 8 pm.

Moved by Councillor John Armour, seconded by Councillor Gordon Blair.

Amendment

To agree to refuse the application for a short term let on the grounds that the premises was not suitable for the conduct of the activity having regard to the location, character or condition of the premises and the possibility of undue public nuisance, public order, or public safety.

Moved by Councillor Luna Martin, seconded by Councillor Graham Hardie.

A vote was taken by calling the roll.

Motion

Amendment

Councillor Armour
Councillor Blair
Councillor Brown
Councillor Forrest
Councillor Green
Councillor A Hampsey
Councillor D Hampsey
Councillor Howard
Councillor Kain
Councillor Wallace

Councillor Hardie
Councillor Kennedy
Councillor Martin

The Motion was carried by 10 votes to 3 and the Committee resolved accordingly.

DECISION

The Committee agreed to grant a short term let licence to Mr Scott subject to the conditions recommended in the report and to the inclusion of an additional condition limiting the use of the hot tub to the hours of 11 am – 8 pm.

(Reference: Report by Regulatory Services and Building Standards Manager, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 28 JUNE 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Fiona Howard
Councillor Gordon Blair	Councillor Andrew Kain
Councillor Jan Brown	Councillor Paul Donald Kennedy
Councillor Audrey Forrest	Councillor Luna Martin
Councillor Amanda Hampsey	Councillor Peter Wallace
Councillor Graham Hardie	

Attending: Shona Barton, Governance Manager
Alan Morrison, Regulatory Services and Building Standards Manager
Fiona Macdonald, Solicitor
James Crawford, Licensing Standards Officer
Ailsa Griffiths, Applicant
Dawne Cervante, Objector
Mark Gunston, Objector
Kate Clayton, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Daniel Hampsey, Mark Irvine and Liz McCabe.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SHORT-TERM LETS) ORDER 2022: APPLICATION FOR GRANT OF A SHORT TERM LET LICENCE (A GRIFFITHS, KILCHATTAN BAY, ISLE OF BUTE)

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, Ailsa Griffiths, opted to proceed by way of audio call and she joined the meeting by telephone.

The 3 Objectors, Dawne Cervantes, Mark Gunston and Kate Clayton opted to proceed by way of video call and joined the meeting by Microsoft Teams

The Chair invited the Licensing Standards Officer to speak to the terms of the report. Thereafter he outlined the procedure that would be followed and invited the Objectors to speak in support of their Objections.

OBJECTORS

Dawne Cervantes

Ms Cervantes advised that the property in question was a Victorian building with no sound proofing and her objection was based on her lived experience. She said that the property below her was used as an Airbnb and her lived experience had been a nightmare at times. She said she taught at the local primary school and was part of the island's Emergency Response Team which involved shift work at times. Her lived experience was that most people that turned up to Airbnbs were in party mode and had no consideration for local people going about their everyday lives. She commented on hearing that there would only be 4 people in this property, but she knew that regularly additional people would turn up along with dogs and children. They would turn up in party mode and with no sound proofing this was incredibly distressing to her. She advised that there was a very small, shared garden for 4 flats and there were incidences of dogs running around.

She advised that despite information packs about recycling, she had lost count the number of times she had to empty glass out of the bins. Glass had to be taken to the nearby recycling depot on the island. She acknowledged that some people that came were peaceful and fine but as a single women, when people arrived in fully party mode at 11 pm, she was not inclined to knock on their doors. She said that was why she had objected to this application. She said her preference would be for a long term lease but the Applicant did not want to do that. She said she would have no objection to a long term lease and commented that there was a huge need for long term lets on the island. She said that anyone you spoke to about Airbnbs had their own lived nightmare.

There were no questions for Ms Cervantes.

Mark Gunston

Mr Gunston said he would reinforce what Ms Cervantes had said. He referred to the objections made in respect of the previous application considered by the Committee, and said that pretty much everything that had been said at that hearing related to this application. The main difference was that related to a residential street and not neighbours in the same building. He advised that he lived in the village and that he was objecting on behalf of his brother who had a flat within the building. He advised that the building was totally unsuitable for Airbnb and should not be a consideration as the walls were paper thin.

He said that Kilchattan Bay was a small community and that he loved living here. He knew all his neighbours and he did not have any Airbnbs in the building he lived in. He said that if anyone ever wanted to do anything like put up a shed up or re-tile, they always contacted their neighbours to run it by them. He advised that as far as he was aware the person that lodged the application did not at any time inform the other people in the building of her intentions. He said that, to him, was not community minded. He said that he ran a small business renting out kayaks and that he welcomed visitors. He said he welcomed residents, and welcomed Airbnbs as long as the building was appropriate and did not negatively impact others that lived there.

He said his knowledge of people who did live in buildings where there was an Airbnb was that they had a negative experience due to noise. He advised that unless you lived there you could not monitor how many would stay or how they would behave. He said there could be lots of partying, lots of noise, and lots of overcrowding. He advised that a much

better alternative would be to do a long term let. He said there was a shortage of long term lets and that the Applicant would be doing the island a service if she did that.

Members Questions to Mr Gunston

Councillor Armour referred to long terms lets as opposed to Airbnbs and asked how Mr Gunston would feel if this was a long term let and the person that moved in was undesirable in his opinion. Councillor Armour pointed out that the person would be there permanently rather than on a temporary basis. Mr Gunston said this was a valid point but not really a good argument for allowing an Airbnb. He acknowledged that he would not want a disruptive neighbour to be there but the short term let would lead to a continuing stream of people you could not build a relationship with and could not complain to the Council about.

Councillor Blair sought and received confirmation from Mr Gunston that Ms Cervantes currently stayed in his brother's house and that his brother planned to retire there in the future. Councillor Blair referred to Mr Gunston listening into the previous hearing, and asked how Mr Gunston went about vetting before Ms Cervantes moved in. Mr Gunston explained that he had never been in that position as he had never been a landlord. He said that Ms Cervantes was a family friend that it was just an agreement with her. He said he did not know what the procedure would be for vetting a prospective tenant. He commented that he would probably look at having a probation period.

Kate Clayton

Ms Clayton said she would reinforce everything said by the other objectors. She said she lived in the same building as the Applicant and that she had bought her flat at the same time as Ms Griffiths. She said she knew of the issues with the Airbnb next door to her and underneath Ms Cervantes. She advised that even though Ms Griffiths would not be doing Airbnb, but would be using a local agency on the island, they did not vet anyone renting their properties. She advised that whether Ms Griffiths wanted just couples did not matter as people would just book online and the agency would take its profit and Ms Griffiths would get her money. She said it was the same as an Airbnb in essence. She said there would be a succession of people arriving. She said that of course people would come to party.

She advised that she was an artist and that she had converted a building in the garden for her studio. She said she would be taking part in a local community event which would involve people visiting her studio over a weekend. She said that would be completely different than having hundreds of dogs and children. She said that at the moment Ms Cervantes had an Airbnb underneath her and the person was giving that up and would live there permanently in October. She said that if Ms Griffiths stayed there too this would be 4 single women together. She said that this would not mean they would not have a good time. She referred to the issue being about the succession of people arriving at an Airbnb. She commented that she had done this herself in other places and that you could not guarantee who would come unless you lived in the property. She advised that a van came by 2 weeks ago to set up the property for guests and that she had to tell them that the property had not received a short term let licence yet. She said that the property had been advertised on the website and had to be taken down.

She advised that she would have no objection to a long term let for 6 months or a year. She said that for a short term let anyone could turn up no matter what Ms Griffiths would prefer. She said it was a no brainer and not fair on so many levels. She advised that she

had her own entrance on the ground floor and that Ms Griffiths flat was above hers. She said that access to it was round the back, up a shared staircase, with Ms Cervantes on one side and Ms Griffiths' flat on the other. She said that the disruption would be out of order for all of them and commented that she would be very surprised if the Committee granted this and would be very upset if they did.

Members' Questions to Ms Clayton

Councillor Hampsey referred to all 3 objectors referring to noise and asked if any of the noise complaints had been reported to authorities such as the Council or Police. Ms Clayton said no and commented that it would be pointless to do that because the people would be gone the next day. She said that Kilchattan Bay was a really popular place to visit and that the property could have new people 2 or 3 times per week. She said it was the principle of the matter that they did not want a constant change of people living where they chose to live.

Councillor Kain asked if there had been any issues in the past with the other flat that was let out as an Airbnb. Ms Clayton said she was aware of serious issues experienced by Ms Cervantes in terms of dogs and children being a nuisance and disturbing the peace. She said it was more difficult for Ms Cervantes as she worked shifts and had to sleep.

Councillor Kain referred to the thickness of the walls and the transmission of noise between the walls. Ms Clayton said they could not do anything about that.

Councillor Blair noted that Ms Clayton had used Airbnbs herself and said he hoped that she was a good customer. He commented that it would be a management issue in terms of noise. Whether it was an Airbnb or a full time residence the noise, he said it would be the same due to the insulation of the properties. He asked if the concerns were about people being on holiday and perhaps extra noise above the normal level. Ms Clayton said her concern was about the extra noise. She said they would have no idea who the people were and if they were just there for a weekend having a party there would be no consideration for other people living there. She advised that if the property was let out permanently Ms Griffiths would be able to interview candidates. She said the property would be suitable for one person or maybe a couple. She said it would not be suitable for young children due to all the stairs. She said the noise question was important but it was also the constant disruption of strangers. She said she was an artist that this was her work place in their shared garden. She suggested that maybe if someone had photos the Committee could see how small the shared garden was.

APPLICANT

Ms Griffiths referred to noise levels from the other property and said that this needed to be taken up with the owner. She said she had not let her property out yet. She felt that there was a lot of talk about the potential for noise. She advised that she had details in her welcome pack asking guests to be courteous to the neighbours. She referred to the bins and advised that she had purchased a new bin from the Council for recycling purposes and put a notice on the bin to say no glass. The welcome pack also included details of where to take the glass to be recycled.

She advised that she bought the flat for her own use and for family and friends to use, with a view to doing some short term lets, but not to the extreme suggested by the objectors. She referred to the stairs and advised that you needed to use the stairs to access the flat. She said that lots of flats had outside stairs that were shared. She said there would not be

a succession of people coming and going and that it would only be 2 or 3 times per year and probably not at all during the winter. She said that Kilchattan Bay was a popular holiday destination. She said that she had been visiting there since she was a child and that she had cousins that lived nearby and that was one of the reasons for buying this property so that she could be near her family. She said the issue of sound proofing came up during the inspection of the flat. She said that she had laid carpets throughout to help with that. She commented that other flats had wooden floors. She referred to the request to let the flat on a longer term basis and advised that she did not want to do that as she wanted to use it for herself and her family. She suggested that Mr Gunston's kayak business would be affected if he did not want tourists to visit Kilchattan Bay. She said that the flat only slept 4 and she had requested no dogs. She said there was no extra sleeping facilities for extra guests. She said that she was using a letting agency on the island and was sure that if there were any issues they would be able to sort them out.

Questions to Applicant from Objectors

Ms Clayton noted that Ms Griffiths would only rent the flat out 2 or 3 times per year and asked why bother if it was going to upset the neighbours. Ms Griffiths commented that this was all very negative.

Members' Questions to Applicant

Councillor Forrest sought and received confirmation from Ms Griffiths that no pets would be allowed in the flat.

Councillor Hampsey sought and received confirmation from Ms Griffiths that she would be letting her property through Howat's Housekeeping and Property Services on the island.

Councillor Hampsey asked if the company carried out viewings of the property to ensure all was in order if there were complaints. Ms Griffiths said if they were aware of any issues they would communicate with her.

SUMMING UP

Objectors

Ms Cervante said she could accept an Airbnb in a detached property but in an old Victorian block like this it was what she described earlier as her lived experience despite a welcome pack.

Mr Gunston reiterated that he himself and other people in the village were not against Airbnbs as long as they were in the right location. He said that this building was not suitable for lots of visitors due to the noise.

Ms Clayton acknowledged this would not be an Airbnb management operation. She said it would be operated by a small staff that would come round to change the beds. She said she could not add anything further other than to say this was a totally unsuitable house. She said that Ms Griffiths would not be able to guarantee who came to the property. She thought that Ms Griffiths should reconsider and she commented that neighbourliness was important. She said this was not about not wanting visitors to the island. She said this would not be her family and friends, it would be strangers and their behaviour could not be guaranteed.

Applicant

Ms Griffiths questioned what the difference was between family and friends coming and having a party and short term lets or long term lets with a family of 4 with children running up and down the stairs.

All parties were asked if they were satisfied that they had said all they wished to say.

Mr Gunston responded to the last comment by Ms Griffiths. He said that was not really a good argument to have the property let out in the short term. He said the difference would be if it was family and friends you could talk to them.

Ms Cervantes said that if they were ever having parties they let their neighbours know.

Ms Clayton said there was no comparison to make. She advised that it was about developing relationships and you could not do that with someone that just came for 2 days.

At this point the Committee agreed to retire and deliberate in private.

DEBATE

The Committee debated the merits of the application and objections submitted.

Thereafter the Applicant and Objectors were invited back into the meeting.

DECISION

The Committee agreed to grant a short term let licence to Ms Griffiths subject to the addition of conditions in respect of Anti-Social Behaviour, Littering and Disposal and Noise Control in Flatted Premises.

(Reference: Report by Regulatory Services and Building Standards Manager, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 28 JUNE 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Fiona Howard
Councillor Gordon Blair	Councillor Andrew Kain
Councillor Audrey Forrest	Councillor Paul Donald Kennedy
Councillor Amanda Hampsey	Councillor Luna Martin
Councillor Graham Hardie	Councillor Peter Wallace

Attending: Shona Barton, Governance Manager
Fiona Macdonald, Solicitor
Mario Di Ciacca, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jan Brown, Daniel Hampsey, Mark Irvine and Liz McCabe.

2. DECLARATIONS OF INTEREST

There were no declarations of interest. Councillor Paul Kennedy advised that he was a Taxi Operator but as this was for the Helensburgh and Lomond Area he would remain in the meeting.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI CAR LICENCE (M DI CIACCA, OBAN)

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

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

APPLICANT

Mr Di Ciacca advised that he had lived in Oban for 64 years and had been in business for almost 48 years. He explained that he had recently retired and that he needed something to do. He said he would like to have a taxi to fill his days and nights. He advised that he has served the local community working in his chip shop and said that he would like to do something to help the community out if he could.

As there were no questions from Members, Mr Di Ciacca was invited to sum up.

Mr Di Ciacca commented that the taxi service in the Oban area had fallen off over the last 3 or 4 years and that he would like to try and help with that. He said he had never driven a taxi before but had dealt with the public in other ways through the licence trade.

Mr Di Ciacca confirmed that he had received a fair hearing.

DEBATE

Councillor Armour said he thought Mr Di Ciacca would be the perfect person to be a taxi operator serving the local community and that he would have no problem in granting the licence.

Councillor Green referred to the LVSA survey and sought and received confirmation from the Council's Solicitor that when the survey was carried out there were 50 taxis in the Oban, Lorn and the Isles Area and that there were currently 50 taxis in the area.

Councillor Martin commented that staying in Oban herself, and for the last few years without her own transport, she was aware there was always a need for taxis in the area. She said that having one more would be a great help to the residents here.

Councillor Hampsey agreed with Councillor Armour, that she though Mr Di Ciacca would be an ideal addition to the taxi trade and that she would wish to grant his licence and wish him all the best.

Councillor Blair said he would be happy to support this application.

Councillor Green commented that demand had picked up from tourism as well as demand from local residents. He referred to the survey being 4 years old and agreed that the licence should be granted on this occasion.

DECISION

The Committee agreed to grant a Taxi Car Licence to Mr Di Ciacca.

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

ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE****LEGAL AND REGULATORY SUPPORT****23 AUGUST 2023**

**PROTECTION OF CHILDREN AT WORK
EMPLOYMENT OF CHILDREN BYELAWS**

1.0 SUMMARY

1.1 Argyll and Bute Council made byelaws on 14 August 2002 in relation to the employment of Children at work based on a model bylaw prepared by the Scottish Executive. The byelaws were confirmed by the Scottish Ministers on 24 June 2003 and came into force on 29 August 2003. These byelaws regulate the types of work for which children under school leaving age may be employed and also covers their conditions of employment. They provide for checks on a child's fitness for employment and to the issue of employment permits, setting out the circumstances under which children may legitimately be employed and the terms of that employment. In terms Section 201 of the Local Government (Scotland) Act 1973 byelaws require to be reviewed not later than 10 years from the coming into force of the byelaw. The byelaws were last reviewed in May 2013.

The current byelaws are as flexible as is currently permitted under the primary legislation.

2.0 RECOMMENDATIONS

2.1 It is recommended that no change is made to the current byelaws at this time.

3. DETAIL

3.1 The control of children's employment is exercised under the Children and Young Persons (Scotland) Act 1937 as amended.

Section 28 of that Act sets out the basic restrictions and allows the Council as an education authority to make byelaws containing further restrictions. In terms of Section 28 of the 1937 Act as amended, the minimum age at which a child may be employed is 14. Children aged 14 to 16 are only permitted to be employed in light work. Children aged 14 to 16 are **not** permitted to work during the following periods:

- during school hours;
- before 7 o'clock in the morning or after 7 o'clock in the evening;
- for more than 2 hours on any school day;

- for more than 2 hours on any Sunday;
- for more than 4 hours in any day without a rest break of 1 hour;
- in a school week for not more than 12 hours shall be worked; the daily limits in respect of term time are –

2 hours per school day;

2 hours on a Sunday

8 hours over 15 years and 5 hours under 15 years on a Saturday;
- at any time in the year unless they have had two consecutive weeks without employment during the school holidays;
- if aged under 15 for more than 5 hours on any day which is not a school day or a Sunday or for more than 25 hours in any week not required to attend school;
- if aged 15 for than 8 hours on any day which is not a school day or a Sunday or for more than 35 hours in any week when not required to attend school.

The Council's byelaws allow 13 year olds to work on an occasional basis in categories of light work. These categories are listed in byelaw 5 and include agricultural or horticultural work where employed by the child's parents or carers; delivery of newspapers, journals and other printed material and collection of payment for same (where they are collecting payment they must be under the supervision of an adult); shop work including shelf stacking; hairdressing salons; office work; car washing by hand in a private residential setting; in a café or restaurant; in riding stables; domestic work in hotels and other establishments offering accommodation. Other key provisions are included in the following.

- Byelaw 3 lists employment which is not permitted for a child of **any age**.
- Byelaw 6 states that children can only be employed for a maximum of 1 hour after 7 o'clock in the morning before the start of the school day on any day in which they are required to attend school.
- Byelaw 7 states that no child may be employed in any work out-of-doors unless wearing suitable clothes and shoes.
- Byelaws 16 to 19 regulate street trading and state that children over 14 are only able to be employed in street trade if they are in the employment of and supervised by their parents. Children over 14 are not permitted to take part in street trading on Sunday and require to obtain a street trader's licence from a local authority.

If a person is employed in contravention of Section 28 of the Act or any of these byelaws, the employer or any other person who is responsible for the act of default shall be liable to a fine up to level 3 of the standard scale.

In terms of the byelaws, a completed application form for a permit requires to be submitted by the prospective employer to Governance and Law within 1 week of employing the child including details of the employer's name and address, the name and address of the child, the hours and days in which the child is to be employed, the occupation in which the child is to be employed, the tasks involved and place of employment. The employer is also required to provide a statement of the child's fitness to work and of approval by the parents of the child.

The employer and parent require to provide details of the school at which the child is a registered child or young person. The Council requires the employer to confirm that an appropriate risk assessment has been carried out and that any actions found to be necessary have been taken. When the Council receives the application form, the appropriate officer request the head teacher/campus principal to complete the relevant part of the application form stating that the child's health, welfare or ability to take full advantage of his or her education would, or would not, be jeopardised by the employment.

There is no requirement for the child to have a medical examination but the education authority can require one to be carried out in specific cases.

The Scottish Government has advised there are no current proposals to amend the law in relation to the employment of children.

The Regional Procurator Fiscal has been consulted and has advised they do not have any views to offer on the current byelaws nor any potential amendments to them.

Police Scotland were also consulted and have not provided a response.

4.0 **CONCLUSION**

In view of the fact that there are no proposals by the Scottish Government to amend the law at this time and that Police Scotland and the Regional Procurator Fiscal have not recommended any change it is recommended that there be no change to the byelaw at this time.

5.0 **IMPLICATIONS**

5.1 Policy: The application of the Byelaw process is consistent across all areas of Argyll and Bute.

5.2 Financial: None

5.3 Legal; Byelaws are a legal process subject to section 201(1) of the Local Government (Scotland) Act 1973 and Scottish Government guidance, approval and confirmation.

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 Risk: Process ensures byelaw continues to be fit for purpose

5.7 Customer Service: None

5.8 Climate Change: None

Douglas Hendry

Executive Director with responsibility for Legal and Regulatory Support

Councillor Kieron Green Policy Lead

9 August 2023

For further information contact: David Logan, Head of Legal and Regulatory Support

ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE
SERVICES AND LICENSING COMMITTEE**

LEGAL & REGULATORY SUPPORT

23 AUGUST 2023

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SHORT-TERM LETS LICENSING POLICY HEARING PROCEDURE

1.0 EXECUTIVE SUMMARY

- 1.1 The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (“the 2022 Order”) was approved by the Scottish Parliament on 19 January 2022 and came into effect on 1 March 2022. Hosts who offer accommodation for use as short-term lets (“STL”) now require to apply to the local authority for a licence. The 2022 Order establishes a licensing scheme that aims to ensure that short-term lets are safe and addresses issues faced by neighbours, as well as to assist with handling complaints effectively. It also aims to balance the economic and tourism benefits from short-term lets with the needs and concerns of local communities across Argyll and Bute.
- 1.2 The Committee at its meeting on 28 June 2023 considered two applications for grant of a short-term lets licence. The hearing procedure as set out in an Appendix attached to the Council’s Short-term Lets Policy was followed by the Committee. The two applications were granted, with additional conditions attached to each short-term lets licence.
- 1.3 This report to Committee is in respect of the Council’s Legal Services proposed revisals to Argyll and Bute Council’s Short-term Lets Policy Hearing Procedure.

1.4 RECOMMENDATIONS

Members of Planning, Protective Services and Licensing Committee are invited to:

- a) Consider the content of the report; and
- b) Recommend to the Council approval of the proposed revisals to Argyll and Bute Council’s Short-term Lets Policy Hearing Procedure.

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE

LEGAL AND REGULATORY SUPPORT

23 AUGUST 2023

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SHORT-TERM LETS LICENSING POLICY HEARING PROCEDURE

2.0 INTRODUCTION

- 2.1 The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (“the 2022 Order”) was approved by the Scottish Parliament on 19 January 2022 and came into effect on 1 March 2022. Hosts who offer accommodation for use as short-term lets (“STL”) now require to apply to the local authority for a licence. The 2022 Order establishes a licensing scheme that aims to ensure that short-term lets are safe and addresses issues faced by neighbours, as well as to assist with handling complaints effectively. It also aims to balance the economic and tourism benefits from short-term lets with the needs and concerns of local communities across Argyll and Bute.
- 2.2 The Committee at its meeting on 28 June 2023 considered two applications for grant of a short-term lets licence. The hearing procedure as set out in an Appendix attached to the Council’s Short-term Lets Policy was followed by the Committee. The two applications were granted, with additional conditions attached to each Short-term Lets licence.

3.0 RECOMMENDATIONS

- 3.1 Members of Planning, Protective Services and Licensing Committee are invited to:
- a) Consider the content of this report; and
 - b) Recommend to Council approval of the proposed revisions to Argyll and Bute Council’s Short-term Lets Policy Hearing Procedure.

4.0 DETAIL

- 4.1 The Committee at its meeting on 28 June 2023 considered two short-term let applications for grant of a Short-term Lets licence. At each of the meetings, Members followed the existing hearing procedure for short-term lets which contained a provision that would allow the Committee to retire to consider representations/objections in private, at the sole discretion of Members.
- 4.2 The first application was in respect of a property situated in the Oban area, and the second application relating to a property situated in the Isle of Bute area. The applications were granted, with additional conditions attached to each licence. The short-term let licence granted to the Oban applicant included an additional condition limiting the use of the hot tub to the hours of 11am – 8pm. The short term let licence granted to the applicant from Isle Of Bute was subject to the additional conditions in respect of Anti-Social Behaviour, Littering and Disposal and Noise Control in Flatted Premises.
- 4.3 Following the Committee meeting on 28 June 2023, the Council's Legal Services reviewed Argyll and Bute Council's Short-term Lets Policy Hearing Procedure, and made some revisals to reflect that hearings relating to short-term let licensing will be conducted in public (**Appendix 1**), in line with the approach that is followed in regard to Planning and Civic Government Applications.

5.0 CONCLUSION

- 5.1 Given the need to maintain a fair open and transparent process, the short-term lets hearing procedure has been revised to reflect that deliberations of the PPSL, in hearings relating to short term Lets licensing, will be conducted in pubic as an inherent part of the process maintaining a consistent approach to that followed in regard to Planning and Civic Government Applications.

6.0 IMPLICATIONS

- 6.1 Policy – If recommendations of this report are approved, STL hearing procedure will follow Civic Government applications.
- 6.2 Financial – None at present
- 6.3 Legal – The recommendations in this report have taken due consideration of

the Council's statutory role, duties and powers under the Civic Government (Scotland) Act 1982.

- 6.4 HR - None at present
- 6.5 Fairer Scotland Duty:
 - 6.5.1 Equalities - protected characteristics – None at present
 - 6.5.2 Socio-economic Duty – None at present
 - 6.5.3 Islands – None at present
- 6.6 Climate Change – None at present
- 6.7 Risk – None at present
- 6.8 Customer Service – None at present

Douglas Hendry

Executive Director with responsibility for Legal and Regulatory Support

4 August 2023

David Logan – Head of Legal and Regulatory Support

For further information contact: Fiona Macdonald, Solicitor – Legal Services

Email: Fiona.macdonald2@argyll-bute.gov.uk

Tel: 01546 604256

APPENDICES

Appendix 1 Argyll and Bute Council's Revised Short Term Lets Hearing Procedure

APPENDIX 1**SHORT TERM LET LICENSING PROCEDURE FOR HEARINGS**

Applications will be heard in public unless required to be taken privately on the grounds of disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

1. The Chair will welcome, introduce everyone, outline the procedure and receive confirmation that both the Applicant and objector(s) accept the hearing procedure. If the representations/objection(s) were submitted timeously and there are no spent convictions to be considered, then proceed directly to number 4.
2. If the representation/objection (from the Police or any other party) has been received late the Committee must hear details as to why the representation/objection was late and be satisfied that there is sufficient reason why it was not made in the time required. If they agree that, then the representation/objection can be heard, otherwise it should be disregarded. The process to be followed should be that the objector is invited to provide reasons as to why the submission was late. Members may ask any follow up questions of the objector. The applicant must then be asked if they have any objections to the late submission being accepted. The Committee must take all comments into account when deciding whether to accept the late submission.
3. If spent convictions are to be referred to then the guidance notes for spent convictions should be followed for each conviction. The Committee should resolve to go into private whilst considering spent convictions.
4. The hearing procedure below should now be followed:

a	The Licensing Officer will present the report to the Committee
b	The applicant or Agent, will be given the opportunity to speak in support of their application.
c	Any objector, or Agents, will have the opportunity to question the Applicant or Agent on matters related only to their presentation.
d	Objectors, or their Agents, will have the opportunity to speak in support of their objection.
e	The Applicant, or Agent, will have the opportunity to question any Objector, or Agent, on matters related only to their presentation.
f	The Committee Members, through the Chair may ask questions of the Applicant or Objector or their Agents for clarification.
g	The Chair will invite the Objector, or Agent to briefly summarise their points if they wish.
h	The Chair will invite the Applicant, or Agent to briefly summarise their points if they wish.

i	The Chair will confirm that everyone has had a fair hearing.
j	The Committee will debate and determine the application in the presence of Applicant/Objector.

DECISION

A determination of the case will be made at the conclusion of the hearing and all parties will be notified of the decision in writing within 7 days of the hearing and shall be advised of his/her right to seek written reasons and appeal to the Sheriff Court.

If the decision of the Committee is to suspend, refuse or refuse to suspend a licence, a relevant person has a right to request within 28 days of the meeting, the Committee's reasons for arriving at their decision. Unless the circumstances of the case justify immediate suspension, the suspension shall not take effect for 28 days from the date of the decision.

Appeals against the decision of the Committee must be lodged with the Sheriff Clerk within 28 days of the date of the decision.

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

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

Reference No: 23/01069/PP
Planning Hierarchy: Local
Applicant: Mr & Mrs D Kelly
Proposal: Demolition of existing conservatory, erection of rear extension, erection of front porch and alterations to principal elevation
Site Address: Strathmore, Drumlemble, Campbeltown

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of rear extension
- Erection of front porch
- Erection of front living room extension

(ii) Other specified operations

- Demolition of rear conservatory
 - Internal alterations
-

(B) RECOMMENDATION:

Recommend planning permission be granted subject to the standard condition and reason.

(C) CONSULTATIONS:

Environmental Health – not yet responded.
Nature Scotland – not yet responded.

(D) HISTORY:

None.

(E) PUBLICITY:

The proposal has been advertised in terms of Neighbour Notification procedures.

(F) REPRESENTATIONS:

(i) Representations received from:

None received.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Impact Assessment Report:** Yes No
- (ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No
- (iii) A Design or Design/Access statement:** Yes No
- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No
-

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

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

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

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

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 4 – Natural Places

Liveable Places

NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 16 – Quality Homes

[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

LDP STRAT 1 – Sustainable Development
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 9 – Development Setting, Layout and Design

Local Development Plan Schedules

[‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March 2016 & December 2016\)](#)

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

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

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design – All Development

Local Development Plan 2 Schedules

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

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

(M) Has a Sustainability Checklist been submitted: Yes No

(N) Does the Council have an interest in the site: Yes No
 It should be noted that the Applicant is Local Member Donald Kelly for South Kintyre

(O) Requirement for a pre-determination hearing: Yes No

(P)(i) Key Constraints/Designations Affected by the Development:

- None

(P)(ii) Soils

Agricultural Land Classification: Class 3.1

Peatland/Carbon Rich Soils Classification: Class 1
 Class 2
 Class 3
 N/A

Peat Depth Classification: N/A

Does the development relate to croft land? Yes No
 Would the development restrict access to croft or better quality agricultural land? Yes No N/A
 Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes No
 (If yes, detail in summary assessment)
 Does the proposal include any replacement or compensatory planting? Yes
 No details to be secured by condition
 N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield
 (tick all relevant boxes) Brownfield Reclaimed by Nature
 Greenfield

ABC LDP 2015 Settlement Strategy
 LDP DM 1 (tick all relevant boxes)

Main Town Settlement Area
 Key Rural Settlement Area

ABC pLDP2 Settlement Strategy
 (tick all relevant boxes)

Settlement Area
 Countryside Area

<input type="checkbox"/> Village/Minor Settlement Area <input type="checkbox"/> Rural Opportunity Area <input checked="" type="checkbox"/> Countryside Zone <input type="checkbox"/> Very Sensitive Countryside Zone <input type="checkbox"/> Greenbelt ABC LDP 2015 Allocations/PDAs/AF As etc: N/A	<input type="checkbox"/> Remote Countryside Area <input type="checkbox"/> Helensburgh & Lomond Greenbelt ABC pLDP2 Allocations/PDAs/AF As etc: N/A
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(P)(v) Summary assessment and summary of determining issues and material considerations

Planning permission is sought for the erection of a front porch, the demolition of an existing rear conservatory and the erection of a single storey rear extension. It is also proposed to extend the lounge area to the front of the detached property known as Strathmore, Drumlemble, Campbeltown.

The applicant and owner of this dwellinghouse is South Kintyre Local Member Donald Kelly hence the reason for this committee item.

NPF4 Policy 16g) sets out support for householder development proposals where they: do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and where they do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

LDP SPG Sustainable Siting and Design Principles also sets out specific considerations that will be taken into account when considering householder type development proposals. In summary, these considerations seek to ensure that proposals reflect the original character of the dwellinghouse so that the appearance of the building and amenity of the surrounding area are not adversely affected.

In summary, it is considered that the proposal would not harm the character and appearance or environmental quality of the existing dwelling, nor of the surrounding area. Nor would the proposed development have a detrimental effect of the amenity of neighbouring properties. As such, it is considered that the proposed development would meet the relevant requirements of the above noted policies.

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. In this instance it is considered that this application does not give rise to any fundamental conflict with the relevant policies of PLDP2.

A more detailed assessment of the proposal, alongside other relevant planning considerations, is set out in Appendix A.

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

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

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

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

None

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

Yes No

Author of Report: Kim MacKay

Date: 01 August 2023

Reviewing Officer: Bryn Bowker

Date: 04 August 2023

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. (23/01069/PP**Standard Time Limit Condition** (as defined by Regulation)**Standard Condition on Soil Management During Construction****Additional Conditions****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 31.05.23; supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Existing Location Plan/elevations/floor plan	Kelly-21/100-01	REV A	01.06.23
Proposed site plan/elevations/floor plan	Kelly-21/100-02	REV A	01.06.23

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

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	23/01069/PP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Settlement Strategy

Planning permission is sought for the erection of a front porch, the demolition of an existing rear conservatory and the erection of a single storey rear extension. It is also proposed to extend the lounge area to the front of the detached property known as Strathmore, Drumlemble, Campbeltown

The Development Plan policies of most relevance to the proposed development are set out below:

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions and it requires to be applied together with other policies in NPF4. Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance for or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change. Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions.

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

More specifically, NPF4 Policy 16(g) states that householder developments will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials, and they do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

The above NPF4 Policies are underpinned in the Argyll and Bute Local Development Plan 2015 by the principles set out in Policy LDP STRAT 1, Policy LDP 3 (protection, conservation and, where possible, enhancement of the built, human and natural environment); and Policy LDP 9 (appropriate siting, positioning, layout, density and design of new development).

2. Location, Nature and Design of Proposed Development

Strathmore is a single storey pitched roof property with a large garden, which includes a static caravan, setting back from the B843 public road. The site has only one immediate neighbour which is the local primary school, with farms and farmland surrounding the site. The existing dwelling is of rectangular design with a consistent and simple fenestration arrangement, with

external materials comprising concrete roof tiles, upvc windows, doors, and roughcast render walls.

The application seeks Planning Permission for the following works:

- Demolition of rear conservatory;
- Erection of single storey rear extension;
- Erection of small front porch;
- Extension of existing living area to meet the building line of the front existing principal elevation building line.

Character and appearance

The existing rear conservatory is to be demolished and a single storey pitched roof extension to be erected broadly in its place. The footprint of the proposed extension is of similar size to the existing conservatory and the pitched roof will extend to the ridge of the roof line of the existing dwellinghouse. The only windows proposed is on the south elevation of the extension. This extension will form an additional living/dining area. All external detailing is proposed to match the existing dwellinghouse.

The front porch extension will be erected at the entrance door, consisting of a simple pitched roof small square porch with side entrance. It is also proposed to extend the existing living room to the building line of the principal elevation).

The proposed works are minor in scale and the design and external materials proposed would complement the existing dwelling. Owing to the size, design and materials used in the proposed development, the character and environmental quality of the existing dwelling would not be harmed. For similar reasons, the character and environmental quality of the surrounding area would not be harmed.

Living conditions

The proposal is small in scale and within the garden of the existing property. Given the separation distances involved, the orientation of both the proposal and neighbouring property (which is the local primary school), and the presence of intervening boundary treatments, it is not considered that the proposal would have a materially harmful effect on the amenity of occupiers of the local school, which is the only immediate neighbour.

Consequently the proposal would meet the relevant requirements of NPF4 Policy 14, 16g), LDP Policy STRAT 1, LDP 3, LDP 9, and LDP SPG Sustainable Siting and Design Principles.

Other considerations

It is not considered that this small scale householder development proposal on an existing established residential site would result any material conflict with NPF4 policies 1, 2 and 4.

Matters Raised by Proposed Local Development Plan 2 (as modified by Examination)

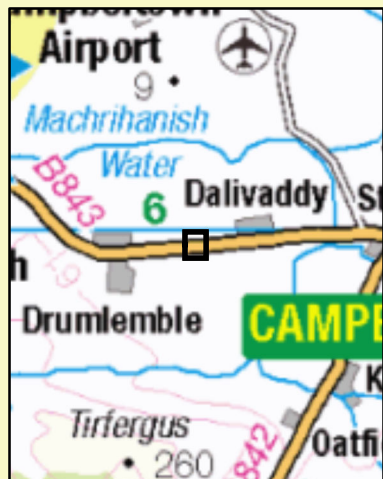
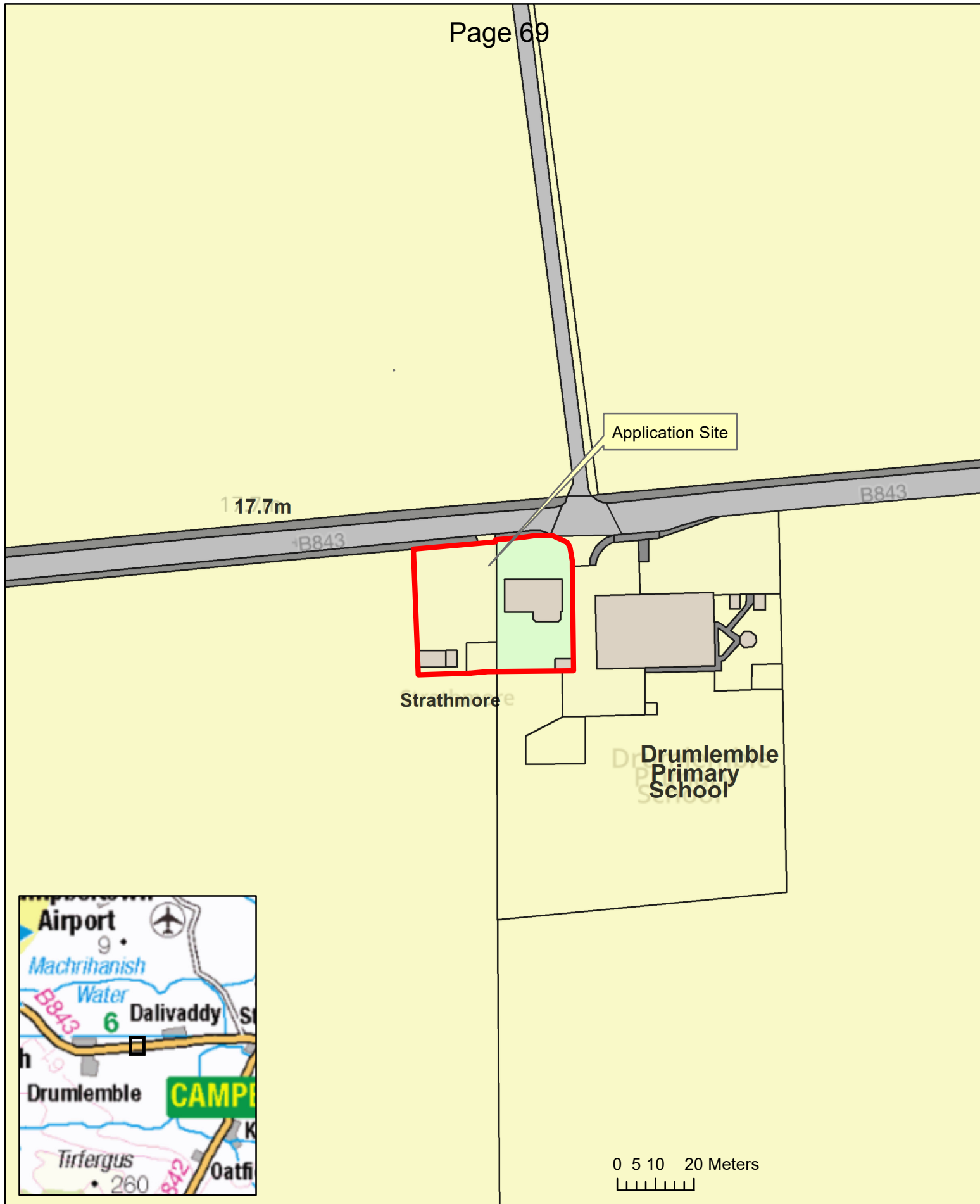
Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. In this instance it is considered that this application does not give rise to any fundamental conflict with the relevant policies of PLDP2.

3. Road Network, Parking and Associated Transport Matters.

No changes are proposed to the existing access or parking arrangements. Overall, it is considered that matters associated with the road network, parking and transport do not provide a basis that would justify planning permission being refused.

4. Infrastructure

No changes are proposed to the existing services. It is considered that there are no considerations relating to infrastructure that would justify planning permission being withheld.



Location Plan Relative to Planning Application:23/01069/PP



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

PROPOSAL OF APPLICATION NOTICE (PAN)

Reference: 23/01040/PAN

Applicant: Saulmore Bay Resort Ltd

Proposal: Proposal of Application Notice for Marina; boatyard (including ancillary offices (Class 4) and Store (Class 6)); leisure resort (including buildings for leisure use (Class 11), retail (Class 1) and restaurant/ café (Class 3)); holiday lodges (sui generis); and other holiday accommodation types (sui generis); new roads, walkways/ cycleways; and related drainage and other infrastructure.

Site Address: Camus Brauich, Ruaidhe, Connel, Argyll and Bute

1.0 INTRODUCTION

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

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

The submitted information includes:

- Proposal of Application Notice
- Location Plan

The applicant has set out in detail their proposals to ensure sufficient opportunity is provided for the community to view and comment on the proposals in advance of the submission of a formal planning application.

The applicants have confirmed the following consultation steps will be undertaken:

- a) Consultation letters to be sent to Connel Community Council and the Oban North and Lorn Ward Councillors.
- b) Two public meetings will be held at Connel Village Hall.
- c) A press notice will be placed in the Oban Times, together with posters displayed in Connel village and leaflets to be delivered to near neighbours.

Officers consider that the steps set out in the PAN are acceptable.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

Based on the description of the development contained within the proposal of application notice, the forthcoming application is anticipated to comprise of the following mix of land uses:

- Construction of Marina and boatyard; including ancillary offices (Class 4) and store (Class 6);
- Construction of a Leisure Resort- including buildings for leisure use (Class 11), retail (Class 1) and restaurant/Café (Class 3);
- Erection of Holiday lodges (Sui Generis);
- Erection of other holiday accommodation types (Sui Generis);
- Installation of new infrastructure including roads, walkways and cycleways, drainage and other utilities related infrastructure.
- Landscaping works

The applicant has alongside the submission of this PAN, sought formal pre-application advice from the Planning Authority via the Pre-Application Advice Service for Major Developments.

It was recommended as part of that pre-application advice, that the applicant seeks an Environmental Impact Assessment (EIA) Screening Opinion and Scoping Opinion as the proposal would appear to exceed a number of the thresholds identified in Schedule 2, Part 12 Tourism and Leisure of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

3.0 SITE DESCRIPTION

The proposed site is located within open countryside adjacent to the western settlement boundary of Connel and to the north of the A85, around Camus Bruaich Ruaidhe bay (Loch Etive). The site includes craggy upland, areas of woodland with semi-improved grassland as well as bog and rocky coastal margins close to Loch Etive. The landform is undulating with a series of folds and shallow valleys and covers an area in excess of 8ha. The site is located within a rural area with scattered countryside housing and nearby settlements of Connel and Dunbeg.

The site has a limited planning history with no recent permissions within the last 10 years.

4.0 DEVELOPMENT PLAN POLICY

This is not a planning application and therefore does not require evaluating and determining in accordance with Section 25 of the Planning Act against the Development Plan and its policies. However, in considering the merits of this PAN, a number of Development Plan Policy considerations are relevant. The policies to be considered include:

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 2 – Climate Mitigation and Adaptation
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural Places
NPF4 Policy 5 – Soils
NPF4 Policy 6 – Forestry, Woodland and Trees
NPF4 Policy 7 – Historic Assets and Places
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings
NPF4 Policy 10 – Coastal Development
NPF4 Policy 12 – Zero Waste
NPF4 Policy 13 – Sustainable Transport
NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 20 – Blue and Green Infrastructure
NPF4 Policy 22 – Flood Risk and Water Management
NPF4 Policy 23 – Health and Safety
NPF4 Policy 25 – Community Wealth Building
NPF4 Policy 26 – Business and Industry
NPF4 Policy 27 – City, town, local and Commercial Centres
NPF4 Policy 28 – Retail
NPF4 Policy 29 – Rural Development
NPF4 Policy 30 – Tourism

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM1 – Development within the Development Management Zones
LDP Prop 3 – The Proposed Potential Development Areas
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 4 – Supporting the Sustainable Development of our Coastal Zone
LDP 5 – Supporting the Sustainable Growth of Our Economy
LDP 7 – Supporting our Town Centres and Retailing
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)
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 14 –Landscape
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP BUS 2 – Business and Industry Proposals in the Countryside Development Management Zones
SG LDP TOUR 1 – Tourist Facilities and Accommodation, including Static and Touring Caravans
SG LDP RET 4 – Retail Development within Countryside Development Management Zones
SG LDP REC/COM1 – Sport, Recreation and Community Facilities
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 Sewerage 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 4 – Contaminated Land
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 Sust Check – Sustainability Checklist
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 2 - Development and Public Transport Accessibility
SG LDP TRAN 3 – Special Needs Access Provision
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 5 – Off-Site Highway Improvements
SG LDP TRAN 6 – Vehicle Parking Provision
SG LDP TRAN 7 – Safeguarding of Airports
SG LDP TRAN - Piers and Harbours
SG LDP CST 1 – Coastal Development

Emerging Local Development Plan (LDP2)

The emerging Local Development Plan (LDP2) will replace the current Local Development Plan 2015, once adopted. On 13th June 2023, the Scottish Government's Planning and Environmental Appeals Divisions issued their Report of Examination on the Council's LDP2. At the time of writing this Pre-application report, the LDP 2015 remains the adopted Local Development Plan, however, the Examination Report of the Draft LDP2 is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 adoption process.

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development
Policy 05 – Design and Placemaking
Policy 06 – Green Infrastructure
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design: All Development
Policy 14 – Bad Neighbour Development
Policy 15 – Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment
Policy 18 – Enabling Development
Policy 19 – Scheduled Monuments
Policy 21 – Sites of Archaeological Importance
Policy 22 – Economic Development
Policy 23 – Tourist Development, Accommodation, Infrastructure and Facilities
Policy 26 – Informal Public Outdoor Recreation and Leisure Related Development
Policy 28 – Supporting Sustainable Aquatic and Coastal Development
Policy 32 – Active Travel
Policy 33 – Public Transport
Policy 34 – Electric Vehicle Charging
Policy 35 – Design of New and Existing, Public Roads and Private Access
Policy 36 – New Private Accesses

- Policy 37 – Development Utilising an Existing Private Access or Existing Road
- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Access
- Policy 40 – Vehicle Parking Provision
- Policy 41 – Off Site Highway Improvements
- Policy 42 – Safeguarding Piers, Ports and Harbours
- Policy 43 – Safeguarding of Aerodromes
- Policy 46 – Retail Development – The Sequential Approach
- Policy 48 – Developer Contributions
- Policy 49 – Sport, Recreation and Community Facilities
- Policy 55 – Flooding
- Policy 56 – Land Erosion
- Policy 58 – Private Water Supplies and Water Conservation
- Policy 59 – Water Quality and the Environment
- Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
- Policy 61 – Sustainable Drainage Systems (Suds)
- Policy 62 – Drainage Impact Assessments
- Policy 63 – Waste Related Development and Waste Management
- Policy 73 – Development Impact on Habitats, Species and Biodiversity
- Policy 77 – Forestry, Woodland and Trees
- Policy 78 – Woodland Removal
- Policy 79 – Protection of Soil and Peat Resources
- Policy 80 – Geodiversity
- Policy 82 – Contaminated Land

Other Relevant Policy Considerations:

- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

- [Marine Planning Policy](#)

As part of the proposed development extends into the marine environment, the Council as a public body is required to take authorisation decisions in accordance with the National Marine Plan (NMP), unless relevant considerations indicate otherwise.

The proposal must be consistent with General Policies of the NMP which include:

- GEN 1 General planning principle,
- GEN 2 Economic benefit,
- GEN 3 Social benefit,
- GEN 4 Co-existence,
- GEN 5 Climate change
- GEN 6 Historic environment
- GEN 7 Landscape/seascape,
- GEN 8 Coastal process and flooding,
- GEN 9 Natural heritage,
- GEN 10 Invasive non-native species,
- GEN 11 Marine litter,
- GEN 12 Water quality and resource,
- GEN 13 Noise,
- GEN 14 Air quality,
- GEN 21 Cumulative impacts.

The proposal must also be consistent with Marine Planning Policies of the NMP that include:

TRANSPORT 1, 3, 4, 5, 6, and 7.

Local Development Plan Allocation

The site is identified as a Potential Development Area [PDA] in both the adopted Local Development Plan [LDP] and the emerging Local Development Plan [LDP2]. PDAs are areas where development opportunities may be supported through the life of the plan, subject to those constraints identified in the schedules of the PDA's being successfully addressed. Mini development briefs have been prepared for each PDA and are included in the Action Programme that accompanies each LDP. The briefs identify the use or range of uses considered appropriate, the constraints that needs to be resolved and those policies which require to be taken into account. Within both Local Development Plans, the site is allocated as a Potential Development Area [PDA] for a Marina/ Leisure/ Tourism use (LDP ref. 5/54 and LDP2 ref. P4018).

5.0 POTENTIAL MATERIAL CONSIDERATIONS

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

- a) Development Plan;
- b) National Policy;
- c) Flood Risk, Water Quality and Drainage;
- d) Road Network, Parking and Transport Matters;
- e) Peats and Soils;
- f) Access and Recreation;
- g) Natural Heritage and Biodiversity (including impact on designated sites and Marine Designations);
- h) Impact on Woodland;
- i) Cultural Heritage;
- j) Design and Layout;
- k) Landscape and Visual Impact;
- l) Contaminated Land;
- m) Noise and Light Pollution;
- n) Construction Impacts;
- o) Phasing;
- p) Open Space and Landscaping;
- q) Infrastructure Capacity and Delivery;
- r) Access, Navigation and Interaction with other Activities; and
- s) Any other material considerations raised within representations.

6.0 CONCLUSION

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

7.0 RECOMMENDATION

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

Author of Report: Stephanie Wade

Date: 04.08.2023

Reviewing Officer: Peter Bain

Date: 08.08.2023

Fergus Murray
Head of Development and Economic Growth

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Location Plan Relative to Planning Application:23/01040/PAN



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Argyll and Bute Council
Development and Economic Growth

PROPOSAL OF APPLICATION NOTICE (PAN)

Reference: 23/01212/PAN

Applicant: Ross McLaughlin – Intelligent Land Investments

Proposal: Proposal of Application Notice for proposed pumped storage hydro scheme.

Site Address: Land East of Balliemeanoch, Dalmally, Argyll and Bute

1.0 INTRODUCTION

This report informs the Planning Committee of the submission of a Proposal of Application Notice (PAN). The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 29th June 2023. The development which is subject to the PAN is of a scale which will be an application to Scottish Ministers under the Electricity Act 1989. Therefore the submission of this PAN is voluntary and no public events are required under the provisions of the Electricity Act, albeit it is recognised as good practice. Members are asked to note this may form the basis of a subsequent application to Scottish Ministers and Argyll and Bute Council will be a consultee on the application.

The submitted information includes:

- Proposal of Application Notice
- Location Plan
- Copy of newspaper adverts

The applicant has set out in detail their proposals to ensure sufficient opportunity is provided for the community to view and comment on the proposals in advance of the submission of a formal application.

The applicants have confirmed the following consultation steps will be undertaken:

- a) Consultation letters to be sent to:
 - i) Glenorchy & Innishail Community Council,
 - ii) Inveraray Community Council,
 - iii) Avich & Kilchrenan Community Council,
 - iv) Furnace Community Council,
 - v) Dunadd Community Council; and
 - vi) West Lochfyne Community Council.
- b) Two public meetings will be held at Inveraray Inn and Dalmally Community Hall
- c) Online Interactive event on a dedicated website: www.balliemeanochpsh.co.uk
- d) Press notices placed in the Argyllshire Advertiser, Argyll Bute 24 and the Oban Times.

- e) A mail drop containing information on the proposed development and public events is proposed to be undertaken to all landowners involved and properties within the relevant PA32 and PA33 postcode areas.

Officers consider that the steps set out in the PAN are acceptable.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The PAN provides notice of the developer's intention to submit an application under the Electricity Act 1989. The proposal comprises a Pumped Storage Hydro Electric Scheme (PSH) close to Lochan Airigh approximately 4.4 km to the south of the village of Portsonachan and 9 km northwest of Inveraray. Balliemeanoch PSH will have a storage capacity of approximately 45,000 gigawatt hours with approximately 1,500 MW installed electrical generation capacity. The development will comprise a headpond with two embankments with a tailpond at Loch Awe. Upgrades are required to existing tracks together with the creation of new access tracks to construct the development. A temporary pier structure is also required at Inveraray to facilitate large deliveries to the site.

The applicant has sought an Environmental Impact Assessment (EIA) Scoping Opinion for the development from the Scottish Ministers. The Council contributed to this in September 2022 under ref 22/01453/SCOPE. The response provided to the applicant outlined the environmental and technical assessment requirements to help inform the design of the forthcoming proposal.

3.0 SITE DESCRIPTION

The PAN boundary comprises some 3,100 hectares of land and water. The site is currently used for estate purposes. The site would be served from the A819 which links to the strategic trunk roads A85 to the north at Dalmally and A83 to the south of Inveraray. There are a number of tracks in and around the area utilised for recreational access including path SA128.

The proposed development site is generally characterised by upland moorland plateau grazing land with areas of commercial forestry plantations and a significant number of watercourses. Three are a number of sites designated for natural heritage interests in the wider area, with those of Glen Etive and Glen Fyne Special Protection Area and the Upper Loch Fyne and Loch Goil Nature Conservation Marine Protection Area of particular note.

There is a large number of scheduled monuments and listed buildings in proximity of the site, including: Inveraray Castle, Balliemanoch Chapel and Burial Ground, Carn Dubh, Crannog E of Inverinan and Keppochan Cup Marked Stone. There are a number of archaeological records and non-designated features, which exist in the wider proximity of the site.

The site is located within the North Argyll Area of Panoramic Quality as defined by the Local Development Plan. As identified by NatureScot, the proposal would be located around 13km to the south of the Loch Etive Mountains Wild Land Area (WLA09) and around 9km to the west of Ben Lui Wild Land Area (WLA 06). The site predominantly lies within the Craggy Upland Landscape Character Type as identified by NatureScot. Some elements of the scheme also cut across the Plateau Moor and Forests Landscape Character Type and the Rocky Coastland Landscape Character Type around Inveraray.

4.0 DEVELOPMENT PLAN POLICY

This is not a planning application and therefore does not require evaluating and determining in accordance with Section 25 of the Planning Act against the Development Plan and its policies. However, in considering the merits of this PAN, a number of Development Plan Policy considerations are relevant. The policies to be considered include:

National Planning Framework 4 (Adopted 13th February 2023)

Part 2 – National Planning Policy

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 2 – Climate Mitigation and Adaption
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural Places
NPF4 Policy 5 – Soils
NPF4 Policy 6 – Forestry, Woodland and Trees
NPF4 Policy 7 – Historic Assets and Places
NPF4 Policy 11 - Energy
NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 22 – Flood Risk and Water Management
NPF4 Policy 23 – Health and Safety
NPF4 Policy 25 – Community Wealth Building

Annex B – National Statements of Need

3. Strategic Renewable Electricity Generation and Transmission Infrastructure

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 4 – Supporting the Sustainable Development of our Coastal Zone
LDP 5 – Supporting the Sustainable Growth of Our Economy
LDP 6 – Supporting the Sustainable Growth of Renewables
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
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 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 20 – Development Impact on Sites of Archaeological Importance
SG LDP PG 1 – Planning Gain

SG LDP BAD 1 – Bad Neighbour Development
SG LDP Sustainable - Sustainable Siting and Design Principles
SG LDP SERV 5 – Waste Related Development and Waste Management
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision
SG LDP TRAN 7 – Safeguarding of Airports
SG LDP TRAN - Piers and Harbours

Emerging Local Development Plan (LDP2)

The emerging Local Development Plan (LDP2) will replace the current Local Development Plan 2015, once adopted. On 13th June 2023, the Scottish Government's Planning and Environmental Appeals Divisions issued their Report of Examination on the Council's LDP2. At the time of writing this Pre-application report, the LDP 2015 remains the adopted Local Development Plan, however, the Examination Report of the Draft LDP2 is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 adoption process.

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development
Policy 05 – Design and Placemaking
Policy 06 – Green Infrastructure
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design: All Development
Policy 14 – Bad Neighbour Development
Policy 15 – Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment
Policy 18 – Enabling Development
Policy 19 – Scheduled Monuments
Policy 21 – Sites of Archaeological Importance
Policy 22 – Economic Development
Policy 28 – Supporting Sustainable Aquatic and Coastal Development
Policy 30 – The Sustainable Growth of Renewables
Policy 35 – Design of New and Existing, Public Roads and Private Access
Policy 36 – New Private Accesses
Policy 37 – Development Utilising an Existing Private Access or Existing Road
Policy 38 – Construction Standards for Public Roads
Policy 39 – Construction Standards for Private Access
Policy 40 – Vehicle Parking Provision
Policy 48 – Developer Contributions
Policy 55 – Flooding
Policy 58 – Private Water Supplies and Water Conservation
Policy 59 – Water Quality and the Environment
Policy 63 – Waste Related Development and Waste Management
Policy 73 – Development Impact on Habitats, Species and Biodiversity
Policy 77 – Forestry, Woodland and Trees
Policy 78 – Woodland Removal
Policy 79 – Protection of Soil and Peat Resources
Policy 80 – Geodiversity

Other Relevant Policy Considerations:

- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- UK Government's Ten Point Plan for a Green Industrial Revolution (2020),
- Energy White Paper (2020),
- Carbon Plan (2011),
- The UK Renewable Energy Roadmap (2011) (updated 2012 and 2013) and the
- British Energy Security Strategy
- Scotland's Draft Energy Strategy and Just Transition Plan and the accompanying Ministerial statement (Dated 10.1.23)
- The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
- Views of statutory and other consultees;
- Planning history of the site
- Legitimate public concern or support expressed on relevant planning matters
- National Marine Plan

5.0 POTENTIAL MATERIAL CONSIDERATIONS

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

- a) Development Plan;
- b) National Policy;
- c) Energy and Economic Benefits;
- d) Roads, Transport and Access;
- e) Flood Risk, Water Quality and Drainage;
- f) Peat and Soils;
- g) Access and Recreation;
- h) Natural Heritage and Biodiversity (including impact on designated sites, marine designations and terrestrial, aquatic and marine ecology as well as ornithology);
- i) Impact on Woodland;
- j) Built and Cultural Heritage;
- k) Design and Layout;
- l) Landscape and Visual Impact (including Wild Land Areas and cumulative impacts);
- m) Noise and Vibration;
- n) Telecommunications;
- o) Construction Impacts;
- p) Access, Navigation and Interaction with other Activities (including commercial fisheries); and
- q) Any other material considerations raised within representations.

6.0 CONCLUSION

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

7.0 RECOMMENDATION

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

Author of Report: Stephanie Wade

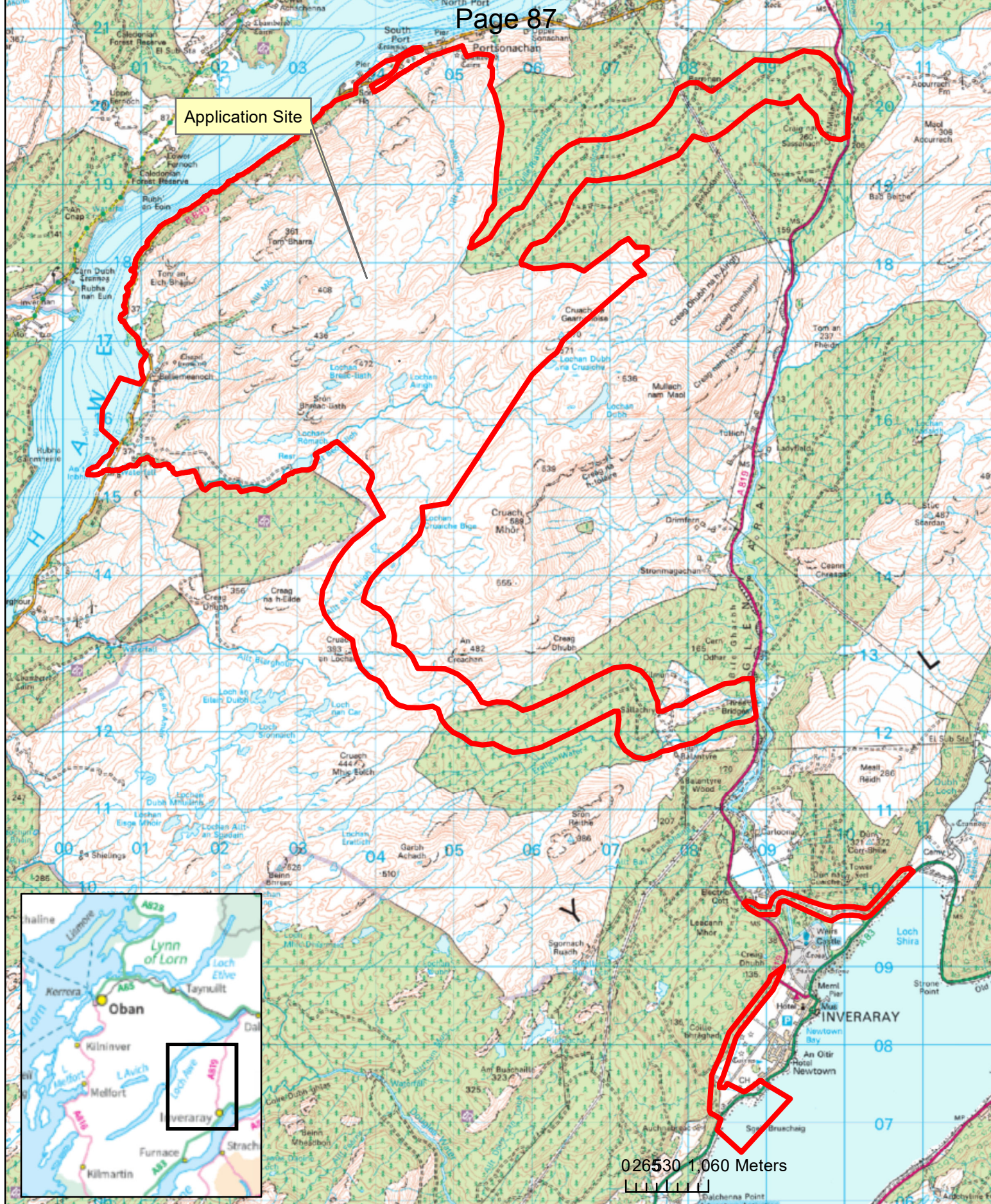
Date: 06/08/2023

Reviewing Officer: Peter Bain

Date: 08.08.2023

Fergus Murray
Head of Development and Economic Growth

Application Site



0.26530 1,060 Meters



Location Plan Relative to Planning Application:23/01212/PAN



1:62,157

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ARGYLL AND BUTE COUNCIL
DEVELOPMENT AND ECONOMIC GROWTH

PPSL
23rd Aug 2023

Scottish Government Consultation:

Effective Community Engagement in Local Development Planning Guidance

1.0 EXECUTIVE SUMMARY

- 1.1 This aim of this Report is to advise the PPSL of the Scottish Government consultation on [Effective Community Engagement in Local Development Planning Guidance](#) and seek approval for the proposed response to this consultation (See Appendix 1). This response is due by 13th September 2023.
- 1.2 This guidance is being consulted on as part of the Scottish Government's wider work on planning reform and implementing of the Planning (Scotland) Act 2019.
- 1.3 The planning authority, will require to have regard to the finalised guidance in the preparation of Local Development Plan 3. It sets out the high-level expectations on how planning authorities can comply with their legal duties to engage with the public when preparing their local development plans. The focus of the guidance is on compliance with statutory duties and degree of influence of views. Potential issues relate to resource levels, descriptions of levels of influence and integration with the Council's approach to community engagement.
- 1.4 Recommendations
- It is recommended that the PPSL:
- i) note this report and the implications of the proposed guidance for the planning service and wider council.
 - ii) approve the proposed response on this consultation to the Scottish Government (Appendix 1).

**Scottish Government Consultation:
Effective Community Engagement in Local Development Planning Guidance**

2.0 INTRODUCTION

- 2.1 The Scottish Government is consulting on [Effective Community Engagement in Local Development Planning Guidance](#). The proposed guidance is part of the Scottish Government's wider work on planning reform and implementing the Planning (Scotland) Act 2019. The proposed response to this consultation is set out in Appendix 1. The due date to respond to the consultation is 13th September 2023.
- 2.2 This guidance is being consulted on as part of the Scottish Government's wider work on planning reform and implementing of the Planning (Scotland) Act 2019.

3.0 RECOMMENDATIONS

3.1 Recommendations

It is recommended that the PPSL:

- i) note this report and the implications of the proposed guidance for the planning service and wider council.
- ii) approve the proposed response on this consultation to the Scottish Government (Appendix 1).

4.0 DETAIL

- 4.1 The new section 16C of the Town and Country Planning (Scotland) Act 1997, which was introduced by section 7 of the 2019 Planning (Scotland) Act, requires planning authorities to have regard to the proposed “*Effective Community Engagement in Local Development Planning Guidance*”. Therefore, community engagement throughout the preparation of Local Development Plan 3 would require to take account of the finalised Guidance. The proposed Guidance sets out the high-level expectations on how the planning authority can comply with its legal duties to engage with the public when preparing its local development plans. The focus of the guidance is on compliance with statutory duties and degree of influence of views. The proposed Guidance sits alongside PAN 3/2010 Community Engagement, which is to remain in place. Given that consolidation of the advice is not proposed then the relationship between the two sets of guidance should be made clear. Appendix 1 Question 5
- 4.2 There are a series of documents that require to be prepared alongside the Local Development Plan, each of which has its own requirements in terms of public engagement. This includes Strategic Environmental Assessment, Public Sector Equalities Duty Assessment and Island Communities Impact Assessment. The proposed Guidance does not supersede the requirements of these assessments. Appendix 1 Question 4.
- 4.3 The proposed Guidance covers new aspects of engagement where there are currently no formal assessment methods or where practice in the area is evolving, for example Human Rights assessment and Health Inequalities Impact Assessment. In these cases, emerging good practice is highlighted.
- 4.4 Table S1 sets out the local development plan engagement duties as required under the new Act. This provides a useful list of the requirements for easy reference. New duties such as seeking the views of and having regard to views expressed by the public about the content of the Participation Statement and inviting local communities to prepare Local Place Plans are noted. A statement of how the views of specific sectors of the community, including children, young people, disabled people and gypsies and travelers were sought and how they have been taken into account is required. There will be resource requirements associated with these duties.
- 4.5 Table S2 notes that there are new strategies required now as part of the LDP process that will also have public engagement requirements. These include Woodland and Forestry Strategy, Open Space Strategy and the Play Sufficiency Assessment. These are dealt with more fully in other regulation and have resource requirements.
- 4.6 The proposed Guidance is not prescriptive about the methods of engagement to be used as this should be appropriate to the subject, context and groups to be engaged. This approach is welcomed as it gives the planning authority latitude to utilise methods appropriate to its own circumstances.

- 4.7 Table 1 sets out “*Levels of Engagement / Spectrum of Participation*”, which ranges from informing, consulting, collaborating to empowering and associated descriptions. This table raises a number of issues in terms of potential variations in interpretation and practicalities of implementation as follows:

“*Involving*” – implies that each individual concern and/or aspiration would be directly reflected in the outcome /alternatives developed. It would be appropriate to consider every concern raised, however, it may not be practical to include every individual concern or aspiration as an outcome or alternative developed in the LDP process. This definition may give rise to unrealistic expectations of the LDP process and not necessarily be an efficient or effective way to handle issues raised. Grouping of like issues would be a reasonable approach. It should be transparent and demonstrable how concerns and aspirations have been assessed and addressed.

“*Collaborating*” - the table states that “*we will incorporate your advice and recommendations into decision / implementation to the maximum extent possible.*” Although this does note “*to the maximum extent possible*” this may still raise expectations regarding the weight to be given to one community’s advice vis-a-vis that from other participants in the process e.g. Key Agencies or differing community groups. The addition of a phrase such as “*and taking all views into account*” may assist.

“*Empowering*” – this definition states that “*we will implement what you decide*”. Empowering has been linked further on in the proposed Guidance to Local Place Plans (LPP). Although the Guidance states LPPs should be taken into account in the LDP process, the definition of empowerment in Table 1 of the Guidance has the potential to raise expectations regarding how the planning authority will handle LPPs. It may not be possible to implement what is decided in an LPP due to other community views being in conflict or a conflict with other significant material considerations. The term “*implementing*” also implies a commitment of local authority resource to the implementation of actions in an LPP. This use of this definition, in relation to LPPs, has the potential to be misleading and should be clarified. Appendix 1 Question 2.

- 4.8 The local development plan preparation stages are set out with statutory minimum timings from the Act, e.g. minimum consultation period on the proposed local development plan 12 weeks. Previously a maximum time was set, which proved useful in managing expectations. It may be useful to give an indication of typical timings or maximum timings within this Guidance to help manage expectations. Appendix 1 Question 9
- 4.9 It is noted that there is currently a Scottish Government review of Public Sector Equality Duty underway. The outcomes of this will need to be taken in to consideration in the finalisation of this Guidance. Appendix 1 Question 9
- 4.10 Given the increased requirements in respect of public engagement throughout the new Local Development Plan process, including for specific sectors of society and reporting requirements, it would be advisable to ensure a robust engagement strategy is drawn up as part of LDP3 programme management.

The key elements of this may then be articulated in the statutory Participation Statement (publication setting out how people may become engaged in the LDP process during the various stages), the preparation of which is now subject to engagement.

- 4.11 It is understood that the council is reviewing its own guidance for community engagement. It would be useful to ensure that the approach the council takes considers what is required by other statutory processes, such as planning, in order to provide a clear, efficient and effective approach to engagement across different services within the council.

5.0 CONCLUSION

- 5.1 Once finalised this guidance will require to be taken into consideration in the preparation of future Local Development Plans by the planning authority. It sets out high level expectations of how the planning authority should engage with the public when preparing local development plans. It also describes how the public can expect its comments to be taken in to consideration by the planning authority.
- 5.2 There are resource implications associated with public engagement but the detailed methods are not included in this guidance, being left to the discretion of the planning authority. In general, the proposed Guidance is to be welcomed although a number of issues have been raised in the proposed consultation response (Appendix 1).

6.0 IMPLICATIONS

- 6.1 Policy: When finalised the proposed Guidance will require to be taken into account in the preparation of the Local Development Plan.
- 6.2 Financial - None as a result of this consultation.
- 6.3 Legal – None as a result of this consultation. However, failure to comply with legislative requirements may result in challenges to the planning authority's handling of the LDP process.
- 6.4 HR None
- 6.5 Fairer Scotland Duty: The Guidance gives further advice on this issue for the LDP process
- 6.5.1 Equalities: The Guidance gives further advice on this issue for the LDP process
- 6.5.2 Socio-Economic Duty: The Guidance gives further advice on this issue for the LDP process
- 6.5.3 Islands Duty: The Guidance gives further advice on this issue for the LDP process

6.6 Climate Change - None

6.7 Risk – None as a result of this consultation. However, failure to comply with legislative requirements during the LDP process may result in challenges, delays and additional costs.

6.8 Customer Service None

Kirsty Flanagan,

Executive Director with responsibility for Development and Economic Growth

Policy Lead Cllr Green

23rd Aug 2023

For further information contact:

Sybil Johnson 01546 604308 sybil.johnson@argyll-bute.gov.uk

APPENDICES

Appendix 1 Proposed Response

Appendix 1 Proposed Response

Question 1 – Do you agree that the purpose and scope of the guidance is clear?

• Yes • No • No view • Please comment on your answer (particularly if you do not agree).

Question 2 – Do you agree that the terms inform, consult, involve, collaborate and empower, as described in the table, are helpful terms to support understanding of different levels of engagement and the influence that results from it?

• Yes • No • No view • Please comment on your answer (particularly if you do not agree)

The terms themselves are useful, however, there are some descriptions in the table that appear to be misleading or difficult to implement in practice.

“Involving” - This states regarding the planning authority that *“we will work with you to ensure that your concerns and aspirations are directly reflected in the outcome /alternatives developed”*. This raises an issue, as whilst it would be appropriate to consider every concern raised it may not be appropriate or practical to include every individual concern or aspiration as an outcome or alternative developed in the process. This may give rise to unrealistic expectations of the LDP process and not necessarily be an efficient or effective way to handle issues raised. Rather than individual concerns (*“your concerns”*) it should be clear that grouping of like issues would be a reasonable approach. It should be transparent and demonstrable how concerns and aspirations have been assessed and addressed and this may not be in all cases as an outcome or alternative.

“Collaborating” - the table states that *“we will incorporate your advice and recommendations into decision / implementation to the maximum extent possible.”* Although this does note *“to the maximum extent possible”* this may raise expectations regarding the weight to be given to one community’s advice vis-a-vis that from other stakeholders e.g. experts such as Key Agencies or differing community groups. The addition of a phrase such as *“and taking all views into account”* may assist.

Empowering” – this definition states that *“we will implement what you decide”*. Empowering has been linked further on in the proposed Guidance to Local Place Plans (LPP). Although the Guidance states LPPs should be taken into account in the LDP process. the definition of empowerment in Table 1 of the Guidance has the potential to raise expectations regarding how the planning authority will handle LPPs. It may not be possible to implement what is decided in an LPP due to other community views being in conflict or a conflict with other significant material considerations. The term *“implementing”* also implies a commitment of local authority resource to the implementation of actions in an LPP. This use of this definition in relation to LPPs has the potential to be misleading and should be clarified.

Question 3 - Do you agree that the appropriate levels of engagement have been identified for the stages of local development plan preparation?

- Yes • No • No view • Please comment on your answer (particularly if you do not agree)

Yes, subject to the clarification of the levels of engagement as set out in the answer to question 2.

Question 4 - Do you agree that the appropriate levels of engagement have been identified for the impact assessments?

- Yes • No • No view • Please comment on your answer (particularly if you do not agree).

The levels of engagement require to be clarified as set out in the answer to question 2. The statutory requirements should be clear. It should also be noted that engagement should relate to those elements scoped in to impact assessments.

Question 5 – Overall, is the approach set out in the guidance helpful?

- Yes • No • No view • Please comment on your answer (Particularly if you do not think the approach is helpful).

It may have been useful to take the opportunity to combine PAN3/2010 Community Engagement with this proposed Guidance to give a consolidated guidance. However, in the absence of this the relationship between the 2 documents should be made clear.

Question 6 – Do you have any views about the initial conclusions of the impact assessments that accompany and inform this guidance?

- Yes • No • No view • Please comment on your answer (particularly if you do have views to share).

Question 7 - Thinking about the potential impacts of the guidance – will these help to advance equality of opportunity, eliminate unlawful discrimination, and foster good community relations, in particular for people with protected characteristics?

- Yes • No • No view • Please comment on your answer.

Question 8 – Do you have evidence that can further inform the impact assessments that accompany this guidance, in particular in relation to the impact of the guidance on people with protected characteristics, businesses and costs to businesses?

- Yes • No • No view • Please comment on your answer.

None

Question 9 - Please provide any further comments on the guidance set out in this consultation.

The local development plan preparation stages are set out with statutory minimum timings from the Act, e.g. minimum consultation period on the proposed local development plan 12 weeks. Previously a maximum time was set, which proved useful in managing expectations. It may be useful to give an indication of typical timings or suggested maximum timings within this Guidance to help manage expectations.

It is noted that there is currently a Scottish Government review of Public Sector Equality Duty underway and that the outcomes of this will need to be taken in to consideration in the finalisation of this Guidance

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ARGYLL AND BUTE COUNCIL**PPSL COMMITTEE****Development & Economic Growth****23 August 2023**

Development Management Performance Update – FQ1 2023/24

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides an update on the performance of the Development Management Service for the reporting period FQ1 2023/24.
- 1.2 The attached document Appendix 1 provides an overview of the current demands upon the Development Management Service, its output during this period, the handling of the current backlog of casework, and the average time taken to determine planning applications.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that PPSL:
- (a) Consider and note the content of the report.

3.0 DETAIL & BACKGROUND

- 3.1 The performance of the Council's Development Management Service continues to be significantly impacted by the legacy effect of the Covid Pandemic upon interruption to workflow and a subsequent increase in demand for regulatory activity relating to new development. This situation has been exacerbated by the Service having previously been down-sized in response to the longer-term wider financial pressures facing the Council combined with a number of long-term vacancies that proved extremely difficult to fill as a result of a national shortage of planning professionals. The determination of planning applications has also been impacted by the uncertainty created by a changing planning policy backdrop with the Scottish Government's adoption of National Planning Framework 4 (NPF4) in February 2023 with minimal transition arrangements having had a noticeable adverse impact on FQ4 2022/23 output as a result of a significant volume of casework requiring to be reassessed prior to its determination. The cumulative effect of these extraordinary pressures has given rise to a significant backlog of planning casework that continues to impact upon the ability of the Council to deliver the Development Management Service in an efficient and effective manner at this time, and impacts upon customer service.
- 3.2 The Development Management Service receive approximately 2000 planning

and related application case work items on an annual basis. The Development Management Service is resourced with the expectation that demand will be relatively constant and steady throughout the year. Whilst the volume of new submissions decreased by approximately 10% during 2020/21 they had returned to and exceeded pre-pandemic levels during 2021/22. Submission rates have subsequently been maintained at a high level and during 2022/23 were 5% up on pre-pandemic levels. Appendix 1, Sheet 1 shows that the volume of new applications received during FQ1 2023/24 is slightly lower than the previous two preceding periods but still remains within projected levels.

- 3.3 The resource constraints and performance of the Development Management Service have been highlighted at a senior level within the Council and are subject to regular reporting to Policy Leads/ELT. An improving financial position following the reform of statutory planning fees by the Scottish Government in April 2022 has supported the creation of 3 new professional officer posts that will provide additional capacity within the Service once these posts have been filled. Successful recruitment to vacant posts during the latter part of 2022/23 also means that the Service is now moving toward the position of being fully staffed although two Senior Planning Officer posts remain vacant and work related absence is an ongoing concern and a restraint on individual/team productivity.
- 3.4 During this extended period where the Development Management Service has operated with reduced resource, the handling of applications has sought where necessary to prioritise applications that would support delivery of significant employment opportunities, housing developments, to meet funding deadlines, and where development was required to meet specific health/safety requirements. The continual prioritisation of applications has however resulted in a backlog of 'legacy' applications (applications older than 1 year from validation) that require to be determined. Operating for an extended period with a reduced staff resource has also impacted adversely upon the ability of the Development Management Service to keep customers updated and to manage their expectations, and has resulted in increased customer dissatisfaction relating both to increasing time periods for determination and reduced customer service.
- 3.5 The improving staff resource position in the latter part of 2022/23 is now allowing the Development Management Service the opportunity to increase the resources allocated toward the resolution and determination of the backlog of legacy applications that have accumulated. The positive impact of the increased availability of professional officer resource is evident with the increasing output demonstrated in FQ1 2023/24 (Appendix 1, Sheet 2) making some inroads in the casework backlog (Appendix 1, Sheet 3, and Sheet 4). The increasing proportion of older applications being determined from FQ3 2022/23 onwards is also demonstrated in the bar graphs that provide a breakdown of application age within the average time measures (Appendix 1, Sheet 5 and Sheet 6).
- 3.6 The increasing focus on 'legacy' applications does however have significant consequence for average time performance measures as the determination of a relatively small number of older applications has the potential to significantly impact upon these outputs. This is evident within the 'householder' average time

measure (Appendix 1, Sheet 5) where the determination of 2 older 'legacy' applications alone have the effect of adding 3.1 weeks to the average time period relating to the determination of 59 applications in total. During FQ4 2023/24 94% of 'householder applications were less than 1 year old at the time of their determination and were determined within an average time period of 17.8 weeks (72% were less than 6 months old and determined in 11.8 weeks on average).

- 3.7 The determination of 'legacy' applications has the same effect upon the average time taken measure applied to all other 'local' planning applications (Appendix 1, Sheet 6) where the determination of 4 older 'legacy' applications cumulatively add 5.7 weeks to an average time measure that reports on the determination of 129 applications in total. During FQ4 2023/24 91.5% of all other 'local' applications determined were less than 1 year old at the time of their determination and were determined within 19.3 weeks. (67% were less than 6 months old and determined in 13.5 weeks on average).
- 3.8 The backlog of planning casework (Appendix 1, Sheet 3) currently stands at just over 340 applications and 160 pre-application enquiries and will impact upon performance over an extended period. The effect of the determination of 'legacy' applications will continue to skew average time measures for the remainder of 2023/24 although these should start to improve after the oldest cases are dealt with; it is currently expected that an improving trend is expected by the end of 2023/24 and a commitment to work toward that aim has been set out in the recent PPF 12 which was submitted to the Scottish Government in July 2023. 'Legacy' applications will be subject to regular review to ensure that these longstanding items are progressed to determination at the earliest opportunity that current resources allow.
- 3.9 In addition to resolving capacity issues through the creation of new and filling vacant posts work is also ongoing to review current working practices and procedures with a view to maximising the use of professional officer time for determination of applications and improving output. This workstream will include a review and implementation of new workflow and performance reporting systems in the backoffice, and will seek to extend the use of existing technical staff resource within the validation team to assist in the assessment stage of less complex statutory notification processes. The use of additional short-term professional resource is also being considered a means of resolving issues with individual caseloads that have been unsustainably high for an extended period of time with consequent impact on the health and wellbeing of the team and their output.

4.0 IMPLICATIONS

4.1 Policy	None
4.2 Financial	None
4.3 Legal	None
4.4 HR	None
4.5 Equalities / Fairer	None

Scotland Duty

4.6 Risk

Failure to determine planning and related applications in efficient and effective manner would have potential to adversely impact upon the local economy, delivery of housing, and health and wellbeing of individuals.

4.7 Climate Change

None

4.8 Customer Service

Requirement to manage customer expectations in the determination planning and related applications

Executive Director with responsibility for Development and Economic Growth:

Kirsty Flanagan

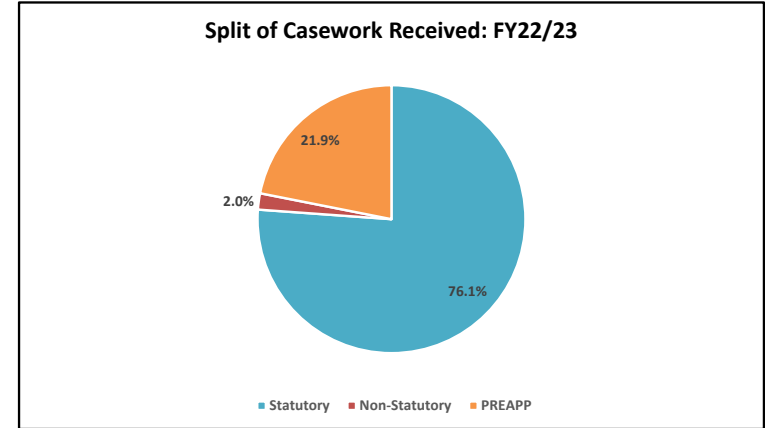
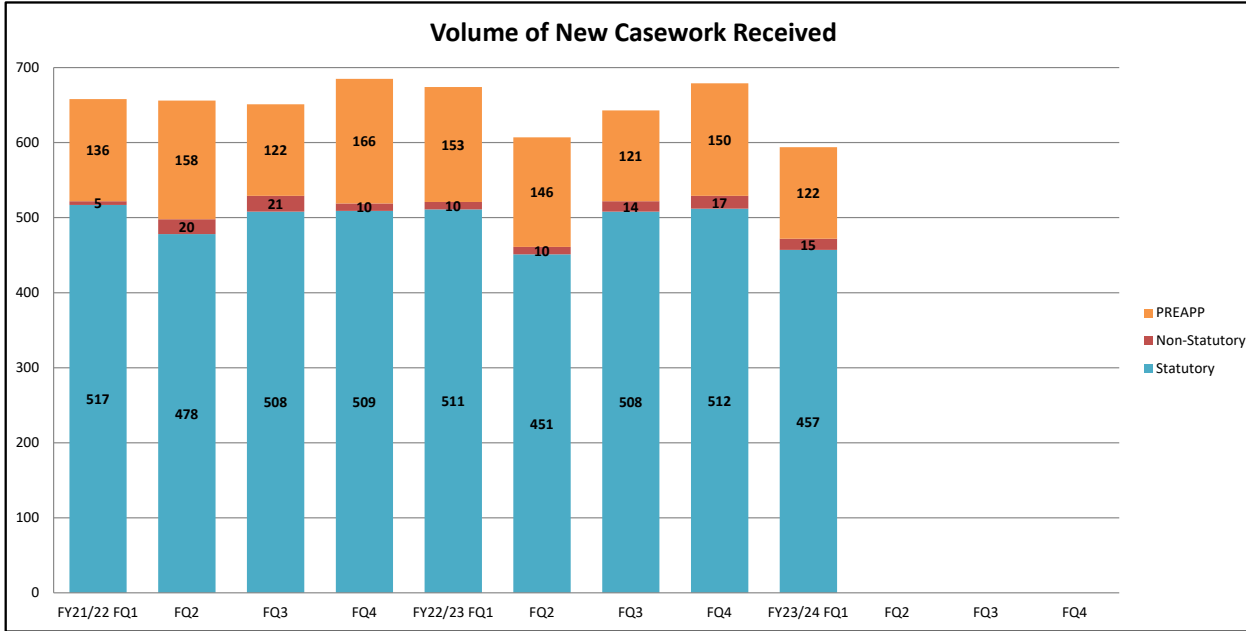
Policy Lead: Cllr Kieron Green

9th August 2023

For further information contact: Peter Bain – 01546 604204

APPENDICES

Appendix 1 – FQ1 2023/24 DM Performance Stats



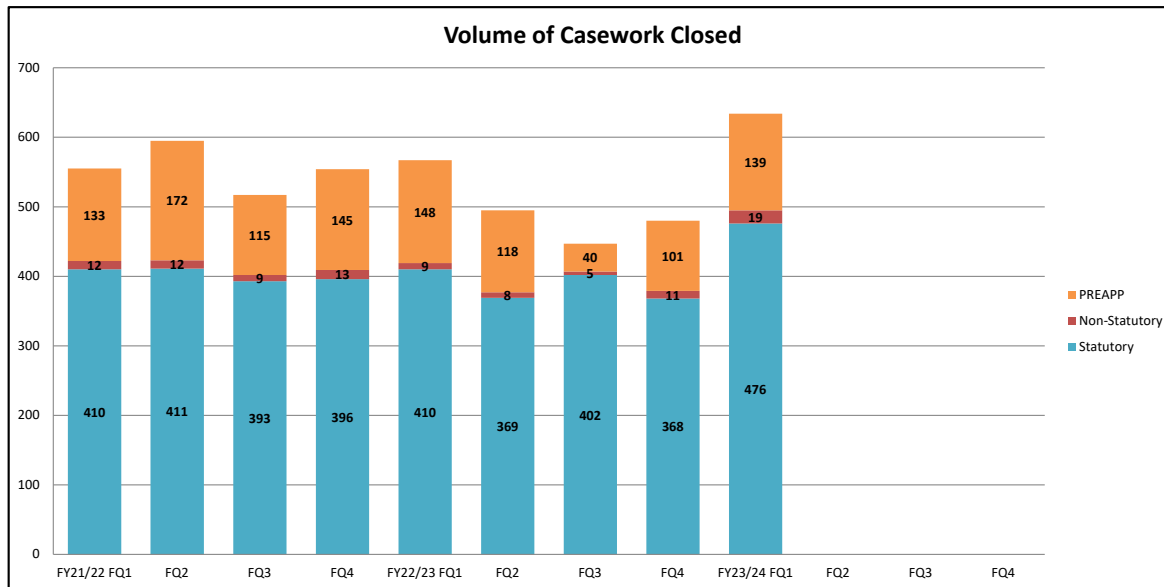
Commentary:
 The data set covers the last 9 financial quarters and confirms that demand for the determination of planning applications and other statutory activity of the Council as the Planning Authority remains high and relatively constant in its volume. The volume of new submissions for 2022/23 were up 5% on pre-pandemic levels and appear likely to be sustained moving forward.

This tab provides information on the volume of DM case work received by financial quarter and includes a breakdown between statutory items (planning and related applications), non-statutory items (consultations from other regulatory bodies), and pre-application enquiries.

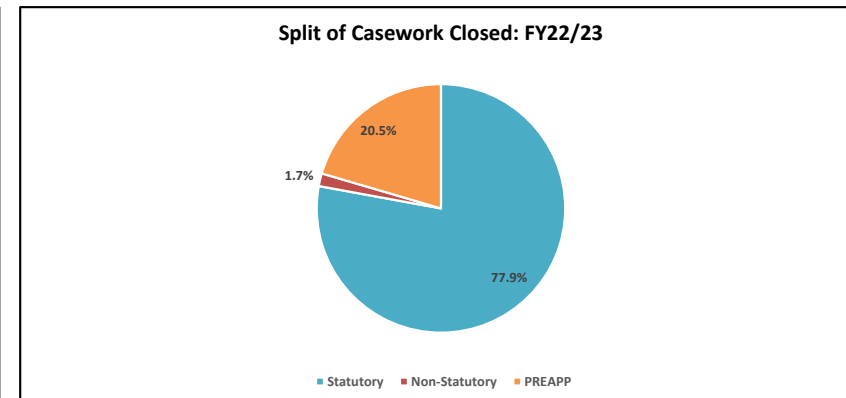
New Casework Received												
Volumes	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
Statutory	517	478	508	509	511	451	508	512	457			
Non-Statutory	5	20	21	10	10	10	14	17	15			
PREAPP	136	158	122	166	153	146	121	150	122			
Totals	658	656	651	685	674	607	643	679	594	0	0	0

Split of Casework Received									
FY21/22		FY22/23		FQ1					
2012	75.9%	1982	76.1%	457	76.9%				
56	2.1%	51	2.0%	15	2.5%				
582	22.0%	570	21.9%	122	20.5%				
2650		2603		594					

This data is unfiltered - it shows all casework received.
 data source = UNiform (Access queries)



This tab provides detail on the volume of DM casework that has been closed and includes a breakdown between statutory items (planning and related applications), non-statutory items (consultations from other regulatory bodies), and pre-application enquiries.

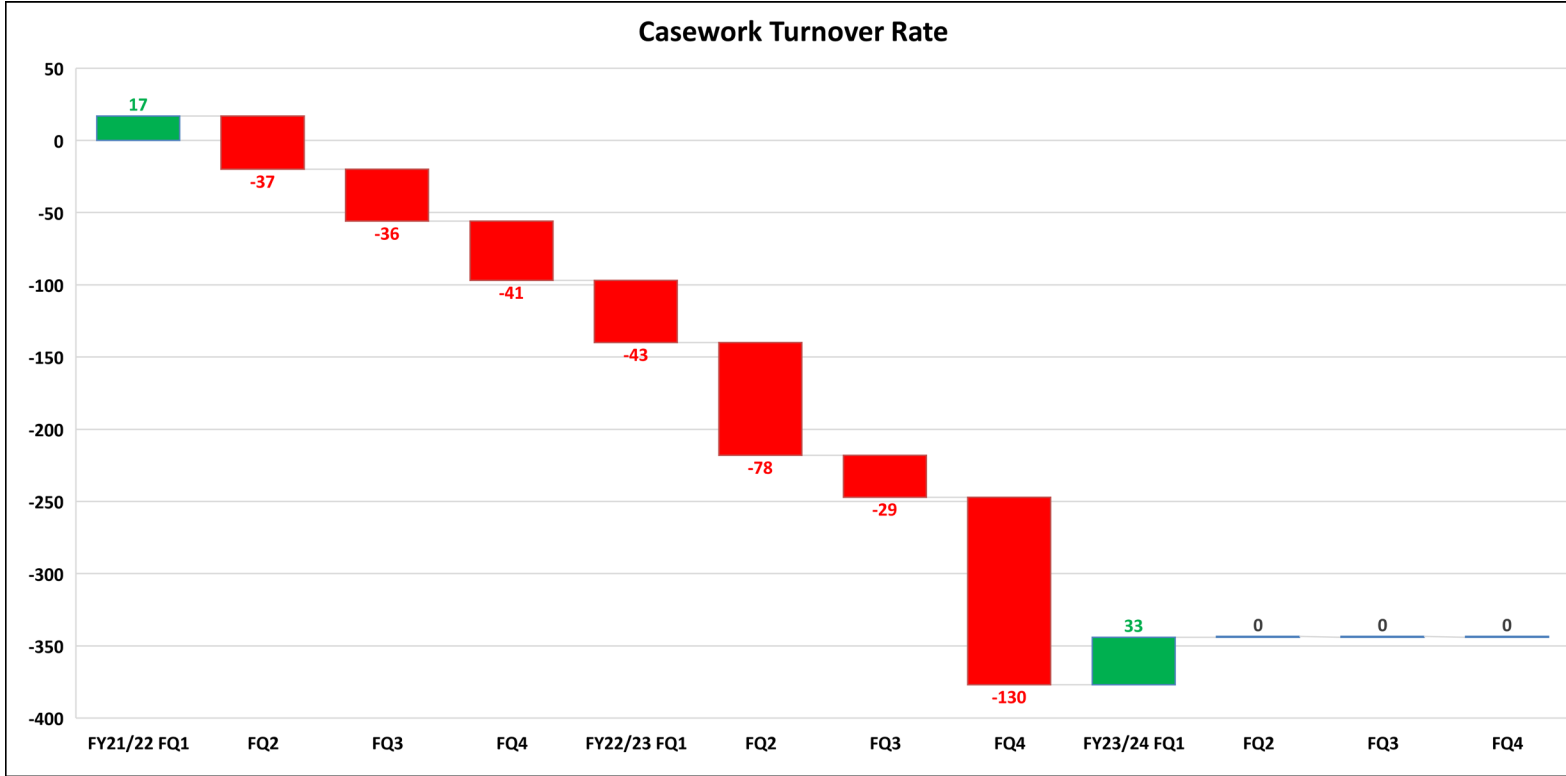


Commentary:
 The data set covers the last 9 financial quarters and demonstrates that regardless of performance issues in respect of timeliness output remains high. Output during both 2021/22 and 2022/23 output has however been down between 20-25% as a result of interruption of workflow during Covid coupled with the constant stream of new casework and reduced availability of officer resource which was in part a result of increased absence but also more significantly as a result of difficulty in recruiting to vacant posts attributable to a national shortage of planning professionals. Recent success in recruitment along with the creation of additional posts has gone a large way toward addressing staff resourcing issues although two vacancies still remain. The introduction of new legislation and/or policy also has potential to impact significantly on output as current working practices and guidance require to be reviewed and updated and officer training provided - the Scottish Government's decision to adopt National Planning Framework 4 (NPF4) in Feb 2023 was identified as giving rise to a significant drop in output during FQ4 2022/23. FQ1 2023/24 has shown a notable rise in output from previous quarters which is indicative of the increasing availability of officer resource and a more settled position following the initial introduction of NPF4.

Casework Closed												
Volumes	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
Statutory	410	411	393	396	410	369	402	368	476			
Non-Statutory	12	12	9	13	9	8	5	11	19			
PREAPP	133	172	115	145	148	118	40	101	139			

This data is unfiltered - it shows all casework closed.
 data source = UNiform (Access queries)

Split of Casework Closed					
FY21/22		FY22/23		FY23/24 FQ1	
1610	72.5%	1549	77.9%	476	75.1%
46	2.1%	33	1.7%	19	3.0%
565	25.4%	407	20.5%	139	21.9%
2221		1989		634	

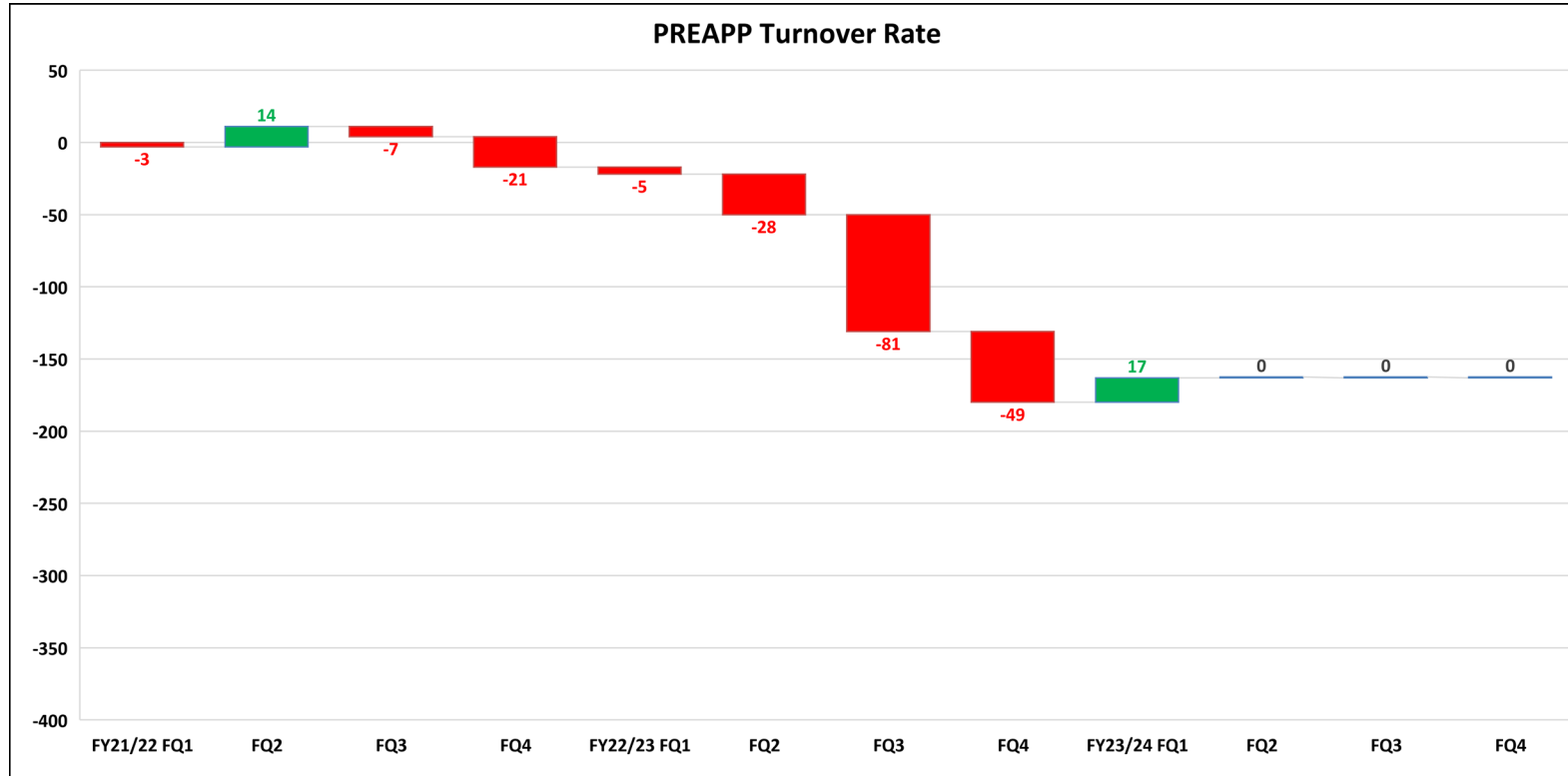


Commentary:
 The graph shows that after 7 financial quarters where output has been lower than input a backlog of 375 casework items had been amassed since the start of FY21/22. A strong performance during FQ1 2023/24 has reduced the backlog at the end of June 2023 to 344 applications.

This tab shows a comparison between the volume of new statutory and non-statutory casework and output per financial quarter. The Y axis has been formatted to track the cumulative backlog of applications that have accrued since FQ1 2021/22.

Casework Turnover - Volume												
Volumes	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
Closed	422	423	402	409	419	377	407	379	495	0	0	0
Validated	405	460	438	450	462	455	436	509	462	0	0	0
Difference (no)	17	-37	-36	-41	-43	-78	-29	-130	33	0	0	0

This data is unfiltered - it shows the number of cases closed vs number of cases validated.
 data source = UNiform (Access queries)



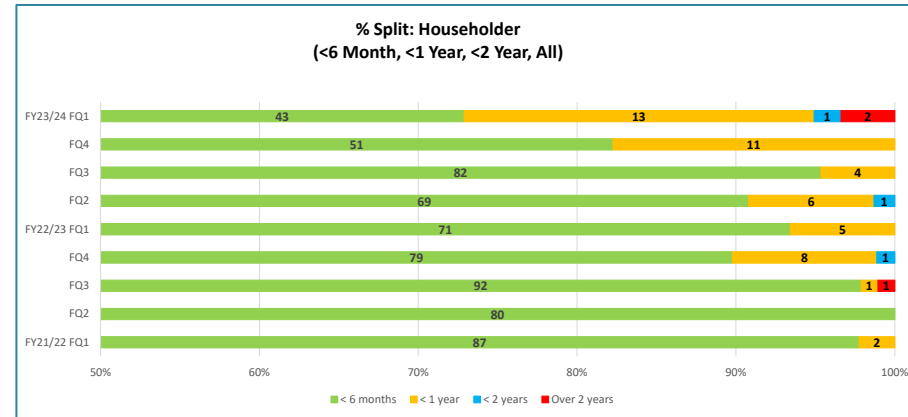
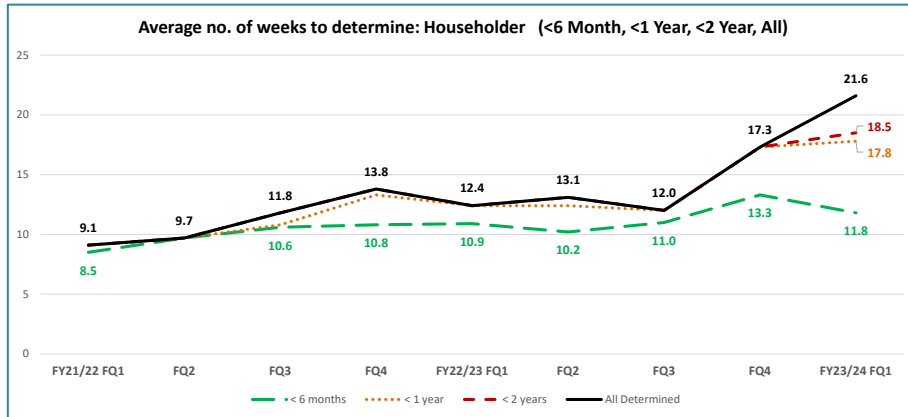
Commentary:
 The graph shows that after 6 financial quarters where output has been lower than input a backlog of 180 pre-app casework items had been amassed since the start of FY21/22. Improving performance during FQ1 2023/24 has reduced the backlog at the end of June 2023 to 163 pre-app enquiries.

This tab shows a comparison between the volume of new pre-application casework and output per financial quarter. The Y axis has been formatted to track the cumulative backlog of pre-application enquiries that have accrued since FQ1 2021/22.

PREAPP Turnover - Volume												
Volumes	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
Closed	133	172	115	145	148	118	40	101	139	0	0	0
Received	136	158	122	166	153	146	121	150	122	0	0	0
Difference (no)	-3	14	-7	-21	-5	-28	-81	-49	17	0	0	0

Number of PREAPP's closed vs number of PREAPP's validated.
 data source = UNiform (Access queries)

The Average Time Taken to Determine Householder Planning Applications



This tab provides detail on the average time taken to determine 'householder' planning applications, this is based on raw data which does not take into account any delays that might arise from matters outwith the control of the planning authority.

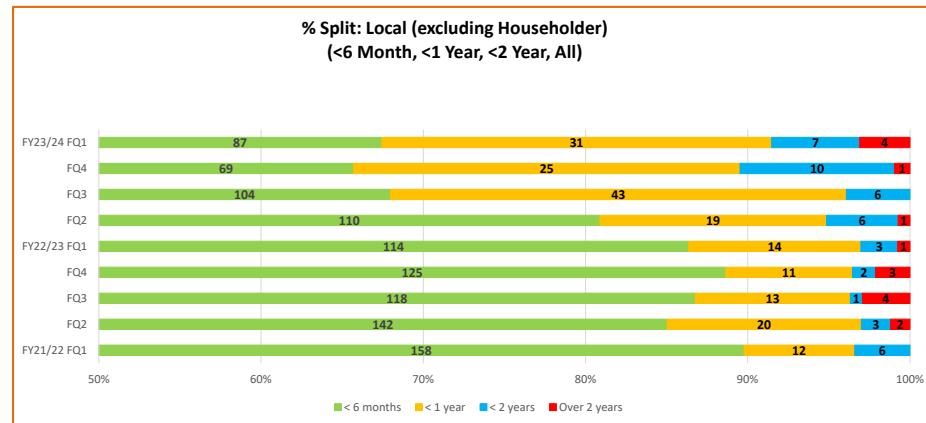
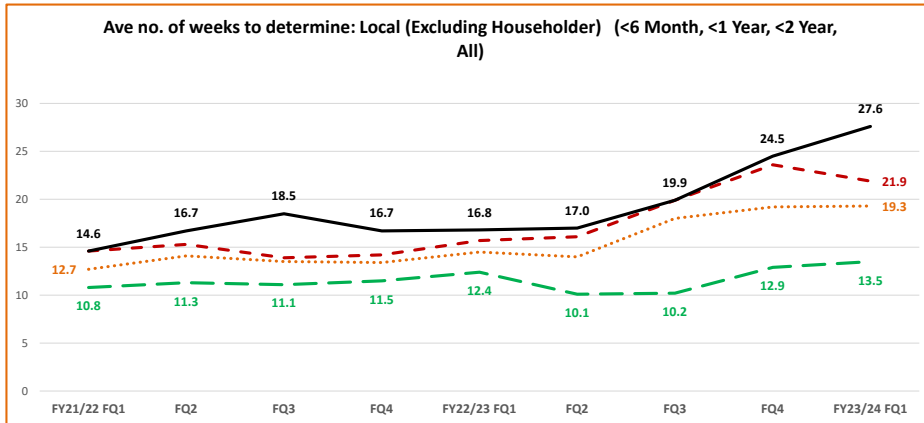
Average Time to Determine Applications: Householder (<6 Month, <1 Year, <2 Year, All)												
	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
< 6 months	8.5	9.7	10.6	10.8	10.9	10.2	11.0	13.3	11.8			
< 1 year	9.1	9.7	10.8	13.3	12.4	12.4	12.0	17.3	17.8			
< 2 years	9.1	9.7	11.8	13.8	12.4	13.1	12.0	17.3	18.5			
All Determined	9.1	9.7	11.8	13.8	12.4	13.1	12.0	17.3	21.6			

Volume of Applications Determined: Householder (<6 Month, <1 Year, <2 Year, All)												
	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
< 6 months	87	80	92	79	71	69	82	51	43			
< 1 year	2	0	1	8	5	6	4	11	13			
< 2 years	0	0	0	1	0	1	0	0	1			
Over 2 years	0	0	1	0	0	0	0	0	2			
Total	89	80	94	88	76	76	86	62	59	0	0	0

This data is filtered - as per Scottish Government statistical returns - to allow benchmarking. "Householder" = Development Type N01.
data source = UNiform (Access queries)

Commentary:
The line graph shows performance over time; the 'All Determined' average can be readily impacted by the determination of a small number of 'legacy' applications. The improving resource availability has allowed the focus of the DM Service is to move from addressing the most urgent applications to also addressing the wider backlog of application casework. Increasing output does however mean that a higher volume of 'legacy' applications will be determined with significant detriment to average time measures as is seen with the deterioration of performance during FQ4 2022/23 and FQ1 2023/24. In order to provide some context additional information is provided that demonstrates the effect of removing older applications from reporting to provide a truer picture of the time taken to deliver the larger proportion of casework. The bar graph provides this breakdown in a format which shows the increasing volume of older applications currently being determined but also confirms that a significant proportion of output is still undertaken in a timely manner.

The Average Time Taken to Determine Local (excluding Householder) Planning Applications



This tab provides detail on the average time taken to determine 'local' planning applications, this is based on raw data which does not take into account any delays that might arise from matters outwith the control of the planning authority.

Average Time to Determine Applications: Local (Excluding Householder) (<6 Month, <1 Year, <2 Year, All)												
	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
< 6 months	10.8	11.3	11.1	11.5	12.4	10.1	10.2	12.9	13.5			
< 1 year	12.7	14.1	13.5	13.4	14.5	14.0	18.0	19.2	19.3			
< 2 years	14.6	15.3	13.9	14.2	15.7	16.1	19.9	23.6	21.9			
All Determined	14.6	16.7	18.5	16.7	16.8	17.0	19.9	24.5	27.6			

Volume of Applications Determined: Local (Excluding Householder) (<6 Month, <1 Year, <2 Year, All)												
	FY21/22 FQ1	FQ2	FQ3	FQ4	FY22/23 FQ1	FQ2	FQ3	FQ4	FY23/24 FQ1	FQ2	FQ3	FQ4
< 6 months	158	142	118	125	114	110	104	69	87			
< 1 year	12	20	13	11	14	19	43	25	31			
< 2 years	6	3	1	2	3	6	6	10	7			
Over 2 years	0	2	4	3	1	1	0	1	4			
Total	176	167	136	141	132	136	153	105	129	0	0	0

This data is filtered - as per Scottish Government statistical returns - to allow benchmarking. "Local (excluding Householder)" = Development Types N02B/C, N03B/C, N04B/C, N05B/C, N06B/C, N07B/C, N08B/C, N09B/C, N10B/C.
data source = UNiform (Access queries)

Commentary:
The line graph shows performance over time; the 'All Determined' average can be readily impacted by the determination of a small number of 'legacy' applications. The improving resource availability has allowed the focus of the DM Service is to move from addressing the most urgent applications to also addressing the wider backlog of application casework. Increasing output does however mean that a higher volume of 'legacy' applications will be determined with significant detriment to average time measures as is seen with the deterioration of performance during FQ3 & FQ4 2022/23 and FQ1 2023/24. In order to provide some context additional information is provided that demonstrates the effect of removing older applications from considerations to provide a truer picture of the time taken to deliver a larger proportion of casework. The bar graph provides this breakdown in a format which shows the increasing volume of older applications currently being determined but also confirms that a significant proportion of output is still undertaken in a timely manner.

**ARGYLL AND BUTE COUNCIL
DEVELOPMENT AND ECONOMIC GROWTH**

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE – 23RD AUGUST 2023

UPDATE ON RECENT SCOTTISH MINISTERS SECTION 36 WIND FARM DECISION

OUR REFERENCE: 19/02424/S36

ECU REFERENCE: ECU00001957

DPEA REFERENCE: WIN-130-5

CASE DETAIL: CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND DEEMED PLANNING PERMISSION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 FOR THE CONSTRUCTION AND OPERATION OF SHEIRDRIM RENEWABLE ENERGY DEVELOPMENT

SITE ADDRESS: SHEIRDRIM RENEWABLE ENERGY DEVELOPMENT (APPROX 10KM SOUTH-WEST OF TARBERT), LAND AT GARTNAGRENACH FOREST, WHITEHOUSE, ARGYLL & BUTE

APPLICANT: SLR CONSULTING LIMITED ON BEHALF OF SCOTTISHPOWER RENEWABLES (UK) LIMITED

STATUS: REFUSED BY SCOTTISH MINISTERS ON 26TH JUNE 2023

A) INTRODUCTION

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 includes 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. It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed if authorisation is given by the Scottish Government.

In the event of an objection being raised by the Council, as was the case with this proposal, the Scottish Ministers are obliged to convene a Public Local Inquiry (PLI). The Inquiry was conducted by a Reporter(s) appointed by the Directorate for Planning and Environmental Appeals.

This report summarises the recent decision made by Scottish Ministers to REFUSE Section 36 consent and deemed planning permission for Sheirdrim Renewable Energy Development.

B) RECOMMENDATION

Members are asked to note the contents of the report.

C) REPORTERS CONCLUSIONS AND RECOMMENDATION TO SCOTTISH MINISTERS

Reporter's Conclusions

Although the proposal would contribute to meeting national targets for reducing greenhouse gas emissions and generating renewable energy, it would also bring its own impacts to the locality where it is proposed. For the most part the environmental effects would not be significant or could be made so by mitigation and/or imposing conditions. This would not resolve the landscape and visual (including cumulative) effects, albeit that those would be localised. However, in our judgement, the benefits of meeting national energy and climate change policy are preferable in the overall balance, as set out in NPF4 (National Planning Framework 4) Policy 11 e).

However, the applicant's assessment has not fully considered the effects of the proposal on the setting of Dun Skeig scheduled monument. The proposal would result in significant adverse impacts on the integrity of the setting of Dun Skeig scheduled monument, which could not be mitigated without significantly changing the proposal. Consequently, the proposal is contrary to NPF4 Policy 7 h). No compelling evidence persuades us that there are any exceptional circumstances under NPF4 Policy 7 h) iii or elsewhere. The proposal is also contrary to the Historic Environment Policy for Scotland. Despite our applying significant weight to the meeting of greenhouse gas reduction and renewable energy targets this matter would present issues for compliance with NPF4 Policy 11 e) vii.

Therefore, despite many factors being in the proposal's favour, its significant adverse impacts on the integrity of the setting of Dun Skeig scheduled monument alone lead us to conclude that the proposal would not be acceptable overall.

Reporters Recommendation to Scottish Ministers

The Reporter therefore recommends that, consent under section 36 of the Electricity Act 1989 and deemed planning permission under section 57 of the Town and Country Planning (Scotland) Act 1997 should be refused. Should Scottish Ministers disagree with this recommendation, they recommend that the conditions proposed in Appendix A of their report should be attached to the consent.

The Scottish Ministers' Conclusions

Reasoned Conclusions on the Environment

The Scottish Ministers are satisfied that the EIA Report and its AI (Additional Information) 2020 and AI 2021 have been produced in accordance with the EIA Regulations and that the relevant procedures regarding publicity and consultation laid down in those Regulations have been followed.

The Scottish Ministers have fully considered the EIA Report and the AI 2020 and AI 2021, the consultation responses, representations, the findings, conclusions, and recommendation of the PI Report and its Supplementary Report and are satisfied that the environmental impacts of the proposed Development have been sufficiently assessed. The Scottish

Ministers have taken the environmental information into account when reaching their decision.

Taking into account the above assessment the Scottish Ministers consider there would be significant local landscape and visual effects and significant effects on the setting of Dun Skeig scheduled monument, neither of which can be mitigated.

The Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion addresses the likely significant effects of the proposed Development on the environment. The Scottish Ministers are satisfied that this reasoned conclusion is up to date.

The Scottish Ministers Determination

As set out above, the seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (the “2019 Act”) sets a target for Scotland to be carbon-neutral, meaning net-zero CO₂, by 2045 at the latest. Additionally, the 2019 Act sets out two interim targets to reduce emissions by 75% by 2030 and by 90% by 2040. Scotland’s renewable energy and climate change targets, energy policies and planning policies are all relevant considerations when weighing up the proposed Development. NPF4, Scotland’s Energy Strategy and the Onshore Wind Policy Statement make it clear that renewable energy deployment remains a priority of the Scottish Government. These are all matters which should be afforded significant weight in favour of the proposed Development.

The Scottish Ministers consider that the proposed Development, if deployed, would create net economic benefits and deliver significant renewable energy benefits that would support climate change mitigation and are wholly in accordance with Scottish Government’s climate change ambitions. The proposed Development in these respects would contribute to sustainable development and this has been taken into account when reaching a decision. These benefits however must be considered carefully in the context of the negative impacts on the historic and natural environment, particularly on the setting of Dun Skeig scheduled monument, and whether or not, on balance, they are acceptable.

The Scottish Ministers acknowledge, in accordance with both NPF4 and the OWPS, that meeting our climate ambitions will require a rapid transformation across all sectors of our economy and society, however this does not negate the continuing requirement to ensure that the right development happens in the right place.

The Scottish Ministers, having considered the Application, the EIA Report, the AI 2020, AI 2021, consultation responses and public representations alongside the Reporters’ considerations and subsequent conclusions, consider that although the significant local, landscape and visual impacts would be acceptable in the context of the net economic benefits and the significant renewable energy benefits that would be delivered if the proposed Development were to be deployed, the impacts on the historic environment and the integrity of the setting of Dun Skeig scheduled monument would not.

The significant adverse impact on the setting of Dun Skeig scheduled monument and resulting impact on how it is understood and enjoyed, and the experience of its benefits, would not be secured for present and future generations if the proposed Development were consented. Even taking into account the significant support assigned by NPF4 to the proposed Development and its status as national development, this ultimately leads the

Scottish Ministers to the conclusion that despite the many factors in favour of the proposed Development, this is not the right development in the right place and the proposed Development is therefore not acceptable overall.

The Scottish Ministers therefore consider the Application for consent under Section 36 of the Electricity Act 1989 for the construction and operation of Sheirdrim Wind Farm, wholly within the planning authority area of Argyll and Bute Council, should be refused.

The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent.

The Reporters Inquiry Report and Scottish Ministers decision can be viewed on the DPEA (Directorate of Planning Environmental Appeals) website at the following link:

[Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/Topics/Planning/Environmental%20Appeals/Case%20Details)

D) IMPLICATIONS

Policy: None.

Financial: None.

Personnel: None

Equal Opportunities: None

Author: Arlene Knox **Date:** 19th July 2023

Fergus Murray
Head of Development and Economic Growth

ARGYLL AND BUTE COUNCIL**PPSL COMMITTEE****Development and Economic Growth****23 August 2023**

Planning Performance Framework 2022/23

1.0 EXECUTIVE SUMMARY

- 1.1 This report introduces the 2022/23 Planning Performance Framework (PPF) Annual report as required by the Scottish Government Planning Reform Agenda.
- 1.2 The PPF is the principal annual performance measure for Planning Services (*Development Management, Planning Policy, and Projects and Regeneration within Development & Economic Growth*) and is submitted to the Scottish Government for scrutiny and scoring. The PPF required to be submitted to the Scottish Government by 31st July 2023, and will thereafter be subject to peer review before formal scoring.
- 1.3 The Argyll and Bute PPF 2022/23 captures that our performance during 2022/23 has deteriorated in relation to the previous reporting period. The qualitative outcomes captured in the PPF also demonstrate that Planning Services are open for business by supporting sustainable economic growth, delivering high quality development outcomes on the ground and have sustainable management and service delivery structures/processes in place.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that PPSL:
- (a) Note the content of the Planning Performance Framework 2022/23; and,
 - (b) Note that an update report shall be submitted detailing Scottish Government feedback at the appropriate time later in 2023/24

3.0 DETAIL

- 3.1 This is the Planning Services 12th Annual Planning Performance Framework (PPF) and is our 'balanced scorecard' of performance that all Local Authorities must submit to the Scottish Government. The deadline for submission of the finalised report was 31st July 2023.

- 3.2 The PPF aims to be a holistic and easy read document that encapsulates the main statistical performance indicators as well as more qualitative information and case studies of good practice for the previous financial year. The basic structure of the document is stipulated by the Scottish Government but the character, tone, style and content is all shaped by the individual Authority.
- 3.3 The Scottish Government has previously suggested that Authorities use the PPF as more than a means of simply reporting performance and make use of the document as an opportunity to promote their service and local area, to incorporate customer feedback and to provide updated narrative on case study items from previous years. As in previous years, the 2022/23 PPF seeks to focus on the Council being 'open for business' and the positive economic contribution that Planning Services have made within Argyll and Bute.
- 3.4 Accordingly, the PPF presents case studies and examples of good practice throughout the document which demonstrates the ability of the Service to facilitate the delivery of high quality development on the ground, to provide certainty to developers and investors, to consult and engage with customers effectively and to ensure that appropriate management and service delivery structures are in place to work efficiently. During 2022/23 the resilience, effectiveness and efficiency of the Planning Service has been significantly affected by the continuing impact of a backlog of casework, and wider recruitment issues within the planning profession and accordingly the PPF includes commentary addressing those factors, and identifies a series of service improvements which include measures intended to address resourcing issues and improve performance.

4.0 IMPLICATIONS

4.1 Policy	None
4.2 Financial	None
4.3 Legal	None
4.4 HR	None
4.5 Equalities / Fairer Scotland Duty	Positive outcomes for FSD as the PPF demonstrates that the Planning Service supports sustainable economic development.
4.6 Risk	If the PPF were adjudged to be not fit for purpose there is potential reputational risk of being viewed as a poorly performing planning authority.
4.7 Climate Change	None
4.8 Customer Service	None

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

Policy Lead: Cllr Kieron Green

8th August 2023

For further information contact: Peter Bain – 01546 604204

APPENDICES

Appendix 1 – Planning Performance Framework 2022/23

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PLANNING PERFORMANCE FRAMEWORK 12

2022/23



About Argyll and Bute

Population (2019):

85,570

9%

Argyll and Bute as a proportion of the total Scottish land area.



43%

of Argyll and Bute's Population live in areas classified as "remote rural".

52

of Argyll and Bute's 125 data zones are amongst the 20% most geographically access deprived data zones in Scotland.

Scottish Index of Multiple Deprivation 2020

80%

of Argyll and Bute's population live within 1km of the coast.

Average Pop. Density (2019):

0.12

 persons per ha

21

Bute, Coll, Colonsay, Danna, Easdale, Eilean da Mheinn, Erraid, Gigha, Gometra, Iona, Islay, Jura, Kerrera, Lismore, Luìng, Mull, Oronsay, Seil, Shuna (Luìng), Tiree, Ulva

inhabited islands*

* not including LLTNP area

£536

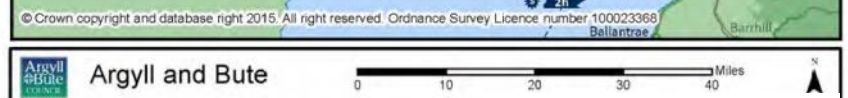
average weekly income

Compared to Scottish Average of £577, and UK Average of £688 (2019)

33%

of employment is in "Public Administration, Education and Health"

Compared to 29.8% in Scotland, 26.4% in UK (2018)



Front cover Image credits:

Main: DB3 Architecture & Design

Top: Bute Community Forest

Bottom: James Fraser

CHOOSE ARGYLL. LOVE ARGYLL.

Argyll and Bute Key Challenges:

Our geography – A highly rural area with many small communities, often separated by water. Access to the area and to key services are perennial challenges.

Reducing population – The projected decline in total population is a real threat to the viability of the area with a potential to adversely impact on the economy/wealth creation, workforce availability and efficient service delivery.

Changing population – With more extremes than most of Scotland we face increasing costs and challenges to deliver services to older people and we need to encourage younger people to move to the area so that our economy can grow.

Economy – Unlocking the opportunities offered by its significant, sustainable economic assets for the benefit of its communities and the competitiveness and security of the Scottish and EU economies.

Employment – Developing education, skills and training to maximise opportunities for all and create a workforce to support economic growth.



The Strand, Isle of Colonsay

Infrastructure – Improving and making better use of infrastructure in order to promote the conditions for economic growth including enhancing the built environment and our town centres.

Sustainability – Ensuring a sustainable future by protecting the natural environment and mitigating climate change.

Health – Improving health and well being and reducing health inequalities.

Deprivation – Inequalities exist in Argyll and Bute so we need to improve how we identify and implement action to address them.

People on the fringe – Many of our communities are very isolated and risk collapsing as population changes take affect alongside urban communities where deprivation can create real hardships.

Foreword:



Fergus Murray

**Head of Development &
Economic Growth**

Argyll and Bute Council

As the Head of Development and Economic Growth, I am pleased to submit the annual performance report for Argyll and Bute Council's Planning Service, which provides relevant statistics for 2022/23 and case studies highlighting the work of the council's planning service that forms part of the wider Development and Economic Growth Service of the council. This 12th Planning Performance Framework report is written at a time of sustained change in the Planning Service with new Government legislation and increased demands on the planning workforce. This has come at the same time of a number of global and national challenges that continues to impact on the wider development industry and our communities.

We continue to make investments in our places with the completion of the Helensburgh Waterfront project and Lochgilphead Front Green that have now received two national awards. This has also been an important year for community led development across Argyll and Bute with key projects delivered in partnership with planners and economic development colleagues. Projects as diverse as new campsites, business parks, affordable homes, spaceports, restoring peatlands and expanding natural forests. This work will gather momentum with new investments planned and successful funding bids looking at key worker housing and improvements to public realm and flood defences.

The council has now declared a housing emergency and this will require significant investment in unlocking sites for new homes and some radical thinking on how we can accelerate housing delivery. The situation has made more difficult by high inflation and increased borrowing costs but a wide range of partners are now involved to assist in this process. Another key aspect of this is the introduction of short term licensing and assessing the need for planning control zones as we consider new data emerging on second home ownership in many of our rural communities that also rely on tourism for a large share of our economic activity.

A key highlight this year has been our design awards that celebrated a number of first class and innovative building projects in places such as Iona, Tiree, Helensburgh and Dunoon to name a few places. Sustainability was at the heart of most of the award winning designs and this was the first time in seven years we were able to present the awards due to the pandemic and other factors getting in our way.

Our heritage investments and shopfront improvement schemes have helped support small businesses in our town centres and we continues to work with our growing network of BIDs.

Next year will again be hugely challenging for the Planning Service. Workloads remain high with major applications coming forward in renewables and energy, industry, housing and leisure. A new Local Development Plan (LDP2) is scheduled to be adopted in 2023/24 as we look to take on board the full implications of NPF4 and the new duties of the Planning Act. Experienced Planners are in short supply and whilst we have had some recent success in recruiting we are also looking still to expand our team at a time of great budget challenge for our authority and competition elsewhere. It is hoped that a new workplace action plan will assist us here including looking at streamlining our internal processes and improving communication with our customers.

A handwritten signature in purple ink, appearing to read 'Fergus Murray'.

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Part 1: Defining and Measuring a High Quality Planning Service

1.1 QUALITY OF OUTCOMES

1.1.1 Throughout 2022/23 the Planning Service has continued to work closely with communities, developers and partner organisations to deliver a range of developments across Argyll and Bute.

1.1.2 The [adopted Argyll and Bute Local Development Plan 2015](#) (the LDP) is firmly embedded into decision making with 12 key policies which seek to promote the delivery of sustainable long term economic growth to support the retention and growth of our population; to support the transition to a low carbon economy; to help retain and improve essential services; to protect and enhance our outstanding natural and built environment, and to maintain and improve our quality of life. Whilst the LDP is now more than five years old it is still considered fit for purpose in terms of decision making alongside NPF4 and will remain so until it is replaced by the [Argyll and Bute Proposed Local Development Plan 2](#) (PLDP2) which is now at an advanced stage in its preparation and has reached Examination stage (*it is noted that the Examination Report has subsequently been published by the DPEA in June 2023*).

1.1.3 Interpretation and implementation of the LDP policy aims is assisted by a suite of Supplementary Guidance and non-statutory Technical Working Notes. These include publications on: [Masterplanning](#), [Advertisement and Signage Policy](#), [Houses in Multiple Occupation](#), and a [Biodiversity Technical Note for Planners and Developers](#). In 2021/22 we published non-statutory guidance on the handling of requests for [Non-Material Amendments](#) under S64 of the Act was updated. Advice for communities interested in [Local Place Plans](#) was published also online during 2021/22 and updated during 2022/23 alongside the provision of [additional guidance](#) for elected members. Planning fee guidance was also updated in 2022/23.

1.1.4 The Council seeks to promote high quality design through the publication of [Sustainable Design Guidance](#) covering a range of topics including Small Scale Housing Development, Larger Housing Development, Working with Argyll and Bute's Built Heritage, Case Studies on Sustainable Materials and Technologies, and place specific guidance for the unique circumstances of the Islands of Coll and Tiree. Delivery of quality in design and place making is celebrated and championed through the Council's Sustainable Design Award scheme. The most recent iteration of the Sustainable Design Awards was launched in February 2020 but was subsequently postponed as a result of the Covid-19 pandemic. The [Argyll and Bute Design Awards 2022](#) were relaunched in October 2022 to recognise work that was carried out or completed in the period July 2015 to December 2022. The award categories included Sustainable Design, Aesthetic Design, Community Led Regeneration Project, Built Heritage, and Design for Under £100k, with two additional categories of a Public Choice and an Elected Member Choice. The range of categories are intended to highlight good practice across varying scales and types of development, and include for the promotion of low cost-innovative design, and community led developments. See **Case Study 3** for details.

1.1.5 There are [33 Conservation Area designations](#) across Argyll and Bute providing protection to the historic built environment. Where resources allow, the Council seeks to review and update the Conservation Area Appraisal and Character Evaluations that underpin the management of these designations and to support regeneration activity.

1.1.6 Through considered and targeted investment, the Council is continuing to develop, deliver and distribute funding to regeneration projects, the foundations of which support more attractive and prosperous places. A bespoke webpage. [Place Based Regeneration - Invest in Argyll \(investinargyllandbute.co.uk\)](#), provides information on the many ongoing and completed regeneration projects which are being delivered by teams across Argyll and Bute Council as well as by community groups. The projects which were developed and delivered by the Projects and Regeneration Team during 2022/23 are as follows:

[Dunoon CARS](#) - a partnership project with Historic Environment Scotland. To date this has delivered the completion of 3 priority buildings with a fourth building currently onsite, 6 full scale shopfront restorations and 7 Owners Associations formed with a total investment spend of £1.9 million. An additional £68,000 was secured to improve shopfronts and increase footfall into the town. So far this has seen an additional 32 grants processed for smaller scale shopfront improvements. During 2021/22 an allocation of £70,000 was made from the Place Based Investment funds towards improvements to Castle House Gate Lodge and its surrounds. Delivery of the CARS is continuing through 2022/23.

[Helensburgh CARS](#) - a £3m heritage-led regeneration project in partnership with Historic Environment Scotland. Three priority buildings have been granted funding and works are planned to commence early in 2024. One shopfront grant has also been awarded and works are commencing in Summer 2023. Small repairs discussions are continuing and it is hoped to progress this aspect during 2023/24. Discussions are currently ongoing to fund an apprenticeship in traditional building skills via the Developing Young Person's Programme, and other training events are being planned for 2023/24.

[Lochgilphead CARS](#) - a partnership project with Historic Environment Scotland with total investment spend of £2m. Two priority buildings are now on site. The remaining two priority buildings are currently in the development phase with an expected start date of Spring 2024. A small number of repair grants are being developed including some prominent shopfront improvement schemes. The [traditional skills training programme](#) is progressing well. Local contractors and building professionals have benefitted from a number of courses including Lead Working and Bossing Skills, and a Level 3 Award in Energy Efficiency. Additionally, over 100 high school students have participated in Construction Skills Demo Days.

[Rothesay Townscape Heritage 2](#) - a partnership project with National Lottery Heritage Fund, Historic Environment Scotland, Highlands & Islands Enterprise, LEADER and SUSTRANS. To date this has delivered completion of 8 priority buildings, 14 shopfronts, 10 small repairs and 2 window projects with total investment spend of £5.4m. The project is ongoing until the end of September 2023 due to delays arising from the Covid-19 pandemic. The project was supported by grant funding from Place Based Investment to help assist with rising construction costs.

[Lochgilphead Front Green](#) / [Lochgilphead Public Realm Works](#) - During 2022/23 the £1.6 million investment planned for the Front Green completed its construction phase delivering a revamped play area, new public square and new pathways which have opened up the Front Green to all. The site is identified as an Area for Action within the Local development Plan and the works

complement the previously completed Colchester Square and Argyll Street public realm improvements (see [PPF 9](#)) and the ongoing Lochgilphead CARS. The project has won the [Scotland Loves Local Awards 2022](#) category for [Streets and Spaces](#) in November 2022 and the [Landscaping/Public Realm](#) category of the [Scottish Design Awards 2023](#). See **Case Study 2** for details.

[Tarbert / Ardrishaig Regeneration](#) - Regeneration projects in Ardrishaig were reported on in [PPF 5](#), [PPF 6](#) and [PPF 9](#). During 2022/23 construction work on the [Ardrishaig North Public Realm](#) project commenced with a planned completion date of April 2023. The project will deliver environmental improvements to the waterfront including a waterside viewing area, improved pathways and a new public square adjacent to local community facilities. The site is identified as an Area for Action in the LDP.

[Place Based Investment](#) - The Place Based Investment (PBI) Fund, superseded the Town Centre fund in 2021, which the Scottish Government has committed to allocating on an annual basis over a five year period. Projects committed within the 2022/23 period are as follows:

£100,000 grant to [Oban Communities Trust](#) to create a new outdoor space, which will include a community wellbeing garden, amphitheatre style seating, new and resurfaced pathways and signage at the [Rockfield Centre](#) which will be utilised by the community as a place that enhances community wellbeing.

Working with [Isle of Bute BID](#) to deliver community-led ambitions of re-instating the fountain on Rothesay promenade through a £15,000 investment.

Supporting [South Islay Development](#) with a £44,000 grant for the [Port Ellen Playing Fields project](#). This project is funded primarily from the Regeneration Capital Grant Fund (RGCF) to deliver a Community Hub and Motorhome site which will empower an isolated and disadvantaged community to become sustainable through economic, physical and social regeneration, creating transformational change in a place where people want to live, work and invest.

Supporting [Tobermory Harbour Association](#) with a £140,000 grant to deliver the Pier and Quayside Restoration project element of the wider [Aros Waterfront Development](#). The Aros Waterfront Development is a long-term multiphase project with an overarching objective to create a hub for community well-being, outdoor activities, and educational opportunities, as well as opportunities for new enterprises and sustainable tourism experiences.

£100,000 investment to complete Phase 2 of the [Tobermory Harbour Wall and Railings Project](#) that has provided critical seafront infrastructure to the community of Tobermory by adding resilience against [tidal surges](#) and helping to reduce the impact of climate change.

A further £113,000 investment towards public realm enhancements in the masonry pier section of Helensburgh Pier. The project follows on from the Council's £22 million [Helensburgh Waterfront Development](#) project as it will uplift the pier's visual appearance including views out from the new swimming pool and gym.

£200,000 to assist with the delivery of [Lochgilphead Conservation Area Regeneration Scheme](#) (CARS). The funding was awarded as third party grants to owners of two priority buildings and enhanced project outcomes, helped safeguard two historic buildings and improved the appearance of the town.

Case Study 1

Dunbeg Masterplan - Update 2023

Themes	A: Quality of Outcomes				B: Quality of Services & Engagement			C: Governance				D: Culture of Continuous Improvement			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Performance Markers															
Key Areas of Work	Design, Masterplanning, Affordable Housing, Collaborative Working, Housing Supply, Community Engagement, Placemaking														
Stakeholders	Argyll and Bute Council, Scottish Government, LINK Housing, Local Community														
Project Lead	Matt Mulderrig														

In [PPF 8](#), [PPF 9](#), [PPF 10](#) and [PPF 11](#) we provided an update on the implementation of the [Dunbeg Masterplan](#), which focussed on the installation of essential infrastructure upgrades, and provided an overview of cross-service internal and external collaborative working arrangements that had been put in place to bring the project to fruition.



The project is being delivered through a strategic partnership between Argyll and Bute Council and [LINK Housing Association](#). The aim of the project was to provide a sympathetic extension to the existing settlement of Dunbeg and has taken a design-led approach in addressing the challenges presented by its rural location and coastal, moorland landscape to deliver a development with placemaking and connectivity firmly established in its foundation.

Completion of [Phase 3](#) properties has progressed well during 2022/23 and remains on track for all properties to be handed over by December 2023 which will bring the total number of properties delivered within the Dunbeg Extension to 375 so far. The project continues to face significant challenges with supply chains and workforce availability reflecting post-Covid impacts at national and global levels. The innovative design and layout of the development is now clearly starting to



emerge on the ground and the demand for housing for workers and students in the locality has been bolstered through further new developments in the immediate locality including [further investment and growth at the adjacent European Marine Science Park](#), and ongoing work to expand the offering of the [University of the Highlands and Islands](#) Dunbeg campus.



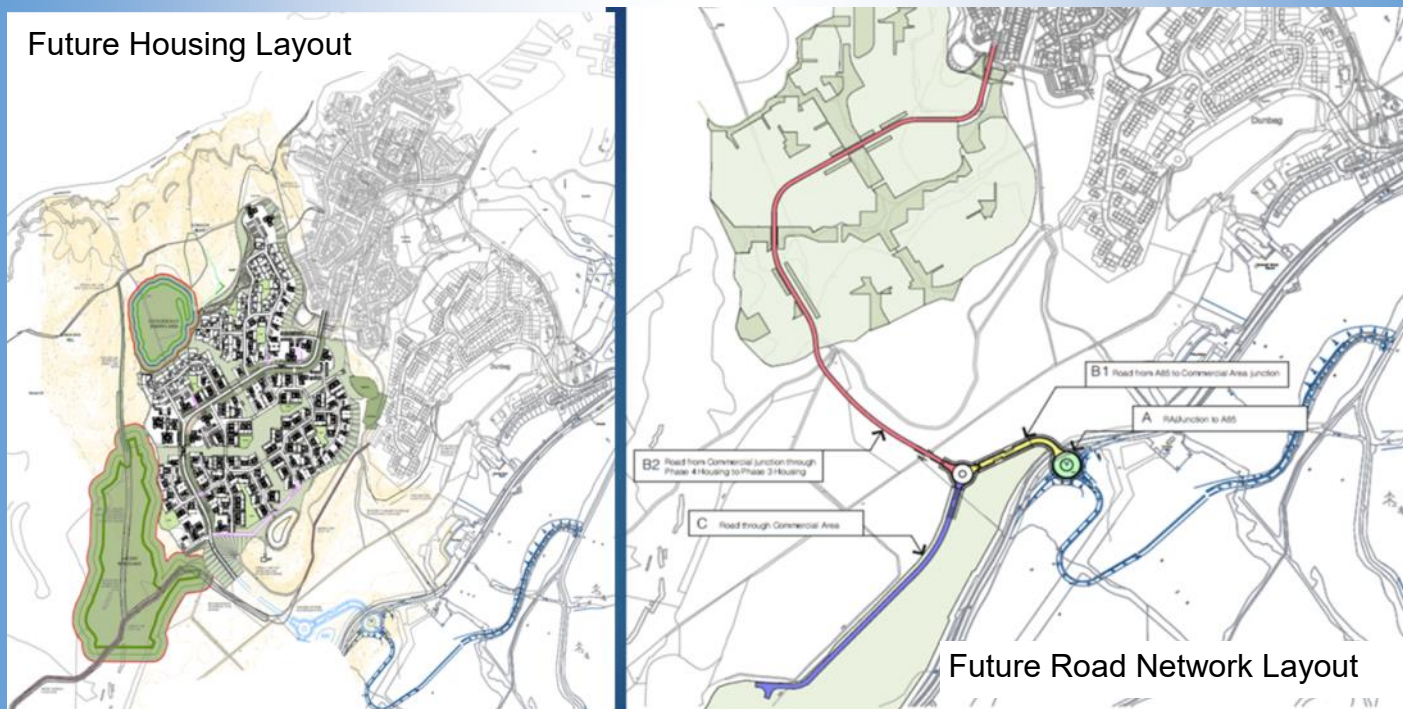
The Council will continue to work with key partners in the area to ensure that all sections of the housing market continue to meet demand as this is a key aim of the Council's [Rural Growth Deal](#).

The main focus during 2022/23 has been to develop further detail of future phases including housing, commercial and infrastructure development. LINK and the Council have worked in partnership to develop more detailed site investigation and understanding of the requirements of the development will require to take this into consideration. This partnership working has been extended to the community and key stakeholders, most notably



through holding quarterly Dunbeg Partnership meetings which allows the exchange of views and information in an open forum.

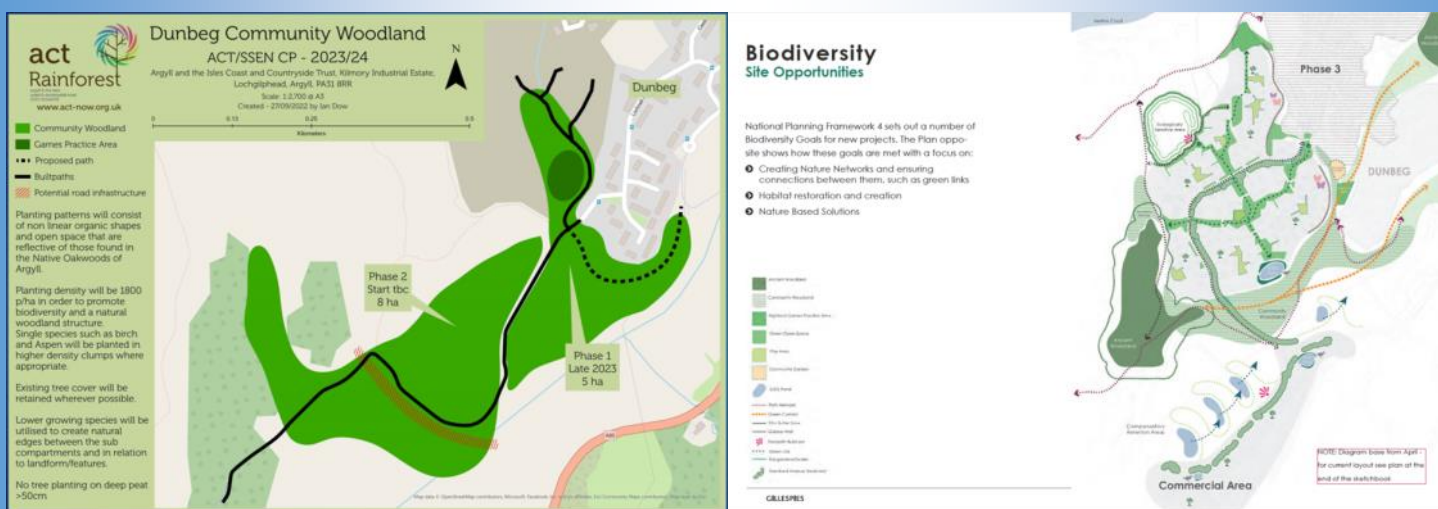
Development of a Transport Assessment and engagement with Transport Scotland has confirmed the Trunk Road junction design,



and time has been taken to assess and comply with the additional requirements of NPF4 including Biodiversity and Creating Nature Networks. Work is currently on track to submit planning applications for the residential, infrastructure and commercial developments in August 2023. It is anticipated that this will include approximately 430 new homes.

Work is also ongoing to create Dunbeg Community woodland working together with the Argyll Countryside Trust. The first phase of planting is programmed to take place during 2023 and there is potential for further phases to be delivered with future development.

The Council has continued to engage with Scottish Futures Trust and the Scottish Government to ensure that Lorn Arc TIF funding will remain available for the project, and it is anticipated that a Housing Infrastructure Fund bid will be made at the appropriate time.



[Hermitage Parks for People](#) - £3.9m project for the heritage-led regeneration of Hermitage Park. The project has been part funded by National Lottery Heritage Funding and is now reaching its final phase of implementation and is programmed for completion in December 2022 (extended due to the Covid-19 pandemic). In addition to work reported in the previous PPF, the project has continued to deliver assorted areas of new or improved planting and a demonstration garden with bespoke volunteer bothy (with funding from Place Based Investment). In June 2022 Hermitage Park was awarded its third consecutive [Green Flag status](#) recognising not only the park's green credentials but also the involvement of the [community](#) and educational link to the [University of the Highlands and Islands](#).

1.1.7 [In PPF 11](#), Case study 2 reported on partnership working between Argyll and Bute Council, Scottish and Southern Electricity Networks (SSEN), and the Argyll and the Isles Countryside Trust (ACT) in a project to create 30 hectares of native woodland as part of a compensatory planting arrangement. The merits of this ambitious project have since been recognised through being short-listed in three different awards including the [RSPB Nature Scotland Awards 2022](#), the [Scottish Green Energy Awards](#), and the [National Utility Awards](#).

1.1.8 Involvement of the Planning Service has been instrumental in facilitating a number of developments which have/will deliver new housing, infrastructure, schools, employment, renewable energy, and tourism accommodation/facilities.

1.2 QUALITY OF SERVICE AND ENGAGEMENT

1.2.1 The LDP and priorities of the Planning Service are closely aligned with the [Argyll and Bute Outcome Improvement Plan 2013-23](#) (previously known as the Single Outcome Agreement and Community Plan). The Outcome Improvement Plan remains the sovereign document and the LDP aims to translate its objectives into a deliverable spatial strategy. The Council's [Action Programme](#) is utilised to focus action on priority proposals and allocations, and to identify work which is required to enable development. The Council's internal key performance indicators for the Planning Service all directly tie in and seek to demonstrate a contribution to delivery of the [six long term outcomes](#) identified in the Outcome Improvement Plan. Case Studies 1 & 2 provide an example of these corporate aims being delivered on the ground by LDP policy.

1.2.2 [PLDP2](#) was submitted to the Scottish Government for Examination in early 2022 and subsequently the DPEA issued a statement of conformity. The publication of the Examination Report by the DPEA was however delayed by the progression of NPF4. In addition the Development Policy team has fully engaged with the Scottish Government on NPF4. An updated project plan for the [Development Plan Scheme](#) was last published in March 2022. *See also 1.1.2*

1.2.3 The Planning Service is located in various offices across the main settlements of Argyll and Bute providing relatively easy access to a large proportion of the population. Customers on remoter mainland and island locations are also able to access Council services at Customer Service Points. The Planning Service also provide website, e-mail, and telephone based services to customers, and continues to utilise social media as a means of public engagement. The Council's response to the Covid-19 pandemic involved the temporary closure of public offices and delivery of planning services via home working and digital communication channels; these arrangements have continued throughout 2022/23. The Planning Service has continued to engage in a wider corporate discussion within the Council on 'Our Modern Workplace' that is

exploring the potential to review future workplace arrangements through permanent home working / hybrid working arrangements, and rationalisation of the Council's portfolio of office accommodation.

1.2.4 The Planning Service, working in partnership with Regulatory Services, initially attained the [Customer Service Excellence Standard](#) in February 2019. An overview of the work undertaken to reach this attainment was set out in [PPF 8](#). The CSE Standard was retained following reassessment and confirmed in April 2021. A wider corporate review of how the CSE Standard is applied within the Council has precluded undertaking reassessment during 2022/23 however it is currently anticipated that this will be revisited during 2023/24 as part of a joint application by wider grouping of Council Services. A review and update of the Development Management Customer Service Charter will also be undertaken during 2023/24.

1.2.5 The Planning Service continues to build partnerships both internally and externally. The Development Policy and Development Management teams have close links and seek to co-ordinate activity/resources with Economic Growth, Projects and Regeneration, Building Standards, Rural Growth Deal, Environmental Health, Strategic Transport, Housing, Access, GIS and Coastal Development function which all sit under a single Head of Service. Departmentally the Planning Service is also aligned with Roads and Infrastructure under a single Executive Director. The Council Service structure facilitates partnership working and promotes symbiosis in working practice including the merging of Housing with Development Policy to better realise the synergies between these services in the delivery of effective affordable housing development and the [Strategic Housing Investment Plan](#) (SHIP). During 2022/23 the new Council has identified that one of its priorities is to deal with the shortage of housing which has become a critical issue within the area. An internal working group has been set up including senior officers from across all the Council's Services to identify potential solutions and possible interventions. This activity is seeing rapid progress with early quick wins including the refurbishment of a number of redundant Council properties brought back into active residential use by key workers, and being let in co-ordination with a local island Community Housing Trust. The Council has also set up a Data Advisory Group to improve our utilisation of digital information and improve the availability of real time information.

1.2.6 Customer User Forums have previously been held regularly as a joint exercise between the Development Management, Development Policy and Building Standards Services providing a co-ordinated approach to engagement with regular professional customers. The content of recent User Forums include updates on the PLDP2 process, validation standards, updates on changes to legislation, details of any revision to staffing and service delivery arrangements, performance appraisal, and details of recent publications/guidance. Whilst some local level engagement was undertaken during 2022/23 it is intended to reinstate Service level Customer User Forums during 2023/24.

1.2.7 In addition to engaging with individual companies on application specific issues, the Planning Service also seeks to engage directly with the aquaculture industry by arranging an annual liaison meeting with local industry representatives with hosting arrangements alternating between the Council and Industry. The event intended for 2019/20 was due to be organised and hosted by the Scottish Salmon Producers Organisation and has still to be revived following the Covid-19 pandemic. The agenda for the last meeting in 2018/19 meeting included an update on

LDP2, the [Clyde Marine Plan](#), Planning Performance, revised Industry Planning Protocols, discussion about [changes to SEPA's licensing regime](#) and its implications for planning, wild fish interactions, and updated EIA Regulations. In the interim meetings have continued with individual companies however it is hoped that the annual industry liaison meeting can be revived during 2023/24.

1.2.8 The Development Policy Service has developed a remote based assessment of housing land supply in order to verify that it is fit for purpose and does not act as an impediment to the delivery of new house building. This has allowed us to carry out a survey despite 'lockdown' restrictions. The Council continues to explore innovative ways in which it can contribute to or facilitate the further delivery of a variety of housing types as reported in [PPF 7.](#), and is meeting regularly with all local Registered Social Landlords (RSLs) to identify working groups as appropriate to find tailored solutions for site specific development impediments. A quarterly Housing Forum is chaired by the Leader of the Council. In addition the Council hosts a forum for Community Housing Trusts with as many as a dozen local communities either already having or planning to provide housing directly themselves. In one case this is being delivered in partnership with a key local employer helping to ensure that they can find accommodation for key workers. In partnership with our local HSCP, we are financing an additional Empty Homes Officer post who will assist in finding accommodation for key NHS workers.

1.2.9 The Council remains supportive of national efforts to roll out improved communications infrastructure. The Council's Digital Liaison Officer continues to provide assistance and single point contact for numerous consultants and monitors progress of telecommunications planning applications as they are developed, submitted and implemented, following internal protocols to engage planning officers with greater expertise in telecoms development when required. Feedback from consultants has been complimentary of the processes which the Council have implemented to assist in the progress of digital connectivity. EE/BT have previously commented positively on the streamlined process that the Planning Service have implemented in assisting in network coverage development. It has also been highlighted internally that cross departmental working will be intrinsic to the successful development of improved fibre penetration into rural communities given the challenges and, in some cases, short timeframes for implementation.

1.2.10 The Council recognises that it cannot work in isolation and that collaborative working will deliver the most productive outcomes for communities. Area regeneration efforts require substantial involvement from the community as a whole, and relies on private and third party partnerships and subsequent investment. The Council has previously reported on ongoing collaborative work with a number of housing sector partners to identify solutions that continue to deliver new homes where and when they are needed. Amongst others this includes [Mull and Iona Community Trust](#) who we are working with to develop a model where the Council can let them property to provide accommodation for key workers and temporary seasonal workers on the island of Mull; this is a new approach which is being piloted and will evolve as we learn. The Council has also worked with [Mull and Iona Community Trust](#) who are delivering improved shore side facilities at Ulva Ferry with the support of Regeneration Capital Grant Funding secured by the Council. [South Islay Development](#) are delivering a new community hub and motorhome facilities at Port Ellen with the support of the RCGF and Rural Tourism Infrastructure Fund, both of which are administered by the Council. We are also working with [Tiree Community Development Trust](#) who are developing new business units at Crossapol with the support of

RCGF; and RCGF funding was also secured during 2022/23 by Mull and Iona Community Trust for phase 2 of the [Nonhebal Business Park](#) and Tobermory Harbour Association for development of a water sports centre in Tobermory. The Council also supports, and works in partnership with the area's [Business Improvement Districts](#). These operate in Oban, Dunoon and Isle of Bute, delivering projects and events. There were two re-ballots in the year 2022-2023, which resulted in a third term for Oban and a second term for Dunoon.

1.2.11 During 2022/23 consultation was undertaken in relation to proposed public realm improvements at Gibraltar Street, Oban with two events held in June and November 2022. Consultation took place both online and with face to face engagement and has had a significant impact upon the final scheme which is to be delivered during 2023/24. The [Ardrishaig Public Realm](#) project which was onsite during 2022/23 followed the example of other recent capital projects by providing regular updates to both internal and external stakeholders throughout the construction phase.

1.2.12 The Development Management Service continues to offer a [pre-application and permitted development enquiry service](#). Previously we have reported on the introduction of charging, template responses and online submissions to provide timely, consistent, high quality advice to prospective developers through identification of relevant planning policies, constraints and requirement for supporting information in advance of the formal application process. The [Planning section of the Council website](#) includes useful customer information including advice on 'Permitted Development', relevant publications (including the LDP and non-statutory guidance), information on the planning process and details of how interested parties can engage with it. Customer feedback has however identified demand for a pre-app initiation and follow up advice service however plans to extend the range of services and undertake a full review and refresh of website content has not been possible to date due to limited resource availability and a wider corporate refresh of the website that has restricted the scope at Service level to amend online content whilst this process was underway and it will now be taken forward in 2023/24. Throughout 2022/23 details of disruption to the delivery of services and updated arrangements for contacting the Planning Service have continued to be published and kept up to date on the [Council's website](#).

1.2.13 Elected members remain involved at an early stage of an application for 'major' development and are provided with a briefing on all Proposal of Application Notices (PANs). This [protocol](#) requires all PANs to be reported to the PPSL Committee and allows Members the opportunity to identify matters which they consider would be material to the determination of any subsequent application. Any issues raised by Members are then fed back to the applicant to take into account in the preparation of their formal application. Commencement of s23 of the Planning (Scotland) Act 2019 has also introduced a new requirement to directly notify local, Scottish, and UK elected representatives when an application for Major development is received. The Council responded to this additional requirement through the introduction in 2019/20 of a new protocol providing notification to the relevant parties by e-mail.

1.2.14 We have reported in previous PPFs on the certainty provided through development of masterplans and LDP allocations. Recent years have seen development, including affordable housing, delivered within masterplan/LDP allocations in Bowmore, Campbeltown, Dunoon, Helensburgh, Lochgilphead, Inveraray, Port Ellen, and Tobermory and we reported in [PPF 7](#),

Case Study 2

Lochgilphead Front Green Regeneration

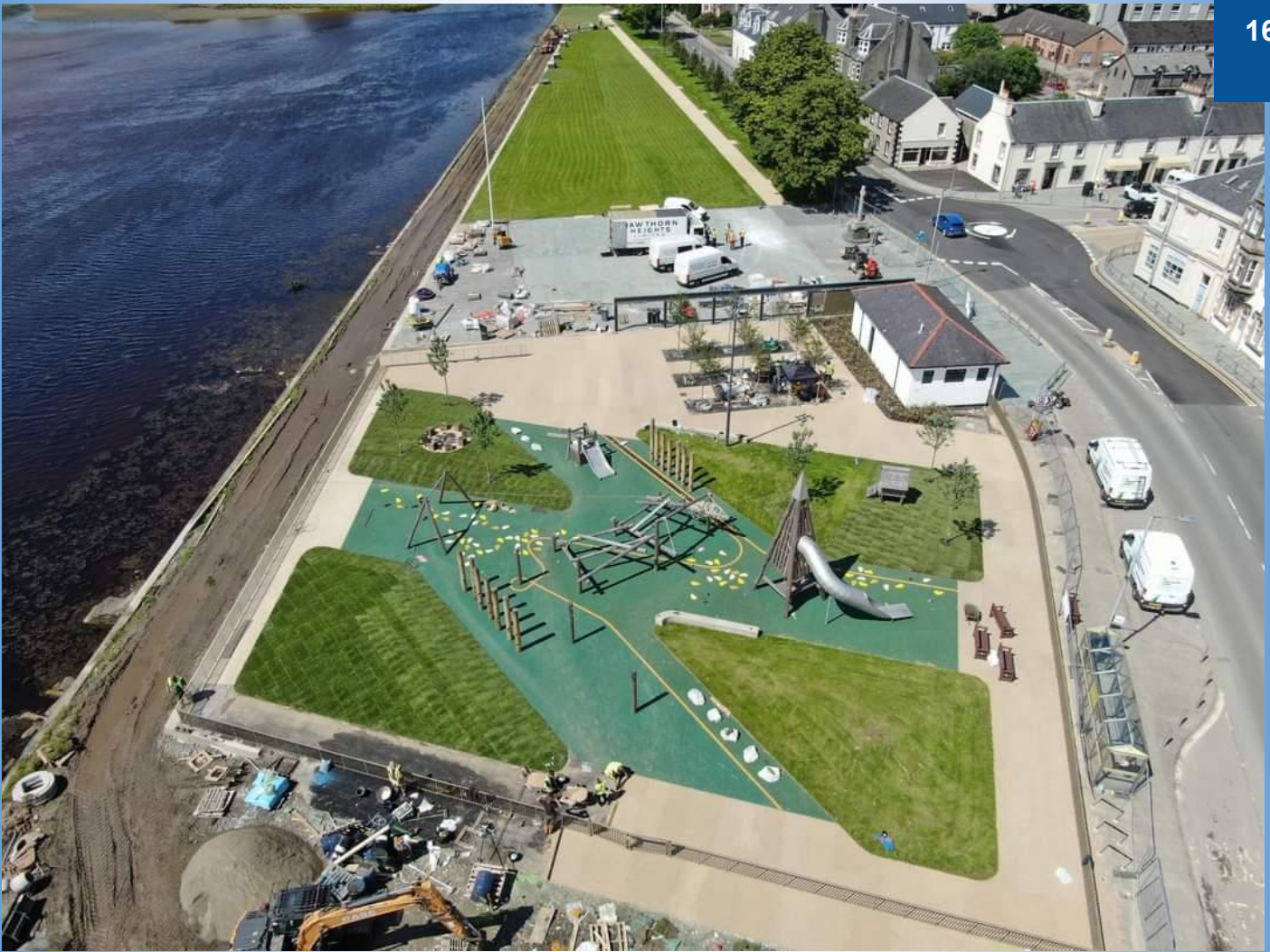
Themes	A: Quality of Outcomes				B: Quality of Services & Engagement			C: Governance				D: Culture of Continuous Improvement			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Performance Markers															
Key Areas of Work	Regeneration, Greenspace, Town Centres, Community Engagement, Placemaking, Design Workshops/Charrettes, Project Management														
Stakeholders	Argyll and Bute Council, Transport Scotland, Lochgilphead Community Council, Lochgilphead Phoenix Project														
Project Lead	Anna Watkiss														

In [PPF 10](#) and [PPF 11](#) we reported on the development and delivery of a £1.6 million pound investment in the redevelopment of the [Lochgilphead Front Green](#). This development was completed during Summer 2022. The project forms one part of a wider portfolio of work which has the aim of improving the environment and built heritage of Lochgilphead, other projects include the Colcheeter Square/ Argyll Street Public Realm Works, various shop front improvements and Lochgilphead CARS.



The project aim was to improve the Lochgilphead Front Green, a key site located within the Lochgilphead Conservation Area at the heart of the town centre and particularly prominent for those travelling through the town between the central belt to/from Kintyre and the Islands. The site was identified as an Area for Action within the current Local Development Plan and its predecessor. The longstanding ambition and continued desire to see the site enhanced was recorded through the [‘Rethink the Link’](#) Charrette held in 2016 and previously reported upon in [PPF 5](#) and [PPF 6](#).





Further engagement was undertaken with three public consultation events held between March and August 2019. These were well attended with hundreds of participants providing their views on the project and advising of the aspects that they liked and disliked. The information collected helped to shape the final project design which seeks to deliver the key elements which were identified by the local community as most important to them.

The project is funded by Argyll and Bute Council's [Tarbert and Lochgilphead Regeneration Fund](#), the Scottish Government's Cycling, Walking and Safer Routes and Town Centre Funds, Hi Trans, Lochgilphead Phoenix Project, and the Co-operative Local Community Fund.

Pre-app advice and planning permission for the project was sought and granted in 2019. The subsequent procurement process was severely impacted by the Covid-19 pandemic and resultantly was unable to be concluded until March 2021. Construction works commenced in May 2021 and completed in August 2022.

The project has delivered:

- A new public play park;



- 17 • A new public square where community events can take place. This is constructed from the same local stone as the retained War Memorial and which has also recently been used in public realm improvements to the adjacent Colchester Square and reported on in [PPF 10](#).
- Improved surface water drainage and added protection from flooding resulting from coastal storm surges;
 - Landscaping which retains the majority of the Front Green as an open grassed area;
 - Retention of the existing avenue of Chestnut trees along Poltalloch Street, and replacement of damaged trees with a more salt tolerant species, with additional tree and shrub planting around the play area.
 - Provision of new seating areas including a 200m long seating wall which performs the dual function of raising ground levels to reduce the impact of frequent storm surge flood events;
 - Provision of enhanced walking and cycling facilities; and,
 - Provision of new signage.

The project has contributed to the wider goals and outcomes of the Planning Service through supporting the delivery of town centre regeneration and place-making projects which supports Argyll and Bute to become a more attractive and prosperous place to work, live, visit and do business in. The project is specifically linked to meeting the aspirations set out for Area for Action 12/1 identified in the [Argyll and Bute Local Development Plan 2015](#).



The project has been well received and utilised by the local community and has demonstrated the positive benefits of delivering physical improvements to our built environment. The project has subsequently received national recognition picking up the [Streets and Spaces Award](#) at the

Scotland Loves Local Awards in November 2022, and more recently has won a Gold Award in the [Public Realm and Landscaping](#) category at the Scottish Design Awards 2023.



[PPF 8](#) and [PPF 9](#) that the Dunbeg masterplan area was the subject of a detailed application for 300 affordable dwelling units which is now on site. **Case Study 1** provides an update on activity at Dunbeg over the past 12 months where significant progress has been made toward delivery of 300 affordable houses with completion now anticipated during late 2023. In [PPF 11](#) we reported on a new masterplan for a designated Potential Development Area in [Scalasaig, Colonsay](#) to support community led aspirations spearheaded by the [Colonsay Community Development Company](#) in partnership with [MOWI](#) for social housing and economic development on the island and are pleased to report that during 2022/23 there has been significant progress on the implementation of housing development within this site with completion of phase 1 expected during 2023/24. 2022/23 has also seen planning permission granted for the delivery of [essential infrastructure and enabling](#) works within the [Kilmory Business Park Masterplan Area](#) in Lochgilphead, and a planning application submitted for [phase 4](#) of the [Bowmore Masterplan Area](#) along with the initiation of pre-application discussions on future phases of that development.

1.3 GOVERNANCE

1.3.1 Development Management and Development Policy items are reported to the centralised Planning, Protective Services and Licensing (PPSL) Committee which meets monthly (except for July) and convenes for site visits and discretionary Local Hearings as required. The PPSL Committee met on 11 occasions during 2022/23. Local Review Bodies operate flexibly to demand with 15 LRB meetings convened during 2022/23 in relation to 7 LRB cases. PPSL continued to operate in a virtual format during 2022/23 and continued to facilitate public access to meetings; although discretionary hearings have been held both in person and as virtual meetings. The Council has embraced the use of virtual meetings for committees and discretionary hearings, and whilst some concerns have been raised about the prospect of digital exclusion, experience to date would indicate that conducting Committee business online provides additional opportunities for participation, particularly for populations located in remoter mainland, and island locations. The [Full Council](#) decided in 2021/22 to augment this position with improved functionality, scope for hybrid meeting formats, and functionality for live streaming/broadcasting of Council meetings through recent approval of a roll out of MS Teams to replace Skype from August 2021.

1.3.2 The Council's [Scheme of Delegation](#) to officers was reviewed by Full Council and updated in [September 2022](#). The scheme of delegation continues to operate effectively with 98.2% of decisions being made under delegated powers in 2022/23. During this period 99.5% of applications were approved demonstrating the effectiveness of a plan-led system, flexible/pro-development policies which are aligned to the corporate priority of sustainable economic growth, and a commitment to delivering positive outcomes.

1.3.3 Argyll and Bute Council continues to face significant budget pressures with an estimated budget gap of more than £13 million in 2023/24 and more than £54.5 million for the period 2023-2028. The Council has already made £70 million of recurring savings since 2010-11. In previous PPFs we have outlined the significant contribution towards Council savings which have been delivered by both the Development Management and Development Policy Services over this period which has involved a downsizing of staff resource and the introduction of charging for a number of non-statutory services including the handling of pre-application enquiries and non-material amendments. The Covid pandemic also had a significant impact on resourcing with a substantial downturn in fee income experienced during both 2020/21 and 2021/22 impacting significantly on the ability of Planning Service to respond to these challenging circumstances. The reform of statutory planning fees from 1st April 2022 was therefore

particularly welcome and has partially addressed the concerns previously raised by the Council highlighting that the fees associated with local applications are insufficient to deliver a cost neutral service ([PPF 8 – Costing the Planning Service in Scotland](#)). Planning fee reform has delivered a marked increase in statutory fee income during 2022/23 but it remains evident that there is still a reliance on fee income from a small number of high value major applications to subsidise the wider delivery of the Council's Planning Service. In this respect it is highlighted that a more frequent review of statutory planning fees is necessary particularly in a climate where costs are rising on a regular basis - in this respect it is disappointing that the recent reform of planning fees did not make any provision for an annual increase in line with inflation. An improving financial position during 2022/23 has however better placed the Planning Service to review the availability of resources to address its current challenges which includes the processing of a significant backlog of planning application casework and succession planning with 2.5 additional fte posts being created during 2022/23 within the Development Management Service and a further 3fte to follow during 2023/24 along with 1 additional fte within the Development Policy Service demonstrating a commitment by the Council to reinvesting planning fee income in the longer term resourcing of both Services and improvement of service delivery. Budgets and efficiency measures continue to be considered at management meetings with updates provided regularly to the Executive Director and elected Policy Lead. Participation in the [Costing the Planning Service in Scotland](#) project, as detailed in [PPF 8](#), has confirmed that the cost efficiency of Argyll and Bute's Planning Service compares favourably with that of other Local Authorities and has provided additional insight to assist with budget planning for future years. The outcomes of this project were [reported to the Council's PPSL Committee](#) in June 2019.

1.3.4 During 2022/23 Planning Enforcement continued to be delivered by two dedicated Enforcement Officers based in Lochgilphead and Oban covering the West of Argyll and Bute with the undertaking of enforcement duties being combined with Development Management casework in the East of the Council area. It has however been identified during the development of the DM Service Transformation Action Plan that the provision of an additional dedicated enforcement resource to cover the East of Argyll would improve enforcement performance and release existing planning officer resource for other statutory casework. Funding has been agreed for this additional post in 2022/23 although recruitment and appointment will be undertaken during 2023/24. Enforcement is delivered on a priority basis which is set out in the [Enforcement and Monitoring Charter](#) which was reviewed, updated and approved in March 2022. The Council also published an [addendum to the](#) Charter in November 2020 which remained in force until 30th September 2022 clarifying the manner in which unauthorised development arising from a necessary response / unavoidable impacts of the Covid-19 pandemic was to be addressed in the planning enforcement process. The [temporary relaxation of planning enforcement in relation to town centre recovery from Covid-19](#) was adopted as a Position Statement in July 2020 under emergency powers, these provisions were subsequently extended up until 30th September 2022 following involvement of elected members.

1.3.5 The Planning Service continue to engage with key partners to facilitate a number of significant strategic development investments in and around Oban. These include Dunbeg, SAMS and the European Marine Science Park, Saulmore Golf and Marina Development, and Oban Airport Business Park. However there is a need to prioritise co-ordination and planning of long term strategic growth in the Ona area through development and production of the [Oban Strategic Development Framework](#). Preliminary work has begun on the OSDF which will continue throughout 2023 in order to allow wider engagement in 2024.

1.3.6 Changes to the Council's corporate structure in 2019 included the functions provided by Planning and Regulatory Services, and the Economic Development Service being brought under a single Head of Service which is now titled Development & Economic Growth. Whilst the corporate restructure was primarily intended to deliver budget savings the new service structure provides closer alignment and co-ordination of the Council's regulatory functions, including Development Management, with the Council's plan making, business support, and project delivery activities. Increasing reliance on virtual working has had the benefit of providing improved opportunities for collaboration and partnership working across Council services with virtual project teams capable of being readily assembled without the need for extensive travel and time demands. Examples of this approach include Rural Growth Deal Working Groups, the Council's Climate Change Board, and the Care Homes and Housing Programme Board which bring together stakeholders from across a number of Council Services and other key external agencies.

1.3.7 The Planning Service continues to engage with other Council Services through Area Property Action Groups (APAGs). This award winning approach and some of its successful, high quality outcomes have been highlighted within previous PPFs, and examples of this innovative, inter-disciplinary approach to problem solving have been highlighted in [PPF 8](#) and [PPF 11](#).

1.3.8 The Council continues to explore the delivery of shared services with other authorities. During 2022/23 the Planning Service has continued to share service delivery of Conservation and Design advice to Loch Lomond and the Trossachs National Park Authority, and has also delivered a small amount of charged Biodiversity consultancy. Collaboration with neighbouring authorities also remains ongoing and during 2022/23 this has included case officer discussion with the LLTNP on the administration of cross-boundary applications.

1.3.9 The Development Management Service continues to seek to review and refine existing processes to deliver efficiency savings and improve performance and outcomes for customers. During 2018/19 the Development Management Service invested and delivered an upgrade of Public Access improving stability of this customer engagement tool and allowing greater scope to improve the customer experience. The Service also invested in the purchase of IDOX Enterprise for Uniform during 2018/19 and undertook initial development work during 2019/20 however the development and roll out of Enterprise, which will implement improved workflow processes and performance management, was postponed during 2020/21 due resource implications arising from the Covid-19 pandemic. During 2021/22 a wider project involving Building Standards and Regulatory Services and led by ICT has been implemented to replace the existing Document Management System (DMS) to deliver improved functionality for both officers, stakeholders and the public; Planning and Regulatory Services have engaged with the Council's ICT Service to implement a project managed approach to development, implementation and roll out across three Council Services which was originally programmed for completion in 2022/23 but is now delayed into 2023/24 due to technical issues with the transfer of data into the new systems that requires to be resolved between the software providers. Initial implementation of Enterprise remains scheduled to run alongside completion of the DMS project and will also now take place during 2023/24. As previously reported in [PPF 10](#), the Covid-19 pandemic enforced a requirement to adapt to restrictions on travel and social distancing which expedited the adoption of online working practices, including online validation and e-decision notices, which will be retained in the long term.

1.3.10 All professional staff within Planning Services are provided with laptops to facilitate their ability to travel efficiently and work flexibly across the Council area. The Development Management Service invested in tablets which were deployed during 2020/21 to allow use of e-documents as a replacement for hard copy planning application documentation used for examination of plans outwith the office environment, and recording site visit activity. The Council's longer term investment in ICT that supports flexible working arrangements was crucial to our reaction to the Covid-19 pandemic and allowed the majority of Planning Services staff to seamlessly move to home working. Services providing frontline contact services now continue to provide a primarily virtual service although face to face engagement has resumed where required. In some instances this has involved the delivery of new solutions such as the utilisation of Health Service Near Me portal by the Council's Housing Service to deliver virtual face to face interviews with clients, and the further dissemination of smart phones.

1.3.11 Customer appetite for Processing Agreements remains indifferent. The Development Management Service did not determine any applications with a Processing Agreement during 2022/23 despite engaging with all applicants for Major development. Information on the availability of [Processing Agreements](#) is available on the Council's website, is highlighted in all pre-application reports, and has previously been promoted in User Forums.

1.3.12 Argyll and Bute Council has a [corporate complaints process](#); customer information is provided on the Council website and in customer Charters. All complaints are subject to performance reporting and 'Stage 2' complaints require review by senior management with the option to seek further review by the [Scottish Public Services Ombudsman](#) (SPSO) where customers are not satisfied with the outcome.

1.3.13 Legacy cases (applications which have been valid for more than 12 months) are reviewed regularly as part of caseload management however the resource required to undertake this proactive review has remained diminished during 2022/23 due to reduced staffing capacity. Ordinarily, caseload reviews on longstanding applications is undertaken weekly/biweekly at team level and monthly with involvement of a senior manager. During 2022/23, only 18 legacy applications were concluded representing a downturn on the previous period. The continuing legacy of the Covid-19 pandemic upon workflow, the continuing difficulty in recruiting to vacant posts and interruption of workflow caused by the introduction of NPF4 has all impacted on the capacity of the Development Management Service to determine planning applications during 2022/23 and has resulted in 60 additional legacy cases (125 legacy cases in total) accruing as of 31st March 2023. Ordinarily legacy cases are subject to regular review by the DM Management team and targeted for conclusion; however during both 2021/22 and 2022/23 a long term vacancy at Team Leader level and the impact that this has had on the wider DM Management team has precluded this as a regular activity. Gaps in the management team were eventually resolved in February 2023 closing off a 16 month period where the DM Management Team have operated short-handed. The return to a fully staffed DM management team is expected to result in a marked improvement in the handling of legacy applications during 2023/24.

1.3.14 Applications which are to be subject to planning legal agreements are flagged up on lists of undetermined applications to ensure that the progress can be reviewed on a regular basis, as noted in 1.3.13 above, a requirement to operate with long-term vacancies has reduced resources and availability of staff to undertake this activity. The average time period for processing applications with legal agreements increased from 33.6 weeks to 49.9 weeks during 2022/23.

Case Study 3

Argyll and Bute Design Awards 2022/23

Themes	A: Quality of Outcomes				B: Quality of Services & Engagement			C: Governance				D: Culture of Continuous Improvement			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Performance Markers															
Key Areas of Work	Design, Conservation														
Stakeholders	Elected Members, General Public, Local Developers, Architects/Agents														
Project Lead	Kim de Buiteleir														

The Argyll and Bute Design Awards 2022/23 were [re-launched](#) in September 2022 after being delayed by the Covid pandemic. This is the fourth iteration of an award scheme and covered projects completed between 2015 and 2022. The Awards promote the importance of design and sustainability and provide recognition to those who have managed to deliver high quality development within Argyll and Bute. The launch of the Awards was accompanied by a press release and creation of a [webpage for submission](#) of entries.

Almost 60 nominations were received across the six main categories which were judged by a panel comprised of both planning professionals and elected members who decided on the shortlist for each category and visited each property prior to their final deliberations. The shortlisted entries were also subject to separate votes in the Members Award and [Public Award](#) categories which were new additions this year which were intended to secure more direct public and elected member interest in the Awards.

The panel were impressed with the extremely high standard of entries and noted that a number of the projects have recently won or been shortlisted for other awards including the [RIAS Awards](#); [Heritage Angel Awards](#), and the [National Planning Awards](#).

The [Design Award Ceremony](#) was held in the Helensburgh Civic Centre. This was hosted by the Council's Chief Executive Officer, Pippa Milne and the Head of Development and Economic Growth Fergus Murray, in addition to the elected members and professional officers of the judging panel. Following the success and positive feedback on this year's award ceremony it is intended that the Design Awards will become a biannual fixture.

The Design Award Categories 2022/23:

- Sustainable Design
- Aesthetic Design (Large Scale)
- Aesthetic Design (Small Scale)
- Community Led Regeneration
- Built Heritage
- Design for Under £100,000
- Member's Award
- Public Award



Design Award Winners at the Award Ceremony

Public Choice Award Winner



Iona Abbey

Members' Choice Award Winner



Campbeltown Picture House

Sustainable Design Award Winner



Lochend

Community-Led Regeneration Award Winner



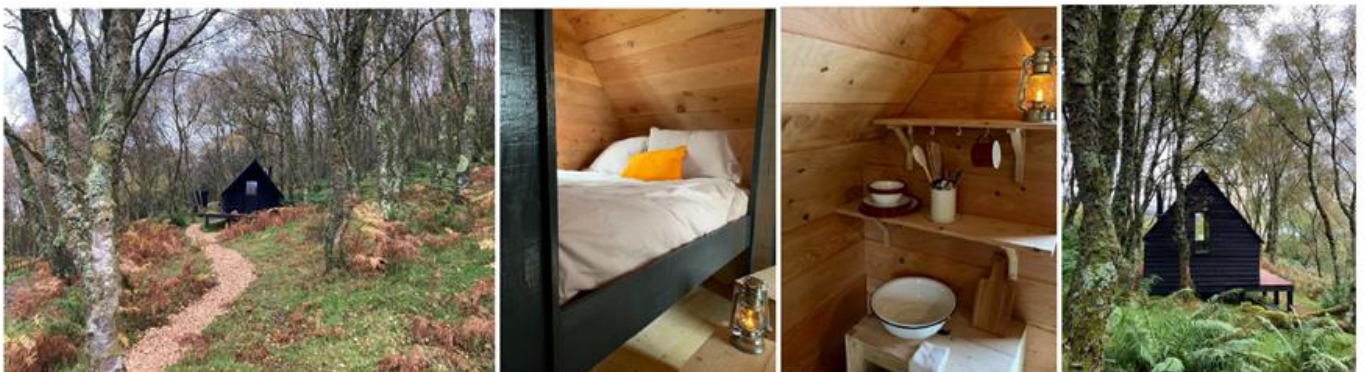
The Rockfield Centre

Community-Led Regeneration Certificate of Commendation



Dunoon Burgh Hall

Under £100,000 Award Winner



Charcoal Huts

Built Heritage Award Winner



Asknish House

Aesthetic Design (Large Scale) Award Winner



Iona Village Hall

Aesthetic Design (Large Scale) Award Certificate of Commendation



Helensburgh Leisure Centre

Aesthetic Design (Small Scale) Award Winner



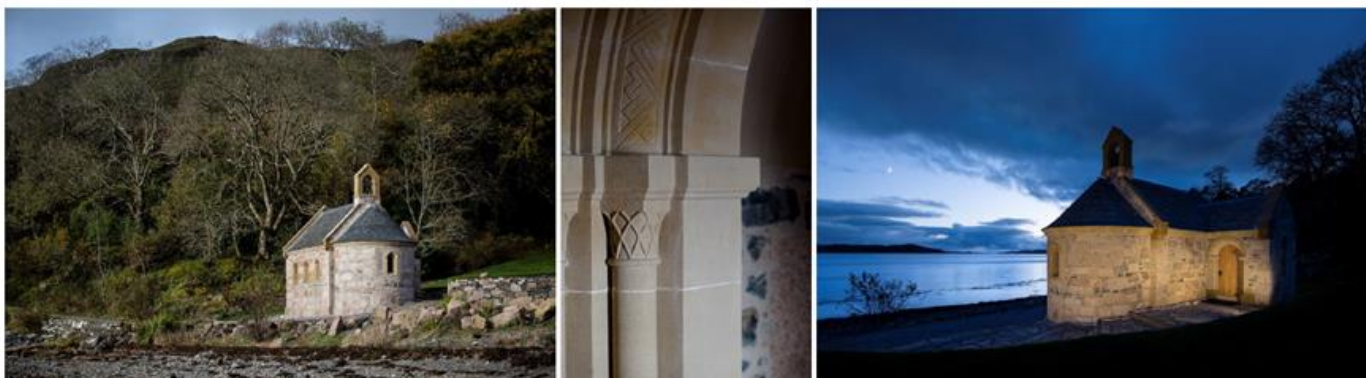
Taigh an Ailtire

Aesthetic Design (Small Scale) Award Certificate of Commendation



Eilean da Mheinn

Aesthetic Design (Small Scale) Award Certificate of Commendation



St Comghan's Chapel

1.3.15 An audit of the Council's system of internal control and governance in relation to planning applications within Council's internal audit plan for 2021/22. The internal audit was undertaken during 2022/23 and reviewed the planning application handling process to assess compliance with both statutory requirements and Council Policy. This included consideration of risks relating to the Council's ability to deliver core services as a result of the Covid pandemic, failure to meet statutory requirements, and performance monitoring. The internal audit confirmed that the Development Management Service was compliant in respect of these factors but highlight a requirement to update detailed procedure notes to reflect revised ways of working that had been introduced; this documentation will be updated alongside the introduction of new Enterprise workflow and a DMS during 2023/24 - see also 1.4.12.

1.4 CULTURE OF CONTINUOUS IMPROVEMENT

1.4.1 During 2022/23 the Planning Service delivered and progressed on a range of Improvement Actions identified in [PPF 11](#). An overview of progress is set out in Part 3 of this document.

1.4.2 The Council continues to benchmark its performance on the determination of planning applications against the National average and the performance of other rural local authorities.

1.4.3 Internally, team meetings are held on a regular basis. The Executive Director attends fortnightly Executive Leadership Team meetings. The Head of Development & Economic Growth attends the fortnightly Departmental Management Team meeting and monthly meetings of the Executive Leadership Team, provides a regular update to Policy Leads, and holds their own Service meetings on a regular basis. Service level management teams also meet regularly/quarterly; within Development Management area teams also meet weekly to assign casework, and review caseload performance.

1.4.4 In January 2022 the Council replaced a corporate requirement for all staff to prepare an annual Performance Review and Development plan (PRD). The new approach seeks to recognise that an annual PRD meeting was not always the best way to approach [performance and career](#) conversations and instead now recognises that conversations about objectives, behaviours, skills and development form part of an ongoing regular dialogue between employees and line managers although this will be supported by corporate activity monitoring outcomes in an annual survey of employers and managers.

1.4.5 Since 2014, the Planning Service has delivered a series of short training events for elected Members which are intended to improve their breadth of knowledge and competence in the undertaking of planning decisions. These are normally undertaken in bite size sessions in the hour prior to a meeting of the PPSL Committee but have also previously included half day workshops and site visits. Training has previously included Competent Motions, Aquaculture Development, Landscape Character Assessment, Low Carbon Technology, Food Growing Strategy, and an update on new legislation. In house planning training covering Development Planning, Development Management and Planning Enforcement was provided for all elected members following the Local Government Elections in May 2022. In addition to this, the member [training programme for 2022/23](#) included a detailed session on processing planning applications, a session provided by SEPA on managing flood risk, new regulations on the production of Local Development Plans, and National Planning Framework 4.

1.4.6 The Annual Planning Conference was held in March 2023 both at Helensburgh Civic Centre and online as a hybrid event for a second time. In comparison to the previous years conference, this year prompted a return to a large proportion of staff attending in person and was as a valuable opportunity to meet face to face, particularly for new members of staff. The conference was open to professional staff across the Council who engage in or with the planning process; the conference is promoted as a CPD event to staff in addition to an opportunity to recognise and promote collaborative working not only across the Council but also with other key stakeholders. With NPF4 having come into effect on a few weeks earlier and the Examination Report for PLDP2 anticipated, the changing policy landscape provided the main focus for the conference. The conference included presentations and workshop sessions focussing on Biodiversity, Huts and Soils. Officers were also provided with a presentation on the short listed entries for the Argyll and Bute Design Awards.

1.4.7 Planning Services representatives regularly attend meetings of [Heads of Planning Scotland](#) (inc. DM and DP subgroups), Scottish Planning Enforcement Forum, the Local Authority Aquaculture Forum, [Clyde Marine Planning Partnership](#), [West of Scotland Archaeology Service](#), and the e-Development/Digital Taskforce. During 2022/23 the Development Management Service has continued to have regular meetings with Highland's and Islands Enterprise, SEPA, Scottish and Southern Electricity Networks, and Forestry Scotland to discuss upcoming projects/casework, and to identify and prioritise resource for submission and determination of applications. Whilst it is recognised that there is a downside to the removal of face to face contact there is a significant time and cost saving for authorities like Argyll and Bute through removal/reduction in the significant travel requirements.

1.4.8 In addition to benchmarking performance, the Planning Service also seeks to engage directly with other local authorities to share best practice and develop new ways of working. Previously officers visited Dumfries and Galloway Council, and Glasgow City Council to learn from their experience in the development and roll out of bespoke IDOX Enterprise workflow systems; and more recently have engaged more widely with other rural local authorities on reviewing and updating procedures for handling Prior Notification/Prior Approval submissions, have provided advice to North Ayrshire Council and Loch Lomond and the Trossachs National Park to assist with their handling of aquaculture submissions/cross boundary applications.

1.4.9 Work to review and improve the rate of applications which are valid upon receipt has remained on hold due a lack of staff resource to progress this workstream although it is noted that issues relating to the resourcing and performance of the Central Validation Team (as reported in [PPF 11](#)) have been successfully resolved during 2022/23 with 1 additional fte recruited, and commitment of additional resource to fund overtime to deliver a return to undertaking a first check within 5 working days of receipt. The Development Management Service previously hosted a visit from Loch Lomond and the Trossachs National Park Authority in 2019/20 to compare arrangements, experience, and resources for the validation of planning applications. During 2020/21, the closure of Council offices required the rapid development and implementation of new process to facilitate home working in the validation process; limited office presence continues to be maintained to manage incoming/outgoing hardcopy mail (including issue of neighbour notifications), and for the conversion of hardcopy submissions into electronic workflow upon receipt. 2022/23 has however seen an improvement in the percentage of applications valid upon receipt which are up from 18% (in 2021/22) to 30.6%.

1.4.10 The Planning Service have engaged with/contributed to Scottish Government consultations, in particular during 2022/23 to the consultation on [Local Development Plan Evidence Report—Defining Gypsies and Travellers](#); in recent times input has also been provided on [Local Place Plan Regulations](#), [Short Term Lets](#), [Onshore Wind Policy Statement](#), [Local Development Planning Regulations and Guidance](#), [Open Space Strategies](#), [Draft Heat Networks Delivery Plan](#), [Marine Litter Strategy](#), [A New Deal for Tenants](#) and [NPF4](#). We have also engaged with the [Independent review of the Current Regulatory Framework for Aquaculture](#) with consultations by other National agencies including SEPA's [Proposals for a Risk-Based Framework for Managing Interaction Between Sea-Lice and Wild Atlantic Salmon](#), and with the Improvement Service on [20 Minute Neighbourhoods in Rural and Island Areas](#).

1.4.11 Aquaculture is an area of planning that relatively few authorities have expertise in. Argyll and Bute is one of five Scottish Local Authorities that deal with the majority of fin fish planning applications. The aquaculture industry is currently seeking to expand into new locations across Scotland to meet national growth targets. In [PPF 8](#) we reported that we had provided assistance to colleagues in North Ayrshire Council and Loch Lomond and the Trossachs National Park following receipt of EIA Screening and Scoping requests for aquaculture development within their respective areas and informal support has continued to be provided during 2021/22 as these projects progressed to formal applications. In 2019/20 Argyll and Bute took up the role of Chair within Local Authority Aquaculture-working group, an online event was held in 2021 however a resumption of the group as a physical meeting with site visit learning opportunities was undertaken in September 2022, see **Case Study 4** for details. Officers also continue to participate in the Fish Welfare Multiagency group which is hosted by the Department for Environment Food & Rural Affairs (DEFRA) and includes Marine Scotland, SEPA, and Local Authority representatives from both a planning and animal welfare perspective.

1.4.12 We reported in [PPF 8](#) and [PPF 9](#) of investment in updated software/systems to deliver a more resilient Public Access service resulting in the availability of the Public Access system rising to 99.9% for the second half of 2018/19. Whilst issues with the day to day resilience of this service have been addressed there is now a focus on delivering improvements to the usability of the Public Access System. It has been identified that delivery of the desired improvements are very much dependent on providing improved compatibility with back office Document Management Systems (DMS) and accordingly work has been progressed with IT, Building Standards and Regulatory Services a project was planned and initiated during 2021/22 to move to the IDOX DMS that will enable improvements to Public Access but also to the functionality of other existing back office workflow systems across a range of Council services. The project has been delayed by matters outwith the Council's control and has been rescheduled for completion in 2023/24.

1.4.13 Internal processes for handling pre-applications and the management of e-mail correspondence and file attachments were subject to review and updating throughout 2019/20 having regard to the implications of [GDPR](#) with updated data retention policies, procedure notes for staff and training sessions delivered, and deletion of data/documents that no longer required be held from systems was undertaken during 2020/21. Enforced homeworking arrangements implemented in response to Covid-19 restrictions have resulted in new workflow processes that remove/minimise the requirement for hardcopy process in mail handling, issuing of decision being expedited in their development in order to allow the planning process to continue operating

during 'lockdown', a lack of staff resource has however to date precluded the further development of a number of temporary processes put in place. The requirement to update detailed procedure notes to reflect new ways of working was highlighted as an improvement action from the internal audit (see para 1.3.14) undertaken during 2022/23 and the production of a new user manual has been identified as a requirement to accompany the implementation of new back office systems (see. 1.4.12).

1.4.14 The online and mobile capabilities of the Council's Geographic Information Systems (GIS) continue to be developed saving officer time and providing customers with quicker access to information. In PPF 9 we reported that the GIS team [developed the 'story map' for the proposed LDP 2 public consultation](#), and enhanced the photographic data layer in the [online map](#) based footpath guide to include key view points from an increasing number of paths. The GIS team also played a valuable role in the Council's response planning to the Covid-19 pandemic and have assisted with a great many of the planning and logistical challenges that have arisen. During 2021/22 the team have continued work to enhance the [Strategic Housing Investment Plan](#) (SHIP) with [enhanced GIS functionality](#) which is now being used to facilitate easier and earlier identification of impediments to development within the SHIP programme. The GIS team has developed a GIS based Storymap which allows spatial analysis of all RSL stock, new builds, ongoing and future development sites. This is an invaluable input to updating and planning the annual SHIP. As this is further developed it will also be launched online. Going forwards the service is seeking to replicate this for all housing tenures in order to further inform our understanding and analysis of the housing market within Argyll and Bute.

1.4.15 Engagement with Forestry Scotland was initiated during 2020/21 on a review of the effectiveness of consultation with the Council on proposals for new plantations, forest accesses, and long term forest plans. This workstream has however been put on hold during 2021/22 due to a lack of resources although liaison meetings with Forestry on other matters has continued. Once completed it is expected to deliver a streamlined consultation process with improved quality of consultation response that is tailored to meet the requirements of Forestry Scotland officers in their assessment of planning proposals. The publication of technical note on Upland Hill Tracks has been progressed and was intended to be completed for publication concurrently with completion of this workstream but has been placed on hold indefinitely following announcement by the Scottish Government in November 2019 that related 'permitted development rights' would be subject to an upcoming review.

1.4.16 The Planning Service has engaged with consultation on both planning controls and licencing for short-term letting, and form part of the Council's working group involving Legal, Regulatory Services, Housing and external stakeholders which will initially seek to implement a licencing scheme from 1st October 2022 and then consider the requirement for planning control areas in the medium to longer-term. In the short term it has been identified that, in the absence of national guidance, local advice requires to be provided by the Council for both officers and the public on planning requirements for short-term lets outwith control areas. During 2022/23, internal guidance has been prepared to assist in the provision of planning responses to STL Licence consultations. Further guidance is also being prepared to respond to the updated policy position set out in NPF4 and will be published in 2023/24.

Case Study 6

Local Authority Officers Aquaculture Working Group

Themes	A: Quality of Outcomes				B: Quality of Services & Engagement			C: Governance				D: Culture of Continuous Improvement			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Performance Markers															
Key Areas of Work	Interdisciplinary Working, Collaborative Working, Staff Training, Skills Sharing														
Stakeholders	Argyll and Bute Council, Scottish Local Authorities, Scottish Government, Marine Scotland, Crown Estate														
Project Lead	Sandra Davies / Peter Bain														

The Council's Planning Service continues to invest significant officer time and effort into supporting the sustainable growth of marine finfish and shellfish aquaculture across Argyll and Bute.

Officers from both the Development Management and Development Policy Services are members of the Local Authority Officers Aquaculture Working Group which also includes officers from Highland, Orkney, Shetland and the Western Isles. The working group was originally established in response to legislative change that brought marine aquaculture activity under direct planning control with a view to sharing good practice and ensuring a consistency of approach and delivery of planning services. The group has since established itself as a body of expertise which has not only informed the reform of planning legislation in relation to planning requirements for aquaculture development but has also provided a local authority representation to a number of the various steering groups and parliamentary committees which have and continue to discuss the salmon farming industry.



Scottish Sea Farms Hatchery Visit

Prior to the Covid pandemic, the Local Authority Officer group held an annual meeting which included site visits to operational aquaculture facilities providing opportunities for CPD and sharing of good practice. Argyll and Bute Council took over the chair of the Local Authority Officers group in 2019/20 and an online meeting was held in 2021. The annual meeting was reinstated as a face to face event with a two day conference held in Oban in September 2022 and funded by a grant from the Scottish Government. The event was attended by seventeen delegates with representatives from all five of the Local Authorities with a significant interest in aquaculture along with representatives from the Scottish Government, Marine Scotland, and the Crown Estate.

The agenda included discussion on application of the revised planning fee regime to shellfish and prospect for future amendment, procedural issues raised by recent casework, a discussion on the issue of potential health implications from the release of fish farm medications upon wild swimmers, the handling of planning enforcement for aquaculture, interim measures and emerging new provisions in relation to the management of sea lice including a presentation from SEPA on the emerging Sea Lice Framework, and ongoing matters relating to regulatory review. The conference concluded with an opportunity for delegates to tour Scottish Sea Farms onshore hatchery at Barcaldine.

Part 2: Supporting Evidence & Performance Markers

Wherever possible weblinks have been provided within the body text of the report.

This report was compiled drawing on evidence from a variety of sources including:

- [Argyll and Bute Outcome Improvement Plan 2013-2023](#)
- [Argyll and Bute - Economic Development Action Plan 2016 - 2021](#)
- [Argyll and Bute—Renewable Energy Action Plan](#)
- [Argyll and Bute Local Development Plan 2015](#)
- [Argyll and Bute Local Development Plan 2 Development Plan Scheme March 2022](#)
- [Argyll and Bute - Main Issues Report 2017](#)
- [Argyll and Bute Council Website](#)
- [Argyll and Bute Council Monitoring and Enforcement Charter March 2022 & Covid-19 Addendum](#)
- [Argyll and Bute Council Planning Performance Framework Online Publication/Archive](#)
- [Argyll and Bute Council, PPSL Committee Minutes](#)
- [Argyll and Bute Council Scheme of Administration and Delegation](#)
- [Argyll and Bute Council, Development & Economic Growth Service Plan 2020-23](#)
- [Argyll and Bute Housing Land Audit 2021](#)
- A range of committee reports
- Customer feedback
- Reports from IDOX Uniform
- [Scottish Government Statistical Returns](#)

Case Study Topics	Issue covered by Case Study No.	Case Study Topics	Issue covered by Case Study No.	Case Study Topics	Issue covered by Case Study No.
Design	1, 3	Affordable Housing		Performance Monitoring	
Climate Change		Economic Development		Process Improvement	
Conservation		Enforcement		Project Management	2
Biodiversity		Development Management Processes		Skills Sharing	4
Regeneration	2	Planning Applications		Staff Training	4
Environment		Interdisciplinary Working	4	Online Systems	
Greenspace	2	Collaborative Working	1, 4	Data & Information	
Town Centres	2	Community Engagement	1, 2	Digital Practice	
Masterplanning	1	Placemaking	1	Transport	
LDP & Supplementary Guidance		Design Workshops/ Charrettes	2	Other	
Housing Supply		Place Standard			

PERFORMANCE MARKERS REPORT 2022/23

	PERFORMANCE MARKER	EVIDENCE / COMMENTS
1.	Decision-making: Authorities demonstrating continuous evidence of reducing average timescales for all development types.	Part 4—Table B & Part 5—Table A. Contextual commentary setting out factors affecting performance on decision-making are set out under Part 5 C and also within Case Study 5.
2.	Project management: Offer of processing agreements (or other agreed project plan) made to prospective applicants in all major applications <u>and</u> availability publicised on planning authority website.	Part 1—1.3.11 Processing Agreements for major and 'locally significant' developments are promoted through pre-application discussion, user forums and online. Argyll and Bute Council - Processing Agreements
3.	Early Collaboration with applicants and consultees on planning applications: <ul style="list-style-type: none"> • Availability and promotion of pre-application discussion for all prospective applications. • Clear and proportionate requests for supporting information. 	Part 1—1.2.12 Case Studies 1 & 2 & Part 4 - Table B The Development Management Service provides a pre-application advice service . This is promoted on the Council website, through user forums, and by officers when engaged by prospective applicants. Pre-application assessment of proposals seeks to identify all relevant issues which will be material to the determination of a subsequent application, and will involve engagement with consultees where appropriate. The report template issued to applicants was revised during 17/18 to include a dedicated section identifying the requirement for supporting information - this list is populated following a review of relevant planning constraints and the advice of consultees (including other Council Services) to ensure that any request for further information is specific and proportionate to the development proposed. Where applicants do not engage at pre-application stage a similar approach is undertaken to identify issues and any requirement for further information at an early stage in the handling of the application. Applications are validated against the National Validation Standard published by HoPS to ensure that submissions and requirements for supporting information are quality checked on a consistent basis. This document is also promoted and published on the Council website to assist applicants in the preparation of their application. During 2021/22 updated guidance on the submission and processing of applications under S64 of the Act was prepared and published.
4.	Legal agreements: Conclude (or reconsider) applications within 6 months of 'resolving to grant'.	Part 1—1.3.13 & Part 5—Table A Applications subject to legal agreements were determined with an average time period of 49.9 weeks during 2022/23. Applications requiring a legal agreement are reviewed regularly and are highlighted on officers outstanding items case lists.

	PERFORMANCE MARKER	EVIDENCE / COMMENTS
5.	Enforcement charter: updated / republished.	Part 1—1.3.4 Part 4—Table C, Case Study 5 The Planning Enforcement and Monitoring Charter was reviewed and updated in March 2022. In 2020/21 the Charter was augmented by a Position Statement on the temporary relaxation of planning control within town centres, and an addendum to the Charter covering more general Covid-19 related issues both of which remained in place until 30th September 2022.
6.	Continuous improvement: <ul style="list-style-type: none"> Show progress/improvement in relation to PPF National Headline Indicators; Progress ambitious and relevant service improvement commitments identified through PPF report. 	Part 4—Tables A, B, C & Context D, Case Study 5. The legacy impact of the Covid-19 pandemic on workflow and a lack of availability of planning professionals has continued to have a significant adverse effect upon performance of decision-making timescales during 2021/22. Part 3 details previous and committed Service Improvements. Contextual commentary on delivery/identification of improvements is included within: Part 1—1.1.4, 1.1.6 1.2.2, 1.2.4, 1.2.6, 1.2.12, 1.3.3, 1.3.4, 1.3.9, 1.3.10, 1.3.13, 1.3.14, 1.4.2, 1.4.3, 1.4.8, 1.4.9, 1.4.12, 1.4.13, 1.4.15, 1.4.16, Case Studies 2 & 3, and Part 5 Table A
7.	Local Development Plan: Less than 5 years from adoption.	The Local Development Plan was adopted in 2015. Argyll and Bute Local Development Plan 2015
8.	Development plan scheme: Demonstrates next LDP <ul style="list-style-type: none"> On course for adoption within 5 year cycle. Project planned and expected to be delivered to planned timescale. 	LDP2 is project planned with careful management and reporting of any adjustments, at 31.03.2023 LDP 2 was at Examination stage and is currently scheduled for adoption in 2023 - see Part 1 - 1.2.2 Argyll and Bute Local Development Plan Scheme March 2022 <i>It is further noted that the DPEA published the Examination Report for LDP2 on 9th June 2023.</i>
9.	Elected members engaged early (pre- MIR) in development plan preparation: <i>if plan has been at pre-MIR stage during reporting year.</i>	N/a
10.	Measure no longer required - numbering maintained for data continuity	N/a

	PERFORMANCE MARKER	EVIDENCE / COMMENTS
11.	Production of regular and proportionate policy, advice, for example through supplementary guidance, on information required to support applications.	<p>The Make a Planning Application section of the Council website provides applicants with information that they need to consider before making an application, this includes updated planning fee guidance.</p> <p>Argyll and Bute - Planning Application Info</p> <p>The Central Validation Team contributed to the development of and have subsequently adopted the National Validation Standard published by HoPS in 2017. Officers have participated in HoPS ongoing review of this document during 2020/21. Part 1 - 1.4.9</p> <p>HoPS National Validation Standard</p> <p>Supplementary non-statutory planning guidance is reviewed and updated regularly. Current publications include Houses in Multiple Occupation, and Advertisements, Masterplanning, and Biodiversity. During 2021/22 the Council has published updated guidance on S64 submissions and Local Place Plans.</p>
12.	Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined up services; single contact; joint pre-application advice.)	Part 1 - 1.1.6, 1.2.1, 1.2.3, 1.2.4, 1.2.5, 1.2.6, 1.2.8, 1.2.9, 1.2.10, 1.2.11, 1.2.12, 1.2.13, 1.2.14, 1.2.15, 1.3.1, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.12, 1.4.3, 1.4.5, 1.4.6, 1.4.12, 1.4.13, 1.4.15, 1.4.16, 1.4.18 & Case Studies 1, 2, 4
13.	Sharing good practice, skills and knowledge between authorities.	Part 1 - 1.1.3, 1.1.4, 1.1.6, 1.2.7, 1.2.15, 1.3.8, 1.4.2, 1.4.6, 1.4.7, 1.4.8, 1.4.9, 1.4.10, 1.4.12, 1.4.17, 1.4.18 & Case Study 4
14.	Stalled sites / legacy cases: Conclusion / withdrawal of planning applications more than one year old.	<p>Part 1 - 1.3.13, 1.3.14, Part 3, Part 4 - Table B, & Part 5 C</p> <p>During 2022/23 18 legacy cases were cleared. At 31st March 2022 there were 125 'live' legacy applications undetermined. The declining performance on this measure has been identified as a specific area for improvement in 2023/24</p>
15.	Developer contributions: Clear expectations set out in development plan and in pre-application discussions.	<p>The adopted Local Development Plan sets out expectations in respect of Developer Contributions for affordable housing and green / play space and is supported by Supplementary Guidance which sets out that the Council will seek appropriate elements of planning gain proportionate to the scale, nature, impact and planning purposes associated with the development.</p> <p>Where Developer Contributions are required these will be flagged up at pre-application stage where applicable, or where no pre-application engagement is sought then officers will seek to make the developer aware of the requirement and justification for any developer contribution as soon as such a requirement is identified in the assessment process.</p> <p>The Council has reviewed its approach to Developer Contributions and has set out a specific policy approach to this issue within PLDP 2 (proposed Policy 48) Where appropriate the Council shall seek appropriate developer contributions in liaison with participating partners and developers which are proportionate to the nature, impact and planning purposes associated with the development, and shall be in accord with the Policy Tests set out in Circular 3/2012.</p>

Part 3: Service Improvements

UPDATE ON DELIVERY ON SERVICE IMPROVEMENTS ACTIONS FOR 2022/23

SERVICE IMPROVEMENT	STATUS / EVIDENCE
1. Retain Customer Service Excellence Award	On Hold - Revised action for 2023/24 see Part 1 - 1.2.4
2. Deliver LDP 2	Progressing - Adoption planned late 2023 - see Part 1 - 1.2.2, Part 2 - KPI Table (8), Part 4 - Table A & C
3. Run Sustainable Design Awards	Completed - see Part 1 - 1.1.4 and Case Study 3
4. Production of Short Term Letting Planning Guidance	Progressing - see Part 1 - 1.4.16
5. Production of Hill Tracks Guidance (<i>subject to Scottish Government review of 'PDR'</i>)	On Hold - Awaiting outcome of Scottish Government review of 'Permitted Development Rights' - see Part 1 - 1.4.15
6. Implement improved workflow and performance management systems within the Development Management Service (<i>project initiated 2021/22 to replace existing systems with IDOX Enterprise and DMS</i>)	Progressing - Part 1 - 1.3.9, 1.3.10, 1.3.13, 1.3.14, 1.4.2, 1.4.3, 1.4.8, 1.4.9, 1.4.12, 1.4.13
7. Review of Validation Processes (<i>on-going engagement with regular customers and review/promotion of HoPS National Validation Standards to improve proportion of applications valid upon receipt</i>)	On Hold - see Part 1 - 1.4.9
8. Deliver Dunoon CARS (Conservation Area Regeneration Scheme) project (<i>ongoing - 90% delivery complete</i>)	Progressing - see Part 1 - 1.1.6
9. Deliver Rothesay TH (Townscape Heritage) project (<i>ongoing - completion due 2022/23</i>)	Progressing - see Part 1 - 1.1.6
10. Deliver Ardrishaig Public Realm Works (<i>programmed to commence 2022/23</i>)	Progressing - see Part 1 - 1.1.6
11. Deliver Lochilphead CARS (Conservation Area Regeneration Scheme) (<i>project ongoing - 15% complete</i>)	Progressing - see Part 1 - 1.1.6
12. Deliver Lochilphead Front Green Public Realm Works (<i>project ongoing—due completion in 2022/23</i>)	Completed - see Part 1 - 1.1.6 and Case Study 2

COMMITTED SERVICE IMPROVEMENTS TO BE DELIVERED IN 2023/24

SERVICE IMPROVEMENT	STATUS / BACKGROUND
1. Delivery of LDP 2 to Adoption	<i>Ongoing</i> - see Part 1 - 1.2.2, Part 5 C, and <i>Argyll and Bute Local Development Plan Scheme March 2022</i>
2. Production and Publication of Short Term Letting Planning Guidance	<i>Ongoing</i> re-scheduled for completion in 2023/24 - see Part 1 - 1.4.16
3. Production of Hill Tracks Guidance	<i>On Hold during 2022/23</i> to be progressed subject to Scottish Government delivery of review of 'PDR' - see Part 1 - 1.4.15
4. Implement Improved Workflow and Performance Management Systems within the Development Management Service (<i>replace existing systems with IDOX Enterprise and DMS</i>)	<i>Ongoing project initiated 2021/22</i> see Part 1 - 1.3.9, 1.3.10, 1.3.13, 1.3.14, 1.4.2, 1.4.3, 1.4.8, 1.4.9, 1.4.12, 1.4.13)
5. Review of Validation Processes (<i>engagement with regular customers and review/promotion of HoPS National Validation Standards to improve proportion of applications valid upon receipt</i>)	<i>On Hold during 2022/23</i> see Part 1 - 1.4.9
6. Performance Improvement for Development Management (<i>demonstrate improving trends in determination time periods, reducing volume of case work backlog and legacy cases during 2023/24</i>)	<i>New Action</i> forming part of wider Transformational Action Plan for Development Management see Part 1 - 1.3.3, 1.3.13, 1.3.14, and Part 5 A and C
7. Undertake a Review and Implement a Refresh of the Pre-application Enquiry Service	<i>New Action</i> forming part of wider Transformational Action Plan for Development Management see Part 1 - 1.1.12
8. Review and Implement an Updated Customer Charter for the Development Management Service / Renew Customer Service Charter	<i>Revised Action</i> - see 1.2.4
9. Review and Update Planning Enforcement Charter	<i>New Action</i> programmed to be completed by March 2024 see Part 1 - 1.3.4, and Part 4 C
10. Re-establish Customer User Forums during 2023/24	<i>New Action</i> - see Part 1 - 1.2.6
11. Create and Recruit 5 fte New Posts in Development Management and 1fte in Development Policy	<i>New Action</i> forming part of wider Transformational Action Plan for Development Management see Part 1 - 1.3.3, 1.3.4, Part 5 C and Part 6
12. Deliver Rothesay TH (Townscape Heritage) project	<i>Ongoing Project</i> see Part 1 - 1.1.6
13. Deliver Ardrishaig Public Realm Works	<i>Ongoing Project</i> programmed to complete in 2023/24 see Part 1 - 1.1.6
14. Deliver Lochilphead CARS (<i>Conservation Area Regeneration Scheme</i>)	<i>Ongoing Project</i> see Part 1 - 1.1.6
15. Deliver Helensburgh CARS (<i>Conservation Area Regeneration Scheme</i>)	<i>Ongoing Project</i> see Part 1 - 1.1.6
16. Deliver Dunoon CARS (<i>Conservation Area Regeneration Scheme</i>)	<i>Ongoing Project</i> see Part 1 - 1.1.6

Part 4: National Headline Indicators (NHI's) 2022/23

A: KEY OUTCOMES—DEVELOPMENT PLANNING	2022/23	2021/22
Local and Strategic Development Planning		
Age of local development plan(s) at end of reporting period. <i>Requirement: less than 5 years.</i>	8 years	7 years
Will the local development plan(s) be replaced by their 5th anniversary according to the current development plan scheme?	No	No
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	No	Yes
Were development plan scheme engagement / consultation commitments met during the year?	Yes	Yes
Effective Land Supply and Delivery of Outputs		
Housing approvals	302 units	507 units
Housing completions over the last 5 years	1367 units	1201 units
Marketable employment land supply	83.98 ha	85.0 ha
Employment land take-up during the reporting period ¹	0.8 ha	0.7 ha
B: KEY OUTCOMES—DEVELOPMENT MANAGEMENT	2022/23	2021/22
Project Planning		
Percentage and number of applications subject to pre-application advice	Data incomplete ²	7%(84)
Percentage and number of major applications subject to processing agreement	-	-
Decision Making		
Application approval rate	99.5%	98.0%
Delegation rate	98.2%	97.7%
Validation	30.6%	19.2%
Decision-making Timescales		
Major Developments ³	43.1 weeks	40.8 weeks
Local Developments (non-householder)	16.3 weeks	13.6 weeks
Householder Developments	12.7 weeks	10.3 weeks
Legacy Cases		
Number cleared during reporting period	18	27
Number remaining	125	65
C: KEY OUTCOMES—ENFORCEMENT	2022/23	2021/22
Time since <u>enforcement charter</u> published / reviewed	16 months	1 months
Complaints lodged and investigated	184	228
Breaches identified - No further action taken	135 - 49	177 - 51
Cases Closed	85	109
Notices served	18	18
Direct Action	0	0
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

D: NHI KEY OUTCOMES COMMENTARY:

1. It is noted that this NHI is not wholly reflective of the uptake of employment land within Argyll and Bute where the rural nature of the Council area and local economy stimulates demand for development in locations that are not readily addressed through take up of allocated land. The Council's settlement strategy seeks to promote sustainable economic development and focuses allocation of employment land in and around existing key settlements where there is demand of employment, existing housing provision and infrastructure to support new development. The LDP does however recognise that the requirements of traditional rural industries, particularly those which are island based including the whisky industry and aquaculture, will give rise to occasional demand for development in countryside locations - our settlement strategy is sufficiently flexible to accommodate this demand but it also means that take up of land for employment purposes is not wholly captured in the NHIs.
2. It has been established that this data set is incomplete and does not currently provide an accurate reflection of the number of planning applications that have been subject to pre-application advice. 570 pre-application enquiries were received during the reporting period, this figure is representative of 54.7% of the volume of statutory determinations within the same period.
3. It is noted that the data subset for 'major' applications is small and easily skewed. Contextual commentary on other factors affecting decision-making timescales are set out within Part 5 C of the report.

Part 5: Official Statistics

A: DECISION-MAKING TIMESCALES (based on 'all applications' timescales)						
Timescales	2022/23		2022/23		2021/22	
	No of Cases (%)		Weeks		Weeks	
Overall						
Major developments	8		43.1		40.8	
Local developments (non-householder)	533		16.3		13.6	
• Local: less than 2 months	205 (38.5%)		6.6		7.1	
• Local: more than 2 months	328 (61.5%)		22.4		13.6	
Householder developments	300		12.7		10.3	
• Local: less than 2 months	112 (37.3%)		6.8		7.0	
• Local: more than 2 months	188 (62.7%)		16.2		18.8	
Housing Developments						
Major	1		46.6		76.3	
Local housing developments	235		16.6		13.1	
• Local: less than 2 months	96 (40.9%)		6.7		7.2	
• Local: more than 2 months	139 (59.1%)		23.5		18.8	
Business and Industry						
Major	-		-		9.7	
Local business and industry developments	17		19.5		11.9	
• Local: less than 2 months	4 (23.5%)		6.9		7.3	
• Local: more than 2 months	13 (76.5%)		23.4		14.2	
EIA Developments						
EIA Developments	1		15.0		25.2	
Other Consents						
Other Consents	109		14.4		13.0	
Planning / Legal Agreements						
Planning / Legal Agreements	5		49.9		33.6	
• Major: average time	1		85.4		76.3	
• Local: average time	4		41.0		30.3	
B: DECISION-MAKING: LOCAL REVIEWS AND APPEALS						
Type	Total Number of Decisions	Original Decision Upheld				
		2022/23		2021/22		
		No.	%	No.	%	
Local reviews	2	2	100	6	33.3	
Appeals to Scottish Ministers	3	1	33.3	1	20.0	

C: Context

Development Management Service:

Argyll and Bute Council's Development Management Service continues to process planning applications with the aspiration to deliver positive outcomes in all cases. This approach is reflected in our high approval rates but is often achieved by providing applicants with additional time beyond prescribed statutory determination periods where this is required to negotiate and address resolvable deficiencies in their submissions. Whilst it is recognised that this approach can have a negative impact upon performance in decision-making time periods it is contended that this is outweighed by the economic benefits of delivering on improved development proposals which might not otherwise have obtained permission had the Council sought to determine within prescribed statutory time periods; additionally resources required to handle amended applications, appeal and LRB work is minimised.

Service delivery arrangements continue to be impacted by the legacy impact of the Covid-19 pandemic; in particular the Service is experiencing a high volume of demand as a wide range of major developments delayed by the pandemic have sought planning permission during 2022/23. This period of high demand has coincided with a period of high staff turnover, continued difficulties in recruiting in a market where there is a lack of available planning professionals (an issue known to be a national rather than local issue and are discussed by Heads of Planning Scotland and the RTPI in their [Future Planners Project Report July 2022](#)) and higher absence rates attributable to stress related illness. During this period the Service has required to operate with vacancies in key positions for extended periods of time in some cases for 16 months. The resilience of the Service to operate efficiently with reduced resource and high volume of casework had already been eroded through previous requirements to make budget cuts and reduce staffing numbers in previous years. Whilst temporary measures have been taken to maintain a critical level of service delivery through use of overtime and use of external resources to process planning applications it is expected that overall performance will remain impacted until staffing issues are addressed through filling of vacancies. The Scottish Government's reform of statutory planning fees from 1st April 2022 is welcomed but came too late to factor into budget plans for 2022/23. A resultant significant increase in planning fee income has however been monitored during the course of the last financial year and has provided confidence to support a business case which will see an increase staff resource within DM with two new posts created within the Major Applications team during 2022/23 and additional posts planned in 2023/24 to bolster enforcement and validation functions.

The ongoing issues in relation to the management of a significant backlog of casework and reduced staffing arising from recruitment difficulties has continued to have an adverse impact upon performance of the DM Service and in particular the time taken for determination of planning applications. The continued deterioration in performance has been highlighted at a high level with regular reports provided to both Executive Management and Elected Members and has informed the initiation of a programme of transformational actions which will include review and addressing of resourcing issues, internal processes and procedures, attraction of new staff and staff retention, development, morale and mental health, and communication and engagement with customers and stakeholders that will be further developed and implemented during 2023/24 with the primary purpose of improving performance and efficiency of service delivery.

Development Policy Service:

Progression of LDP2 during 2022/23 has been on hold whilst awaiting the publication of DPEA Examination Report. During this hiatus the DP team have progressed the development of draft guidance in anticipation of the Reporters comments; this work will support LDP2 upon its adoption. The publication of NPF4 in November 2022 delayed the issue of the Examination Report and the DP Team were required to respond to a variety of information requests issued by the DPEA in response to new matters raised by NPF4. It is noted that the Examination Report was subsequently published in May 2023 and will allow progression of LDP2 toward adoption later in the year.

It should be noted that until the new Local Development Plan (LDP2) is adopted, the current Local Development Plan's (the Argyll and Bute Local Development Plan 2015) statutory status remains, including that of the associated Supplementary Guidance. The current LDPs made plans for ten years from adoption, so until 2025, and are still considered to be robust. The LDP contains an effective land supply with the latest [Housing Land Audit](#) showing an effective supply of 3738 units or 5.02 years supply as at 1 April 2022, thus taking us to 2026 well beyond the proposed adoption date of LDP2. The proposed growth areas of Tobermory – Dalmally and Helensburgh and Lomond have sufficient supply to take us beyond the adoption of LDP2. Planning applications will continue to be processed as normal during the delay period, being assessed against the Adopted plan. An updated [Development Plan Scheme](#) was approved by elected members in March 2022 that re-programmed the planned adoption date to early 2023, this period has however been impacted by delays in the publication of the Examination Report by the DPEA.

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Part 6: Workforce Information (at 31.03.23)

	Tier 1 <i>Chief Executive</i>	Tier 2 <i>Director</i>	Tier 3 <i>Head of Service</i>	Tier 4 <i>Manager</i>
Head of Planning Service			☑	

RTPI Qualified Staff	Number
Head of Service	1
Development Management	12
Development Policy	4
Enforcement	2
Projects and Regeneration	3

Staff Age Profile	%
Under 30	3.5
30 - 39	17.2
40 - 49	27.6
50 and over	51.7

Staff Structure Diagrams as at 31.03.2023

Service Overview

Planning Services includes:

Development Management;

Development Policy & Housing; and

Projects and Regeneration.

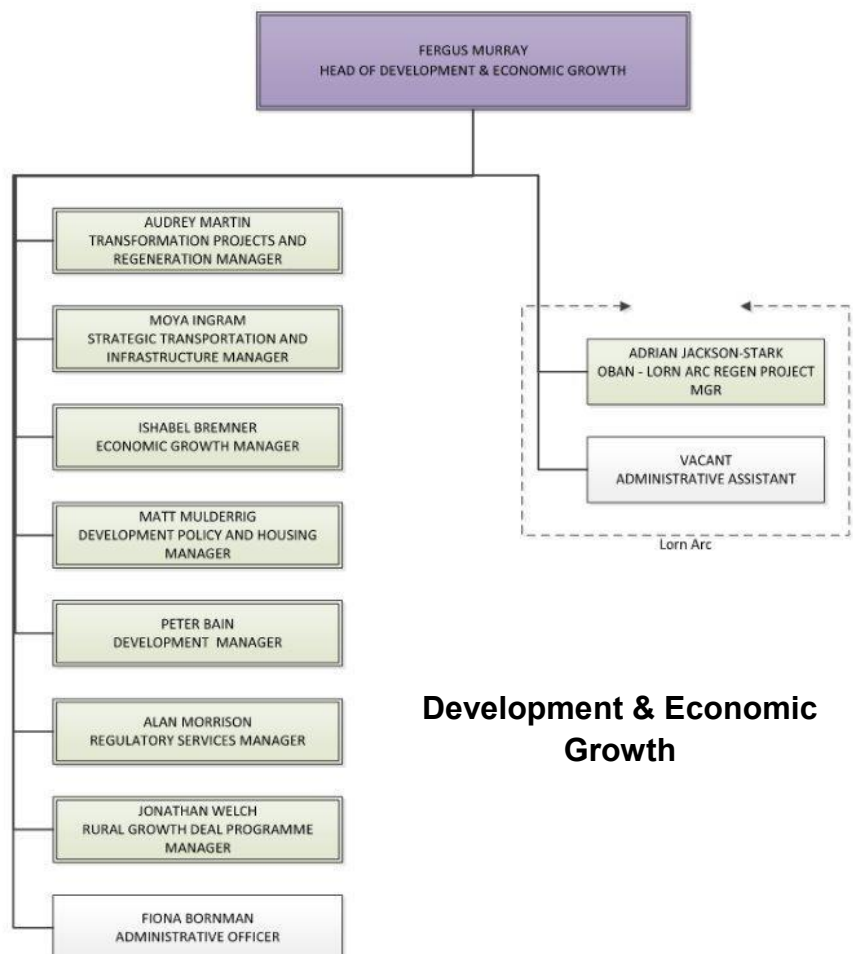
Planning Services sit within the Development & Infrastructure Services Department, and within the portfolio of the Head of Development & Economic Growth which also includes responsibility for the complimentary activities of:

Regulatory Services;

Economic Growth;

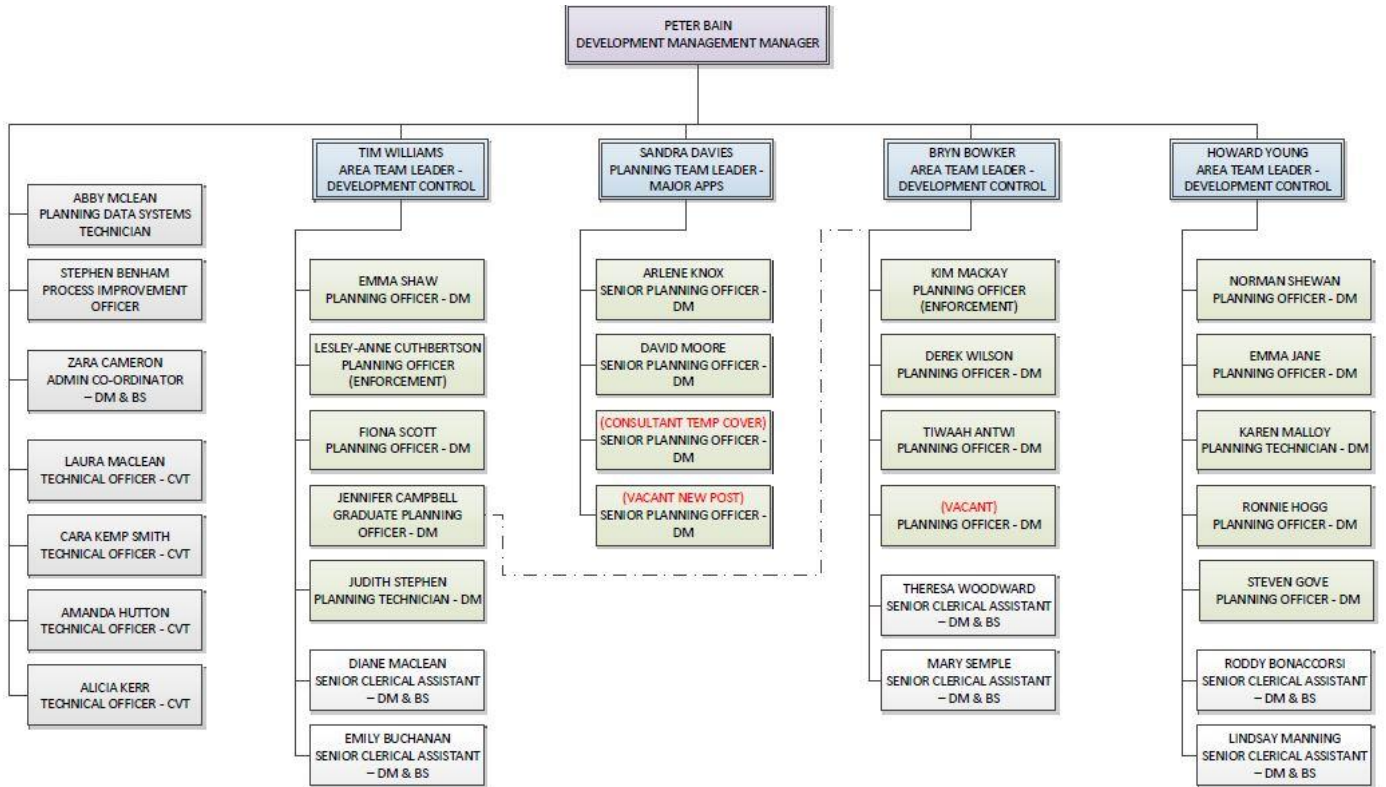
Rural Growth Deal Programme;

Strategic Transportation & Infrastructure; and, project specific activity relating to Oban Strategic Development Framework including Lorn Arc regeneration activities.

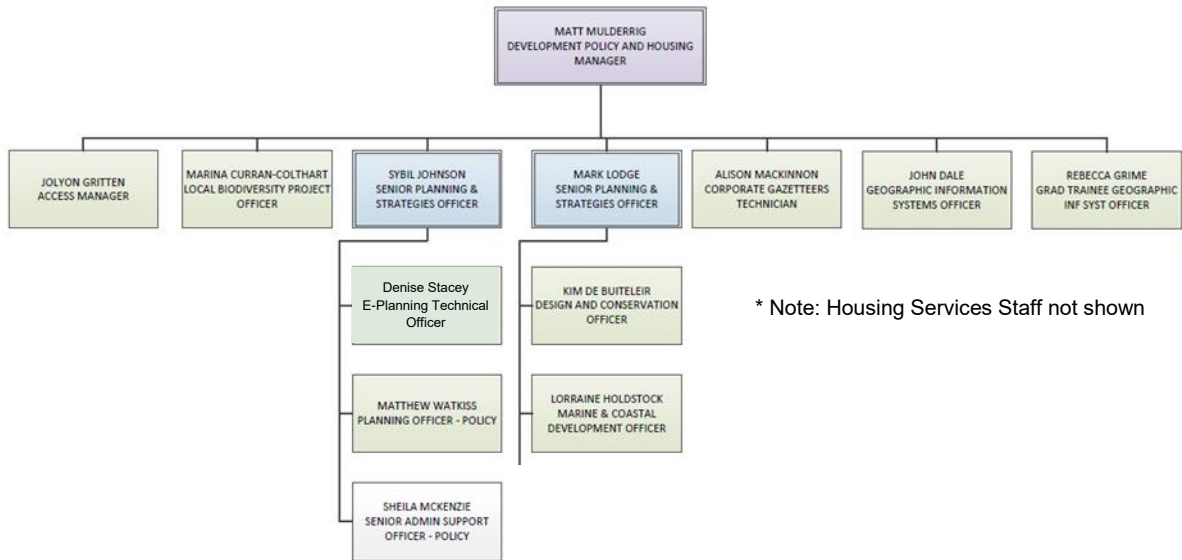


Development & Economic Growth

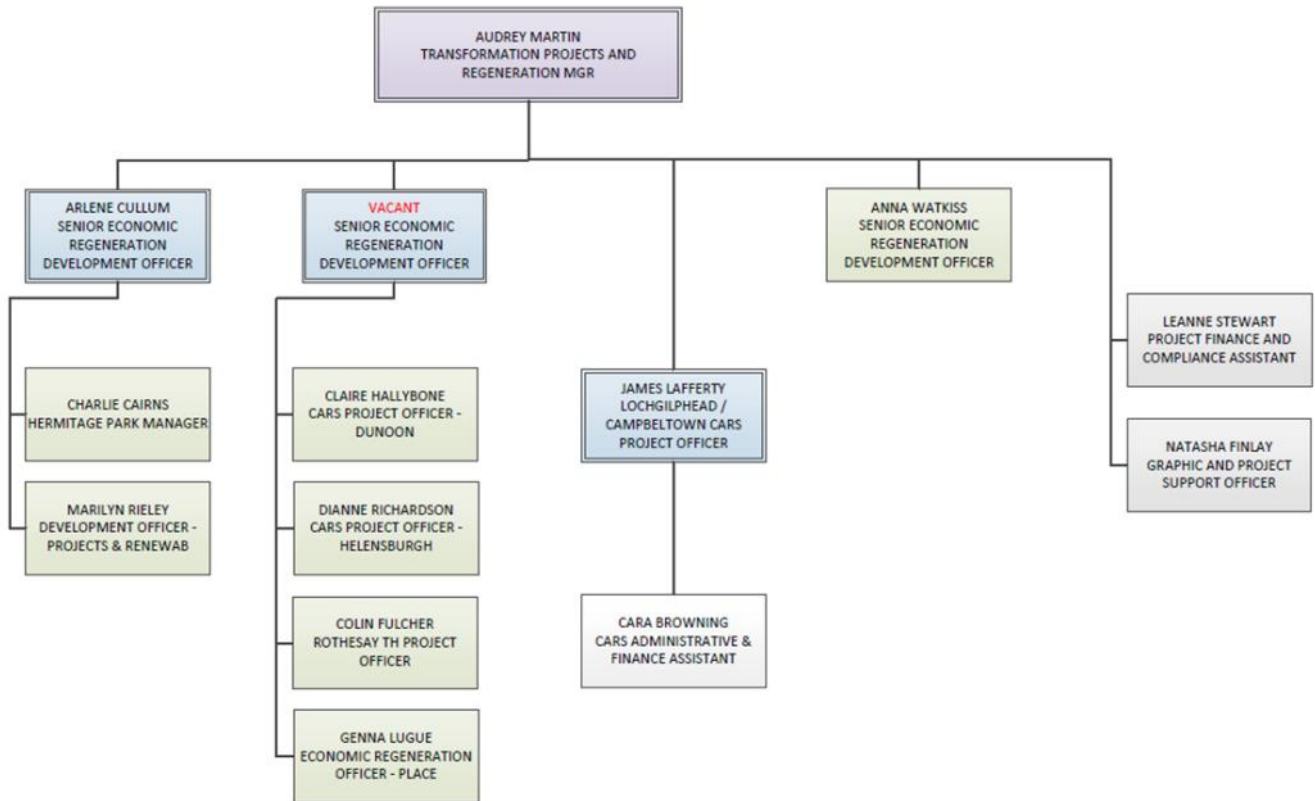
Development Management (at 31.03.2023)



Development Policy & Housing (at 31.03.2023)



Projects and Regeneration (at 31.03.2023)



Part 7: Planning Committee Information

Committees & Site Visits	Number
Full Council Meetings	8
Planning Committees	11
Planning Committee Site Visits	3
Area Committees	16
Local Review Body	15
LRB Site Visits	1



Argyll and Bute Council
Development and Infrastructure Services
Executive Director: Kirsty Flanagan
www.argyll-bute.com
Chomhairle Earra-Ghàidheal is Bhòid

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