

# 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

4 September 2023

## NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **MONDAY, 11 SEPTEMBER 2023** at **9:00 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND NORTH OF SWALLOWTALE, ACHNAGOUL, INVERARAY (REF: 23/0003/LRB)**

### **ATTACHMENTS BELOW PREVIOUSLY INCLUDED IN AGENDA PACK FOR LOCAL REVIEW BODY ON 10 MAY 2023**

- (a) Notice of Review and Supporting Documentation (Pages 3 - 30)
- (b) Comments from Interested Parties
  - (i) Planning (Pages 31 – 60)
  - (ii) Roads (Pages 61 – 222)
  - (iii) Objector (Pages 223 – 224)

### **ATTACHMENTS BELOW PREVIOUSLY INCLUDED IN AGENDA PACK FOR LOCAL REVIEW BODY MEETING HELD ON 19 JUNE 2023**

- (c) Further written information from Planning (Pages 225 - 234)
- (d) Further written information from Transport Scotland (Pages 235 - 238)
- (e) Comments from Applicant (Pages 239 - 244)
- (f) Comments from Objector (Pages 245 - 248)

**ATTACHMENTS BELOW PREVIOUSLY INCLUDED IN AGENDA PACK FOR  
LOCAL REVIEW BODY MEETING HELD ON 14 AUGUST 2023**

- (g) Late Submission from Transport Scotland (agreed at LRB on 19 June 2023 to be included in the process) (Pages 249 - 252)
- (h) Comments from Interested Parties on Late Submission (Pages 253 - 256)

**Argyll and Bute Local Review Body**

Councillor Amanda Hampsey (Chair) Councillor Graham Hardie  
Councillor Andrew Kain

Contact: Fiona McCallum Tel: 01546 604392

Ref:  
AB1

**ARGYLL AND BUTE COUNCIL**  
[WWW.ARGYLL-BUTE.GOV.UK/\\*\\*](http://WWW.ARGYLL-BUTE.GOV.UK/**)

**OFFICIAL USE**

26.03.2023

Date Received

**NOTICE OF REVIEW**

Notice of Request for Review under Section 43(a)8  
of the Town and Country Planning (Scotland) Act 1997 and the Town and  
Country Planning (Schemes of Delegation and Local Review Procedure)  
(Scotland) Regulations 2013

**Important** – Please read the notes on how to complete this form and use Block Capitals. Further information is available on the Council's Website. You should, if you wish, seek advice from a Professional Advisor on how to complete this form.

<b>(1) APPLICANT FOR REVIEW</b>	
Name	Mr I MacArthur
Address	Lochside
	Isle of Tiree
Postcode	PA77 6XJ
Tel. No.	
Email	

<b>(2) AGENT (if any)</b>	
Name	Duncan Macleman
Address	Ormonde ADPM
	10 James Street
	Avoch
Postcode	IV9 8QB
Tel. No.	07717572958
Email	ormonde.adpm@btinternet.com

(3) Do you wish correspondence to be sent to you  or your agent

(4) (a) Reference Number of Planning Application	20/01901/PPP
(b) Date of Submission	20/10/2020
(c) Date of Decision Notice (if applicable)	17/02/2023

(5) Address of Appeal Property

Land North of Swallowtail  
Inveraray  
Argyll & Bute

(6) Description of Proposal

Delegated Refusal

(7)

Please set out the detailed reasons for requesting the review:-

On behalf of Mr I MacArthur, I am requesting a review for the following reasons:

1. The application site falls within an area designated for Housing in the Local Plan
2. The site is brownfield redevelopment and should be supported as it does not mean development in greenfield areas
3. Refusal reason is due to the current access which serves 5 properties. Transport Scotland refused permission even though in their response to Jenni Minto, they clearly state the addition of one housing unit will have little or no impact.
4. The junction is deemed as safe with no recorded accidents.
5. Transport Scotland approved the use of the this access for slow moving HGV vehicles for forestry and mining operations. This shows a degree of hypocrisy.
6. It has been established that Argyll and Bute Planning could have over-ruled Transport Scotland's objection and granted Planning Permission. A report was commissioned by Mr MacArthur to compliment the application and assist in demonstrating the access junction was safe, This was ignored by Transport Scotland and Argyll & Bute Planning.
7. The length taken, and number of Planning Officers assigned to this case has been extremely disconcerting and upsetting for my client. It has taken the best part of 3 years to come the decision to refuse.



(8) If the Local Review Body determines that it requires further information on “specified matters” please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

*NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.*

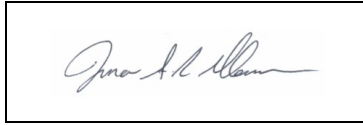
(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (**Note: 3 paper copies of each of the documents referred to in the schedule below must be attached**):

No.	Detail
1	Refusal Notice
2	Refused Drawings Pack
3	Transport Statement
4	Various Email Correspondence
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached?  (Please tick to confirm)

Submitted by  
(Please Sign)



Dated

24/03/2023

**Important Notes for Guidance**

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – [www.argyll-bute.gov.uk/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604392/604269 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk) or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

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**For official use only**

Date form issued

Issued by (please sign)

1A Manse Brae Lochgilphead PA31 8RD

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)**  
**(SCOTLAND) REGULATIONS 2013**

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE**

**REFERENCE NUMBER: 20/01901/PPP**

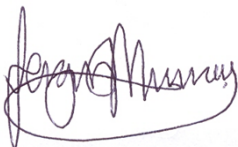
**Mr I MacArthur**  
**Ormonde ADPM**  
**10 James Street**  
**Avoch**  
**Ross-shire**  
**IV9 8QB**

I refer to your application dated 20th October 2020 for planning permission in principle under the above mentioned Act and Regulations in respect of the following development:

**Demolition of outbuilding and site for the erection of a dwellinghouse at Land North Of Swallowtale Inveraray Argyll And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission in principle for the above development for the **reason(s) contained in the attached appendix.**

Dated: 17 February 2023



Fergus Murray  
Head of Development and Economic Growth



**REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 20/01901/PPP**

1. The development conflicts with NPF4 Policy 13, and policy LDP 11 and SG LDP TRAN 4 of the adopted Argyll and Bute Local Plan 2015 as the proposed development would result in increasing the number of vehicles entering and leaving the traffic stream on the A83 (T) at a point where visibility is restricted, thus creating interference with the safety and free flow of the traffic on the trunk road.
2. The development conflicts with NPF4 Policy 13, and policy LDP 11 and SG LDP TRAN 4 of the adopted Argyll and Bute Local Plan 2015 as the proposed development would result in an intensification of waiting and right turning manoeuvres from the A83 (T) trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of the traffic on the trunk road.
3. The development conflicts with NPF4 Policy 13, and policy LDP 11 and SG LDP TRAN 4 of the adopted Argyll and Bute Local Plan 2015 in so much as the lengthy substandard private access which already serves 5 dwellings would need to be brought up to adoptable standard to serve the development proposed; being suitably surfaced and provided with appropriate passing places, and over which the applicant has no control, given that land required for such improvement lies beyond the application site and outside the ownership of the applicant.



**NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 20/01901/PPP**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**APPENDIX TO DECISION REFUSAL NOTICE**

**Appendix relative to application: 20/01901/PPP**

- A. Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.**

No

- B. Is the proposal a departure from the Development Plan:**

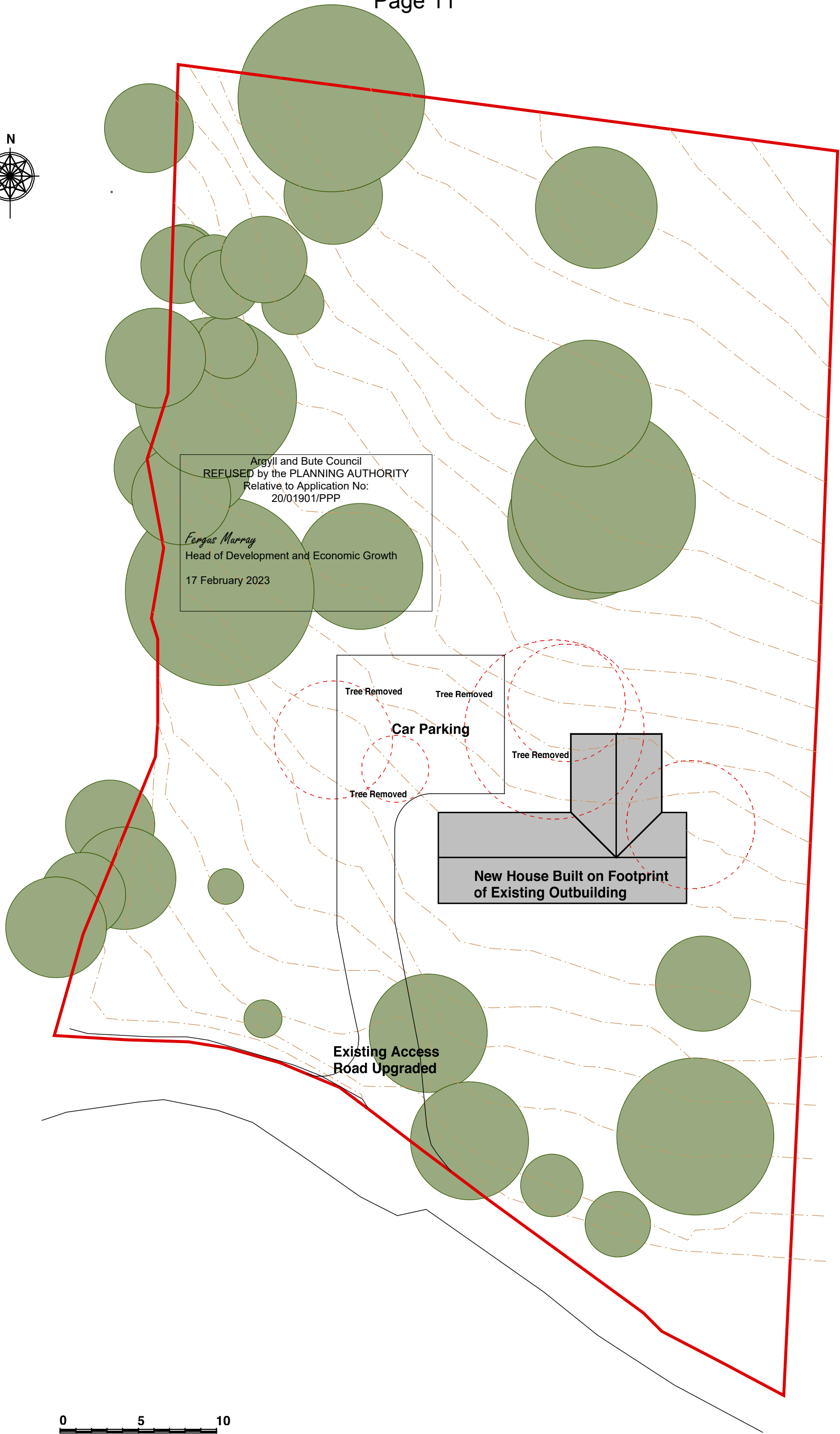
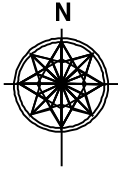
No

If yes, state level of departure:

No Departure

- C. Summary justification statement for refusal of planning permission in principle**

The proposal is considered to be contrary to NPF4 Policy 13, and policy LDP 11 and SG LDP TRAN 4 of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.



Argyll and Bute Council  
 REFUSED by the PLANNING AUTHORITY  
 Relative to Application No:  
 20/01901/PPP  
  
*Fergus Murray*  
 Head of Development and Economic Growth  
 17 February 2023

Tree Removed      Tree Removed  
**Car Parking**  
 Tree Removed  
 Tree Removed

Tree Removed  
**New House Built on Footprint  
 of Existing Outbuilding**

**Existing Access  
 Road Upgraded**

0      5      10

Scale in Metres

**PROJECT:**  
 Outbuilding Conversion  
 Achnagoul  
 By Inverary  
 Argyll

**NOTES:**  
 DO NOT SCALE  
 ALL DRAWINGS MUST BE CHECKED  
 PRIOR TO COMMENCEMENT AND ANY  
 DISCREPANCIES MUST BE REPORTED  
 TO THIS OFFICE



**DRAWING TITLE:**  
 Site Plan

**CLIENT:**  
 Mr I MacArthur

**SCALE:** 1:250 @ A3  
**DATE:** 16.10.2020

**DRAWN:** D.M.    **REV:** -  
**0927/301/A**



Location Plan

<b>PROJECT:</b> Outbuilding Conversion Achnagoul By Inverary Argyll	<b>NOTES:</b> DO NOT SCALE ALL DRAWINGS MUST BE CHECKED PRIOR TO COMMENCEMENT AND ANY DISCREPANCIES MUST BE REPORTED TO THIS OFFICE		<b>DRAWING TITLE:</b> Location Plan	<b>SCALE:</b> 1:12,500 @ A3
			<b>CLIENT:</b> Mr I Macarthur	<b>DATE:</b> 16.10.2020  <b>DRAWN:</b> D.M.   <b>REV:</b> - <b>0927/300/B</b>

**Response On Development Affecting Trunk Roads and Special Roads**

**The Town and Country Planning (Scotland) Act 1997**

**The Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

**Town and Country Planning (Notification of Applications) (Scotland) Direction 2009**

To Argyll and Bute Council Planning Services, 1A Manse Brae Lochgilphead PA31 8RD	Council Reference:-	19/01422/MIN
	TS TRBO Reference:-	NW/331/2019

Application made by Balfour Beatty, Mr Patrick Cave 18 Argyll Street Lochgilphead United Kingdom , and received by Transport Scotland on 13 September 2019 for planning permission for use of existing borrow pit for the extraction of hard rock and siting of ancillary infrastructure including welfare facilities, storage container and mobile crusher for the purposes of overhead line project (barvrack) located at Land West Of Dalchenna Farm Inveraray Argyll And Bute affecting the A83 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-	Area Manager (A83) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	NORTH WEST
Address:-	Bear House, Inveralmond Road, Inveralmond Industrial Estate, Perth, PH1 3TW
Telephone Number:-	0845 4130200
e-mail address:-	NWplanning@bearsotland.co.uk

**Transport Scotland Response Date:-** 20-Sep-2019


**Transport Scotland Contact:-** Fred Abercrombie

**Transport Scotland Contact Details:-**

Roads - Development Management  
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF  
Telephone Number: 0141 272 7382  
e-mail: development\_management@transport.gov.scot

**NB - Planning etc. (Scotland) Act 2006**

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

**From:** Shewan, Norman Norman.Shewan@argyll-bute.gov.uk   
**Subject:** 20/01901/PPP - Land North Of Swallowtale, Inveraray - Erection of dwellinghouse in principle [OFFICIAL]  
**Date:** 28 January 2021 at 16:29  
**To:** ormonde.adpm@btinternet.com  
**Cc:** Ross, James James.Ross@argyll-bute.gov.uk

NS

**Classification: OFFICIAL**

Dear Duncan,

Having regard to all material considerations, including consultee responses from Transport Scotland (Trunk Roads Authority) and the Councils Roads and Amenity Services, my assessment is that the above application for planning permission in principle is contrary to adopted Local Development Plan Policy and cannot be supported with regard to negative impacts upon the free flow and safety of traffic on the A83 Trunk Road and substandard private access.

My own assessment is that the existing private access track is sub-standard to satisfactorily accommodate traffic generated by 6 no. houses contrary to the provisions of the Argyll and Bute Local Development Plan 2015 (LDP) ( policy LDP 9 and SG LDP TRAN 4) unless it can be demonstrated that the private track is capable of being brought up to a standard to satisfy the Council's Roads and Amenity Services,

The consultee responses are available for inspection on the Council's website:-

<https://publicaccess.argyll-bute.gov.uk/online-applications/search.do?action=simple&searchType=Application>

The simplest way to search for the application file is to enter the above application reference no. into the search box and then click on "view associated documents" once the file is open.

My timescale is to determine the application on, or very soon after, Friday 12<sup>th</sup> February 2021.

My advice is that your client has two options of how to proceed in light of the above advice:-

- 1) Withdraw the application from determination by e-mail prior to 12<sup>th</sup> February. This would allow you the opportunity to explore the potential for your client to satisfactorily address the objections raised by the Council's Area Roads Engineer and the Trunks Roads Authority. I can't offer any indication that the objections can be overcome to the extent where the objections are removed but it is an option that could be explored outside of the formal application process. Subject to a resolution of the outstanding objections you could then submit a new application for planning permission. Please note that any new application should be for an application site edged red which includes all land subject to the proposed development including all land required to provide an improved standard of access (to the satisfaction of the Council's Roads and Amenity Services) linking the site for the house to the public road network. The application site edged red should also include all land required for any required junction improvements and the relevant visibility splays at the junction of the private track with the A83 trunk road. As part of

any new application you would also then have to serve notice on all parties other than the applicant who owns any part of the land within the application site.

The Council's Area Roads Engineer, James Ross can be contacted on 01546 604655.

- 2) To allow the present application be determined as advised above. If you would like to submit any further supporting information which you would like taken into account then can you please submit it before 12th February. It is highly likely that application will be recommended for refusal however your client would obviously have an opportunity to see a Review of this decision.

I would be grateful if you could advise me how you would like to proceed. If I don't hear from you in the interim then the application will be determined on 12<sup>th</sup> February.

Best Regards,

Norman

**Norman Shewan**  
Planning Officer  
MAKI Team  
Development Management  
Development and Economic Growth  
Argyll and Bute Council

t: 01546 604542

e: [norman.shewan@argyll-bute.gov.uk](mailto:norman.shewan@argyll-bute.gov.uk)

w: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)



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### Customer Satisfaction Questionnaire

The Planning Service are keen to get customers views on how we deliver our services. Your feedback is important to allow us to tailor our services to customer needs.

If you have any comments or wish to make a suggestion, please fill in our online [Customer Satisfaction Questionnaire](#)







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**From:** Ormonde ADPM ormonde.adpm@btinternet.com   
**Subject:** FAO Gerard McPhillips Application Ref NW/3/2021 Planning Ref 20/01901/PPP  
**Date:** 3 February 2021 at 21:24  
**To:** development\_management@transportscotland.gov.uk  
**Cc:** Norman Shewan norman.shewan@argyll-bute.gov.uk, Love, David david.love@argyll-bute.gov.uk  
**Bcc:** Ian MacArthur ianmacarthur@tireebroadband.com, ianmacarthurtiree@gmail.com

IA

Dear Gerard,

Further to my previous correspondence, I am writing to you to further query the decision for refusal for the above application.

I was researching previous applications approved utilising the junction in question and have come across an approved mining application (Planning Ref:19/01422/MIN TS Ref:NW/331/2019). This application received no objection from Transport Scotland so my first question is this: Why would Transport Scotland deem the junction safe for commercial use with multiple slow moving HGV and operator vehicle movements crossing the carriageway but not safe for a domestic brownfield redevelopment?

Looking at the application in more detail, approval was given for screening equipment and crushing equipment. Assuming the quarry will have tracked excavator equipment to feed the crushing equipment, this requires additional operators over and above the crushing equipment. Notwithstanding the HGV traffic utilising the junction (both entering and existing the site) to retrieve materials excavated from the quarry, the required plant operators would also utilise this junction to work in the quarry and they would travel in domestic type vehicles (small 4x4's, commercial vans etc.) so would have the same visibility of those using the junction to access the proposed house site.

This creates a situation where you have an acceptable level of junction use for one situation (commercial quarry use) but not for another (a single domestic dwelling house) and I am struggling to see the parity. I am expecting a response along the lines of "due to the commercial traffic use Transport Scotland cannot approve an additional house utilising this junction". However, this was not the case when Transport Scotland objected to the original Planning Application for this site in 2009. There was no quarry works back then so my second question is this: What has changed from 2009 where a domestic Planning Application was refused from safety grounds but a commercial mining application is acceptable?

I believe my client spoke to you earlier this week and you confirmed that in the preparation of your report, no site visit was undertaken by yourself. I also believe that Google Earth and Google Streetview were used in your determination of this application therefore any measurements quoted in your response could be challenged legally by a site survey.

I would be grateful if you could contact me at your earliest convenience to discuss the points raised above. I have attached the response to 19/01422/MIN for your consideration.

Kind Regards,

Duncan Macleman (Agent)

**ORMONDE**

Architecture • Design • Project Management

10 James Street, Avoch, IV9 8QB

tel:01381 621080 mob:07717572958

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Dundee, DD1 4QB

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e: dundee@millardconsulting.co.uk  
w: millardconsulting.co.uk



05 February 2021

FAO Ian McArthur

**Email only: [ianmacarthurtiree@gmail.com](mailto:ianmacarthurtiree@gmail.com)**

Structures  
Infrastructure  
Flood Risk  
Environmental  
Hydrology  
Transportation

Dear Ian,

**Planning Application 20/01901/PPP For Demolition of outbuilding and erection of a dwellinghouse located Land North of Swallowtail, Inverary, Argyll and Bute.**

Having been instructed to review and report on both Transport Scotland and the highway authority's statutory consultee responses to the above planning application we report as follows:

#### Current Application

The land is located north of Swallowtail, Achnagoul and it is proposed to replace an existing stone byre with a new dwellinghouse. The site is accessed via a private track which currently serves five other properties and additional employment uses. The track connects onto the A83 trunk road via a "T" junction. The track is in reasonable good condition and has been well used by residents, farmers and the forestry commission over many years. Although the track is suitable for the current level of use it should be noted that it is not constructed to an adoptable standard. The A83 in comparison to most other trunk roads is not as heavily trafficked. In the vicinity of the site the National Speed Limit applies. Forward visibility on the A83 is impaired due to the vertical and horizontal alignments not complying with standards. Visibility at the junction between the track and the A 83 is also restricted due to the trunk road alignment. A planning response has been provided from the Council's Road Department, dated 7<sup>th</sup> January 2021, which recommended refusal on the grounds that **"the existing private access already serves five dwellings. Argyll and Bute Council's Local Plan clearly states that that developments of more than five dwellings should be served by a road constructed to an adoptable standard. Any further development will require a road to an adoptable standard"**.

In considering the comments from the Roads Department we will evidence later that the existing track serves supplementary development where planning has been approved which exceeds the level of daily vehicular trips generated by the five dwellings. We shall also demonstrate that the applicant, as part of his planning proposals, will not intensify the use of this track by vehicles but could in fact offer reduced levels of trips and therefore reduce the impact on the track. We will also comment on the fact that the applicant, whilst not increasing the residual impact on the track, is still willing to fund improvements to all other parties who have access to the track which should be greatly welcomed by the Council.

Transport Scotland (TS) have also provided a response to the planning department with a recommendation to refuse the planning application. The reasons for refusal cited in their response dated 27<sup>th</sup> January 2021 are as follows:

- The proposed development would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of the traffic on the trunk road;

- The proposed development would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is sub-standard thus creating interference with the safety and free flow of the traffic on the trunk road.

In respect to Transport Scotland's first reason for refusal we will demonstrate that there is indeed potential that the planning application will not increase vehicle numbers but may actually reduce trips based on a current consented use. We do agree with Transport Scotland however that visibility is restricted at this location. With regards to the second reason for refusal we will demonstrate that the planning proposals have the potential to improve safety to the benefit of all road users and could reduce the level of slower right turning vehicles from the general network.

### Previous Planning Consent

Planning application, reference 09/00745/DET, was submitted on the same site for the erection of a new dwellinghouse and office building. This application was refused and when appealed the decision remained in favour of the Council. The reasons cited were essentially the same as those stated by Transport Scotland and the Roads Department during the current application.

### Millard Consulting's Comments

As part of the planning consultation process both Transport Scotland and the Roads Department have not appeared to consider the proposals in any depth. The current application does not include an office building which significantly reduces potential impact arising from the earlier 09/00745/DET application. Most importantly there does exist a byre on the site and as such this, under historic use, would have had consent for agricultural use.

In our considered opinion there is nothing impeding the applicant from continuing to use from this plot for agricultural purposes. The level of daily trips rates arising from one dwellinghouse has the potential to generate an average 2 – 2.5 daily two-way trips onto the adjacent highway network. As current use on the application site has no restrictions on the level of vehicular use then there is potential for similar or increased daily trips which could exceed those for a solitary dwelling. As part of the proposals the existing byre will be demolished thereby removing the requirement for agricultural access. Agricultural use is predominately associated with larger slower moving vehicles in comparison to the private car.

The potential for reduced vehicular movements should be welcomed by both Transport Scotland and the Roads Department however no comment has been made in respect to the current site use. We therefore do not agree with both authorities' comments that intensification will arise as a consequence of the development proposals. We would contend that there is potential for reduced intensification based on the fact that the current permitted site use will be removed if planning is granted and therefore there will be less impact on the existing highway network and safety would actually improve.

### Supplementary Comments

During the 09/00745/DET application it was stated by Transport Scotland that the approved use of the track for forestry commission purposes was due to the fact that vehicles do tend to be higher and as such visibility standards are significantly better than those experienced by private car drivers. We have to make comment that visibility splay standards are regulated on the basis that all vehicles are classified as the same no matter the height of the vehicles. Visibility for forestry commission use do not meet Transport Scotland standards nor any relaxation or departure from standard and we are sure this is a point Transport Scotland would agree with. Employees associated with forestry commission work also have a tendency to access the site by van / car so not all movements are HVG related. We believe that the comments made by Transport Scotland during the earlier application and subsequent appeal were incorrect and not justified as larger vehicles tend to be slower moving and statistics quite clearly demonstrate that they do tend to have a higher rate of right turning accidents as a consequence of this. This fact was never raised by Transport Scotland and therefore comparison between residential and forestry is considered to have been misrepresented.

More importantly a more recent application, ref 19/01422/MIN was approved and Transport Scotland did not advise against the granting of permission in this instance. The application was applied for

consent for extraction of minerals from an existing borrow pit. Transport Scotland obviously had no concerns over intensification nor road safety. We find this to be unacceptable on the basis that such use will have a significantly greater intensification in comparison to one dwelling. Vehicles will also be slower turning in comparison to the private car. Having previously refused the earlier application 09/00745/DET on grounds of intensified use and road safety Transport Scotland have totally disregarded such concerns when providing comment on the 19/01422/MIN application which would have had a more significant impact. A response from the Roads Department on the 19/01422/MIN application raised no concerns on either intensified use nor roads standards or adoption requirements.

### Conclusions

In conclusion we would argue that the current proposals have the potential to reduce vehicular use from the current site and also as a consequence of this could improve road safety. We would also strongly state that the most recently approved application in 2019 has significantly greater impact on the highway network than that arising from one dwelling and as such Transport Scotland has not been consistent with their comments.

Regarding the adoption of the track we would conclude that it serves not only five dwellings but other land uses such as mineral extraction and forestry commission. As such the Council should have asked for it to have been made up to adoptable standards prior to this application. The applicant is looking to replace a byre with a house which has the potential to reduce trip generation and yet at the same time offer improvements by providing lay-by's to the mutual benefit of all users of the track. We would question therefore the Council's stance that it should be brought up to adoptable standard when traffic movements could actually reduce based on the consented use of the site.

Finally the Roads Department's comments to planning imply that in accordance with the Council's Local Plan Policy the track should be brought up to adoptable standard as it will serve more than five dwellings. This however is not specifically the case. The extract attached from the LDP supplementary guidance confirms there are exceptions to this. In the circumstance where further development utilises an existing private access or private road it is the Council's policy that this will only be accepted if the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the new development. The Council have previously found it acceptable to approve access to other land use applications without the need for adoption and we would encourage the Roads Department to consider the fact that the current consented use of the site will be removed as part of the application and that lay-by's will be constructed to the mutual benefit of others. We consider this to be commensurate with the proposals under consideration.

We challenge responses to planning by both Transport Scotland and the Roads Department based on the above grounds and would move the Council to approve the application on the basis of a reduction in intensification, consequential improvements to road safety and based on a more recently approved application having significantly greater impact than proposals arising from one dwelling.

Yours faithfully,



Ken Pirie  
Managing Director

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**From:** Shewan, Norman Norman.Shewan@argyll-bute.gov.uk   
**Subject:** RE: Planning Ref 20/01901/PPP [OFFICIAL]  
**Date:** 10 February 2021 at 11:09  
**To:** Ormonde ADPM ormonde.adpm@btinternet.com  
**Cc:** development\_management@transportscotland.gov.uk, Love, David David.Love@argyll-bute.gov.uk, Ross, James James.Ross@argyll-bute.gov.uk



**Classification: OFFICIAL**

Hi Duncan,

I hope that you're well.

I acknowledge receipt of the supporting statement from Millard Consulting with regard to the above application for planning permission.

I will consult the Council's Roads and Amenity Services and Transport Scotland for any comments that they wish to make in response to the supporting statement with a response period of 21 days.

With regard to the issue of a formal extension of the determination period, I'm happy to agree an extension of the determination period to allow the issues raised in the supporting statement to be fully assessed. The issues raised and the responses from statutory consultees will obviously be given material weight as part of my assessment of the proposed development.

Best Regards,

Norman

**Norman Shewan**  
Planning Officer  
MAKI Team  
Development Management  
Development and Economic Growth  
Argyll and Bute Council

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e: [norman.shewan@argyll-bute.gov.uk](mailto:norman.shewan@argyll-bute.gov.uk)  
w: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)



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Customer Satisfaction Questionnaire

The Planning Service are keen to get customers views on how we deliver our services. Your feedback is important to allow us to tailor our services to customer needs.

If you have any comments or wish to make a suggestion, please fill in our online [Customer Satisfaction Questionnaire](#)





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**From:** Ormonde ADPM [mailto:ormonde.adpm@btinternet.com]  
**Sent:** 09 February 2021 18:45  
**To:** Shewan, Norman <Norman.Shewan@argyll-bute.gov.uk>  
**Cc:** development\_management@transportscotland.gov.uk; Love, David <David.Love@argyll-bute.gov.uk>  
**Subject:** Planning Ref 20/01901/PPP

Hi Norman,

I hope this email finds you well and safe in these very strange and trying times?

Further to the information received from yourself (Argyll & Bute Roads Dept.) and the objection received from Transport Scotland, Mr Macarthur has engaged the services of a transport consultant to give a professional opinion and response on the objections received from both transport agencies. Mr Pirie has pulled out the stops to provide this report as he is aware of the deadlines looming for your report/decision process.

Although Mr Macarthur was advised by telephone not to bother with the report by Gerard from Transport Scotland, he felt the potential lack of supporting evidence present in their objection, coupled with a previously approved mining application as discussed in my previous correspondence, warranted the investment to be made.

I hereby attach a copy of the report prepared by Ken Pirie of Millard Consulting for your consideration - you will note it provides a detailed response to the objection raised by Transport Scotland and also the Argyll and Bute Roads Dept.

As mentioned earlier, time is ticking and I was wondering if it is worth formally applying for an determination deadline extension?

Kind Regards,

Duncan

**ORMONDE**

Architecture o Design o Project Management

10 James Street, Avoch, IV9 8QB  
[tel:01381 621080](tel:01381621080) mob:07717572958

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**From:** Love, David David.Love@argyll-bute.gov.uk  
**Subject:** RE: Inveraray Site for Mr I Macarthur [OFFICIAL]  
**Date:** 20 August 2021 at 08:55  
**To:** Ormonde ADPM ormonde.adpm@btinternet.com

DL

**Classification: OFFICIAL**

Good morning Duncan,

Thanks for this. I have been having some discussion with Transport Scotland as well and have the same feedback. They are absolutely correct that the final determination rests with the planning authority. However, in order to go against the recommendation of a statutory consultee I need to have very clear objective and substantive reasoning to do so. This would normally be considerable a wider public benefit. For example, the development of a prominent gap site in a conservation area which would bring obvious and clear benefit to the wider environment supporting a number of regeneration initiatives. In this instance the only person to gain is the applicant and, despite the sympathy I feel for him, I cannot go against the advice of Transport Scotland on a road safety matter without considerable objective reasoning to do so. Even if I were to do so I would need to convince my line manager and the elected Members of the PPSL committee which I would not be confident of.

My only suggestion would be to refuse the application and make a submission to the Local Review Board (LRB). I appreciate this will be disappointing but without TS's support I cannot proceed to a positive determination.

Kind regards,

David Love  
Area Team Leader - MAKI  
t: 01546 604 845  
e: [david.love@argyll-bute.gov.uk](mailto:david.love@argyll-bute.gov.uk)

---

**From:** Ormonde ADPM <ormonde.adpm@btinternet.com>  
**Sent:** 18 August 2021 21:20  
**To:** Love, David <David.Love@argyll-bute.gov.uk>  
**Subject:** Inveraray Site for Mr I Macarthur

Hi David,

I hope this message finds you well?

I am writing in relation to the application at Inveraray for Mr Ian Macarthur. As you are aware, the application is at a standstill due to the comments received from Transport Scotland.

During this period, Ian approached Jenni Minto for advice and she wrote to Transport Scotland - response attached. Their response is unsurprising and they even give justification for approving the borrow pit application.

However the most interesting part of their response is where they state Argyll & Bute Planning Dept can approve the application against their advice given justification. With this in mind, given the previous justifications forwarded by myself, I feel this could be approved by delegated decision based upon your own sound judgement and the following reasons:

1. This application is brownfield and in accordance with the Local Plan
2. The application will not cause a lot of additional traffic movement access/egress the site
3. The borrow pit works and forestry extraction works involves the use of large slow moving vehicles and no accidents have been recorded - private vehicles will not pose such dangers
4. The track upgrade could be conditioned for a Further Application Condition.

Would it be ok to give me a ring tomorrow to discuss

I look forward to hearing from you.

Kind Regards,

Duncan

**ORMONDE**

Architecture o Design o Project Management

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**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION IN  
PRINCIPLE FOR ERECTION OF  
DWELLINGHOUSE AT LAND NORTH OF  
SWALLOWTALE, ACHNAGOUL, INVERARAY**

**PLANNING PERMISSION IN PRINCIPLE  
APPLICATION REFERENCE NUMBER  
20/01901/PPP**

**6<sup>th</sup> APRIL 2023**

## **STATEMENT OF CASE**

The planning authority is Argyll and Bute Council ('the Council'). The appellants are Mr and Mrs MacArthur ('the appellants').

The planning permission in principle application, reference number 20/01901/PPP, for the erection of a dwellinghouse at Land North of Swallowtale, Achnagoul, Inveraray ("the appeal site") was refused under delegated powers on the 17<sup>th</sup> February 2023. The planning application has been appealed and is subject of referral to a Local Review Body.

### **DESCRIPTION OF SITE**

The application site is located to the north of a small settlement of 5 dwellinghouses in a rural setting to the north of the A83 Trunk Road at Achnagoul, Inveraray. Access to the site is via a private access from the A83 Trunk Road.

### **SITE HISTORY**

The planning history of the site and locality is detailed in Section D of the Report of Handling. It is noted that planning permission has previously been refused for a dwellinghouse on this location.

### **STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED**

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

### **STATEMENT OF CASE**

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- **Whether the proposed location, siting, design and finishes of the proposed development have sufficient regard to the context of their setting.**
- **Whether the existing access arrangements serving the proposed development are suitable to accommodate the intensification in its use which would occur as a result of the development.**

The Report of Handling (attached) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations.



## **REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING**

It is considered that no new information has been raised in the appellants' submission. The issues raised were covered in the Report of Handling which is contained in Appendix 1, including a summary of the representations submitted from one household at Achnagoul. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

## **COMMENT ON APPELLANTS' SUBMISSION**

Having regard to the detailed reasons for requesting the review set out in part (7) of the appellants' submission the following points are noted:

- 1. The application site falls within an area designated for Housing in the Local Plan.***
- 2. The site is brownfield redevelopment and should be supported as it does not mean development in greenfield areas***

Whilst there is general support for the principle of small scale housing development within defined 'settlement area' it is incorrect to imply that the land is designated for housing development. This issue is addressed in section P of the report of handling.

The application site is located within the 'settlement area' of Achnagoul as defined by the Argyll and Bute Local Development Plan 2015, wherein the provisions of policy LDP DM 1, LDP 8 and SG LDP HOU 1 set out a general presumption in favour of 'small scale' housing development on appropriate sites, and subject to compliance with all other relevant provisions of the Development Plan. The current proposal for a single dwelling would fall within the definition of 'small scale'. NPF4 Policy 9 sets out support in principle for the sustainable reuse of brownfield land, including vacant and derelict land and buildings subject to consideration of impact upon biodiversity and potential contaminants from previous uses.

- 3. Refusal reason is due to the current access which serves 5 properties. Transport Scotland refused permission even though in their response to Jenni Minto, they clearly state the addition of one housing unit will have little or no impact.***
- 4. The junction is deemed as safe with no recorded accidents.***

It is noted that Transport Scotland have formally objected to the development in their consultation response; this matter is summarised in sections C and G of the report of handling.

Within their further response dated 22<sup>nd</sup> February 2021, Transport Scotland note that whilst the traffic associated with a single dwellinghouse is unlikely to be significant on its own, given the number of existing properties which already utilise the access they remain of the opinion that no further intensification should be permitted. It is advised that visibility to the left is between 120-130m and 196-215 to the right at set back distances of 4.5m and 2.4m. The visibility to the left is consequently well below the desired standard of 215m and there is little scope to improve this given the position of the access close to the brow of a hill, It is also observed that the stopping distance of traffic approaching the access is also well below the desirable minimum standard set out in the Design Manual for Roads and Bridges.

It is further observed by officers that there is also other pressure for development off of this substandard access, as evidenced by another application (21/02192/PPP) within the locality and identified in section D of the report of handling; that application was subsequently withdrawn prior to formal determination in light of objection raised by Transport Scotland and ABC Roads in relation to the suitability of the access arrangements.

**5. *Transport Scotland approved the use of this access for slow moving HGV vehicles for forestry and mining operations. This shows a degree of hypocrisy.***

It is firstly noted that each planning application requires to be assessed on its own merits. The applicant's concerns in relation to the consistency of approach by Transport Scotland are noted and commented upon in detail under section G of the report of handling. The issues raised have also been subject to review by Transport Scotland and subject to detailed commentary dated 22<sup>nd</sup> February 2021.

In relation to the borrow pit permission (19/01422/PP) Transport Scotland have commented that this related to the extension of an existing borrow pit and that a maximum of 10 low loader trips were expected for the purpose of mobilisation and demobilisation, and that all other trips were generated within the forest area.

**6. *It has been established that Argyll and Bute Planning could have over-ruled Transport Scotland's objection and granted Planning Permission. A report was commissioned by Mr MacArthur to compliment the application and assist in demonstrating the access junction was safe, This was ignored by Transport Scotland and Argyll & Bute Planning.***

The report commissioned by the applicant is detailed in section G of the report of handling and has been subject to commentary by Transport Scotland. It is incorrect to suggest that this information has

either ignored or that it has not been afforded weighting in the determination of the application.

The applicant is correct in identifying that a planning authority is not obliged to accept the advice of Transport Scotland as statutory consultee. However, where a planning authority intended to go against that advice it does not have the ability to grant planning permission without first notifying the application to Scottish Ministers who in turn may call the application in for their own determination. In this instance officers advised the applicant that the supporting information presented was not considered sufficient to demonstrate that the proposed development would not give rise to adverse effects upon road safety and accordingly a decision was made in line with the recommendation of Transport Scotland.

***7. The length taken, and number of Planning Officers assigned to this case has been extremely disconcerting and upsetting for my client. It has taken the best part of 3 years to come the decision to refuse.***

It is accepted that a timely determination was not reached in this matter and explanation of the operational issues, including the pandemic, loss of staff and subsequent issues with recruitment that impacted severely upon the resources of the Development Management Service have previously been provided to the applicant.

Nonetheless, it is noted that the time taken to reach a determination is not a material factor in the acceptability or otherwise of the proposed development and as such is not a factor that should be afforded weighting in the LRB process.

## **CONCLUSION**

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The application site is located within 'settlement area' which pertains to an existing group of five dwellinghouses at Achnagoul, by Inveraray as defined by the Adopted 'Argyll and Bute Local Development Plan' 2015. Within this zone policies STRAT DC 1, LDP 8 and SG LDP HOU 1 set out a general presumption in support of 'small' scale residential development provided that such development is appropriately sited, is of a scale and design which fits within the context of the locale, is compatible with the character and amenity of its surrounds and, does not give rise to adverse access or servicing implications. NPF4 Policy 9 sets out support in principle for the sustainable reuse of brownfield land, including vacant and derelict land and buildings subject to consideration of impact upon biodiversity and potential contaminants from previous uses.

- **Does the proposed location, siting, design and finishes of the proposed development have sufficient regard to the context of their setting?**

The application site relates to an area of 0.36 hectares which is currently occupied by a derelict stone outbuilding, and native broadleaf woodland that forms part of the setting for the wider settlement area. The submitted site plan indicates that the proposed new dwellinghouse would be erected on the footprint of the existing outbuilding, the existing site access would be upgraded and car parking formed onsite. The applicant has claimed that the stone outbuilding forms part of a registered agricultural unit however, at the time of inspection by officers, there was no evidence to suggest that the site area currently formed part of a working farm operation.

The replacement of the existing outbuilding with a dwelling of modest proportion and traditional design emphasis would be considered to be in keeping with the existing settlement pattern, would not give rise to any adverse landscape impact, and is sufficiently removed from neighbouring property that there is reasonable prospect that any concerns relating to privacy or amenity could be addressed through siting and design. The development of the site would necessitate some removal of existing self-seeded tree cover, it is however evident that trees have encroached upon the previously developed area around the outbuilding and it is considered that, subject to appropriate mitigation (tree survey and confirmation of minimal tree removal to accommodate the development) that there would not be any significant impact on the wider areas of woodland surrounding the site. It is considered that the site is capable of being developed in a manner that would be consistent with the relevant provisions of NPF4 Policy 6, LDP 3, LDP 9, SG LDP ENV 6, SG LDP ENV 14, and SG LDP Sustainable Design.

- **Is the existing access arrangements serving the proposed development suitable to accommodate the intensification in its use which would occur as a result of the development?**

In this particular instance Transport Scotland has advised that the existing junction with the A83 gives cause for concern in two respects:

- i) that the proposal will result in an increase in the number of vehicles entering and leaving the traffic stream at a point where visibility is restricted thus causing interference with the safety and free flow of traffic on the trunk road, and;
- ii) that the proposal would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of traffic on the trunk road.

The Council's Roads Service has advised that the private access serving the development already serves five dwellings and is considered to be unsuitable

for further development due to the condition of the surface and insufficient passing places.

The provisions of NPF4 Policy 13(g) set out that development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it is identified that existing infrastructure does not have the capacity to accommodate a development without adverse impact on safety or unacceptable impacts on operational performance then the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

The provisions of policy LDP 11 and SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015 set out that the Council will seek to resist development where an existing private access regime is considered to be of such poor standard as to be unsuitable for vehicular traffic and is not capable of commensurate improvements unless the private access is brought up to a full adoptable road.

The land necessary for the upgrade of the existing junction with the A83, improvement of forward visibility to westbound traffic on the A83 and, the improvement of the private access to adoptable standard is located both outwith the application site boundary and land within the control of the applicant and consequently the requisite offsite highway improvements cannot be secured within the confines of the application as submitted and the proposed development is consequently, in view of the above, considered likely to have a significant adverse impact upon highway safety.

The proposal is considered to be contrary to NPF4 Policy 13, and policy LDP 11 and SG LDP TRAN 4 of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.

Taking account of the above, it is respectfully requested that the request for a review be dismissed.

**Appended documents:**

Report of Handling dated 17.02.2023

Further comments from Transport Scotland dated 22.02.2021

Argyll and Bute Council  
Development & Economic Growth

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

---

**Reference No:** 20/01901/PPP  
**Planning Hierarchy:** Local  
**Applicant:** Mr I. MacArthur  
**Proposal:** Demolition of outbuilding and site for the erection of a dwellinghouse  
**Site Address:** Land North of Swallowtale, Achnagoul, Inveraray

---

**DECISION ROUTE**

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

---

**(A) THE APPLICATION**

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

- Site for the erection of one dwellinghouse (no details of siting, design, submitted for approval at this time);
- Installation of bio-treatment plant and partial soakaway (no detail submitted for approval at this time)

**(ii) Other specified operations**

- Connection to public water supply
- 

**(B) RECOMMENDATION:**

Recommend that planning permission be refused for the reasons attached.

---

**(C) CONSULTATIONS:**

Transport Scotland (28.01.2021, 22.02.2021) – Recommend refusal on road safety grounds. It is noted that in the event that the planning authority was minded to grant planning permission contrary to the advice of Transport Scotland then it would require to notify the application to Scottish Ministers.

ABC Roads (08.01.2021, 26.02.2021) – Recommend refusal. It is identified that the development is served by an existing substandard private access, it is intimated that further development would require the access to be brought up to an adoptable standard.

West of Scotland Archaeology Service (14.01.2021) – No objections subject to a condition requiring an archaeological watching brief being imposed on any grant of planning permission.

Scottish Water (24.12.2020) – No objection raised to the proposal to connect to the public water supply subject to a note to the applicant. Confirmation provided that there is no public sewer system in the vicinity of the development.

ABC Environmental Health – (05.12.2022) Notes potential for contamination of site from previous land management activities. No objections subject to condition if further info is not provided prior to determination.

---

**(D) HISTORY:**

Application Site:

Planning permission has previously been refused for development of this location:

09/00745/PP – Erection of a dwellinghouse and office – Refused 08.09.2009. This decision was subsequently upheld by Local Review Board (09/0003/LRB) on 09.02.2010.

The reasons for the previous refusal of planning permission in relation to application ref. 09/00745/PP were set out as follows:

1. The proposed development would result in increasing the number of vehicles entering and leaving the traffic stream on the A83(T) at a point where visibility is restricted, thus creating interference with the safety and free flow of traffic on the trunk road.
2. The proposed development would result in an intensification of waiting and right turning manoeuvres from the A83(T) trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of traffic on the trunk road.
3. The development conflicts with policy LP TRAN 4 of the adopted Argyll and Bute Local Plan 2009 in so much as the lengthy substandard private access which already serves 5 dwellings would need to be brought up to adoptable standard to serve the development proposed; being suitably surfaced and provided with appropriate passing places, and over which the applicant has no control, given that land required for such improvement lies beyond the application site and outside the ownership of the applicant.
4. The proposal conflicts with LP BUS 1 of the adopted Argyll and Bute Local Plan as the office element of the proposal would erode the residential character of the area and adversely affect local residents and the amenity of the area through an increase in traffic levels and the introduction of commercial activity, which would be a source of nuisance and disturbance to residents contrary to the interests of the residential amenity of the area.
5. Having regard to the combined scale of the built development associated with the provision of residential and office accommodation proposed along with the associated parking area, their location and the consequential loss of some mature trees which contribute to the setting of the settlement, together with

elements of the design and materials of the buildings which are uncharacteristic of its surroundings, such as projecting glazed/timber extension to the dwelling and the metal profiled roof of the office building, it is considered that the proposal in its siting and design fails to accord with LP ENV 19 and Appendix A of the Argyll and Bute Local Plan 2009.

Locality:

Application ref. ref. 21/02192/PPP: Recent application for development of land adjoining the current application site– Site for Erection of Dwellinghouse - Withdrawn prior to determination following objections raised by Transport Scotland and ABC Roads.

Application ref. 19/01422/MIN. Land west of Dalchenna Farm, Inveraray. Temporary planning permission approved 27.11.2019. This permission provided for the extension of an existing Forestry Commission borrow pit as a temporary mineral working for the extraction of hardrock required to provide/improve access tracks and construction requirements associated with the construction of a section of the Inveraray-Crossaig Overhead Line by Scottish and Southern Electricity Networks. This permission provided consent to temporarily extract material for use in the immediate locality as a means of avoiding the need to transport large volumes of hard rock over large distances on the road network. The borrow pit utilised the same junction onto the A83(T) as the current application but is served by a forest access that splits off from the private road some 280m east of the Auchnagoul 'settlement area'.

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**(E) PUBLICITY:**

Regulation 20 Advert published 15<sup>th</sup> January 2021 – Expired 5<sup>th</sup> February 2021

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

Representations have been received from two third-parties raising objection:

- Mr Knowles, Auchnagoul House, Inveraray (08.01.2021)
- Mrs Knowles Auchnagoul House, Inveraray (08.01.2021)

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

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

- Concern is raised that the proposed septic tank would be above the level of the objectors property giving rise to potential impact upon a watercourse, localised flooding and potential for odour nuisance arising from the outfall.

*Comment: It is noted that the current application is for planning permission in principle and does not include detail of the proposed means of foul*



*drainage. The application indicates that foul drainage will be to a new bio-treatment plant and partial soakaway however any detail in that respect would require to be subject to an AMSC submission in the event of PPP being granted. The foul drainage arrangements would also be subject to separate controls under Building Regulations and CARS (SEPA) in relation to its operation and impact on the water environment.*

- No detail is provided on how an electricity supply will be provided to the site. Concern is raised that works by SSE may cause disruption to residents.

*Comment: It is noted that the provision of an electrical connection would be undertaken by SSE as a statutory undertaker utilising 'permitted development rights'. This is not a material planning consideration in the determination of the current application.*

- The plan shows the removal of 5 trees which would detract from the appearance of the settlement, and no provision appears to be made for replacement planting.

*Comment: The current proposal provides an indicative footprint for a new dwelling that would indicate that this could be accommodated in a manner which would involve removal of a small number of trees that encroach on the existing building and its immediate surrounds whilst allowing retention of the majority of tree cover and thereby avoid any significant adverse impact upon the setting of the existing settlement. It is noted that in the event that planning permission in principle were to be granted it would however be appropriate to secure further detail of proposals for tree retention/protection/felling for assessment and approval.*

- Concern is raised that the existing access to Auchnagoul is by a rough single track road with no passing places. The proposals do not include any mention of upgrades to the road or permission of the land owner to implement such works.

*Comment: This concern is noted. Further commentary on the suitability of the access regime to serve further development is contained within the assessment below.*

- Concern is raised that the proposal will impact upon the pressure of the water main serving existing properties. Assurance is sought that the water pressure will not be affected.

*Comment: It is noted that Scottish Water have not objected to the proposal. It is further advised that the impact upon water pressure of existing users would be a matter to be resolved directly with Scottish Water in the event that they permitted a connection to a new development. This is not a material planning consideration in the determination of the current application.*

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**(G) SUPPORTING INFORMATION**

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

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** Yes

**Design Statement (09.12.2020)**

The document identifies that the application site contains an existing stone built building which is assumed to have originally been utilised as a croft house before subsequently being repurposed as a byre.

It is contended that the proposed new dwelling would not create an undue additional burden on the existing private access. It is suggested that additional passing places could be provided along the track to improve road safety. It is also intimated that the acceptance of one additional dwelling should be accepted without requirement to upgrade the road to adoption standard as no other development would be permitted at this rural location.

*Officer Comment: It is noted that the assertion that there is no further opportunity for development in this locality is incorrect as there are further areas of 'settlement area' and rural opportunity served by the private access which indicate potential capacity/demand for development beyond the scope of the current application site. This is directly evidenced by a recent application (ref. 21/02192/PPP) on adjoining land within the 'settlement area'. This was withdrawn prior to determination following unresolvable objections raised by ABC Roads and Transport Scotland.*

It is proposed to create a modest family home by demolishing the existing stone built building and replacing this with a modest building of design and finishes that reflect the vernacular design of the existing settlement. It is suggested that the existing building forms the basis of the development and is retained with minimal modifications. The proposed palette of materials would likely incorporate natural stone, timber windows and doors, metal down pipes and gutters, slate or corrugated metal roofing, natural larch cladding.

*Officer Comment: It is noted that the Agent for the application clarified elsewhere in correspondence dated 08.12.20 that the existing byre would be demolished although this does not appear to have been corrected in the Design Statement.*

**Correspondence with Transport Scotland in Response to Recommendation of Refusal (dated 03.02.2021)**

It is highlighted that Transport Scotland did not raise objection to another application (19/01422/MIN) utilising the junction with the A83(T) at this location. It is contended that Transport Scotland have been inconsistent in raising objection to the current application but

permitting a commercial use involving slow moving HGV and operator vehicles to utilise the junction.

It is suggested that Transport Scotland's acceptance of the borrow pit application indicates that circumstances have changed since their previous recommendation to refuse application ref. 09/00745/PP in 2009 and clarification was requested on that issue.

### **Transport Consultant Report (dated 05.02.2021)**

It is contended that the current application site forms part of an agricultural holding and as such there is nothing impeding the applicant from continuing to utilise the access for agricultural purposes which would generate on average 2-2.5 two way trips on a daily basis. It is suggested that the replacement of the existing agricultural activity by the proposed dwellinghouse would not generate additional traffic movements. It is also contended that agricultural vehicles are generally cumbersome and slow moving compared to a private car and as such the proposal could provide an improvement over existing circumstances. It is contended that this position also addresses the concerns raised by the Council's Roads Officers.

It is contended that previous acceptance of Transport Scotland of the use of the junction with the A83(T) by HGV forestry related movements on the basis that their increased height affords enhanced visibility over that of other vehicles is erroneous as visibility splay standards are regulated on the basis of visibility over 1.05m in height (i.e. aligned private cars). It is also contended that HGV traffic is slower moving and likely to give rise to greater risk of disruption to freeflow of traffic and road safety than the movement of smaller vehicles. A similar position is stated in relation to both Transport Scotland and ABC Roads position relating to a borrow pit development (19/01422/MIN).

*Officer Comment: It is noted that this further information was subject to additional consultation with both Transport Scotland and ABC Roads; both provided further responses maintaining their objection to the current application.*

*Transport Scotland provided further commentary (22.02.21) accepting that there is some usage associated with the existing byre that could potentially cease or decrease if it were replaced by a dwellinghouse. It was however noted that any such reduction could not be guaranteed and as such their position remains that the development (in addition to the existing 5 dwellinghouses served by the access) would be expected to result in a potential intensification of use of a substandard junction with the A83(T).*

*Transport Scotland further note that whilst the traffic associated with a single dwellinghouse is unlikely to be significant on its own, given the number of existing properties which already utilise the access they remain of the opinion that no further intensification should be permitted. It is advised that visibility to the left is between 120-130m and 196-215 to the right at set back distances of 4.5m and 2.4m. The visibility to the left is consequently well below the desired standard of 215m and there is little scope to improve this given the position of the*

*access close to the brow of a hill, It is also observed that the stopping distance of traffic approaching the access is also well below the desirable minimum standard set out in the Design Manual for Roads and Bridges.*

*In relation to the borrow pit permission (19/01422/PP) Transport Scotland have commented that this related to the extension of an existing borrow pit and that a maximum of 10 low loader trips were expected for the purpose of mobilisation and demobilisation, and that all other trips were generated within the forest area.*

*Transport Scotland also confirm that the concerns relating to 09/00745/PP have not been alleviated by any material change in circumstances of the access of the development site.*

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

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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** No

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

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

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

**[National Planning Framework 4 \(Adopted 13<sup>th</sup> February 2023\)](#)**

(delete as appropriate)

**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 6 – Forestry, Woodland and Trees

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings

NPF4 Policy 12 – Zero Waste

NPF4 Policy 13 – Sustainable Transport

**Liveable Places**

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 17 – Rural Homes

NPF4 Policy 18 – Infrastructure First

**'Argyll and Bute Local Development Plan' Adopted March 2015**

(delete as appropriate)

LDP STRAT 1 – Sustainable Development  
LDP DM 1 – Development within the Development Management Zones  
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment  
LDP 8 – Supporting the Strength of our Communities  
LDP 9 – Development Setting, Layout and Design  
LDP 10 – Maximising our Resources and Reducing our Consumption  
LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules

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

**Natural Environment**

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity  
SG LDP ENV 6 – Impact on Trees / Woodland  
SG LDP ENV 7 – Water Quality and the Environment

**Landscape and Design**

SG LDP ENV 14 – Landscape

**Historic Environment and Archaeology**

SG LDP ENV 20 – Impact on Sites of Archaeological Importance

**General Housing Development**

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

**Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

**Resources and Consumption**

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems  
SG LDP SERV 2 – Incorporation of Natural Features / SuDS  
SG LDP SERV 4 – Contaminated Land  
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

**Transport (Including Core Paths)**

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

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

[Chief Planner's Letter 08.2.2023 – Transitional Arrangements for NPF4](#)

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

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

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

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

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

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

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

The proposal seeks Planning Permission in Principle for a site for the erection of a dwellinghouse on land to the North of Swallowtale, Achnagoul, Inveraray. Aside from details of site access, only indicate detail of siting and services has been provided for assessment at this time. The application site has previously been the subject of an earlier application for planning permission (09/00745/DET) for the erection of a dwellinghouse and an office which was refused due to concern about the suitability of the access to serve the development.

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; 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 in favour 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. It is noted that the provisions of the Settlement Strategy set out within the Argyll and Bute Local Development LDP DM 1 promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements, rural growth is supported through identification of Key Rural Settlements and safeguards more sensitive and vulnerable areas within its various countryside designations.

The application site is located within the 'settlement area' of Achnagoul as defined by the Argyll and Bute Local Development Plan 2015, wherein the provisions of policy LDP DM 1, LDP 8 and SG LDP HOU 1 set out a general presumption in favour of 'small scale' housing development on appropriate sites, and subject to compliance with all other relevant provisions of the Development Plan. The current proposal for a single dwelling would fall within the definition of 'small scale'. NPF4 Policy 9 sets out support in principle for the sustainable reuse of brownfield land, including vacant and derelict land and buildings subject to consideration of impact upon biodiversity and potential contaminants from previous uses.

The application site relates to an area of 0.36 hectares which is currently occupied by a derelict stone outbuilding, and native broadleaf woodland that forms part of the setting for the wider settlement area. The submitted site plan indicates that the proposed new dwellinghouse would be erected on the footprint of the existing outbuilding, the existing site access would be upgraded and car parking formed onsite. The applicant has claimed that the stone outbuilding forms part of a registered agricultural unit however, at the time of inspection by officers, there was no evidence to suggest that the site area currently formed part of a working farm operation.

The replacement of the existing outbuilding with a dwelling of modest proportion and traditional design emphasis would be considered to be in keeping with the existing settlement pattern, would not give rise to any adverse landscape impact, and is sufficiently removed from neighbouring property that there is reasonable prospect that any concerns relating to privacy or amenity could be addressed through siting and design. The development of the site would necessitate some removal of existing self-seeded tree cover, it is however evident that trees have encroached upon the previously developed area around the outbuilding and it is considered that, subject to appropriate mitigation (tree survey and confirmation of minimal tree removal to accommodate the development) that there would not be any significant impact on the wider areas of woodland surrounding the site. It is considered that the site is capable of being developed in a manner that would be consistent with the relevant provisions of NPF4 Policy 6, LDP 3, LDP 9, SG LDP ENV 6, SG LDP ENV 14, and SG LDP Sustainable Design.

The application site is not located within a conservation area or within the immediate setting of any listed building or scheduled ancient monument. The West of Scotland Archaeology Service have however identified that the application site is located within a landscape that is populated with recorded archaeological sites and noted that as the proposal would affect the upstanding remains the area of ground to be disturbed has a good chance of unearthing visible or buried unrecorded remains that may survive below ground level. WoSAS have advised that in the event that planning permission were to be granted that development be subject of a programme of archaeological works. Such mitigation measures would be consistent with the

requirements of policy LDP 3 and SG LDP 20 and could readily be secured by suspensive planning condition.

The details accompanying the application identify that water would be by connection to an existing water supply and foul drainage would be to a new package treatment plant. Scottish Water have not raised objection to the proposed connection to the public water supply. The application site is not located in an area served by public drainage and accordingly the installation of a private drainage solution is, in principle, consistent with the relevant provisions of policy LDP 10 and SG LDP SERV 1.

The Council's Contaminated land Officer has identified that the proposed development involves the redevelopment of land where there is an indication that previous use which may be contaminative. The land is associated with agricultural buildings and has previously been occupied by a number of structures whose relationship with nearby historic lime kilns is uncertain. It is advised that further investigation of potential land contamination would be required, and in the event that permission were to be granted this could be addressed by means of a suspensive planning condition to ensure compliance with NPF Policy 9, policy LDP 10 and SG LDP SERV 4.

Access to the site would be off of an existing private access that connects to the A83(T). The application site is located some 600m from the junction with A83(T) when following the alignment of the private access. There is ample room within the boundary of the application site to provide onsite parking and turning that would comply with SG LDP TRAN 6. The proposal would also require to include appropriate refuse collection facilities to comply with the requirements of NPF4 Policy 12, policy LDP 10 and SG LDP SERV 5(b) although these could potentially be addressed by means of planning condition.

The provisions of NPF Policy 13(g) set out that development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it is identified that existing infrastructure does not have the capacity to accommodate a development without adverse impact on safety or unacceptable impacts on operational performance then the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

In this instance the development has been identified to impact upon the safety and free flow of traffic on the A83 Trunk Road, in addition to concern being raised about the suitability of the private access regime serving the development to accommodate additional traffic.

The provisions of policy LDP 11 set out a requirement that an appropriate standard of access is delivered to serve new developments, including off-site highway improvements where appropriate.

This requirement is specified in more detail within SG LDP TRAN 4 (2) which sets out that further development that utilises an existing private access or private road will only be accepted if:

- i) The access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of useage); AND the applicant can;



- ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,
- iii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.

The current application has been subject to objections from both Transport Scotland and the Council's Roads Service.

In this particular instance Transport Scotland has advised that the existing junction with the A83 gives cause for concern in two respects:

- i) that the proposal will result in an increase in the number of vehicles entering and leaving the traffic stream at a point where visibility is restricted thus causing interference with the safety and free flow of traffic on the trunk road, and;
- ii) that the proposal would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of traffic on the trunk road.

The Council's Roads Service has advised that the private access serving the development already serves five dwellings and is considered to be unsuitable for further development due to the condition of the surface and insufficient passing places. It is noted that the land required for the provision of commensurate improvements to provide additional passing places/improved road surface lies outwith the land identified as being within the control of the applicant in this instance.

The provisions of policy LDP 11 and SG LDP TRAN 4 of the 'Argyll and Bute Local Plan' 2015 set out that the Council will seek to resist development where an existing private access regime is considered to be of such poor standard as to be unsuitable for vehicular traffic and is not capable of commensurate improvements unless the private access is brought up to a full adoptable road.

The land necessary for the upgrade of the existing junction with the A83, improvement of forward visibility to westbound traffic on the A83 and, the improvement of the private access to adoptable standard is located both outwith the application site boundary and land within the control of the applicant and consequently the requisite offsite highway improvements cannot be secured within the confines of the application as submitted and the proposed development is consequently, in view of the above, considered likely to have a significant adverse impact upon highway safety.

The applicant has submitted supporting information from a Transport Consultant which has sought to contend both that Transport Scotland are inconsistent in their approach citing their support for development involving forestry activity off of this junction with the A83(T) and also that some allowance should be made in recognition of claimed agricultural activity associated with the application site. A summary of the supporting claims, further input from Transport Scotland, and officer comment on these matters is set out in Section G above.

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

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

The proposal is considered to be contrary to NPF4 Policy 13, and policy LDP 11 and SG LDP TRAN 4 of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.

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

n/a

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

None unless it were proposed to grant permission contrary to the recommendation of Transport Scotland.

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**Author of Report:** Peter Bain **Date:** 10.02.2023

**Reviewing Officer:** Sandra Davies **Date:** 17.02.2023

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

**REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 20/01901/PPP**

1. The development conflicts with NPF4 Policy 13, and policy LDP 11 and SG LDP TRAN 4 of the adopted Argyll and Bute Local Plan 2015 as the proposed development would result in increasing the number of vehicles entering and leaving the traffic stream on the A83 (T) at a point where visibility is restricted, thus creating interference with the safety and free flow of the traffic on the trunk road.
2. The development conflicts with NPF4 Policy 13, and policy LDP 11 and SG LDP TRAN 4 of the adopted Argyll and Bute Local Plan 2015 as the proposed development would result in an intensification of waiting and right turning manoeuvres from the A83 (T) trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of the traffic on the trunk road.
3. The development conflicts with NPF4 Policy 13, and policy LDP 11 and SG LDP TRAN 4 of the adopted Argyll and Bute Local Plan 2015 in so much as the lengthy substandard private access which already serves 5 dwellings would need to be brought up to adoptable standard to serve the development proposed; being suitably surfaced and provided with appropriate passing places, and over which the applicant has no control, given that land required for such improvement lies beyond the application site and outside the ownership of the applicant.

**APPENDIX TO DECISION REFUSAL NOTICE**

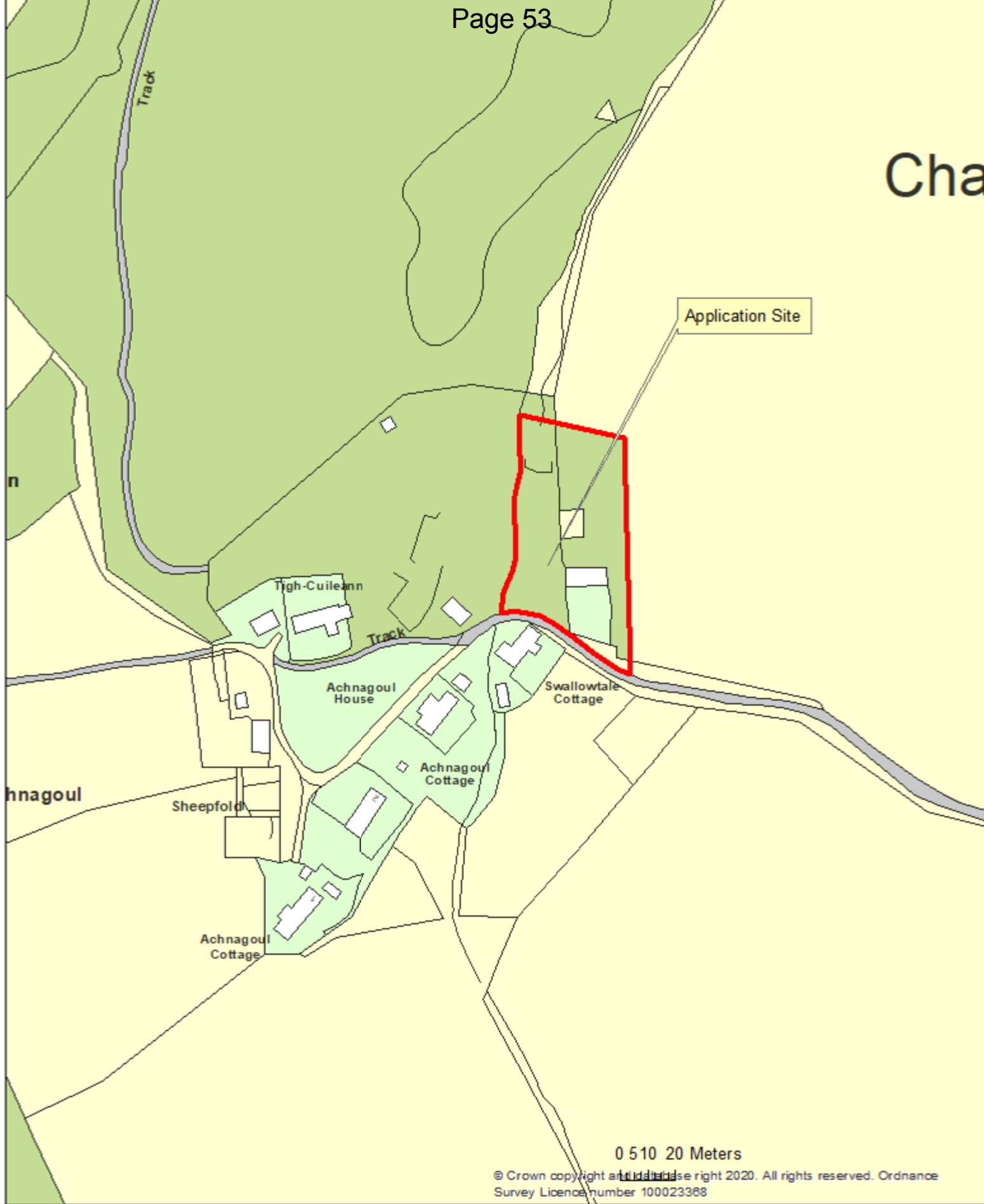
Appendix relative to application **20/01901/PPP**

(A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. **No**

(B) The reason why planning permission has been refused:

**The proposal is considered to be contrary to NPF4 Policy 13, and policy LDP 11 and SG LDP TRAN 4 of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.**

Cha



**Location Plan Relative to: 23/0003/LRB**



1:1,750

**Kemp-Smith, Cara**

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**From:** Shewan, Norman <Norman.Shewan@argyll-bute.gov.uk>  
**Sent:** 22 February 2021 13:32  
**To:** maki, planning  
**Subject:** 20/01901/PPP - New house in principle at Achnagoul, Inveraray [OFFICIAL]

**Categories:** Cara

**Classification: OFFICIAL**

Hi all,

Can you please index this e-mail consultee response from Transport Scotland onto application file ref: 20/01901/PP – Land north of “Swallowtale”, Achnagoul, Inveraray.

It should be indexed as a public document.

Thanks.

Norman

**Norman Shewan**  
Planning Officer  
MAKI Team  
Development Management  
Development and Economic Growth  
Argyll and Bute Council



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 follow us on Twitter [https://twitter.com/abc\\_planning](https://twitter.com/abc_planning)

Customer Satisfaction Questionnaire

The Planning Service are keen to get customers views on how we deliver our services. Your feedback is important to allow us to tailor our services to customer needs.

If you have any comments or wish to make a suggestion, please fill in our online [Customer Satisfaction Questionnaire](#)





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**From:** Gerard.McPhillips@transport.gov.scot [mailto:Gerard.McPhillips@transport.gov.scot]  
**Sent:** 22 February 2021 12:48  
**To:** Shewan, Norman <Norman.Shewan@argyll-bute.gov.uk>  
**Cc:** Alan.Hobbs@transport.gov.scot  
**Subject:** RE: 20/01901/PPP - New house in principle at Achnagoul, Inveraray. [OFFICIAL] (TS Ref. NW/13/2021)

Norman

(With correct TS Ref. NW/13/2021)

All's good here and I hope all is well with you and yours.

With reference to the above planning application and the additional information provided by the applicant, namely the Transport Statement presented by Millard Consultants in support of the application, I would wish to comment as follows on behalf of Transport Scotland:

The above application is for the demolition of an existing byre and replacement with the construction of a single dwellinghouse. The development site already includes 5 other houses, plus some employment / agricultural usage.

Transport Scotland has recommended refusal of this application, citing the following reasons:

- *The proposed development would result in increasing the number of vehicles entering and leaving the traffic stream at a point where visibility is restricted thus creating interference with the safety and free flow of the traffic on the trunk road.*
- *The proposed development would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of the traffic on the trunk road.*

Transport Scotland accepts that there is some existing usage associated with the byre which could potentially cease or decrease if this is replaced by a dwellinghouse. Any such reduction cannot however be guaranteed and some or all of these existing movements may still take place. In considering the application for the dwellinghouse as it stands, which is in addition to the existing 5 houses already on the site, the proposed new dwelling would be expected to result in a potential intensification of use of the existing below standard access onto the A83(T). This was a fundamental consideration in assessing and responding to this application.

Transport Scotland accepts that the traffic associated with a single property is unlikely to be significant. However, given the number of other existing properties already using the existing access, Transport Scotland is of the opinion that it does not wish any further intensification of use of the existing access, given it is below standard in terms of the visibilities which can be achieved. Measurements taken by our Operating Company suggest the visibilities which can be achieved are between 120m and 130m to the left and between 196m and 215 to the right, at 'x' distances of 4.5m and 2.4m. The visibility to the left is therefore well below the minimum desirable standard of 215m. Unfortunately, given the vertical alignment of the A83(T) mainline, particularly to the east (left when exiting the access) where there is a brow of a hill, there is little opportunity to improve this. Furthermore, as a consequence of the brow of the hill on the A83(T) to the east of the access, the available Stopping Site Distance for traffic on the A83(T) mainline on the approach to the access is also well below the desirable minimum recommended by the Design Manual for Roads and Bridges.

A recent RouteShoot (in-vehicle video) survey undertaken by our Operating Company BEAR on 19<sup>th</sup> January 2021, shows that the approach speed of traffic from the east approaching the access is fairly

high. The video shows the vehicle speed of 47mph which is close to the maximum speed the video surveys are generally carried out at. As the approach to the access from the east involves vehicles coming over the brow of a hill, the actual reaction time and stopping sight distance available to mainline traffic, should a vehicle be waiting to enter the access or be exiting the access and heading west, is considerably less than the desirable minimum and therefore presents a potential road safety risk.

Transport Scotland welcomes the fact that there is no pattern of historic accidents associated with the existing access. However, this does not warrant allowing further development and further intensification of use of the access and indeed it could be argued that this supports not increasing the existing level of use of the access.

With regard the other recent application, 19/01422/MIN (TS Ref. NW/331/2019), this relates to the use of an existing borrow pit to extract rock. In assessing this application Transport Scotland noted that access to the site was to be via an existing forestry access off the A83(T) – the same access as proposed in the most recent application highlighted above. In the supporting information submitted with this application, it was anticipated that a maximum of 10 low loader trips would be needed for mobilisation and demobilisation, and that all other trips occurring would be within the forestry area – refer to Written Statement 12/9/19 available on the ABC planning portal. On this basis, the Operating Company and the Area Manager did not raise any concerns, and Transport Scotland did not object to this application.

Although Transport Scotland is only responsible for considering the road safety implications associated with the trunk road network, we note ABC's policy requirement for development roads to be of an adoptable standard for developments of 5 or more properties. This additional dwelling would trigger this requirement. Transport Scotland's unwillingness to accept a further additional property on the site therefore aligns with the concerns raised by ABC.

Transport Scotland would also wish to highlight that a similar application was made for the erection of a single dwellinghouse plus office back in 2009 (ABC ref. 09/00745/DET). Transport Scotland issued a refusal to this application highlighting the same concerns that we have with this application. The 2009 application was refused by Argyll and Bute Council and the refusal was upheld at appeal. The reasons for refusal included the road safety concerns raised by Transport Scotland regarding the existing access onto the A83(T), as well as some policy related matters / concerns.

I trust this helps to outline Transport Scotland's position and ongoing concerns associated with any further development which may lead to an intensification of use of the existing access onto the A83(T) and the associated road safety concerns which we continue to have.

Regards.

Gerard

**a**

**Gerard McPhillips**  
Transport Scotland  
Development Management Quality Manager  
Roads Directorate  
T: 0141 272 7379  
M: 07775 547 664  
[gerard.mcphillips@transport.gov.scot](mailto:gerard.mcphillips@transport.gov.scot)  
[transport.gov.scot](http://transport.gov.scot)

---

**From:** Shewan, Norman <[Norman.Shewan@argyll-bute.gov.uk](mailto:Norman.Shewan@argyll-bute.gov.uk)>  
**Sent:** 12 February 2021 11:02  
**To:** McPhillips G (Gerard) <[Gerard.McPhillips@transport.gov.scot](mailto:Gerard.McPhillips@transport.gov.scot)>  
**Subject:** 20/01901/PPP - New house in principle at Achnagoul, Inveraray. [OFFICIAL]



Classification: OFFICIAL

Hi Gerard,

I hope that all is well with you.

Thanks for your consultation response dated 17<sup>th</sup> January 2021 regarding the above.

I understand from correspondence with the agent that the applicant has since discussed this with you and notwithstanding that you didn't encourage him to commission a Transport Consultant Report he has submitted one.

I've re-consulted you for any comments that you may have on the basis of this additional supporting document for the record.

If you would find it helpful to have a telephone conversation about any of the planning issues raised within that report prior to your formal response then please give me a ring.

Best Regards,

Norman

**Norman Shewan**  
Planning Officer  
MAKI Team  
Development Management  
Development and Economic Growth  
Argyll and Bute Council



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#### Customer Satisfaction Questionnaire

The Planning Service are keen to get customers views on how we deliver our services. Your feedback is important to allow us to tailor our services to customer needs.

If you have any comments or wish to make a suggestion, please fill in our online [Customer Satisfaction Questionnaire](#)





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Roads & Infrastructure Services originally refused this application as the private substandard access already serves 5 dwellings. Council policy clearly states, developments with more than five dwellings should be served by a road to an adoptable standard. There is however some scope for further development on existing private access, provided the applicant can carry out commensurate improvements, basically upgrading the private successes to a safe standard for both drivers and pedestrians. This could be carried out under SG LDP TRAN 4.

## COMMENSURATE IMPROVEMENTS TO THE EXISTING PRIVATE ACCESS

1. Private access to be widened out to 3.25 metres.
2. Passing places to be constructed as per the Council's standard detail drawing ref: SD 08/003 Rev a, copy attached for info. The passing places should be at a maximum spacing of 150 metre intervals. The construction of the passing places to be type 'A' as the private access is unsurfaced.
3. A verge to be provided to allow for safe step offs. Verge width to be 1.50 metres minimum.
4. Existing road surface to be regraded and all potholes filled.
5. Turning head for a commercial vehicle to be provided.
6. I have attached a copy of the Council's Supplementary Guidance and an extract, for ease of reference.
7. The commensurate improvements would need to be completed prior to any work starting on site as consideration needs to be given to existing residents. Construction traffic etc. Road safety should never be compromised.
8. The applicant would need to submit a plan showing all of the commensurate improvements, for approval by Roads & Infrastructure Services.

Unfortunately the private access is out with the site edged red, the private road and the land required for the commensurate improvements may be out with the applicant's control.

## CONNECTION OF PRIVATE ACCESS TO A83 TARBET – CAMPBELTOWN TRUNK ROAD

1. As the junction with the Trunk Road is regarded sub-standard, Roads & Infrastructure Services would not regard this private access as being suitable for upgrading to an adoptable standard.
2. The private access was used by construction traffic related to the new power lines but the access was well signed to warn drivers. I have attached some images taken from Google Street View which shows the temporary signage on each approach, for info.

Please note, Argyll & Bute Council, Roads & Infrastructure Services can't speak on Transport Scotland's behalf but Roads & Infrastructure Services would like to point out the visibility splays do not comply with Council standards for a strategic route.

Regards

James

James Ross  
Traffic & Development Officer MAKI  
Argyll & Bute Council  
Roads & Infrastructure Services  
1A Manse Brae  
Lochgilphead  
Argyll  
PA31 8RD  
Tel. 01546 604655  
e mail. [james.ross@argyll-bute.gov.uk](mailto:james.ross@argyll-bute.gov.uk)

**OR**

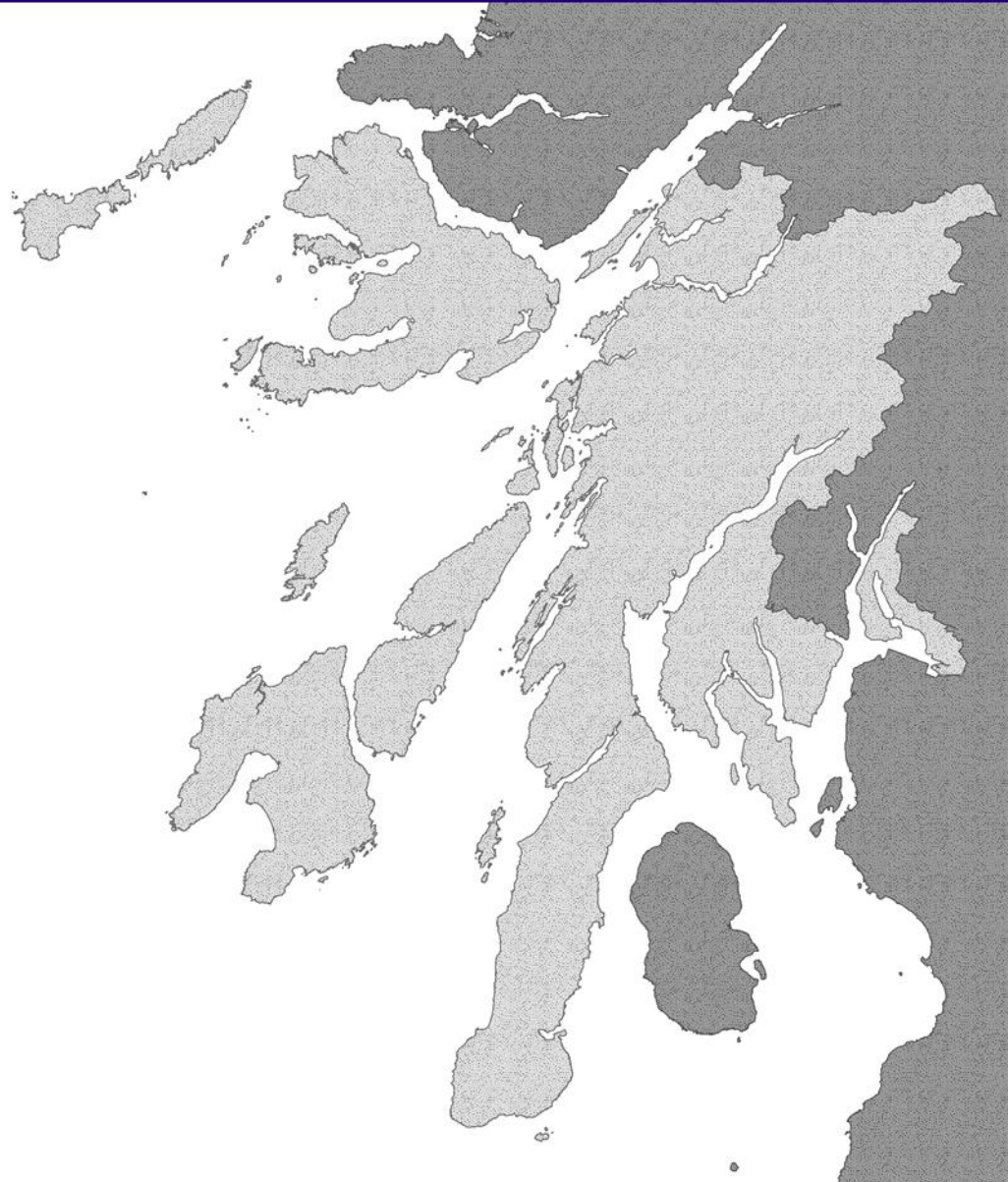
**(2) further development that utilises an existing private access or private road<sup>2</sup> will only be accepted if:-**

- (i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the applicant can;**
- (ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,**
- (iii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.**

Argyll and Bute Local Development Plan  
**SUPPLEMENTARY GUIDANCE**  
Adopted March 2016



*Seirbheis Planaidh Earra-Ghàidheal is Bhòid*





# Argyll and Bute Local Development Plan – Supplementary Guidance

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## Argyll and Bute Local Development Plan – Supplementary Guidance Natural Environment

### SG LDP ENV 1— Development Impact on Habitats, Species and our Biodiversity

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

(A) When considering development proposals Argyll and Bute Council will give full consideration to the legislation, policies and conservation objectives, contained within the following:-

- (i) Habitats and Species listed under Annex I,II & IV of the Habitats Directive;
- (ii) Species listed under Annex I & II of the Birds Directive and Red and Amber status in 'Birds of Conservation Concern';
- (iii) Article 10 Features under the Habitats Directive;
- (iv) Wildlife and Countryside Act 1981; (and as amended by the Nature Conservation (Scotland) Act 2004); Species listed on Schedules 1, 5, 7, 8, 9 and 14;
- (v) Wildlife and Natural Environment (Scotland) Act 2011. A Code of Practice on Non-Native Species supports this Act.
- (vi) Protection of Badgers Act 1992

(B) When considering development proposals the Council will also seek to contribute to the delivery of the objectives and targets set by the Local Biodiversity Action Plan (LBAP) and the Scottish Biodiversity Strategy. Proposals that incorporate and safeguard existing site interests within the design wherever possible will be encouraged. Applications for medium and large scale developments will be required to complete a biodiversity checklist

Where there is evidence to suggest that a habitat or species of European, national and/or local importance exists on a proposed development site or would be affected by the proposed development, the Council will require the applicant, at his/her own expense, to submit a specialist survey of the site's natural environment, and if necessary a mitigation plan, with the planning application.

Development proposals which are likely to have an adverse effect on protected species and habitats will only be permitted where it can be justified in accordance with the relevant protected species legislation (contained within this Supplementary Guidance) or otherwise present the equivalent information within any required Environmental Impact Assessment (EIA).

### 1.1 Explanation of Policy Objectives

1.1.1 Argyll and Bute is an internationally important area for nature and has the richest biodiversity in Scotland which provides us with a diverse range of the best examples in land-use, freshwater, marine and coastal habitats and species.

1.1.2 Biodiversity simply means the variety of life that surrounds and sustains us. This includes all living things both plant and animal, including people and the environment of which they are part.

1.1.3 In Argyll and Bute there are strong economic and social as well as moral and aesthetic, arguments for conserving biodiversity. Habitats and species could be lost to insensitive development and can never be replaced once lost. In order to ensure that biological diversity (or "biodiversity") is as rich as possible, it is very important that every opportunity is taken to protect and enhance the quality of the wider environment.

## Argyll and Bute Local Development Plan – Supplementary Guidance Natural Environment

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1.1.4 The aim of this SG is to give stronger protection, and where appropriate seek enhancement, to habitats and species, even when they are not associated with specifically designated nature conservation sites.

1.1.5 At the same time it requires the early completion of a biodiversity checklist by developers, which includes invasive non-native species for medium and larger scale developments to help alert developers to potential biodiversity issues in an effort to avoid delay and unnecessary expense.

1.1.6 The Wildlife and Natural Environment (Scotland) Act 2011 modernises legislation on the management of wildlife and improves legislative provision for invasive non-native species where they become established and cause adverse ecological, environmental or economic impacts. A Code of Practice on Non-Native Species supports this Act.

1.1.7 [The Argyll and Bute Local Biodiversity Action Plan \(LBAP\)](#) was renewed in 2010 and forms part of the Environmental SG that is linked to this policy. The LBAP identifies habitats and species important in the local context and includes Action Plans for their conservation and enhancement.

1.1.8 The [Scottish Biodiversity List](#) is a list of flora, fauna and habitats considered of principal importance for the conservation of biodiversity. The overall list is the sum of four smaller lists:

- Terrestrial and fresh water species
- Terrestrial and freshwater habitats
- Marine species and habitats
- Culturally important species and habitats (identified by the Scottish public)

### 1.1.9 This SG conforms to:

- [SPP](#)
- [PAN 60 \(Planning for the Natural Heritage\)](#)
- [UK Biodiversity Action Plan](#)
- LDP Key Objectives E & I
- [EU Water Framework Directive](#)

### 1.1.10 Background Information and Guidance:

- [Argyll and Bute Local Biodiversity Action Plan \(LBAP\)](#)
- [List of international, European, national and local designated sites.](#)
- [The Scottish Biodiversity List](#)



**SITE BIODIVERSITY CHECKLIST - initial observations - Sheet 1**

Site location:  OS Ref:

Site Ref No:  Date:

**Habitat Interest**

**Wildlife Interest and Invasive Non-Native Species- circle appropriate species**

	Present		Wildlife Corridor		Wildlife Interest and Invasive Non-Native Species- circle appropriate species			
	Yes/No	Size I Area I Survey <input checked="" type="checkbox"/>			Yes/No	LBAP Species	Survey	
Designated Site	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Breeding Birds	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Trees	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Mammals/General	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tree Line	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Otters(EPS), Water Vole, Badger,	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Woodland or Orchard	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Red and/or Grey (INNS) Squirrels,	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hedges	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Bats (EPS)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Farmland	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Amphibians and Reptiles inc. Great Crested Newt (EPS)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Grassland	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Trees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Scrub	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Plants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Water courses	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Lichens and mosses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ponds/Standing water	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Invasive Non-Native Species- (INNS) Japanese Knotweed etc <b>see Sheet 3.</b>	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>
Rough Grassland/moorland	<input type="radio"/>	<input type="checkbox"/>		Other	e.g			
Peatlands -Bogs/Wetland	<input type="radio"/>	<input type="checkbox"/>						
Walls or Stone Dykes	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	please specify				
Building	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>					
New Build	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>					
Coastal and Marine	<input type="radio"/>	<input type="checkbox"/>						

**External influence of Development**

<u>On water courses</u>	<input type="text"/>
<u>Increased public pressure on designated sites</u>	<input type="text"/>
<u>Wildlife corridors</u>	<input type="text"/>
<u>Habitat isolation or fragmentation</u>	<input type="text"/>
<u>Other</u>	<input type="text"/>

**Measures recommended: See Biodiversity Supplementary Guidance for European Protected Species (EPS) and Protected Species (PS)**

**Monitoring Agreed- with the following agencies- see below**

**Checklist – Organisations Contacted:**

- SNH – state which office
- SEPA – state which office
- FCS – state which office
- RSPB – state which office
- SWT – state which office

**SITE BIODIVERSITY CHECKLIST REPORT - Sheet 2**



Property Reference:		Full Address:				Forms completed by:					
Grid ref:	Designated Sites- <i>please circle the relevant type and in or adjacent ( i/a)</i>									Notes:	
	Type:	SSSI	LNCS	SAC	MCA	MPA	SPA	LNR	NNR		G&DL
	In or adjacent= i or a	i/ a	i/ a	i/ a	i/ a	I/ a	i/a	i/a	i/a		i/a
other:											
Habitat- dominant					Adjacent habitats- i.e. rivers, lochs, peatlands etc						
Species in Building/ Structure: Note evidence	Location with Building/Structure eg Walls, Underground sites, Roofs, Interior, Ponds/Water Features:					Recorded by:		Date:			
Recommendations for of each Habitat and Species:											
Species: note evidence, prints, spraint, droppings...	Seasonal Constraints: optimum time				Organisations Contacted: See: <a href="#">Biodiversity Technical Note</a>			Action to be Undertaken, Date & Initials: See Supporting Notes Ecological Survey ✓ box			

**CHECK LIST FOR INVASIVE NON-NATIVE SPECIES (INNS), CONTROL AND MANAGEMENT- Sheet 3**



1. Site Map required	Identify Areas for Action: Locate on site map and name eg. Area 1, Area 2 etc and attach map						
2. Identify Landowner ( if applicable)	Set up a meeting to discuss and agree the management of the INNS.						
3. Prioritise in terms of benefits	Rate 1-10						
	i. Habitat	ii. sight line	iii. Properties	iv. Neighbours			
4. Liaise with the Local Authority and relevant agencies- i.e. SNH, SEPA or Marine Scotland. <u>Yes/ No</u>	Gather Information on habitat by using Biodiversity Check Lists Sheet 1 and 2						
5. Draw up programme of work over a three year period and cost (include equipment, materials, professional and volunteer effort etc) See example Year 1.	Date 00/00/0000	Area according to site map- Area 1.	INNS species type	Control measure- type of chemical/ application rate	Cost / application	Photographs	Observation date; year 2 onwards and % rate of success
	Year 1	Area 1, 2, and 3...	Japanese Knotweed	Eg. Glyphosate; Rate: amount/m2	£/ App.	yes	00/00/0000; 80% success
	Year 2						
	Year 3						

<http://www.invasivespeciesscotland.org.uk/>



**SG LDP ENV 2 – Development Impact on European Sites**

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

In all Development Management Zones development not directly connected with or necessary to the conservation management of a European site, proposed European site or Ramsar site and which is likely to have a significant effect on the site (either individually or in combination with other plans or projects) will be subject to an appropriate assessment. Where it cannot be ascertained that the development would not adversely affect the integrity of the site it will not be supported unless:

(A) There is no alternative solution; AND,

(B) There are imperative reasons of over-riding public interest that may, for sites not hosting a priority habitat type and/or priority species, be of a social or economic nature.

Where the European site hosts a priority habitat type and/or a priority species (as defined in Article 1 of the Habitats Directive), the reasons referred to at (B) must relate to human health, public safety or beneficial consequences of primary importance to the environment, or other reasons which in the opinion of the European Commission (via Scottish Ministers) are imperative reasons of overriding public interest.

**SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves**

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

In all Development Management Zones development which would affect Sites of Special Scientific Interest and National Nature Reserves will only be permitted where it can be adequately demonstrated that either:

(A) The objectives of designation and the overall integrity of the area will not be compromised;  
OR,

(B) Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance and the need for the development cannot be met in other less ecologically damaging locations or by reasonable alternative means.

**1.1 Explanation of Policy Objectives - SG LDP ENV 2 & 4**

1.1.1 Argyll and Bute is an exceptionally important area for nature with international and national sites being designated. Protection is afforded at a national level through Site of Special Scientific Interest (SSSI) designations. Overlaying these designations, however, is protection now offered to some of these sites that are considered to be of European significance. These are known as Special Areas of Conservation (SAC) under the Habitats Directive and Special Protection Areas (SPA) under the Birds Directive. Collectively these are known as Natura 2000 sites. Some SSSIs have also been

## Argyll and Bute Local Development Plan – Supplementary Guidance Natural Environment

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declared as National Nature Reserves (NNR), which are concerned with management, education and public access. There is a requirement through legislation to protect all these sites from development that would have a detrimental impact upon their special environmental characteristics.

1.1.2 In the coastal area, Marine Consultation Areas have also been identified. These areas are non-statutory and help guide the Council's consideration of development proposals.

1.1.3 All designated sites listed in SG LDP ENV 2 & 4 have been included in the Local Development Plan Proposal Maps.

1.1.4 Argyll and Bute Council will seek to work in co-operation with other competent authorities/agencies and local communities to secure the conservation objectives of European sites dependant on wider management, such as marine sites. It will also encourage the management of features of the landscape, which are of major importance for wild flora and fauna.

1.1.5 **SG LDP ENV 2 & 4 conforms to:**

- [NPF3](#)
- [SPP](#)
- [PAN 60 \(Planning for the Natural Heritage\)](#)
- [UK Biodiversity Action Plan](#)
- LDP Key Objectives E & I]
- [EU Water Framework Directive](#)

## **SG LDP ENV 5 - Development Impact on Local Nature Conservation Sites (LNCS)**

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Development that would have an adverse effect on the integrity of the Local Nature Conservation Sites will not be supported unless the developer satisfactorily demonstrates that:

(A) Such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal, and,

(B) The Council is satisfied that all possible mitigation measures have been incorporated to minimise the adverse effects on the interests of the site.

Where development is allowed which could affect an LNCS, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the sites' ecological, geological and geomorphological interest.

### **1.1 Explanation of Policy Objectives**

1.1.1 The aim of this policy is to give Local Nature Conservation Sites protection from damaging development.

1.1.2 These sites play a valuable role in the environment, including providing vital links between different sites of nature conservation value, thus contributing to the development of habitat networks. They should therefore be protected against damaging development even when the site has been neglected or subject to poor management.

1.1.3 All Local Nature Conservation Sites have been included in the Proposals Maps.

1.1.4 **This SG conforms to:**

- [NPF3](#)
- [SPP](#)
- [PAN 60 \(Planning for the Natural Heritage\)](#)
- [UK Biodiversity Action Plan](#)
- LDP Key Objective E & I
- [EU Water Framework Directive](#)

**SG LDP ENV 6 - Development Impact on Trees / Woodland**

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

In accordance with Schedule FW 2, Argyll and Bute Council will protect trees, groups of trees and areas of woodland by making Tree Preservation Orders (TPOs) where this appears necessary in the interests of amenity.

Argyll and Bute Council will also resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.

**Schedule FW 2 – Features of important woodland/trees to be safeguarded include:**

- The whole area of woodland or segments of woodland when these are highly valued and not capable of absorbing development without fundamental damage occurring to the integrity, appearance or prized features of the woodland.
- The prize features of an important woodland may include:
  - the remaining part of an ancient, long established or semi-natural woodland;
  - recreational value to local people;
  - amenity value including within settlements, conservation areas and the setting of listed buildings;
  - the woodland setting;
  - the habitat value;
  - highly valued tree specimens;
  - windbreak characteristics;
  - the configuration of open space, glades, network, canopy and under-storey components within the woodland area;
  - the important contribution of the woodland, as key landscape features, to local and regional landscape character and distinctiveness.

**1.1 Explanation of Policy Objectives**

1.1.1 With approximately 30% of our land coverage in Argyll and Bute under tree cover wooded areas form a large part of our landscape character. These areas are vulnerable to change and the purpose of this SG is to ensure that the important features of woodland/trees are safeguarded when development is being taken forward in both urban areas and in the countryside.

1.1.2 Tree Preservation Orders (TPOs) may be made by the planning authority to protect individual trees, groups of trees, or whole woods (in an urban or rural setting). If a TPO has been served, permission is required to fell, top, lop or otherwise damage tree(s).

1.1.3 It should also be noted that trees in Conservation Areas and Sites of Special Scientific Interest are substantially protected due to these designations.

1.1.4 Development may provide opportunities for new planting. This should be in accordance with the local pattern of woodlands, thereby avoiding erosion of distinctive landscape patterns and enhancing landscape character.

**Argyll and Bute Local Development Plan – Supplementary Guidance**  
**Natural Environment**

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1.1.5 Argyll and Bute Council also seeks to protect the key environmental features of important woodland areas. These are set out in Schedule FW 2 of this Local Development Plan.

1.1.6 The council will also take into account [Argyll and Bute Woodland and Forestry Strategy](#) Supplementary Guidance and [The Scottish Government's Policy on Control of Woodland Removal](#) when taking decisions concerning woodland and trees.

1.1.7 **This SG conforms to:**

- [NPF3](#)
- [SPP](#)
- [PAN 60 \(Planning for the Natural Heritage\)](#)
- LDP Key Objectives E & I

**SG LDP ENV 7 - Water Quality and the Environment**

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

In all Development Management Zones proposals for development that could affect the water environment will be assessed with regard to their potential impact on:

- (A) Water quality and quantity, ecological status including morphology and flow rate
- (B) Riparian habitats and wildlife;
- (C) Geomorphic processes;
- (C) Leisure and recreational facilities and users;
- (D) Economic activity;
- (E) The resources protected by Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and other relevant Local Development Plan policies and SG.

Developments that may have a significant detrimental impact on the water environment will not be permitted unless it can be demonstrated that the impacts can be fully mitigated so as to ensure non-deterioration of waterbody status as required by the EU Water Framework Directive and the River Basin Management Plans covering Argyll and Bute.

**1.1 Explanation of Policy Objectives**

1.1.1 Argyll and Bute has a rich and varied water environment. In addition to over 2000 miles of coastline, the area contains numerous lochs, reservoirs, rivers, burns and wetlands. These are resources of value, providing leisure, and recreation opportunities and indeed employment such as fishing, aquaculture, tourism and energy production.

1.1.2 The water environment including surface waters, waterbodies, groundwater, coastal and estuarine waters is sensitive to development. It can be affected directly, for example through river engineering works and water extraction for industrial processes, and indirectly, for example through pollution from surface water run-off, and industrial processes. It is therefore necessary to assess the impact of new development on the water environment. Proposals which contribute towards improvements or enhancements of the water environment in line with the objectives of the Argyll and Clyde Area Management Plans will be supported. Applicants are also asked to consider the requirements of SG LDP SERV 2 that deals with Sustainable Urban Drainage (SuDs) and SG LDP SERV 3 that deals with Drainage Impact Assessments (DIAs).

**1.1.3 This SG conforms to:**

- [Water Environment and Water Services \(Scotland\) Act 2003 \(WESWA\)](#);
- [EU Water Framework Directive](#)
- LDP Key Objectives E, H) and I)

## Argyll and Bute Local Development Plan – Supplementary Guidance Natural Environment

### SG LDP ENV 8 – Protection and Enhancement of Green Networks

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Argyll and Bute Council will encourage developments to contribute towards the creation, retention and improvement of Green Networks within and surrounding the Main Towns of Campbeltown, Dunoon, Helensburgh, Lochgilphead/Ardrishaig, Oban and Rothesay.

Within defined Green Networks, development proposals will be expected to demonstrate that they safeguard and enhance the environmental integrity and functionality of the Green Network.

#### 1.1 Justification

1.1.1 Within Argyll and Bute a Green Network, describes the connectivity of areas of open space, natural habitats and pathways linking together natural, semi-natural and man-made corridors including leisure/recreational space, creating an interconnected network that provides opportunities for physical and recreational activity, enhancing biodiversity, the movement of species and the quality of the external environment and increasing accessibility within settlements and to the surrounding countryside.

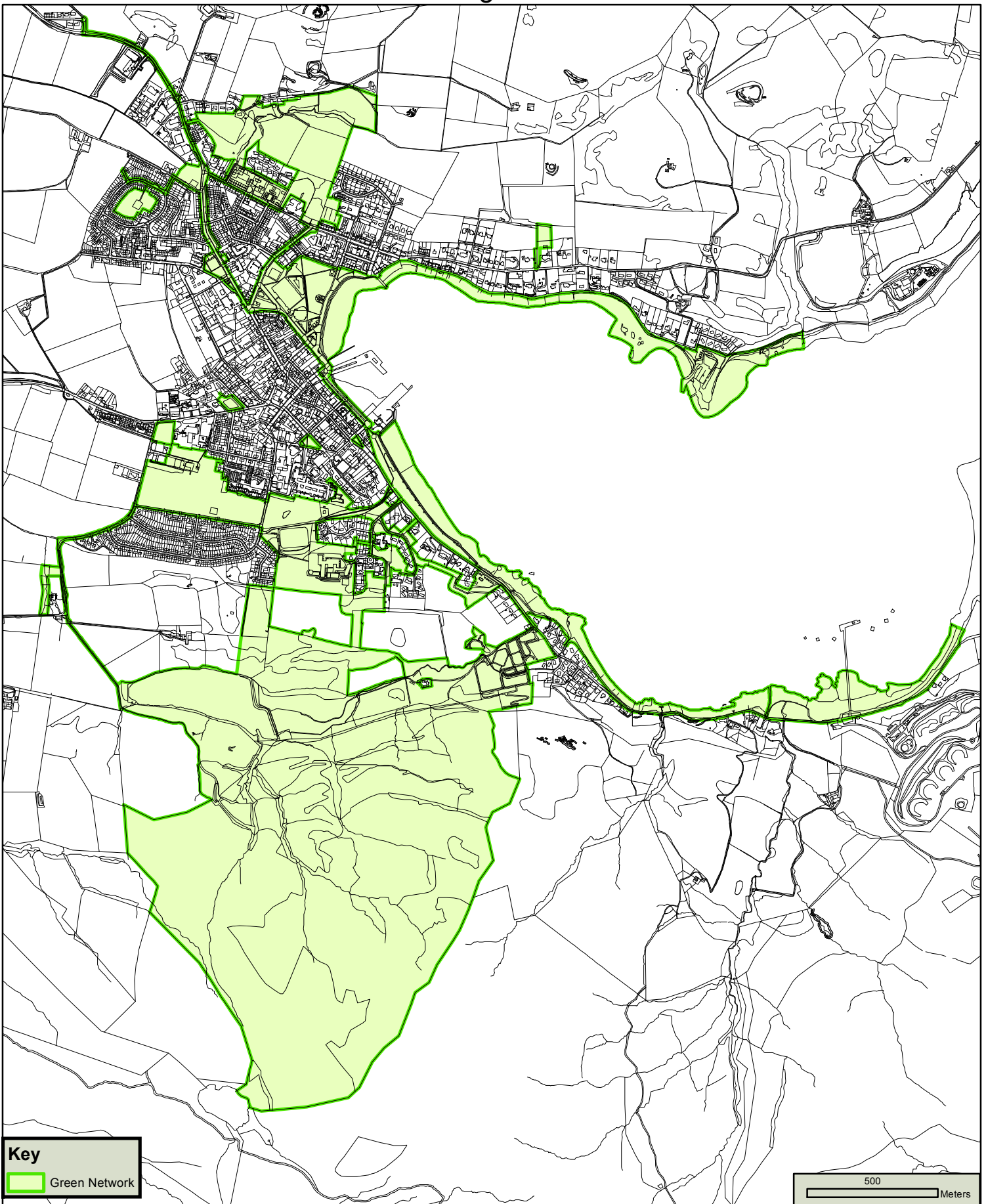
1.1.2 Argyll and Bute has identified Green Networks within and surrounding the Main Towns of Campbeltown, Dunoon, Helensburgh, Lochgilphead/Ardrishaig, Oban and Rothesay on maps that accompany this guidance.

1.1.3 Development proposals affecting these Green Networks are expected to safeguard their integrity and improve the quality of these green networks in a manner that is proportionate to the scale and impact of the development proposed.

1.1.4 The purpose of this policy is to ensure that Green Networks within and around Argyll and Bute's main towns increasingly form attractive settings for daily life, distinctive local identities for places, enhancing access to civic spaces, parks, playgrounds, and natural open space, and improving health and well-being within the wider community, enhancing bio-diversity and the movement of species, helping to mitigate against climate change, encouraging tourism and promoting sustainable use of scarce land resources.

#### 1.1.5 This SG conforms to:

- [NPF3](#)
- [SPP](#)
- [PAN 60 \(Planning for the Natural Heritage\)](#)
- [UK Biodiversity Action Plan](#)
- [Green Networks in Development Planning – SNH \(2012\)](#)
- LDP Key Objectives A, E & G



**Key**  
Green Network

500 Meters

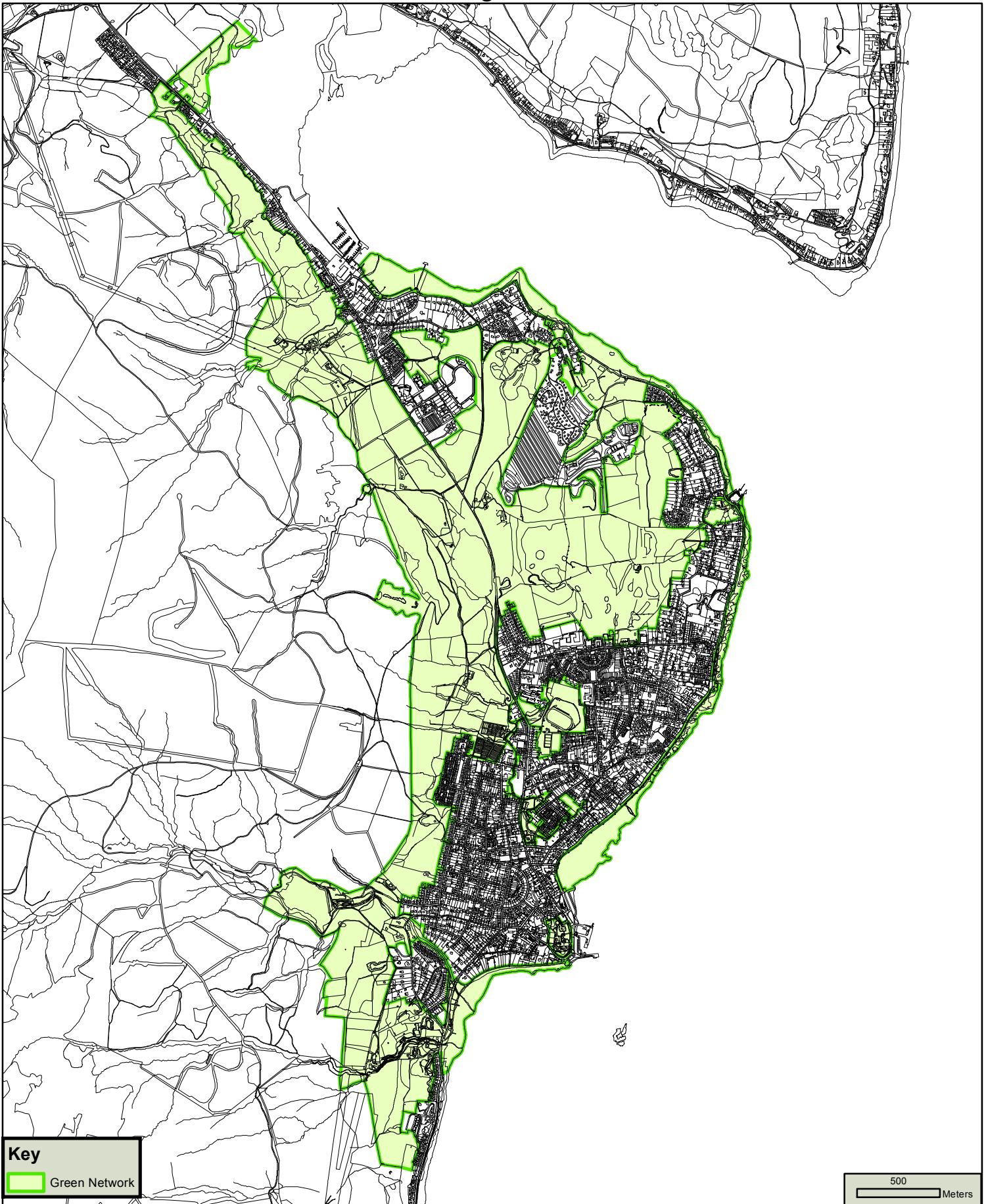
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Argyll and Bute Council  
Local Development Plan  
Supplementary Guidance

SG LDP ENV 8 - Protection and Enhancement of Green Networks  
**Green Networks - Campbeltown**







**Key**  
Green Network

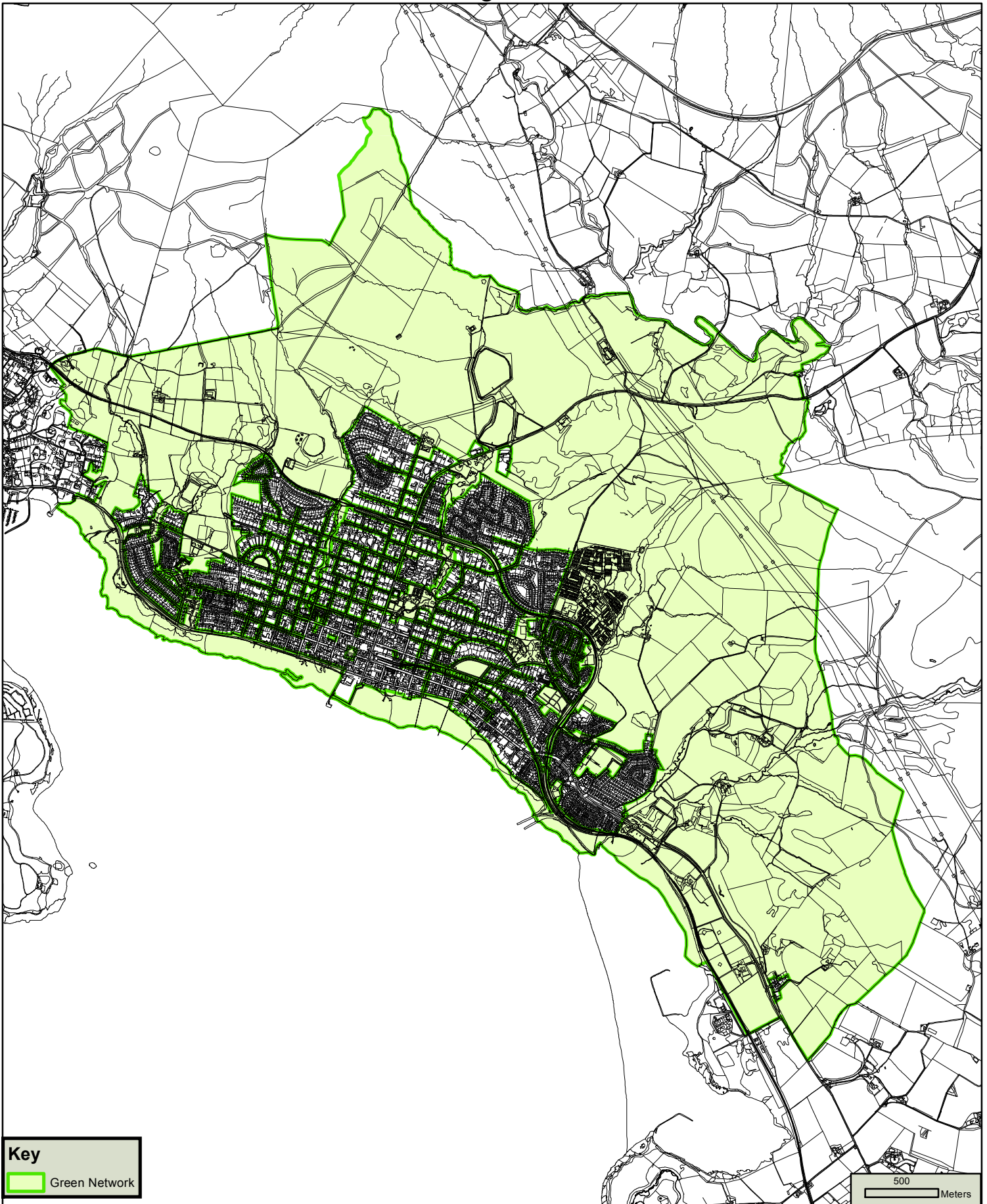
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Argyll and Bute Council  
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SG LDP ENV 8 - Protection and Enhancement of Green Networks  
**Green Networks - Dunoon**





**Key**  
Green Network

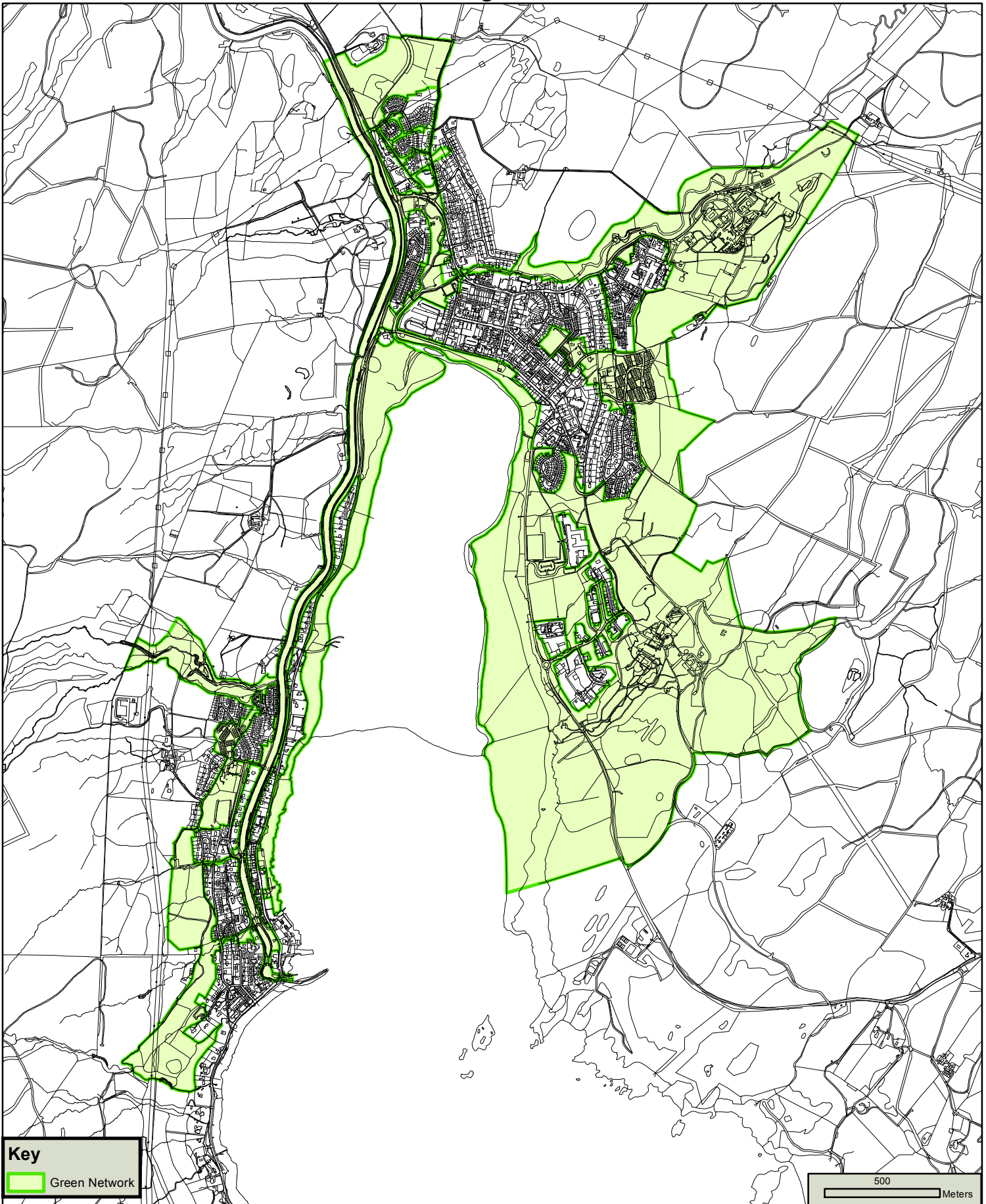
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SG LDP ENV 8 - Protection and Enhancement of Green Networks  
**Green Networks - Helensburgh**





**Key**  
Green Network

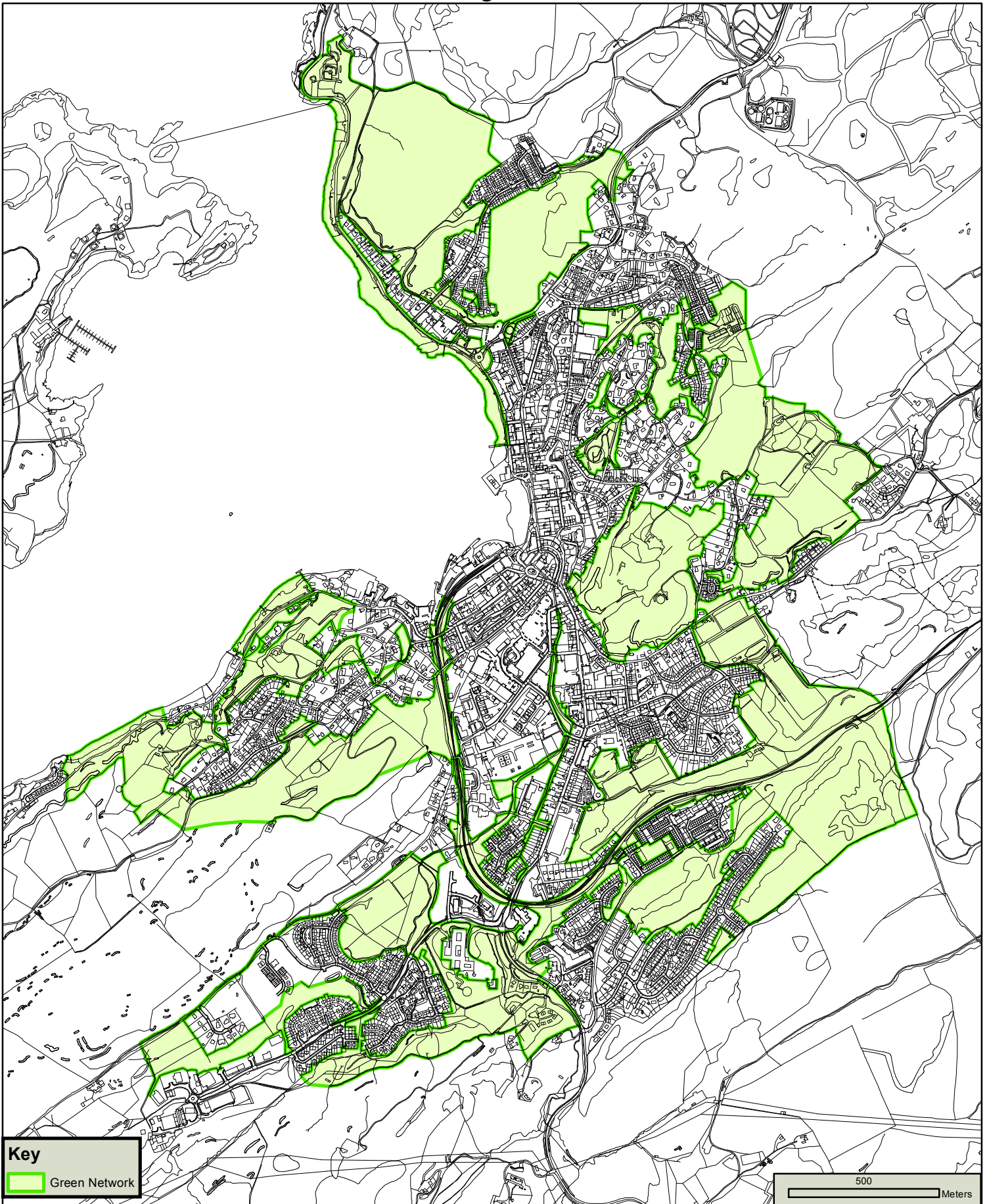
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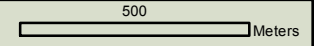
Argyll and Bute Council  
Local Development Plan  
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SG LDP ENV 8 - Protection and Enhancement of Green Networks  
**Green Networks - Lochgilphead/Ardrishaig**





**Key**  
 Green Network

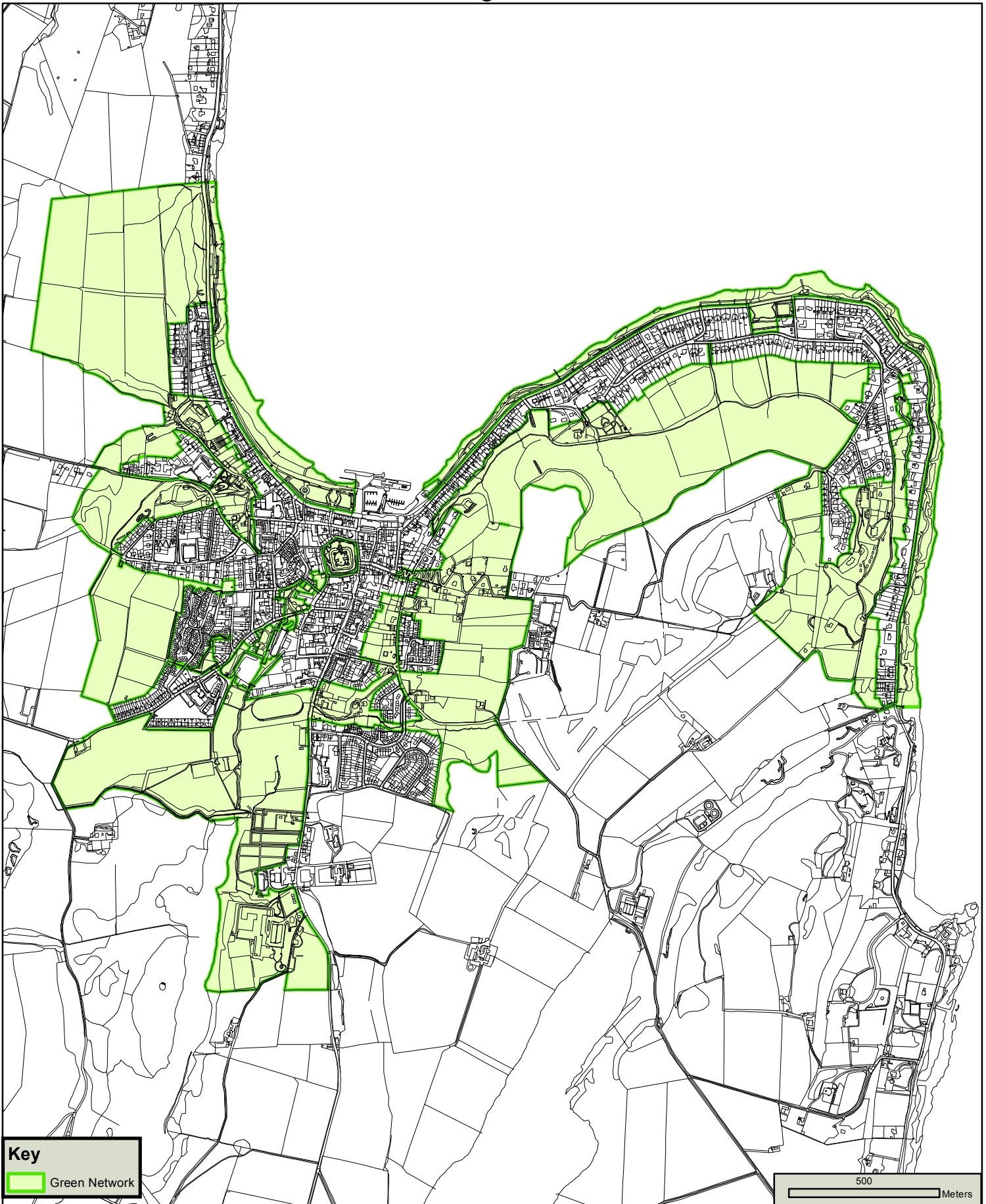


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Argyll and Bute Council  
Local Development Plan  
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SG LDP ENV 8 - Protection and Enhancement of Green Networks  
**Green Networks - Oban**





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SG LDP ENV 8 - Protection and Enhancement of Green Networks  
**Green Networks - Rothesay**



**SG LDP ENV 9 – Development Impact on Areas of Wild Land**

**This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.**

**Argyll and Bute Council will resist development proposals where it is determined that the proposal would significantly diminish the wild character of a Wild Land Area, as identified on the 2014 SNH map of wild land areas, unless it is clearly demonstrated that these adverse effects can be substantially overcome by siting, design or other mitigation.**

**1.1 Explanation of Policy Objectives**

1.1.1 SPP states that Wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development.

1.1.2 SNH identified Wild Land Areas in 2014 following a detailed analysis of where wildness can be found across all of Scotland's landscapes. The wild character of parts of Argyll and Bute provide valued elements to local and national identity. They are enjoyed for recreational purposes and aesthetic reasons and are significantly important to the tourism industry, attracting visitors from around the globe. These Wild Land Areas within Argyll and Bute are shown on the proposals maps.

1.1.3 Intrinsically linked to landscape these Wild Land Areas in Scotland have been shrinking over time. Their character is under threat, with increasing pressure from development both within the Wild Land Areas and from the impact of development adjacent to them. This development pressure often arises from renewables development, infrastructure development and from aquaculture/ agricultural development, including hill tracks.

1.1.4 As Wild Land Areas have shrunk they have increased in value due to rarity, and so now require protection to ensure their retention both for locals and visitors at the present time and for future generations.

1.1.5 Developers submitting proposals that impact upon Wild Land Areas will be expected to submit supporting evidence that addresses the impact on the wild character of a Wild Land Area. This should be in the form of a detailed assessment of the actual expected impact, including the area affected, the degree of impact and any mitigation proposed. Such proposals will only be supported when it has been clearly demonstrated that the resultant impact of a development on wild character can be substantially overcome by siting, design or other mitigation.

**1.1.6 This SG conforms to:**

- [NPF3](#)
- [SPP](#)
- [PAN 60 \(Planning for the Natural Heritage\)](#)
- LDP Key Objectives E & I (pages 6 & 7)

**1.1.7 Background Information:**

- [Wildness in Scotland's Countryside](#); SNH (2002)
- [Assessing the Impacts on Wild Land](#); SNH (2007)
- [Wild Land Areas 2014, SNH \(2014\)](#)

## SG LDP ENV 10 – Geodiversity

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Argyll and Bute Council will consider geodiversity impact when assessing development proposals. Development that would have a significant adverse effect on non- designated Geological Conservation Review Sites or Local Geodiversity Sites<sup>2</sup> will not be supported unless it is satisfactorily demonstrated that:

(A) Such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal, and

(B) The Council is satisfied that all possible mitigation measures have been incorporated to minimise adverse effects on the interests of the site. Where possible, any resultant rock exposures or other evidence of geodiversity interest should be considered for their potential as an educational or interpretative resource and a record is made prior to any loss.

### 1.1 Explanation of Policy Objectives

1.1.1 Geological diversity is an important natural factor underpinning biological, cultural and landscape diversity and therefore an important parameter to be considered in the assessment, protection, conservation, management and use of natural areas of Argyll and Bute. Designation of geological and geomorphological features in Sites of Special Scientific Interest (SSSIs) is underpinned by the Geological Conservation Review (GCR). The GCR was designed to identify those sites of national and international importance needed to show all the key scientific elements of the Earth Heritage of Britain. Further information on the location of important geodiversity sites can be found at [www.argyllgeology.co.uk](http://www.argyllgeology.co.uk).

1.1.2 New development should assess the potential impacts on geodiversity by taking steps to mitigate any damage that cannot be prevented, and identify opportunities that might benefit geodiversity. For example, some developments might allow the creation of more rock exposures, or offer an opportunity to re-establish natural systems; in others, planning permission may insist on mitigation, such as future monitoring and maintenance work. For effective conservation of geodiversity there is a need to integrate the efforts of all interested parties and seek to conserve geodiversity in the wider landscape and not just be concerned with conservation of geological sites or features.

#### 1.1.3 This SG conforms to:

- [NPF3](#)
- [SPP](#)
- [PAN 60 \(Planning for the Natural Heritage\)](#)
- [UK Biodiversity Action Plan](#)
- Key Objective E & I
- [EU Water Framework Directive](#)

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• <sup>2</sup> <http://www.argyllgeology.co.uk/>

**SG LDP ENV 11 – Protection of Soil and Peat Resources**

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Argyll and Bute Council will only support development where appropriate measures are taken to maintain soil resources and functions to an extent that is considered relevant and proportionate to the scale of the development.

Development that would potentially have a significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it is satisfactorily demonstrated that:

(A) such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal; AND

(B) A soil or peatland management plan is submitted which clearly demonstrates how unnecessary disturbance, degradation or erosion of peat and soils will be avoided and how any impacts mitigated as much as possible. Evidence of the adoption of<sup>3</sup> best practice in the movement of, storage, management, reuse and reinstatement of soils must be submitted along with any planning application.

**1.1 Explanation of Policy Objectives**

1.1.1 Soil provides ecosystem services critical for life: soil acts as a water filter and a growing medium; provides habitat for billions of organisms, contributing to biodiversity; and supplies most of the antibiotics used to fight diseases. Soil is the basis of our nation's agricultural ecosystems which provide us with food feed for our livestock, provide fibre, and fuel. We use soil for holding solid waste, filter for wastewater and foundations for our buildings. Peat is a major carbon store; a healthy peat bog absorbs and stores carbon, but an unhealthy and drying-out bog releases carbon, adding to carbon dioxide in the atmosphere and contributing greatly to climate change.

1.1.2 Conserving soil will prevent it from being eroded and lost and from losing its fertility due to alteration in its chemical composition. Soil provides the foundation for landscaping to meet both conservation and amenity objectives.

**1.1.3 SG ENV LDP 11 conforms to:**

- [NPF3](#)
- [SPP](#)
- [PAN 60 \(Planning for the Natural Heritage\)](#)
- [UK Biodiversity Action Plan](#)
- LDP Key Objectives E & I
  
- [EU Water Framework Directive](#)
- [Scottish Soils Framework 2009](#)
- [Scotland's Land Use Strategy \(2011\)](#)

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• <sup>3</sup> [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#)  
 • [Good Practice During Windfarm Construction:](#)



## Argyll and Bute Local Development Plan – Supplementary Guidance Natural Environment

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### 1.1.4 Peat Supporting Information:

- [SEPA's Regulatory Position Statement – Developments on Peat.](#)
- [Guidance on the Assessment of Peat Volumes, Re-Use of Excavated Peat and Minimisation of Waste.](#)
- [Developments on Peatland: Site Surveys and Best Practice.](#)

### 1.1.5 Soil Supporting Information:

Listed below are reports covering the overall principles of sustainable use of soil during construction.

SNIFFER: UKLQ01 in 2004 "[Planning for soil: advice on how the planning system can help to protect and enhance soils](#)".

DEFRA "[Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#)".

1.1.6 The section on related legislation is English based, however it provides a very good case study and practical example of soil management options applicable anywhere.

- SNH publication [Good Practice During Windfarm Construction](#)

1.1.7 In regards to restoration and reinstatement of development sites, there is no one source of information. Best practices guidance is often related to the biodiversity or conservation restoration and not soil itself. However some information is available from:

British Standards has recently updated its standard on the use and requirements for topsoil (BS3882:2007 - Specification for topsoil and requirements for use).

The Highways Agency and the Construction Industry Research & Information Association have produced a [best practice guide on habitat translocation](#) which includes useful information on soil handling.

Guidance related to specific activities also includes detail information on soil handling and management. For example [track construction guidance](#) and [wind farm development](#) .

There is some [additional information from the SNH web site](#) .

Please also note that soil map and information are now available free of charge (strictly for non-commercial use) by request to Scottish Government. [Scottish soil information](#) will also become available shortly to the public on line via a daughter website of Scottish Environment web site.

1.1.8 At present, only [summary information on soil](#) can be accessed via the Soil Indicators For Scottish Soils (SIFSS) web interface.

1.1.9 This report provides estimates of extent and condition of peatlands in Scotland and the rest of the UK and reviews sources of available information.

["Towards an assessment of the state of the UK Peatlands", JNCC, April 2011](#)

[The Scottish Government have provided a 'carbon calculator' which provides a method for estimating the impacts of wind farms on peat lands.](#)

The James Hutton Institute soil and peat depth maps provide a valuable dataset which will be used in the development assessment process.

**SG LDP ENV 12 - Development Impact on National Scenic Areas (NSAs)**

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Argyll and Bute Council will resist any development in, or affecting, National Scenic Areas that would have an adverse effect on the integrity of the area, or that would undermine the Special Qualities\* of the area unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

In all cases the highest standards, in terms of location, siting, design, landscaping, boundary treatment, materials and detailing will be required for developments within a National Scenic Area. Developments will be expected to be consistent with Policy LDP 9 – Development Setting, Layout and Design, associated SG and the relevant [Argyll and Bute Landscape Capacity Assessment](#).

\*As detailed in - The Special Qualities of the National Scenic Areas; SNH (2010)

## 1.1 Explanation of Policy Objectives

1.1.1 The aim of this policy is to provide landscapes of national importance located within Argyll and Bute with adequate protection against damaging development that would diminish their outstanding scenic value.

1.1.2 There are seven National Scenic Areas within Argyll and Bute:

- Knapdale
- Scarba, Lunga and The Garvellachs
- Jura
- Lynn of Lorn
- Loch Na Keal
- Ben Nevis and Glencoe (Part of)
- Kyles of Bute

1.1.3 These NSAs encompass some of the most varied and valuable landscapes and coastscapes in Scotland. These NSAs are important not only for their physical landforms and scenic splendour, but also for the environmental assets that they represent. These qualities could easily be destroyed or damaged by even relatively small, insensitive development or in some areas by any development at all. They therefore must be protected.

The seven National Scenic Areas within Argyll and Bute have been identified on the Main Proposals Maps.

1.1.4 **This SG conforms to:**

- [NPF3](#)
- [SPP](#)
- [PAN 60 \(Planning for the Natural Heritage\)](#)
- LDP Key Objectives D & E

Argyll and Bute Local Development Plan – Supplementary Guidance  
Landscape and Design

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1.1.5 **Background Information:**

- [Landscape Assessment of Argyll and the Firth of Clyde \(SNH\) 1996.](#)
- [The Special Qualities of the National Scenic Areas; SNH \(2010\)](#)
- [Argyll and Bute Landscape Capacity Studies](#)

**SG LDP ENV 13 - Development Impact on Areas of Panoramic Quality (APQs)**

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Argyll and Bute Council will resist development in, or affecting, an Area of Panoramic Quality where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is adequately demonstrated that:

(A) Any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance;

In all cases the highest standards, in terms of location, siting, design, landscaping, boundary treatment and materials, and detailing will be required within Areas of Panoramic Quality. Developments will be expected to be consistent with Policy LDP 9 – Development Setting, Layout and Design, associated SG and the relevant [Argyll and Bute Landscape Capacity Assessment](#).

## 1.1 Explanation of Policy Objectives

1.1.1 The aim of this policy is to provide locally important landscapes in Argyll and Bute, with adequate protection against damaging development that would diminish their very high scenic value. The Council has identified Areas of Panoramic Quality and these are shown on the main Proposals Maps. These APQs are important not only for their physical landforms and scenic value, but also for the environmental assets that they represent. These qualities could easily be destroyed or damaged by even a relatively small, insensitive development. They therefore must be protected.

### 1.1.2 This SG conforms to:

- [NPF3](#)
- [SPP](#)
- [PAN 60 \(Planning for the Natural Heritage\)](#)
- LDP Key Objectives D & E

### 1.1.3 Background Information:

- [Landscape Assessment of Argyll and the Firth of Clyde \(SNH\) 1996](#).
- Technical Working Note 2.3 Landscape Classification (SRC).
- [Argyll and Bute Landscape Capacity Assessments](#).

**SG LDP ENV 14 – Landscape**

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Outwith National Scenic Areas and Areas of Panoramic Quality, Argyll and Bute Council will consider landscape impact when assessing development proposals, and will resist development when its scale, location or design will have a significant adverse impact on the character of the landscape unless it is demonstrated that:

- (A) Any such effects on the landscape quality are clearly outweighed by social, economic or environmental benefits of community wide importance; AND
- (B) The Council is satisfied that all possible mitigation measures have been incorporated into the development proposal to minimise adverse effects.

Developments will be expected to be consistent with Policy LDP 9 – Development Setting, Layout and Design, associated SG.

**1.1 Explanation of Policy Objectives**

1.1.1 The aim of this policy is to provide the varied landscapes in Argyll and Bute with adequate protection against development that would undermine distinctive landscape character. These landscapes are important not only for their physical landforms, but also for the environmental assets that they represent and economic, identity and spiritual benefit that they provide. These qualities could easily be destroyed or damaged by even a relatively small, insensitive development. They therefore must be protected.

**1.1.2 This SG conforms to:**

- [NPF3](#)
- [SPP](#)
- [PAN 60 \(Planning for the Natural Heritage\)](#)
- LDP Key Objectives E & I

**1.1.3 Background Information:**

- [Landscape Assessment of Argyll and the Firth of Clyde \(SNH\) 1996.](#)

## SG LDP ACE 1 – Area Capacity Evaluation

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

### 1.1 Introduction

1.1.1 This Supplementary Planning Guidance note has been developed in association with the Argyll and Bute Local Development Plan for use in the determination of applications in the Rural Opportunity and Countryside development management zones. This note sets out to explain why an ACE should be done, who should do it, what it should contain, and how it should be used to inform the development management decision making process.

For further general information on siting and design see also: **LDP Sustainable Siting and Design Principles**

### 2.1 When Should an Area Capacity Evaluation Be Carried Out

2.1.1 The Argyll and Bute Local Development Plan establishes when an ACE should be triggered through Policy LDP DM1 – Development within the Development Management Zones, Criteria (D) and (E) and this is explained below:

- An ACE will only be carried out for certain development proposals within these two development management zones (Rural Opportunity Areas and Countryside). It will never be carried out for medium or large scale housing development in either zone as there is a presumption against such development within SG LDP HOU1 – General Housing Development Including Affordable Housing Provision.
- Within Rural Opportunity Areas an ACE will be required for all non-housing development of medium and large scale (see table below for detail of scales), where an exceptional case has been made. An ACE will not be required for small scale housing in a Rural Opportunity Area.
- Within the Countryside Zone all development proposals which are not small scale infill, rounding off, or redevelopment will require to accord with an ACE subject to an exceptional case being made. An ACE will not be required for small scale housing which is infill, rounding off, or redevelopment within the Countryside Zone.
- Notwithstanding this, an ACE should never be carried out for renewable energy related developments which are the subject of environmental impact assessment or temporary buildings or proposals.
- The ‘exceptional case’ required to justify carrying out of an ACE is in all circumstances, either; the demonstration of a locational and/or operational need tied to a precise location which is agreed with and acceptable to the planning authority, or; demonstration of an overriding economic or community benefit which outweighs other policies of the Local Development Plan and is agreed with and acceptable to the planning authority.

## Argyll and Bute Local Development Plan – Supplementary Guidance Landscape and Design

2.1.2 The scales of development in relation to type of development are defined in the Argyll and Bute Local Development Plan, these are summarised in the table below:

**Table 1: Definitions of Scale of Development by Type**

	Scale of Development		
Type of Development	Large	Medium	Small
Business and Industry (Class 4,5,6 and 7)	Building of more than 600 square metres gross building or site area exceeding 2 hectares	Building between 200 and 600 square metres gross or site area between 0.5 and 2 hectares	Building up to 200 square metres gross or site area not exceeding 0.5 hectares
Retail (Class 1,2,and 3)	Building exceeding 1000 square meters gross	Building between 201 and 999 square meters gross	Building up to 200 square meters gross
Tourist facilities and accommodation, including static and touring caravans and campsites	Tourist facility buildings exceeding 600 square meters gross; more than 60 letting units; more than 50 caravans or stances; 100 tent pitches.	Tourist facility buildings between 200 and 600 square meters gross; 11 to 60 letting units; 11 to 50 caravans or stances; 50 to 100 tent pitches.	Tourist facility buildings up to 200 square meters gross; up to 10 letting units; up to 10 caravans or stances; up to 50 tent pitches.
Mineral extraction*	Extraction area exceeding 800 cubic meters, or more than 20 metres on the longest edge of the site or exceeding 2 metres in extraction depth.	*As large scale.	Extraction area not exceeding 800 cubic metres, or not exceeding 20 metres on the longest edge of the site and not exceeding 2 metres in extraction depth.
Housing	More than 30 housing units.	Between 6 and 30 housing units inclusive.	Not exceeding 5 housing units.
Waste related development	Sites exceeding 0.25 hectares.	Sites between 500 square metres and 0.25 hectares.	Sites less than 500 square metres.

2.1.3 Any application would also require to be assessed against all other relevant policies in the development plan, this may mean that satisfying the requirements of the ACE may not necessarily result in planning permission, e.g. retail developments would also require to accord with Policy LDP 7/ SG LDP RET 1.

2.1.4 An ACE is to be carried out by the planning authority, primarily by Development Management staff with support from Development Policy staff as appropriate. It is to be used as a tool to assess planning applications in the relevant development control zones, in order to establish the capacity of the wider countryside containing the application site to successfully absorb that particular development. Where an ACE has been triggered by a planning application it should be recorded as a component of the planning report on the submitted application.

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### 3.1 The Purpose Of The ACE

3.1.1 The aim of the ACE process is simply to comprehensively and methodically assesses the capacity of the landscape to successfully absorb the proposed development. **The aim should not be to identify a definitive quantity or how much development can be accommodated in a landscape but to explore landscape ‘sensitivity’ to the particular development proposal under consideration.**

3.1.2 Landscape capacity refers to the degree to which a particular landscape character type or area of common landscape character is able to accommodate change without significant effects on its character, or overall change of landscape character type. Capacity is likely to vary according to the type and nature of change being proposed. For the purposes of the ACE, Landscape Capacity should not refer to the quantity of development that can be accommodated.

3.1.3 We should take a comprehensive view of landscape, taking account of more than just the visible components and identifying the key environmental features. We should recognise that historical and cultural associations and the total experience of landscape through all the senses and through knowledge are integral to understanding landscape character.

### 4.1 Guidance For Carrying Out an ACE

4.1.1 The techniques described below are based on the current best practice guidance for a systematic approach to landscape and visual impact assessment developed by the Landscape Institute and the Institute of Environmental Management and Assessment with support from SNH. They are set out not as a prescriptive process but to provide a brief suggested framework for carrying out an ACE

#### Desk Top Preparation:

##### Collation of Existing Assessments, Maps, Aerial Photos

1. Collate and assess existing Landscape Character Assessments which have been carried out at a more macro level and will form the baseline. All areas will have at least the SNH Argyll and Clyde Character Assessment and any additional local and national designations should be noted.
2. Aerial Photographs and mapping at a detailed level with contours is available on Local View for all areas and should be printed.

#### Stage 1:

##### Record Landscape Components and Key Environmental Features

1. Print field sheets to structure the approach to observation and description. No standard Field sheet would accommodate all landscape types so they should be adapted as appropriate.
2. On site: **Use Field Sheets 1A & B to observe and note Landscape Components and Key Environmental Features.** All of these components are: real, physical, measurable, tangible–touchable as well as visible. They can be described with objectivity as a matter of fact, not opinion.
3. Some components will be more significant than others. The significant ones may contribute to the character of the landscape or may form conspicuous features within the landscape that are not typical. **Highlight visually important or frequent features on the field sheets.**



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- 4 Having identified and noted the landscape components and key environmental features in this way should allow an Area of Common Landscape Character or ACE Compartment to be defined. This should be identified and mapped using OS maps or aerial photographs. This will commonly be bounded by limits of inter-visibility with the proposal, but will sometimes be shortened by key changes in landscape character such as prominent linear features, lochs etc...

### **Stage 2:**

#### **Describe Experience of the Landscape and Sense Of Place**

1. On site **use Field Sheet 2 to describe the experience and sense of place** by noting the non-physical components of the landscape. These do not lend themselves to accurate measurement but can be described within a range of common adjectives. For example: openness may be described as: tightly enclosed, confined, open or exposed. These adjectives give us a fairly descriptive picture.
2. Use field sheet 2 in combination with field sheets 1A&B to consider if the combination of landscape characteristics observed, create a unique Area of Common Landscape Character and if the ACE compartment should be refined to reflect this.

### **Stage 3:**

#### **Predict and Assess Visual Impact**

1. On site use field sheet 3 to predict and assess the visual impact.
2. It is necessary to visualise the proposal in situ. It is important to consider the proposal at all stages of its life including, how it will be constructed, the means of access during construction and operation, import and export of material, infrastructure required, and mitigation measures which are proposed.
3. Visual receptors should commonly reflect those used to describe the landscape components and key environmental features in Field Sheet 1A&B. Amend Field Sheet 3 appropriately to reflect this.
4. The aim is to assess impact in terms of the sensitivity of receptors and the magnitude of impact. By combining the two gives an assessment of the significance of any impact and this can be recorded in the notes section of Field Sheet 3. For example a receptor which has low sensitivity (perhaps because of the infrequency with which it would be seen) might be combined with a magnitude of impact which is major, but still be considered of little significance. Equally the converse could apply with a very sensitive receptor and low magnitude impact.

### **Stage 4:**

#### **Predict and Assess Landscape Impact**

1. On site use field sheet 4 to predict and assess landscape impact.
2. This is a very similar process to stage 3 visual impacts but it is important to differentiate.
3. Landscape receptors should also commonly reflect those used to describe the landscape components and key environmental features in Field Sheet 1A&B. Amend Field Sheet 4 appropriately to reflect this.

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4. Factors to consider:
  - the magnitude or scale of the impact;
  - duration whether it is a permanent or temporary impact;
  - the importance of the receptor as a landscape component (or the number of people affected, what they are doing and the context of the view).
  - Specific landscape components e.g. shoreline, hill or river
  - Areas of distinctive character
  - Valued landscapes such as local beauty spots or specific viewpoints
  - Historic, designed landscapes
  - People – residents, workers, travellers
  - Cumulative and visual impacts
  
5. Again the sensitivity of the landscape feature and the magnitude of effect should be combined to describe the significance of impacts in the notes effect.

### **Stage 5:**

#### **Key Outputs**

1. If filled in systematically, following these stages should result in:
  - Desk top assessment of the area's landscape context.
  - Clear assessment of Area's landscape components and Key Environmental Features using Field Sheet 1 A & B.
  - Clear description of the Experience of the Landscape & Sense Of Place using Field Sheet 2.
  - Definition and refinement of ACE compartment.
  - Clearly differentiation between Landscape and Visual Impacts using Field Sheets 3 & 4.
  - Consideration of fair / accurate and appropriate illustrations (photo's/aerial photo's) if available but always used with caution.
  - Consideration of proposed and or potential mitigations and all stages of construction and operation.

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### FIELD SHEET 1A: Landscape Components and Key Environmental Features

<b>Location</b>				
<b>ACE title/ref.</b>				
<b>Date</b>				
<b>Visible, physical components of landform, its features and characteristics</b>				
High Plateau	Peak	Knoll ridge	Spur/crags	Outcrops
Corrie/gully	Low plateau	Distinct hills	Rolling hills/slopes	Glen valley
Gorge	Bench/terrace	Flats	Wide basin	Confined basin
Den	Hollows	Plain	Mounds/moraines	Cliff
Coastal brae	Bay	Headland	Beach	Intertidal
Notes:				
<b>Land cover and land use –water</b>				
Sea	Sea loch	Intertidal	Mud/sand	Delta
Estuary	Loch	Lochans	Pools	River
Whitewater	Burn	Drain/ditch	Canal	Waterfall
Reservoir				
Notes:				
<b>Land cover and land use – forestry, woodland and trees</b>				
Coniferous plantation	Mixed plantation	Broadleaved plantation	Semi-natural woodland	
Tree clumps/copses	Shelterbelts/tree lines	Roadside tree belts	Policy/parkland trees	
Hedgerow trees	Notable single trees			
Notes:				
<b>Land cover and land use – agriculture</b>				
Arable	Horticulture	Intensive livestock	Ley grassland	
Permanent pasture	Unimproved grassland	Rough hill grazing	Moorland	
<b>Animals:</b>	Cattle	Sheep	Pigs	
	Poultry	Horses	Deer	
Notes:				
<b>Land cover and land use – fields and boundaries</b>				
Stone dykes	Dykes with fencing	Remnant dykes	Continuous hedgerows	
Hedgerows with gaps	Remnant hedgerows	Lost hedgerows	Post and wire fencing	
Post and rail fencing	High stone walls	Stone pillars	Wooden/metal gates	
Beech hedges	Hawthorn hedges			
<b>Field size:</b>	Very large	Large	Medium	Small
Maps/Aerial photos showing proposed ACE boundary				
Notes:				

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### FIELD SHEET 1B: Landscape Components and Key Environmental Features

<b>Location</b>				
<b>ACE title/ref.</b>				
<b>Date</b>				
<b>Land cover and land use – other uses</b>				
Country park	Urban park	Nature reserve	Car parks	Sports field
Golf course	Angling	Camping site	Caravan site	Marine/boats
Dock/harbour	Military	Open cast coal	Sand and gravel	Hard rock industrial
Industrial	Warehousing	Airfield	Retail	Utilities
Notes:				
<b>Land cover and land use –settlements</b>				
Nucleated	Scattered	Linear	Unplanned	Model/planned
Traditional	Modern	Mixed	Frequent	Infrequent
Absent	Town	Village/township	Hamlet	Sprawling
<b>Steadings:</b>	Regular	Irregular	Absent	Frequent
	Infrequent	Small	Medium	Large
	Traditional	Modified	Extended	Converted
Notes:				
<b>Dominant Building Materials</b>				
Stone colour	Brick colour	Render/colourwash		
Tile roof colour	Slate roof colour	Stone roof colour		
Notes:				
<b>Linear Features</b>				
Motorway	Main road	B roads	Minor roads	Tracks
Road Nos/Name				
Core paths/LDR/ROW	Drove roads	Hill tracks	Derelict/operational railway	
Embankments	Cuttings	Power lines	High voltage	Low voltage
Rivers/watercourses	Overhead telephone	Pipelines	Coast/shoreline	
Notes:				
<b>Single point features</b>				
Church	Castle	Ruin	Folly/obelisk	Wind turbine
SAM/Unlisted mons	Bridge	Large house	Steadings	Signs
Mast/transmitter	Industrial site	Waste disposal site	Quarry/mine	Quarry buildings
Notes:				

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### FIELD SHEET 2: Describe Experience of the Landscape & Sense of Place

<b>Location</b>				
<b>ACE title/ref.</b>				
<b>Date</b>				
<b>Components of landscape experience – visible/spatial characteristics</b>				
SCALE	Intimate	Small	Large	Vast
OPENNESS	Tightly enclosed	Confined	Open	Exposed
COLOUR	Monochrome	Muted	Colourful	Garish
TEXTURE	Smooth	Varied texture	Rough	Craggy
DIVERSITY	Uniform	Simple	Diverse	Complex
FORM	Vertical	Sloping	Rolling	Flat/horizontal
LINE	Straight	Angular	Curved	Sinuous
BALANCE	Harmonious	Balanced	Discordant	Chaotic
MOVEMENT	Dead	Calm	Active	Busy
PATTERN	Random indistinct	Organised irregular	Planned regular	Formal geometric
MANAGEMENT	(Semi) natural	Derelict/disturbed	Tended	Manicured
<b>Components of landscape experience – other senses</b>				
SOUND	Silent	Quiet	Disturbed	Noisy
SMELL	Fresh	Agricultural	Coastal	Industrial
OTHER				
Notes:				

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**FIELD SHEET 3: Predict and Assess Visual Impact**

<b>Location</b>			
<b>ACE title/ref.</b>			
<b>Date</b>			
<b>Visible, physical components of landform, its features and characteristics</b>			
Proposal			
<b>Visual receptors</b>	<b>Sensitivity of viewpoint</b>	<b>Impact: eg. visual intrusion/obstruction</b>	<b>Magnitude of impacts</b>
Trunk roads and motorways	High/Medium/Low		Major/Moderate/Low/Negligible
A and B roads	High/Medium/Low		Major/Moderate/Low/Negligible
Minor roads	High/Medium/Low		Major/Moderate/Low/Negligible
Rights of way/paths/core paths	High/Medium/Low		Major/Moderate/Low/Negligible
Important viewpoints	High/Medium/Low		Major/Moderate/Low/Negligible
Railways	High/Medium/Low		Major/Moderate/Low/Negligible
Open space and recreation areas	High/Medium/Low		Major/Moderate/Low/Negligible
Public buildings	High/Medium/Low		Major/Moderate/Low/Negligible
Residential properties	High/Medium/Low		Major/Moderate/Low/Negligible
Workplaces	High/Medium/Low		Major/Moderate/Low/Negligible
Notes:			

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### FIELD SHEET 4: Predict and Assess Landscape Impact

<b>Location</b>			
<b>ACE title/ref.</b>			
<b>Date</b>			
Proposal			
Landscape receptors What will be affected?	Sensitivity How important is it	Impact What will the effect be?	Magnitue of impact
Landform	High/Medium/Low		Major/Moderate/Low/ Negligible
Water	High/Medium/Low		Major/Moderate/Low/ Negligible
Woodland and trees	High/Medium/Low		Major/Moderate/Low/ Negligible
Agriculture	High/Medium/Low		Major/Moderate/Low/ Negligible
Fields and boundaries	High/Medium/Low		Major/Moderate/Low/ Negligible
Other land uses	High/Medium/Low		Major/Moderate/Low/ Negligible
Settlement pattern	High/Medium/Low		Major/Moderate/Low/ Negligible
Linear features	High/Medium/Low		Major/Moderate/Low/ Negligible
Point features	High/Medium/Low		Major/Moderate/Low/ Negligible
Aspects of landscape experience			
Colour	High/Medium/Low		Major/Moderate/Low/ Negligible
Texture	High/Medium/Low		Major/Moderate/Low/ Negligible
Pattern etc.	High/Medium/Low		Major/Moderate/Low/ Negligible
Notes:			

## SG LDP ENV 15 – Development Impact on Historic Gardens and Designed Landscapes

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Where development would affect a heritage asset or its setting the developer will be expected to demonstrate that the impact of the development upon that asset has been assessed and that adequate measures will be taken to preserve and enhance the special interest of the asset. Measures of assessment will be expected to follow the principles set out in the joint guidance “New Design in Historic Settings” produced by Historic Environment Scotland, Architecture and Place, Architecture and Design Scotland. Guidance provided in Scottish Historic Environment Policy and Managing Change in the Historic Environment Guidance Notes, which are available to download from Historic Environment Scotland’s website, is also expected to be followed.

Measures to mitigate against impact are likely to include enhanced physical access, interpretation and the provision of an open space or landscaped buffer zone, as appropriate.

In assessing proposals for development in, or adjacent to, gardens or designed landscapes particular attention will be paid to the impact of the proposal on:

- (A) The archaeological, historical or botanical interest of the site;
- (B) The site’s original design concept, overall quality and setting;
- (C) Trees and Woodland and the site’s contribution to local landscape character within the site including the boundary walls, pathways, garden terraces or water features; AND,
- (D) Planned or significant historic views of, or from, the site or buildings within it.

### 1.1 Explanation of Policy Objectives

1.1.1 Argyll and Bute enjoys a wealth of historic gardens and designed landscapes. They are an important part of the area’s history, character and scenery and add greatly to the enjoyment of the countryside and settlements. In many cases they provide a landscape setting for an important building, have rare plant collections or contain interesting woodland or wildlife habitats. It is for these reasons that it is important for these sites to be protected and if possible enhanced to allow future generations to enjoy them in the years ahead.

1.1.2 An Inventory of Historic Gardens and Designed Landscapes in Scotland is compiled and maintained by Historic Environment Scotland. The effect of proposed development on an historic garden or designed landscape is a material consideration in the determination of a planning application. Planning authorities must consult with the Scottish Ministers on any proposed development that may affect a site contained in the Inventory.

1.1.3 These sites have been identified on the Proposals Maps of the Local Development Plan. Further information can also be found here on the [locations of Historic Gardens and Designed Landscapes in Argyll and Bute](#) .



1.1.4 This SG conforms to:

- [SPP](#)
- [Scottish Historic Environment Policy 2011](#)
- [Managing Change Guidance Notes](#)
- LDP Key Objectives A and E

### SG LDP ENV 16(a) – Development Impact on Listed Buildings

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Development affecting a listed building or its setting shall preserve the building or its setting, and any features of special architectural or historic interest that it possesses.

All developments that affect listed buildings or their settings must

- 1) be of the highest quality, and respect the original structure in terms of setting, scale, design and materials,
- 2) the proposed development is essential to securing the best viable use of the listed building without undermining its architectural or historic character, or its setting.
- 3) the proposed development conforms to Scottish Historic Environment Policy 2011 and the accompanying Managing Change Guidance Notes,

Where development would affect a heritage asset or its setting the developer will be expected to satisfactorily demonstrate that the impact of the development upon that asset has been assessed and that measures will be taken to preserve and enhance the special interest of the asset. The use of appropriate design statements and conservation plans are expected to facilitate this assessment. Where the development may have a significant impact, measures of assessment will be expected to follow, the principles set out in the joint guidance “New Design in Historic Settings” produced by Historic Environment Scotland, Architecture and Place, Architecture and Design Scotland.

Enabling development proposals which have not already been identified in the Local Development Plan, subject to other policies and SG, will be considered in the following circumstances.

- 1) the building is Listed and on the Building at Risk Register, or in exceptional circumstance unlisted but considered worthy of conservation and reuse by the Council.
- 2) all other possibilities of development funding to secure the conservation and reuse of the building have been exhausted.
- 3) This includes exploring grant aid and determining if any other group, such as a Building Preservation Trust, is willing to undertake the project; and putting the building on the open market for a period of time and price (reflecting condition and redevelopment costs) which can be considered reasonable to achieve a sale in the context of prevailing market conditions.
- 4) it is demonstrated that the amount of enabling development is the minimum required to meet a verifiable conservation deficit that would achieve conservation and reuse and, if required, this has been confirmed through an independent professional survey by an agency chosen by the council.
- 5) the wider public benefits of securing the conservation and reuse of the building through enabling development significantly outweigh any disadvantages of the development.

Measures to mitigate against impact are likely to include enhanced physical access, interpretation and the provision of an open space or landscaped buffer zone, as appropriate.

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### 1.1 Explanation of Policy Objectives

1.1.1 The aim of this policy is to preserve Listed Buildings, or their setting, or any features of special architectural or historic interest which they possess in accordance with current guidance and legislation.

1.1.2 Listed Buildings make a significant contribution to the character and amenity of Argyll and Bute. They are a valuable resource that can stimulate enjoyment of the wider environment and act as an important medium for education, economic development, recreation and tourism. As such, they must be protected.

1.1.3 Grants towards the repair of listed buildings may be available from [Historic Environment Scotland](#) as well as various other funding bodies, more details regarding funding can be found on the [“Funding for Historic Buildings”](#) website: and on the [Heritage Lottery](#) web site.

1.1.4 Argyll and Bute Council have a [dedicated resource to support groups and projects](#) through the funding process.

In the event of the planning authority being minded to grant listed building consent for works affecting category A or B listed buildings or for demolition of category C(S) listed buildings, the planning authority must notify Historic Environment Scotland. To help assess proposals affecting listed buildings, Historic Environment Scotland will therefore be consulted at an earlier stage, where appropriate, on proposals affecting category A or B listed buildings or the demolition of category C(S) listed buildings. We will also seek the views of the Architectural Heritage Society of Scotland and Architecture and Design Scotland, as appropriate.

1.1.5 To [search for a Listed Building](#) please consult Historic Environment Scotland’s web site or the [past map service](#).

#### 1.1.6 Enabling Development:

1.1.7 The aim of Enabling Development is to facilitate restoration of valued built heritage and urban/rural regeneration in circumstances where it is deemed acceptable by the planning authority and its advisors. The SG provides measures for the planning authority to assess the merits, plausibility and detail of submitted applications.

1.1.8 Enabling Development will only be used where the public benefit of securing the future of a significant listed building or economic development opportunity decisively outweighs the disadvantages of breaching normal policy presumptions.

1.1.9 In exceptional cases, securing the future of significant unlisted buildings that are considered to be of sufficient historic or architectural value may also be supported by enabling development. Proposals will not be supported if the planning authority is not convinced that the public benefit will be gained.

1.1.10 For proposals associated with listed building restoration and reuse, the physical separation of the restored or reused listed building from the enabling development is normally preferred.

1.1.11 Associated housing development will, wherever possible, be built off-site at a suitable location. Where off-site housing is not possible, the housing development must retain and enhance the special interest, character and setting of the listed building and any other adjacent historic environment asset.

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1.1.12 Measures such as a change of use, compatible with the character and appearance of an historic building, but otherwise contrary to policy could also be considered. Such cases would be examples of the “all other possibilities of development funding to secure the conservation and reuse of the building” which must be exhausted prior to using the policy and this SG for the purposes of housing led enabling development.

**1.1.13 This SG conforms to:**

- [SPP](#)
- [Scottish Historic Environment Policy 2011](#)
- [Managing Change Guidance Notes](#)
- LDP Key Objectives A and E

**SG LDP ENV 16(b) – Demolition of Listed Buildings**

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Proposals for the total or substantial demolition of a listed building will be supported only where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the planning authority that the building;

- (1) Has been actively marketed at a reasonable price and for a period reflecting its location, condition, redevelopment costs and possible viable uses without finding a purchaser; AND
- (2) Is beyond economic repair and incapable of re-use for modern purposes through the submission and verification of a thorough structural condition report prepared by a conservation accredited professional and a detailed verifiable breakdown of costs in line with guidance provided in the Managing Change Guidance Note “Demolition” (available to download from Historic Environment Scotland’s website).

In exceptional circumstances retention of a building may prevent wider public benefits that may derive from the redevelopment of that site. Justification for demolition in the interest of wider public benefit may be considered in these instances. This justification would only be considered if the proposed redevelopment was of regional or national significance and that clear evidence shows that every effort was made to incorporate the listed building into the new development or that every effort to place the new development in an alternative location was made.

Should demolition be approved the Planning Authority must approve detailed proposals for the restoration and reuse of the site, including any replacement buildings or other structures, and may require that a contract be let for redevelopment in advance of demolition in appropriate cases.

In cases where the Planning Authority is minded to grant consent to the demolition (whole or part) of a listed building it will consider attaching conditions in respect of:

- (A) The recording of the building to be demolished, in addition to the requirement to formally notify Historic Environment Scotland.
- (B) Methods of demolition to be employed;
- (C) The conservation, retention or salvaging of architectural or other features, artefacts or other materials.

## 1.1 Explanation of Policy Objectives

1.1.1 The aim of this Supplementary Guidance is to provide protection to Listed Buildings in accordance with current guidance and legislation. Listed Buildings make a significant contribution to the character and amenity of Argyll and Bute. They are a valuable resource that can stimulate enjoyment of the wider environment and act as an important medium for education, economic development, recreation and tourism. As such, they must be protected. Consent for demolition may be considered where it can be demonstrated that the subject is no longer of sufficient interest to merit listing. Should justification for demolition be sought on this basis applicants must provide a recent listing review from Historic Environment Scotland.

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1.1.2 [Grants towards the repair of listed buildings](#) may be available from Historic Environment Scotland as well as various other funding bodies, more details regarding funding can be found on the [“Funding for Historic Buildings”](#) website and on [the Heritage Lottery](#) web site.

1.1.3 Argyll and Bute Council have a [dedicated resource to support groups and projects](#) through the funding process.

1.1.4 In the event of the planning authority being minded to grant listed building consent for demolition of a listed building or unlisted building in a conservation area, the planning authority must notify Historic Environment Scotland. To help assess proposals of demolition, Historic Environment Scotland will be consulted at an earlier stage. We will also seek the views of the Architectural Heritage Society of Scotland, the Scottish Civic Trust and any other relevant organisation as appropriate.

1.1.5 To [search for a Listed Building](#) please consult Historic Environment Scotland’s web site or the [past map service](#).

1.1.6 **This SG conforms to:**

- [SPP](#)
- [Scottish Historic Environment Policy 2011](#)
- [Managing Change Guidance Notes](#)
- LDP Key Objectives A and E

## SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas

**This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.**

**There is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting, or a Special Built Environment Area.**

**New development within these areas and on sites forming part of their settings must be of the highest quality, respect and enhance the architectural and other special qualities that give rise to their actual or proposed designation and conform to Scottish Historic Environment Policy 2011 and accompanying Managing Change Guidance Notes.**

**Where development would affect these areas or their setting the developer will be expected to satisfactorily demonstrate that the impact of the development upon that special area has been assessed and that measures will be taken to preserve and enhance the special interest of the asset. The use of appropriate design statements, conservation plans, character appraisals etc. are expected facilitate this assessment. Where appropriate, measures of assessment will be expected to follow the principles set out in the joint guidance “New Design in Historic Settings” produced by Historic Environment Scotland, Architecture and Place, Architecture and Design Scotland.**

**Outline planning applications will not normally be considered appropriate for proposed development in conservation areas.**

**The contribution which trees make towards the character or appearance of a Conservation Area will be taken into account when considering development proposals.**

### **1.1 Explanation of Policy Objectives**

1.1.1 The aim of this Supplementary Guidance is to maintain and enhance the character and amenity of existing and proposed Conservation Areas in accordance with current guidance and legislation. New development, which is well designed, respects the character of the area and contributes to its enhancement, will be welcomed. Argyll and Bute currently has 32 Conservation Areas. The boundaries of the Conservation Areas are shown on the Main Proposals Maps.

1.1.2 Conservation Areas form an important physical record of the architectural development and historical growth of an area. They are an irreplaceable cultural and economic resource that contributes to the distinctive character and unique quality of Argyll and Bute and therefore must be protected.

1.1.3 When considering applications for new development in Conservation Areas, the Council’s priority will be to have regard for the special architectural and other special qualities that are the reason for the area’s designation.

1.1.4 The Planning Authority intends to continue to review its Conservation Areas and to prepare and review detailed Conservation Area Appraisals. There are currently Conservation Area Appraisals for Campbeltown, Rothesay Town Centre, and Helensburgh.

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1.1.5 Argyll and Bute Council also wish to protect and where possible enhance **Special Built Environment Areas (SBEAs)** that have also been identified on the main Proposals Maps. They have sufficient quality to require safeguarding as part of the development control process and may have the special architectural or historic interest required of Conservation Areas.

1.1.6 **This SG conforms to:**

- [SPP](#)
- [PAN 71 \(Conservation Area Management\)](#)
- [Scottish Historic Environment Policy 2011](#)
- [Managing Change Guidance Notes](#)
- LDP Key Objectives A and E



## SG LDP ENV 18 – Demolition in Conservation Areas

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Proposals for the demolition of any structure which contributes to, or enhances the character, or appearance, of the Conservation Area or its setting will be considered as if that structure was listed – as set out in SG LDP ENV 16(b).

Consent for demolition of an unlisted building in a Conservation Area may be considered where it can be demonstrated that the subject of the application does not make a positive contribution to the character, appearance, or history of the area.

In exceptional circumstances retention of a building may prevent wider public benefits that may derive from the redevelopment of that site. Justification for demolition in the interest of wider public benefit may be considered in these instances. This justification would only be considered in the proposed redevelopment was of regional or national significance and that clear evidence shows that every effort was made to incorporate the building into the new development or that every effort to place the new development in an alternative location was made.

Should demolition be approved the Council must approve detailed proposals for the reuse of the site, including any replacement buildings or other structures, and may require that a contract be let for redevelopment in advance of demolition in appropriate cases.

### 1.1 Explanation of Policy Objectives

1.1.1 Planning permission is required for demolition in a Conservation Area. The aim of this policy is to safeguard the buildings, the building patterns and enclosures that give Conservation Areas their special character. Demolition can very often mean the loss of character and will be resisted. In cases where, every possible alternative has been exhausted and demolition remains the only option, permission may be granted if acceptable plans for an appropriate replacement building have been approved.

#### 1.1.2 This SG conforms to:

- [SPP](#)
- [PAN 71 \(Conservation Area Management\)](#).
- [Scottish Historic Environment Policy 2011](#)
- [Managing Change Guidance Notes](#)
- LDP Key Objectives A and E

## Argyll and Bute Local Development Plan – Supplementary Guidance Historic Built Environment and Archaeology

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### SG LDP ENV 19 – Development Impact on Scheduled Monuments

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

There will be a presumption in favour of retaining, protecting and preserving Scheduled Monuments and the integrity of their settings. Developments that have an adverse impact on Scheduled Monuments and their settings will not be permitted unless there are exceptional circumstances.

Where development could affect adversely a heritage asset or its setting the developer will be expected to satisfactorily demonstrate that the impact of the development upon that asset has been assessed and that measures will be taken to preserve and protect the special interest of the asset. The use of appropriate archaeological assessment, setting analysis, design statements, conservation plans, character appraisals etc. are expected facilitate this assessment.

### 1.1 Explanation of Policy Objectives

1.1.1 Scheduled Monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979 and are scheduled by the Scottish Ministers. The preservation of ancient monuments and their settings is a material consideration when determining planning applications, whether a monument is scheduled or not. Any works to a scheduled monument would also require Scheduled Monument Consent. Further information on the location of Scheduled Monuments within Argyll and Bute can also be found at [www.pastmap.org.uk](http://www.pastmap.org.uk) and [www.wosas.net/search.php](http://www.wosas.net/search.php)

#### 1.1.2 This SG conforms to:

- [SPP](#)
- [Scottish Historic Environment Policy 2011](#)
- [Managing Change Guidance Notes](#)
- [PAN 42 \(Scheduled Monument Procedures\)](#)
- LDP Key Objective E

**SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance**

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

1. There is a presumption in favour of retaining, protecting, preserving and enhancing the existing archaeological heritage and any future discoveries found in Argyll and Bute. When development is proposed that would affect a site of archaeological significance, the following will apply:
  - (a) The prospective developer will be advised to consult the Council and its advisers the West of Scotland Archaeology Service at the earliest possible stage in the conception of the proposal; AND,
  - (b) An assessment of the importance of the site will be provided by the prospective developer as part of the application for planning permission or (preferably) as part of the pre-application discussions.
2. When development that will affect a site of archaeological significance is to be carried out, the following will apply:
  - (a) Developers will be expected to make provision for the protection and preservation of archaeological deposits in situ within their developments, where possible by designing foundations that minimise the impact of the development on the remains; AND,
  - (b) Where the Planning Authority deems that the protection and preservation of archaeological deposits in situ is not warranted for whatever reason, it shall satisfy itself that the developer has made appropriate and satisfactory provision for the excavation, recording, analysis and publication of the remains.
3. Where archaeological remains are discovered after a development has commenced, the following will apply:
  - (a) The developer will notify the West of Scotland Archaeology Service and the Council immediately, to enable an assessment of the importance of the remains to be made; AND,
  - (b) Developers should make appropriate and satisfactory provision for the excavation, recording, analysis and publication of the remains. (Developers may see fit to insure against the unexpected discovery of archaeological remains during work).

**Note:** The West of Scotland Archaeology Service must be consulted for all sites in each category.

## 1.1 Explanation of Policy Objectives

1.1.1 Argyll and Bute contains a wide variety of archaeological features ranging from prehistoric features such as ancient forts and duns, early Christian chapels, mediaeval castles and recent industrial archaeology. Some such as the Kilmartin Glen may be of potential World Heritage site status, while others are of national or more local importance. Much of Argyll and Bute's archaeology makes an important contribution to the tourism economy of the area, and can also have nature

## Argyll and Bute Local Development Plan – Supplementary Guidance Historic Built Environment and Archaeology

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conservation benefits. The Council supports the retention of features or sites of archaeological importance and will expect developers to take account of archaeological interest in putting forward detailed proposals. Where the applicant convinces the Council that such features cannot be retained and there are overriding reasons why development should be permitted, the Council may grant permission subject to ensuring that the site is adequately excavated and recorded prior to development taking place.

### 1.1.2 This SG conforms to:

- [SPP](#)
- [Scottish Historic Environment Policy 2011](#)
- [Managing Change Guidance Notes](#)
- [PAN 42 \(Scheduled Monument Procedures\)](#)
- LDP Key Objective E

**SG LDP ENV 21 – Protection and Enhancement of Buildings**

This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Opportunities for the enhancement and re-use of existing buildings will be sought, through proposals for re-building, re-use or change of use, to maintain the fabric of the building and its value to the community. New uses will be approved in principle if;

- (A) The amenities of surrounding properties and residents are safeguarded within the framework of other LDP policies and SG;
- (B) Access and car parking proposals fully meet the criteria set out in SG – Access and parking Standards;
- (C) Any proposed alteration or extension to the building respects the appearance, scale and character of the original building and surrounding area;
- (D) The proposed new use is consistent with other LDP policies and SG.

**1.1 Explanation of Policy Objectives**

1.1.1 There are many buildings in Argyll and Bute which, although not considered to be worthy of inclusion on the official List of Buildings of Architectural and Historic Interest, make a substantial contribution to the character and appearance of an area; some of these are buildings that are under used or vacant, having out-lived their original function or purpose. Many are still structurally sound and capable of refurbishment and reuse, the sustainable management and protection if these buildings secure their long-term survival, preserve their embodied energy and stimulate economic growth.

1.1.2 There are numerous examples throughout Argyll and Bute where the retention of a valued local building has greatly enhanced the local environment. This policy aims to encourage the further use of such buildings and development opportunities will be highlighted in the Plan's.

1.1.3 Areas for Action (AFAs) development briefs (see the **Action Programme** that accompanies the LDP).

Grants towards the repair and reuse of such buildings may be available from various funding bodies; Argyll and Bute Council have a [dedicated resource to support groups and projects](#) through the funding process.

1.1.4 Further information on funding can be found here; [Funding for Historic Buildings](#) and [Heritage Lottery](#) .

1.1.5 **This SG conforms to:**

- [SPP](#)
- [Scottish Historic Environment Policy 2011](#)
- [Managing Change Guidance Notes](#)
- LDP Key Objectives A and E

## **SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas**

This policy provides additional detail to policy LDP 5 – Supporting the Sustainable Growth of Our Economy of the Adopted Argyll and Bute Local Development Plan.

Proposals for the development of new, or extensions to existing, business and industrial enterprises (Use Classes 4, 5, 6 and 7) and waste management developments (as defined in SG SERV 5) within existing settlements and industry and business areas will normally be permitted provided that:

- (A) The development is of a form, location and scale, consistent with Policy LDP DM 1, Schedule B 1, and Schedule B 2;
- (B) Greenfield sites are avoided if brownfield land (see LDP glossary) is available in close proximity;
- (C) In residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise, fumes or hours of operation;
- (D) The proposal is consistent with any other relevant Local Development Plan policy and associated SG;
- (E) Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full (see SG – LDP TRAN 6 Access and Parking);
- (F) The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area (see SG –Sustainable Siting and Design Principles);

The conversion or change of use of existing buildings to industrial or other employment generating uses which includes waste management developments will also generally be encouraged if the above criteria are met. According to the type and lifespan of the development proposed, the Planning Authority may impose conditions limiting the hours of operation and/or duration of the planning consent.

### **1.1 Explanation of Policy Objectives**

1.1.1 The aim of this policy is to promote well ordered, sustainable industrial and business development in all existing settlements. The preferred location for any new business or industry proposal is within identified Business and Industry Areas (these are made up of - Established Business and Industry Areas (EBIA), Strategic and Local Business and Industry Allocations. Potential Development Areas identified for industry and business development are also promoted, subject to resolution of the identified constraints.

1.1.2 Other locations within settlements may also be appropriate for small-scale developments, particularly office type developments. The plan therefore supports small scale low impact industrial, business and service uses which can co-exist with housing and other sensitive uses without eroding amenity in the settlement areas. This includes businesses which involve working from home, where the amenity of surrounding properties will not be significantly affected.

1.1.3 When planning any development the developer should consider the need to minimise waste, through for example the use of secondary aggregates, retention and re-use of demolition materials on site and the inclusion of recycling facilities on major new developments.

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1.1.4 The policy allows issues of sustainability, accessibility, amenity, design, conservation and traffic issues to be taken into account. In some instances, where it is considered that a proposed development will have a significant impact on these issues, additional information may be requested. This information should be submitted with the application. Development Management officers are happy to give applicants advice about any additional information which may be required depending on the type of development being proposed.

1.1.5 To give additional support to assisting economic development in the Economically Fragile Areas identified in the Economic Diagram of the LDP variation in the permitted scales of development will be considered through **SG LDP BUS 5**. Applicants should also see Policies **LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 4 – Supporting the Sustainable Development of our Coastal Zone; Policy LDP 11 – Improving our Connectivity and Infrastructure.**

1.1.6 This SG conforms to:

- [SPP](#)
- [PAN 73 Rural Diversification](#)
- [PAN 33 Development of Contaminated Land](#)
- [PAN 63 Waste Management Planning](#)
- [Scottish Government Economic Strategy](#)
- LDP Objectives A, B, D, E, H, I

### Schedule B1 – Business and Industry scales of development:

<b>Large-scale –</b>	buildings exceeding 600m <sup>2</sup> footprint, gross site area exceeding 2 hectares.
<b>Medium scale –</b>	buildings between 200m <sup>2</sup> and 600m <sup>2</sup> footprint, gross site area between 0.5 hectares and 2 hectares.
<b>Small scale –</b>	buildings not exceeding 200m <sup>2</sup> footprint, gross site area not exceeding 0.5 hectares.

In the Economically Fragile Areas consideration will be given to variation of the above permitted scales of development - see **SG LDP BUS 5**.

### Schedule B2 – Preferred locations for business and industry:

In the settlements: -

- Strategic Industrial and Business Locations (SIBL)
  - are preferred locations for all scales of business and industry development.
- Business and Industry Allocations (outwith SIBL), Potential Development Areas (PDAs) designated for business and/or industry (subject to resolution of identified constraints) and Established Business and Industry Areas\*
  - these are preferred locations for all scales of business and industry development, subject to the constraints of and appropriate capacity within the specific sites.
- Other locations in settlements
  - these are preferred locations for small scale business development; and for small scale industry development.

\*Established Business And Industry Areas (EBIAs) – for the purposes of **SG LDP BUS 1**, these areas correspond to EBIs as shown in the proposal maps as well as to individual lawful business and industry use on sites which are not currently mapped in the plan.

## SG LDP BUS 2 – Business and Industry Proposals in the Countryside Development Management Zones\*

This policy provides additional detail to policy LDP 5 – Supporting the Sustainable Growth of Our Economy of the Adopted Argyll and Bute Local Development Plan.

Proposals for the development of new, or extensions to existing business and industrial enterprises (Use Classes 4, 5, 6 and 7\*) in the Countryside Development Management Zones will only be permitted where:

(A) The development is of a form, location and scale, consistent with policy LDP DM 1. Of particular note: Development proposals must also take account of SG LDP ENV 14 and comply with Schedule B1 and Schedule B3; OR,

(B) Proposals are for all scales of development in the rural opportunity areas, or for small scale development in the countryside zone, where the applicant can demonstrate a clear operational need for a specific location within these zones.

In all cases the proposals will also require to meet the following criteria:

- (i) Greenfield sites are avoided if brownfield land (see glossary) is available close by;
- (ii) The proposal is consistent with any other relevant Local Development Plan policies and SG;
- (iii) Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full (see SG LDP TRAN 6 - Access and Parking );
- (iv) The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area (see SG –Sustainable Siting and Design Principles and SG LDP ENV 14);
- (v) Good quality agricultural land is avoided, if poorer quality land is available close by.

Depending on the scale and type of development proposed, where appropriate, agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997 will be entered into for the purpose of restricting or regulating the development or use of the land.

The granting of planning permission for exploration or appraisal proposals will be without prejudice to any subsequent application to develop at that location.

The Council acknowledges that exploratory work may be required to assess the viability of projects. However, permitting exploratory work does not commit the Council to subsequently approving a detailed commercial development for that site, irrespective of the outcome of the exploratory findings.

\* Countryside Development Management Zones consist of Rural Opportunity Areas, Countryside Zone, Greenbelt and Very Sensitive Countryside.

\*Details of the Use Classes are given in the LDP SG.



## Argyll and Bute Local Development Plan – Supplementary Guidance Support for business and industry : General

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### **Schedule B3 – Preferred locations for business and industry:**

In the countryside

- Business and Industry Allocations, Potential Development Areas (PDAs) designated for business and/or industry (subject to resolution of identified constraints)
  - All scales of business and industry development, subject to the constraints of and appropriate capacity within the specific sites.
- Other locations in the countryside
  - Small scale business and industry development on infill, rounding-off and redevelopment sites in the countryside zone and rural opportunity areas; these to be non-residential locations\*\* in the case of industry.

\*\*locations where residential use does not predominate – this includes mixed use areas.

## **1.1 Explanation of Policy Objectives**

1.1.1 With the exception of small scale business and industry development, the preferred location for business/office and industrial proposals is within existing settlements, as this strengthens their viability and vitality, reduces transport costs and makes use of existing infrastructure and public investment.

1.1.2 However, Argyll and Bute has a number of indigenous and emerging industries that are not suited to a location within an existing settlement. The special needs of the fragile economic areas are also recognised. There may also be business opportunities arising from farm, croft or estate development programmes. Therefore, where an applicant can clearly demonstrate that their proposal requires a location in the countryside, permission will normally be granted, providing that redundant buildings and brownfield sites are used where possible. Any proposal must also satisfy the criteria listed in the policy and if required ensure that appropriate site restoration proposals are in place. In cases where additional control is required an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 will be negotiated.

1.1.3 For tourism development please refer to **SG LDP TOUR 1**.

1.1.4 **This SG conforms to:**

- [SPP](#) –
- [PAN 73 Rural Diversification](#)
- [PAN 33 Development of Contaminated Land](#)
- [PAN 63 Waste Management Planning](#)
- [Scottish Government Economic Strategy](#)
- LDP Key Objectives A, B, D, E, H, I

### **SG LDP BUS 3 – Safeguarding Existing Business and Industry Sites**

This policy provides additional detail to policy LDP 8 – Supporting the Strength of Our Communities of the Adopted Argyll and Bute Local Development Plan.

The loss of existing business and industry areas\* to non-employment uses will not be permitted unless it has been demonstrated, to the planning authority's satisfaction, that:

(A) the retention of the land or premises for employment use has been fully explored without success; OR,

(B) The land or premises are unsuitably located in terms of its impact on the surrounding environment, the generation of traffic and its impact on the general amenity of the area or adjoining occupiers; AND

there does exist suitably located land or premises either on the market or with outstanding planning permissions for displaced firms to relocate to within a reasonable distance.

New uses at these locations will need to be consistent with all other LDP policies and Supplementary Guidance (SG) where relevant.

\*Established Business And Industry Areas (EBIAs) – for the purposes of policy **SG LDP BUS 3**, these areas correspond to EBIAAs as shown in the proposal maps as well as to individual lawful business and industry use on sites which are not currently mapped in the plan.

## **1.1 Explanation of Policy Objectives**

1.1.1 The aim of this policy is to safeguard existing business and industry areas. The Council however recognises that there are some business and industrial uses that are located in inappropriate areas, including being adjacent to residential areas or in areas of high amenity such as the Green Belt and National Scenic Areas. The redevelopment of these sites will therefore be encouraged provided suitable alternative accommodation could be made available for any displaced firms. The Council will also ensure that the new use of the site will be appropriate to the location.

### **1.1.2 This SG conforms to**

- [SPP](#)
- [PAN 73 Rural Diversification](#)
- [Scottish Government Economic Strategy](#)
- LDP Objectives A, B, D, E, H, I

## SG LDP BUS 4 – Strategic Industrial and Business Locations

This policy provides additional detail to policy LDP 5 – Supporting the Sustainable Growth of Our Economy of the Adopted Argyll and Bute Local Development Plan.

Argyll and Bute Council will support the further development of five strategic industrial and business sites in the Local Development Plan. The sites have been identified in the following locations.

- Dunstaffnage European Science Park;
- Kilmory Industrial Estate;
- Machrihanish Green Energies Hub;
- Sandbank Industrial Estate;
- Faslane Naval Base (linked to the Maritime Change Project):

These sites are important in order to help generate future investment into Argyll and Bute and generate high quality jobs for local people.

The LDP will support the addition of employment generating activities on these sites and the Council and its partners will prepare, where appropriate, Masterplans for each of the sites to help provide investor certainty and encourage their future development. The sites have been identified on the Economic Theme Diagram and the Proposals Maps of the LDP.

Proposals for these sites will also need to be consistent with all other LDP policies and associated SG where relevant.

### 1.1 Explanation of Policy Objectives

1.1.1 A central aim of the LDP is to deliver sustainable economic growth. The identification of the five Strategic Business and Industry Sites will help achieve this and the Council will work with its partners, including the private sector, HIE and Scottish Enterprise to drive things forward.

1.1.2 This SG conforms to:

- [SPP](#)
- LDP Key Objectives A and D

## **SG LDP BUS 5 – Economically Fragile Areas**

**This policy provides additional detail to policy LDP 5 – Supporting the Sustainable Growth of Our Economy of the Adopted Argyll and Bute Local Development Plan.**

**In the Economically Fragile Areas, identified in the LDP Economic Diagram, consideration will be given to variation of the permitted scales of economic development where it is judged by the planning authority that:-**

- i) it has been demonstrated that no suitable preferred location is available;**
- ii) the proposal is directly linked to the main potential growth sectors supported by the LDP and EDAP;**
- iii) a sustainability checklist has been completed and it has been demonstrated that any concerns that have been identified over the sustainability of the proposal can be addressed satisfactorily;**
- iv) Greenfield sites are avoided if brownfield land (see LDP glossary) is available in close proximity;**
- v) In residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise, fumes or hours of operation;**
- vi) The proposal is consistent with any other relevant Local Development Plan policy and associated SG;**
- vii) Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full (see SG LDP TRAN 9 - Access and Parking);**
- viii) The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area (see SG –Sustainable Siting and Design Principles).**

### **1.1 Explanation of Policy Objectives**

1.1.1 Fragile areas are characterised by factors including declining population, scarcity of economic opportunities, proportionately fewer young people, geographical and transport challenges, and below average income levels.

1.1.2 These areas are recognised by Highlands and Islands Enterprise as requiring interventions to develop enterprise and help local people create new economic opportunities.

1.1.3 It is important to support development in these areas that have significant economic and social impact, assist businesses and social enterprises to generate growth and social impacts, and contribute to community resilience.

1.1.4 To support economic growth and population retention in the Fragile Areas the LDP identifies a range of economic development opportunities. The LDP also sets out a settlement strategy which provides a framework to deliver sustainable development for the communities in these areas. In addition, to provide increased flexibility from the planning system in support of the LDP objectives for sustainable economic growth and to support population retention and growth in these areas the Fragile Areas SG BUS 5 permits consideration of the variation of scales of economic development.

1.1.5 This SG conforms to

- [SPP](#),
- [PAN 73 Rural Diversification](#)
- [Scottish Government Economic Strategy](#)
- LDP Key Objectives B, C, D, E, H, I

Argyll and Bute Local Development Plan – Supplementary Guidance  
Support for Industry and Business – Main Potential Growth Sector : Tourism

**SG LDP TOUR 1 – Tourist Facilities and Accommodation, Including Static and Touring Caravans**

This policy provides additional detail to policy LDP 5 Supporting the Sustainable Growth of our Economy.

There is a presumption in favour of new or improved tourist facilities and accommodation provided:

- (A) The development is of a form, location and scale, consistent with Policy LDP DM 1;
- (B) They respect the landscape/ townscape character and amenity of the surrounding area;
- (C) They are reasonably accessible by public transport where available, cycling and on foot, or would deliver major improvements to public transport services;
- (D) They are well related to the existing built form of settlements or the existing development pattern outwith the settlements and avoid dispersed patterns of development, unless the developer has demonstrated a locational requirement based on the need to be near to the specific tourist interest being exploited, and that the facility will not damage those interests;  
**AND,**
- (E) The proposal is consistent with other policies and SG contained in the Local Development Plan;
- (F) In the green belt tourism development should only relate to farm diversification schemes such as the conversion and restoration of existing traditional buildings, woodland related activities, or recreational uses that are compatible with an agricultural or natural setting.

<b>Tourist Scales of Development</b>	
<b>Large Scale</b>	exceeding 60 letting units; or other tourist facility buildings over 600m <sup>2</sup> ** gross; or exceeding 50 caravan or stances; or exceeding 100 tent pitches. ; or any similar scale combination of the above e.g. 26 caravans and 51 tent pitches are at the bottom end of large scale
<b>Medium Scale</b>	exceeding 11-60 letting units; or other tourist facility buildings between 200 and 600m <sup>2</sup> gross**;;or 11-50 caravans or stances; or 50-100 tent pitches, or any similar scale combination of the above e.g. 25 caravans plus 50 tent pitches would be the top end of medium scale

<b>Small Scale</b>	up to 10 letting units; or other tourist facility buildings up to 200m <sup>2</sup> ** gross; or up to 10 caravans or stances; or up to 50 tent pitches; or any similar scale combination of the above e.g. 5 caravans and 25 tent pitches would be the top end of small scale ** to include no more than 200 sq m gross retail floor space(Class 1).
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**Argyll and Bute Local Development Plan – Supplementary Guidance  
Support for Industry and Business – Main Potential Growth Sector : Tourism**

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**1.1 Explanation of Policy Objectives**

1.1.1 Every area of Argyll and Bute has potential for tourism. In a fragile rural economy, the tourism industry offers the prospect for real growth. It is something that everyone can benefit from and participate in. The aim of this Policy and the Local Development Plan is to encourage development but at the same time protect residential amenity and Argyll and Bute’s outstanding environment.

1.1.2 As long as it is not overdeveloped, tourism is essentially a sustainable industry. It is of considerable potential value to the economy of Argyll and Bute as recognised in the Economic Development Action Plan. It is also a key sector in Scotland’s Economic Strategy March 2015 and this sector is supported by both Highlands and Islands Enterprise and Scottish Enterprise. As such tourism should be promoted and for this reason facilities for participation sports and other recreational activities requiring unimpeded access to remote open country will normally be accepted on appropriate sites in the Countryside Development Management Zones (see **SG LDP REC/COM 1**). However, tourism must not destroy those very qualities that bring tourists to the area in the first place. Tourist related development must therefore be carefully located, sited and designed to provide high quality facilities that fit successfully into the environment. Retail outlets in particular will only be accepted where they are clearly ancillary to a tourism activity.

1.1.3 Tourism development and facilities can generate large amounts of traffic, mainly in the form of cars. It is therefore important that they are located in areas and locations which are accessible by public transport where available, and other modes such as cycling and walking.

**1.1.4 This SG conforms to:**

- [SPP](#) ,
- [Scotland's Economic Strategy March 2015](#)
- LDP Key Objectives A,B,C, D, E, H, I

## SG LDP TOUR 2 – Safeguarding Valued Tourist Areas Vulnerable to Change of Use

This policy provides additional detail to policy *LDP 5 Supporting the Sustainable Growth of our Economy*

Within a Valued Tourist Area Vulnerable to Change of Use (VTA), non-tourist related development shall be resisted unless it comprises:

- (A) An alteration, extension or expansion of an existing non-tourist related development on its current site within the VTA; OR,
- (B) The provision of managerial and other staff accommodation directly associated with the tourist related development within the VTA; OR,
- (C) Other development which will not directly or cumulatively prejudice the effective functioning of the VTA (both in its own right and in respect of its network function) and there being little likelihood of objection arising from the proposed use in relation to neighbouring tourist related development; AND,
- (D) The proposal is consistent with all other policies and SG of the Local Development Plan.

### 1.1 Explanation of Policy Objectives

1.1.1 The tourist industry plays a significant role in the future economic prosperity of Argyll and Bute. The aim of **SG LDP TOUR 2** is to safeguard the role of key tourism sites and areas – referred to in this plan as Valued Tourism Areas (VTAs). These areas are viewed as key sites within the overall tourism infrastructure of the planning area e.g. the main tourist caravan sites or bed and breakfast areas form part of an integral network of facilities which if broken would be to the detriment of the whole network.

1.1.2 Other proposed development within a VTA will be resisted where it is considered to have a detrimental effect on that VTA, which reduces its ability to function either individually or as part of the tourism network. Valued Tourism Areas have been identified in the Main Proposals maps of the Local Development Plan.

1.1.3 **This SG conforms to:**

- [SPP](#),
- LDP Key Objectives A,B,C, D, E, H, I



## Argyll and Bute Local Development Plan – Supplementary Guidance Support for Industry and Business – Main Potential Growth Sector : Tourism

### SG LDP TOUR 3 – Promoting Tourism Development Areas

This policy provides additional detail to policy *LDP 5 Supporting the Sustainable Growth of our Economy*.

The Tourism Development Areas shown on the Economic Diagram in the LDP contain significant opportunities for the sustainable growth of the Argyll and Bute tourism industry.

These areas will be promoted by a range of partners (HIE, SE, FCS, Local tourist organisations and VisitScotland) to encourage the further development of new high quality tourism developments that are intended to add to the appeal of Argyll and Bute as a compelling destination for tourists and also as a better place to live for local residents.

Wherever practicable existing infrastructure will be utilised and best use will be made of all modes of transport to access new sites

Applications for new tourism developments will also be subject to all other policies and SG of the LDP.

#### 1.1 Explanation of Policy Objectives

1.1.1 Tourism is a strategically important sector for Argyll and Bute that will continue to play a significant role in the economy of Argyll and Bute as recognised by the LDP and the Council's Economic Development Action Plan (EDAP).

1.1.2 The identification of Tourism Development Areas throughout Argyll and Bute highlights the potential for this industry to expand in a sustainable way close to major tourist routes.

1.1.3 During the life of this LDP additional Supplementary Guidance will be developed to help inform future tourism development within these areas in conjunction with HIE, SE, FCS and VisitScotland. The LDP has also helped identify a number of key tourism sites throughout Argyll and Bute in the form of allocations and potential development areas.

1.1.4 Finally, it should be noted that the identification of Tourism Development Areas within the LDP does not preclude tourism investment in other areas of Argyll and Bute.

##### 1.1.5 This SG conforms to:

- [SPP](#)
- LDP Key Objectives A, B, C, D, E, H, I

## Argyll and Bute Local Development Plan – Supplementary Guidance Retail Developments (including changes of use to and from shops)

### SG LDP RET 1 – Retail Development in the Main Towns and Key Settlements – The Sequential Approach

This policy provides additional detail to policy *LDP 7 Supporting our Town Centres and Retailing of the Adopted Argyll and Bute Local Development Plan*.

There will be a presumption in favour of retail development (Use classes 1, 2 and 3\*) provided:

- (A) It is within a defined town centre; OR,
- (B) Where the developer demonstrates that no suitable sites within defined town centres are available, on the edge of a defined town centre; OR,
- (C) Where the developer demonstrates that no suitable sites are available within defined town centres, or on the edge of defined town centres, elsewhere in the town in a location that is or can be made accessible by a choice of means of transport; AND IN ANY OF THESE CASES,
- (D) There is no significant detrimental impact on the vitality or viability of existing town centres (the Council may request an assessment at the developer's expense, as it considers necessary, to establish this, and may require applications to be accompanied by a reasoned statement of the anticipated impact of the proposal on the town centre); AND,
- (E) The proposal is consistent with all other LDP Policies and associated SG.

Convenience shops located and designed to serve only a local residential area, as well as those associated with recognised tourist facilities, farm and factory shops, are exempt from the sequential test requirement but may require a Retail Impact Assessment at the Planning Authority's request.

\*Details of the Use Classes are given in the *Town and Country Planning (Use Classes) (Scotland) Order 1997*.

#### Scales of retail development:

<b>Large-scale retail development -</b>	Building exceeding 1,000 sq gross floor space
<b>Medium-scale retail development -</b>	Building between 201 sq m – 999 sq m gross floor space
<b>Small-scale retail development -</b>	Buildings up to 200 sq m gross floor space

## 1.1 Explanation of Policy Objectives

1.1.1 The aim of this guidance is to protect and enhance the vitality and viability of the defined town centres in the larger settlements of Argyll and Bute through a sequential approach to new retail development.

1.1.2 The sequential test for selecting sites for new retail development ensures that first preference is given to town centre sites, followed by edge of centre sites, and then finally out-of-town centre sites. Otherwise, opportunities to enhance the retailing role of town centres may be lost and their role may become threatened. The only exceptions to this requirement are small shops serving the day to day needs of local communities and specialist forms of retailing such as those associated with recognised tourist facilities, farm shops and factory shops where the retail floor space element is less than 200 square metres, and this is ancillary to the main business use of the site.

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1.1.3 When considering new retail development proposals the Planning Authority will look closely at the potential impact on the vitality and viability of existing town centres. New retail developments will therefore have to demonstrate that they will not have a significant adverse impact. If a potential adverse impact is identified, this will have to be mitigated through an appropriate developer contribution or such other action (possibly under a Section 75 Agreement).

1.1.4 Town Centres and Edge of Town Centre Zones (including Core Shopping Areas) have been identified on the main Proposals Maps.

1.1.5 **This SG conforms to:**

- [SPP](#),
- LDP Policy 7 – Supporting Our Town Centres and Retailing)
- LDP Key Objectives A, C, D, E, G, H and I

## Argyll and Bute Local Development Plan – Supplementary Guidance Retail Developments (including changes of use to and from shops)

### **SG LDP RET 2 – Change of Use to and from Use Class 1 (Shops) in the Core Shopping Areas of the Main Town Centres**

This policy provides additional detail to policy *LDP 7 Supporting our Town Centres and Retailing* of the Adopted Argyll and Bute Local Development Plan.

Within the ground floor frontage premises in the “core shopping areas” of Campbeltown, Dunoon, Helensburgh, Lochgilphead, Oban and Rothesay, change of use from non-retailing uses to Use Class 1 (Shops) is consistent with this policy.

Within these ground floor frontage premises change of Use Class 1 (Shops) to any other use other than a Use Class 3 (Food and Drink), is contrary to this policy unless it is demonstrated that: Every effort is made by the applicant to retain a lively street frontage.

The premises have been vacant and unused for at least 12 months despite reasonable attempts (including a clear marketing strategy) to market the property/business; OR,  
The development is part of a wider building refurbishment or redevelopment which, in the view of the planning authority, will add value to the economic vitality or built environment of the town centre.

#### **1.1 Explanation of Policy Objectives**

1.1.1 Within the six main town centres of Argyll and Bute “core shopping areas” have been identified on the proposals maps. In these areas the vitality of the town centres and the commercial interests of individual shops benefit from ground floor shop premises being close to one another. The guidance seeks to limit the change of use within these core shopping areas and ground floor premises to a range of uses, which are viewed as being complimentary with one another and as reinforcing the economic integrity of these areas and a lively street frontage is retained. The frontage premises correspond to the retail frontage excluding rear storage, offices or servicing areas.

##### **1.1.2 This SG conforms to:**

- [SPP](#),
- LDP Policy 7 – Supporting Our Town Centres and Retailing
- LDP Key Objectives A, C, D, E, G, H and I

## Argyll and Bute Local Development Plan – Supplementary Guidance Retail Developments (including changes of use to and from shops)

### SG LDP RET 3 – Retail Development in the Key Rural Settlements, Villages and Minor Settlements

This policy provides additional detail to policy *LDP 7 Supporting our Town Centres and Retailing* of the Adopted Argyll and Bute Local Development Plan.

There will be a presumption in favour of retail development (Use Classes 1, 2 and 3) provided:

- (A) The principles of the sequential test outlined in SG LDP RET 1 (Retail Development in the Main Towns – the Sequential Approach) are satisfied;
- (B) The proposal does not exceed 1,000m<sup>2</sup> gross retail floor space;
- (C) Reasonable account has been taken by the developer of the possibilities of locating the proposal on brownfield land or in disused buildings;
- (D) The site has good access to the public transport network, where available, or delivers major improvements to public transport services in scale with the development; AND,
- (E) The proposal is consistent with all other policies and associated SG in the Local Development Plan.

Convenience shops located and designed to serve only a local residential area are exempt from the sequential test requirement but may require a Retail Impact Assessment at the Planning Authority's request.

#### 1.1 Explanation of Policy Objectives

1.1.1 The Council seeks to protect and enhance the vitality and viability of undefined shopping centres in the smaller settlements in Argyll & Bute through a sequential approach to new retail development, and only allow out of centre retail development in exceptional circumstances. The rural shopping centre will be taken to be that area which can be described as such by the juxtaposition of land uses and its central location.

1.1.2 Rural shops play a key role in supporting a healthy rural economy. The aim is to support local facilities that provide an effective and valuable service to the community. In terms of retailing, existing food stores and small supermarkets often play a key role in maintaining the quality and range of shopping in rural centres as well as providing an essential service to both the surrounding settlement and its hinterland. These centres are preferred locations for both comparison and convenience retail development.

Given the potential impact on the variety of shopping in rural centres as well as surrounding settlements and village shops, the scope for superstores and other large retail developments is likely to be more limited in the smaller settlements than elsewhere. Therefore, it is appropriate to indicate a maximum store size, which is consistent with maintaining a variety of shops to ensure the development has no net detrimental impact. While a formal Retail Impact Assessment is required for larger retail developments (over 2,500 sq m gross retail floor space), smaller proposals should also be accompanied by reasoned statements of the anticipated impact on the shopping centre.

#### 1.1.3 This SG conforms to:

- [SPP](#),
- LDP Policy 7 – Supporting Our Town Centres and Retailing
- LDP Key Objectives B, C, D, E, G, H and I

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### SG LDP RET 4 – Retail Development within Countryside Development Management Zones

This policy provides additional detail to policy *LDP 7 Supporting our Town Centres and Retailing of the Adopted Argyll and Bute Local Development Plan*.

There will be a presumption in favour of retail development (Use Classes 1 and 2) in the Countryside Development Management Zones provided:

- (A) Retail floor space does not exceed 200 square metres gross;
- (B) New build development does not take place in Very Sensitive Countryside and open areas within the Countryside Zone;
- (C) Within the Greenbelt the proposal relates to the conversion of an existing traditional farm building, and where the proposals are part of a farm diversification scheme primarily to serve the tourist trade or to sell agricultural products from local farms;
- (D) The proposal is consistent with all other Policies and associated SG in the LDP.

#### 1.1 Explanation of Policy Objectives

1.1.1 The Council aims to support the viability and vitality of the town centres, by requiring larger scale developments to locate in these centres, but recognising that small-scale retail development can be developed at other locations without adverse impacts on the core shopping functions of town and village centres. Smaller scale retail developments in the countryside, particularly where these relate to farm diversification schemes, tourist related development (see also **SG LDP TOUR 1**) and specialist niche marketing of quality Argyll and Bute products, support the aims of promoting a diversified rural economy.

##### 1.1.2 This SG conforms to:

- [SPP](#),
- LDP Policy 7 – Supporting Our Town Centres and Retailing
- LDP Key Objectives B, C, D, E, G, H and I

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**SG LDP RET 5 – Change of Use of shops outwith Designated Town Centres**

This policy provides additional detail to policy *LDP 7 Supporting our Town Centres and Retailing* of the Adopted Argyll and Bute Local Development Plan.

Outside designated town centres, the Council will only permit the change of use of shops (Use Class 1) to other uses provided:

- (A) That day-to-day local convenience shopping provision/post office is available in the same community or in close proximity to; OR
- (B) That all reasonable steps over a period of 12 months have been taken to market the property as a retail concern.

### 1.1 Explanation of Policy Objectives

Changes in peoples' shopping habits have resulted in an increasing reliance on car-related, out of town centre shopping development and a gradual loss of local/village shops. Such changes can undermine communities and disadvantage people who do not have ready access to private cars. This is especially the case when the shop under threat of closure is the last in the settlement/village.

1.1.1 These guidelines are intended to help minimise the loss of local shopping facilities and accords with the concept of sustainable development.

1.1.2 This SG Conforms to:

- [SPP](#)
- LDP Policy 7 – Supporting Our Town Centres and Retailing
- LDP Key Objective B

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

This policy provides additional detail to policy *LDP 8 Supporting the Strength of Our Communities* of the Adopted Argyll and Bute Local Development Plan.

(A) There is a general presumption in favour of housing development other than those categories, scales and locations of development listed in (B) below. Housing development, for which there is a presumption in favour, will be supported unless there is an unacceptable environmental, servicing or access impact.

(B) There is a general presumption against housing development when it involves:

In the settlements:

- i) Large-scale housing development in Key Rural Settlements and Villages and Minor Settlements;
- ii) Medium-scale housing development in the Villages and Minor Settlements;

In the rural development management zones;

- iii) Large and medium scale housing development in all the countryside development management zones;
- iv) Small-scale housing development in the Greenbelt, Very Sensitive Countryside and in open/ undeveloped areas and non-croft land in the Countryside Zone.

This general presumption against housing development does not apply to single houses in the open/undeveloped Countryside Zone, when on a bareland croft and/or where a specific locational/operational need has been accepted by the planning authority. In these instances an Area Capacity Evaluation (see SG Area Capacity Evaluation) that assesses the site as being acceptable in terms of landscape impact will be required.

(C) Housing Developments of 8 or more units will generally be expected to contribute a proportion (25%) of units as on site affordable housing. Supplementary Guidance Delivery of Affordable Housing provides more detail on where the affordable housing is required and how it should be delivered follows on from this policy.

(D) Housing development, for which there is a general presumption against, will not be supported unless an exceptional case is successfully demonstrated in accordance with those exceptions listed for each development management zone in the justification for this supplementary guidance.

(E) Housing Developments are also subject to consistency with all other policies and associated SG of the Local Development Plan.

**Scales of Housing Development:**

<b>Small-scale</b>	will not exceed 5 dwelling units
<b>Medium-scale</b>	between 6 and 30 dwelling units inclusive
<b>Large-scale</b>	exceeding 30 dwelling units

## 1.1 Explanation of Policy Objectives



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1.1.1 The main general housing policy sets out general presumptions in favour or against different scales and circumstances of housing within the following development management zones.

#### 1.1.2 Housing in Settlements

In the case of settlements, the presumptions in favour or against are based largely on whether the housing development is of an appropriate scale (small-, medium- or large-scale) for the size of the settlement (Main Town, Key Settlement, Key Rural Settlement, Village or Minor settlement). The scales of housing development have been defined in **SG LDP HOU 1**.

1.1.3 Where the proposal involves large-scale housing development in a Key Rural Settlement, or medium-scale and above in a Village or Minor Settlement there is a general presumption against. These larger scales of development would only be supported by a deliberate attempt to counter population decline in the area, to help deliver affordable housing, or else meet a particular local housing need. Such proposals should not overwhelm the townscape character, or the capacity, of the settlement and be consistent with all other policies and associated SG of the Local Development Plan.

#### 1.1.4 Housing in Greenbelt

Within the Greenbelt, a strict policy regime applies, based on resisting urban expansion and new housing development. Accordingly, there is a presumption against and resistance to new housing development within this zone of any scale. The only exceptions to this are, firstly, where an operational need has been established and the applicant demonstrates that there is a specific locational need to be on, or in the near vicinity of the proposed site, and secondly, in the very exceptional circumstances of a housing conversion proving to be an acceptable means of securing the future of a valued existing building or community asset, or, in the very exceptional circumstances of housing enabling development, to secure the retention of a highly significant building at risk.

#### 1.1.5 Housing in Rural Opportunity Areas (ROAs)

The **ROAs** have been mapped specifically with a view to identifying areas within which there is a general capacity to successfully absorb small scale housing development. This includes open countryside locations where appropriate forms of small- scale housing development will be in tune with landscape character and development pattern. Consequently, there is a presumption in favour of small-scale housing development within this zone, subject to on-going capacity evaluation. Conversely, there is a presumption against medium and large-scale housing development that would not be generally appropriate for these rural areas and would undermine the intentions of the settlement strategy.

#### 1.1.6 Housing in Countryside Zone

The **Countryside Zone** does not have the general capacity to successfully absorb any scale of new housing development when it is located away from existing buildings. Consequently, the presumption in favour of new housing development is restricted to change of use of existing buildings or small-scale development in close proximity to existing buildings on infill, rounding-off, and redevelopment sites, where these are not immediately adjacent to defined settlement boundaries.

1.1.7 Notwithstanding the initial presumption against new housing development, on a bareland croft or where an operational need has been established and the applicant demonstrates that there

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is a specific locational need to be on, or in the near vicinity of the proposed site, small-scale housing may be considered in locations away from existing buildings within this zone. This is provided there is sufficient capacity to successfully integrate the proposed housing development within the landscape. The planning authority will conduct an Area Capacity Evaluation (ACE) in order to assess the direct and cumulative landscape impact of any such development. The ACE process is further explained in SG Area Capacity Evaluation.

#### 1.1.8 Housing in Very Sensitive Countryside

The **Very Sensitive Countryside** corresponds to the isolated coast, relatively high ground, mountain areas and to especially vulnerable lowland areas where there is generally extremely limited capacity to successfully absorb any scale of new housing development. Consequently, there is a presumption against new housing development of any scale in this zone. The only exception made is in the very special circumstance of a house being required for operational reasons and/or where it can utilise an existing building.

#### 1.1.9 Housing on Croft Land

A balance needs to be struck between supporting limited amounts of housing on crofts that will benefit both individual crofters and the wider crofting community whilst discouraging the break-up of croft land assets and speculative development that would be detrimental to the environment. Accordingly new housing on bareland crofts is generally supported but is dependent on specific proposals being assessed as having no significant adverse landscape impact and further supported by a business case (albeit it is acknowledged that a croft has limited income potential) being provided by the applicant. Advice will also be taken from the Crofting Commission on the suitability or otherwise of the croft being established.

#### 1.1.10 Affordable Housing

There is a general commitment to facilitate greater choice in housing in terms of location, design, tenure and cost. However, it is recognised that the market will not be able to meet some important housing needs. This includes locations and circumstances where affordable housing to lower income groups is not adequately supplied by the market. In a limited context, the planning system can assist with the provision and retention of such housing where a particular need for affordable housing has been demonstrated. The housing allocation schedules in the LDP detail the level of affordable housing required for each site, and these take precedence over the general level expressed in policy SG LDP HOU 1. Additional information on the provision of affordable housing is provided in Delivery of Affordable Housing SG.

## Delivery of Affordable Housing

### 1. Introduction

- 1.1 This Supplementary Guidance provides further detail on the delivery of affordable housing in support of Policy LDP 8 of the Argyll and Bute Local Development Plan, and associated Supplementary Guidance SD LDP HOU1. A key aim of the Local Development Plan and Argyll and Bute Council is to facilitate greater housing choice in terms of location, design, tenure and cost. However, we currently live in challenging economic times which is not likely to change for the foreseeable future. Consequently, given the lack of private and public capital it is recognised that the market will not be able to meet some important local housing needs, including affordable housing. That said, in a limited context, the planning system can however assist with the provision and retention of such housing where a particular need for affordable housing has been clearly demonstrated.
- 1.2 The local need for affordable housing in Argyll and Bute is set out in the **Argyll and Bute Housing Need and Demand Assessment (HNDA)** which has been used to help inform the Local Housing Strategy, Local Development Plan policy content and associated supplementary guidance (SG). The level of affordable housing provision required in the Local Development Plan is indicated in the Written Statement Housing Allocations and relevant Potential Development Areas (PDAs); Schedules and Proposals Maps. These sites (where capacity of over 8 residential units is shown in Housing Market Areas that clearly demonstrate affordable housing need, see paragraph. 1.3) have been selected on the basis of their location and suitability for affordable housing provision in response to the needs identified in the Housing Need and Demand Assessment.
- 1.3 Outwith these specific sites new housing developments proposed for 8 or more homes are required to deliver a minimum of 25% of affordable housing units. The only exceptions to this general requirement for affordable housing provision are for proposals which are located within a housing market area where The Council's HNDA studies indicate that there is a limited requirement. These housing market areas are identified in the Councils approved Local Housing Strategy and Strategic Housing Investment Plan, and currently comprise; The Island of Bute, including Rothesay and South Kintyre including Campbeltown and for a two year period Cowal, including Dunoon. The other exceptions are for proposals involving the conservation and conversion of a listed building or a significant building within a conservation area, where the provision of affordable housing would undermine the economic viability of the proposed scheme. Applicants will be required to provide evidence to demonstrate that scheme proposed is the minimum required to meet a verifiable conservation deficit that would allow conservation and reuse of the building.
- 1.4 Affordable housing can be delivered by a variety of means including social rented housing, mid-market rented housing, the payment of commuted sums and also the building of houses/apartments designed to meet the needs of first time buyers\*.

*\* provided these are available at affordable levels as defined by the Councils Housing Need and Demand Assessment and within the lower quartile of the housing market of their respective housing market area.*

### 2. Policy Context

- 2.1 There is a need for high quality, energy efficient and affordable housing, in the right locations, to support our economic competitiveness, social justice and sustainable development. The Council, working in partnership with the private sector and housing agencies, is committed to ensuring that a decent home should be within the reach of every household. Whilst the responsibility for delivering this lies primarily with private

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developers, there are certain situations where, sufficient affordable housing may not be available to households drawn from the lower income groups.

- 2.2 Scottish Planning Policy establishes that the provision and retention of affordable housing is a legitimate planning concern. Local Development Plan policies and associated SG must be based on a robust assessment of local housing needs in each community to be undertaken in conjunction with the local Housing Authority. Based on this evidence, clear guidance must then be given on what constitutes affordable housing and the appropriate mechanism for securing it. Policies may provide for the retention of affordable housing for successive, as well as the initial occupants, and seek to reserve such properties for people falling within particular categories of need.
- 2.3 Suitable delivery mechanisms include the selective use of planning conditions, Section 75 and other legal Agreements and through partnership working with private developers and Registered Social Landlords (RSLs), for example, by promoting land in public ownership, the placing of rural burdens, or schemes that benefit from grant support. The Council's policy approach to affordable housing is set out in the Argyll and Bute Local Development Plan **Policy LDP 8 – Supporting the Strength of our Communities – making them better places to live, work and visit**. Greater detail is provided in **SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision**.

### 3. Needs Evaluation

- 3.1 The Local Development Plan sets out anticipated housing requirement figures, which for a ten year plan period suggest the need for the Local Development Plan to allocate sufficient land for an average of **475** new homes per annum across Argyll and Bute.
- 3.2 The Council must have regard for the proper operation of the development land market and the viability of housing schemes, which are undertaken by the private sector. In line with SPP and Pan 2/2010, it is concluded that an objective target of a minimum of 25% affordable housing provision should normally be expected, and in the context of Argyll and Bute that this should be applied to all developments comprising eight or more new homes located within those housing market areas which have been identified with affordability issues.

### 4. Definition of Affordable Housing

Categories of affordable housing have been defined in SPP and PAN 2/2010 as:

#### Social rented

- **Housing provided at an affordable rent** and usually managed locally by a RSL such as a Housing Association, Housing Co-operative, local authority or other housing body regulated by the Scottish Housing Regulator.

#### Subsidised low cost housing for sale

- **Subsidised low cost sale** - a subsidised dwelling sold at an affordable level. Discounted serviced plots for self-build can contribute. A legal agreement can be used to ensure that subsequent buyers are also eligible buyers. In rural areas this may be achieved through a rural housing burden.
- **Shared ownership** - the owner purchases part of the dwelling and pays an occupancy payment to a RSL on the remainder. The owner can buy percentages of 25%, 50% or 75% of the property;

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- **Shared equity** - the owner pays for the majority share in the property with the RSL, local authority or Scottish Government holding the remaining share under a shared equity agreement. Unlike shared ownership, the owner pays no rent and owns the property outright.

#### **Unsubsidised low cost housing for sale**

- **Entry level housing for sale** - a dwelling without public subsidy sold at an affordable level. Conditions may be attached to the missives in order to maintain the house as an affordable unit to subsequent purchasers.
- **Shared equity** - the owner purchases part of the dwelling, with the remaining stake held by a developer.

#### **Mid-market or intermediate rented**

- Private rented accommodation available at rents below market rent levels in the area and which may be provided either over the medium or long term.

## **5. Mechanisms for Securing Affordable Housing**

- 5.1 Where the housing allocation schedule requires affordable housing to be provided, this is expected to be fully integrated on site, delivered by a number of different mechanisms including shared equity where appropriate and taken forward in a tenure blind manner. Only in exceptional circumstances and once the developer has demonstrated to the satisfaction of the Planning Authority that on site provision is not practicable will other options then be considered. In order to secure the most appropriate affordable housing for each site therefore a sequential approach will be applied to the delivery of affordable housing, in the following order:

- 1(a) the provision of affordable (social rented/shared equity) housing on-site**
- OR**
- 1(b) the transfer of an area of serviced land on-site to a registered social housing provider**
- OR – if this is not achievable for market, investment, location or other reasons:**
- 2(a) the provision of affordable housing (social rented/shared equity) off-site within the same community or housing market area**
- 2(b) the transfer of an area of services land off-site to a Registered Social Landlord (RSL)**

## **5.2 Option 1 – On site provision**

Where affordable housing is being provided on-site the units will either be built by or transferred to an RSL with the exception of discounted for sale, unsubsidised houses, student accommodation and approved private rented accommodation including housing for on-site workers. In such circumstances care should be taken to integrate the different parts of the development. The affordable houses should be similar in design and materials to the development of which it forms part – the objective will be that it is not possible to tell the different tenures apart from the external appearance of the houses.

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The whole development should be completed within a similar timescale unless otherwise agreed and the land transferred for affordable housing should not be subject to any particular development constraints.

Where a Registered Social Landlord, to be nominated by the Council, is involved developers should enter into partnership / discussion with them at an early stage to ensure that the development will provide the type and size of affordable housing required to meet the needs in the area and that the Housing and Regeneration Division of the Scottish Government funding requirements are met.

The developer will be required to build an agreed number, type and mix of affordable housing units on site (to Housing for Varying Needs standards issued by the Housing and Regeneration Division of the Scottish Government) for subsidised sale or rent through an approved Registered Social Landlord. The housing must be sold at a price equal to the Housing and Regeneration Division of the Scottish Government benchmark costs in force at that time (less Registered Social Landlord on costs). Where the affordable element is to be delivered by the developer deadlines must be set for the delivery of the affordable housing relative to the timescale of delivery of the private housing.

Alternatively the land for the affordable housing element can be transferred to a RSL for them to develop. Developers will agree to transfer an area of serviced land for a valuation based on affordable housing only (as agreed by the District Valuer or an agreed chartered valuation surveyor) to an approved Registered Social Landlord. The valuation will be the residual valuation based on the Housing and Regeneration Division of the Scottish Government benchmarks less development costs.

#### 5.3 Option 2 – Off Site Provision

In cases where on-site provision is unacceptable, the Council may be willing then to accept the provision of affordable housing off-site or the transfer of an area of serviced land off-site. The judgement as to whether off-site provision is acceptable will be based on a number of factors including the desire to achieve balanced communities, the individual site circumstances in terms of the location and accessibility, and any difficulties associated with its development.

If Argyll and Bute Council is prepared to accept the provision of the affordable housing contribution off-site the developer will be required to build an agreed number, type and mix of affordable housing units on another site in the community that is under their control (to Housing for Varying Needs standards issued by the Housing and Regeneration Division of the Scottish Government) for subsidised sale or rent through an approved Registered Social Landlord. The housing must be sold at a price equal to the Housing and Regeneration Division of the Scottish Government benchmark costs in force at that time (less Registered Social Landlord on costs). Where the affordable element is to be delivered by the developer deadlines must be set for the delivery of the affordable housing relative to the timescale of the private housing. For the avoidance of doubt any provision of affordable housing off-site will be in addition to the affordable housing requirement relating to the alternative site,

#### **OR**

Alternatively the land for the affordable housing element can be transferred to a RSL for them to develop. Developers will agree to transfer an area of serviced land for a valuation based on affordable housing only (as agreed by the District Valuer or an agreed chartered valuation surveyor) to an approved Registered Social Landlord.

**Where the options 1 or 2 are not available for market, investment, location or other reasons the following options can also be considered on an equal basis namely:-**

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#### 5.4 Option 3 - Commuted Payment

##### **Commuted Payment (Sum to be agreed by the District Valuer\* for each Housing Market Area)**

The use of commuted Payments may be acceptable only if there are no acceptable sites brought forward after following the sequential tests above. However given the limited nature of the funds available to provide affordable housing in Argyll and Bute the Council fully acknowledges the use of commuted payments may become increasingly common.

These payments will be used to enable off-site provision to make an equal and equivalent financial contribution to an affordable housing accumulator fund managed by Argyll and Bute Council to promote the direct provision of affordable accommodation with an approved Registered Social Landlord on other sites in the local housing market area. Income from this source will be identified in the local authority's Strategic Housing Investment Plan (SHIP) The commuted payment should be equivalent to the difference between the value of the affordable housing unit and the value of the equivalent private unit to ensure that the financial impact to the developer is the same as if the developer provided the affordable units on site. Where commuted payments are agreed, they will normally be payable at the same stage as on site provision would have been required in order to ensure that the time lag between the supply of private housing and the affordable housing is minimised.

If the Council is unable to attract public funding for the provision of affordable housing within a five year period (from completion of the first private house) in the form of onsite or off-site provision, then the provision in relation to commuted payments will be invoked and the developer will be entitled to develop the remainder of the site for mainstream housing.

\*To assist with this process the Council has commissioned the District Valuer to produce a set of valuations for each housing market area in Argyll and Bute, and these will be used to calculate standard levels of commuted payment which will be expected in lieu of onsite provision.

The level of commuted payment will be calculated so as to ensure that the pro rata financial burden is the same as on site provision. This is based on the Residual Land Value method, which means that the commuted sum is based on the value of the serviced land for general needs housing minus its value for affordable housing. Where a Landowner or developer is unhappy with the standard commuted payment levels, they may at their own expense request an individual valuation from the District Valuer, this will require an open book approach and be based on the residual land valuation method outlined above.

#### 5.5 Option 4 – Discounted low Cost Sale

**Discounted low cost sale** – a dwelling sold at a percentage discount of its open market value to households in the priority client group. Discounted serviced plots for self-build can also contribute, particularly in rural areas. A legal agreement can be used to ensure that subsequent buyers are also eligible buyers.

In rural areas this may be achieved through a rural housing burden under the Title Conditions (Scotland) Act 2003. The Rural Housing Burden (RHB) retains a pre-emption right to secure the affordability of land bought and the houses then built on it, so that successive local purchasers on modest incomes, who could not otherwise afford to compete on the open housing market, will be able to access a form of low cost home ownership in which the “subsidy” remained locked in forever. Local Housing Associations and Trusts are registered rural housing bodies which means they would be allowed to attach Rural Housing Burdens to the title of land sold.

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#### 5.6 **Option 5 – Affordability by Design and without Subsidy**

**Housing without subsidy** - non-subsidised affordable housing is likely to take the form of entry level housing for sale, some built at higher densities and with conditions attached to the missives designed to maintain the houses as affordable units to subsequent purchasers. Homes delivered without subsidy may be considered to fulfil part of the overall affordable housing requirement where it can be clearly demonstrated that they will meet the needs of, and be affordable to, groups of households identified through a housing needs assessment. These houses/apartments should be designed to meet the needs of first time buyers and be available at affordable levels as defined by the Councils Housing Need and Demand Assessment and within the lower quartile of the housing market of their respective housing market area.

#### **6. Type, Design and Layout of Affordable Housing**

6.1 The tenure split of affordable housing required will be informed by Argyll and Bute Council's Housing Needs Assessment and the Local Housing Strategy. Out with these assessments the type of affordable housing required will be determined on a site-by-site basis and developers are encouraged to enter into early discussions with the Council who will advise on the type of affordable housing required.

6.2 The affordable housing component should be well-integrated into the overall development and have good linkages to surrounding services including public transport where available and usable public open space or green networks in our Main Towns. The range of house types included within the affordable element should reflect the composition of households in need identified through the Local Housing Strategy, common housing register and current local housing needs surveys.

6.3 Potential Developers should always aim to deliver an overall visual integration of affordable and market housing. There should not be a significant outward difference in the style of units or layouts between affordable and market housing. Affordable housing should wherever possible be indistinguishable from the general mix of other houses on the site in terms of architectural quality and detail.

#### **7. Retention of Affordable Housing**

7.1 In any of the above options for the delivery of affordable housing in Argyll and Bute the retention of affordable housing stock as such is a factor that will require careful consideration when securing affordable housing contributions from development proposals. Housing Associations are expected to provide the main mechanism for the delivery of affordable housing developments and the charitable status of many of these organisations is important in securing the long term availability of affordable housing.

7.2 Landowners and developers will not be permitted to evade the terms of this policy by artificial sub-division of landholdings since the terms of the Section 75 Agreement will be made binding on successive proprietors. Agreements will require the transfer of land, erection of buildings or financial payments for affordable housing purposes to be completed to a similar time scale to the non-affordable housing unless otherwise agreed with the Planning Authority.

#### **8. Monitoring and Review**

8.1 In an effort to ensure that the Local Development Plan policies, associated SG and specifically this supplementary guidance will deliver affordable housing the Planning Authority will monitor the use of this guidance in how it delivers affordable housing through the planning process. The Planning Service will publish an annual report on the number of



**Argyll and Bute Local Development Plan – Supplementary Guidance**  
**General Housing Development**

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affordable housing units delivered through the planning process as part of the Local Development Plan's monitoring. In addition, the Council will also endeavour to update its housing needs assessment on a regular and on-going basis.

## **SG LDP HOU 2 – Special Needs Access Provision in Housing Developments**

This policy provides additional detail to policy *LDP 8 Supporting the Strength of Our Communities* of the Adopted Argyll and Bute Local Development Plan.

**(A) Housing development proposals shall make appropriate access, recreational and open space provision for the following special needs groups:**

- a. the disabled including wheelchair operators
- b. those with sight and hearing impairments
- c. the frail, the elderly and groups vulnerable to crime
- d. young children and parents with prams
- e. pedestrians and cyclists.

**(B) Housing development proposals which make inadequate provision in respect of the above will be resisted.**

### **1.1 Explanation of Policy Objectives**

1.1.1 Special group access needs to be taken into account by housing development proposals in the interests of ensuring equality for all sectors of our society including the most vulnerable.

1.1.2 **This SG conforms to:**

- [SPP](#)
- LDP Key Objectives F and G

**SG LDP HOU 3 – Housing Green-Space**

This policy provides additional detail to policy *LDP 8 Supporting the Strength of Our Communities* of the Adopted Argyll and Bute Local Development Plan.

New residential\* development proposals of 20 dwelling units or more are required to provide both:

- (A) A minimum of 12 sq m per unit of casual\*\* open space; AND,
- (B) A minimum of 6 sq m per unit of equipped children’s play space including provision for under 5 year olds; AND,
- (C) Provision must be made by developers for the on-going maintenance of such open and play space by:
  - (i) The developer maintaining and providing public liability insurance for the play space area/equipment directly, and a contractual/factoring arrangement entered into by the new landowners/ property owners. This will include the use of a Section 75 Agreement or a condition to ensure that this is delivered as part of a factoring scheme in perpetuity; OR, as an alternative to all the above, and subject to the agreement of the Planning Authority.
- (D) The developer will be required to make an appropriate direct financial contribution to the Council for the improvement to an existing children’s play area in close proximity to the new housing development. This will involve the use of a Section 75 Agreement.

\* Residential proposals specifically intended for the elderly will be exempt from providing an equipped children’s play space under this policy.

\*\*Casual open space is defined as space that is functional for informal recreation and shall not include private gardens/driveways or road verges/landscaped areas that provide the settings of new buildings.

## 1.1 Explanation of Policy Objectives

1.1.1 The provision of community space or amenity areas is important in residential developments, both in urban and rural areas, as it provides a formal outdoor space for the residents’ enjoyment. Such spaces are particularly important in high-density developments where private gardens are limited.

1.1.2 New developments will therefore be required to provide open space according to the standards set out in **SG LDP HOU 3** except where need is diminished due to the development being for “special needs” housing such as sheltered accommodation; or where physical restrictions (i.e. the development lies within a Conservation Area or high density urban space) are such that public open space cannot be provided. In such cases applicants may be asked to make an appropriate financial contribution (to be determined by the Council) to improve existing facilities in close proximity to the proposed development.

### 1.1.3 This SG conforms to:

- [SPP](#)
- LDP Key Objectives E and F

## SG LDP HOU 4 – Residential Caravans and Sites (for Permanent Homes)

This policy provides additional detail to policy *LDP 8 Supporting the Strength of Our Communities* of the Adopted Argyll and Bute Local Development Plan.

No new residential caravans\* or caravan sites (except for a new caravan on the basis of temporary necessity), nor any extension to an existing site, will be permitted for permanent homes.

For the purpose of this guidance “temporary necessity” will normally apply only to emergency situations where re-housing is urgently required as a result of unforeseen circumstances such as fire, flood or storm damage to a principal residence, or for the purpose of temporary occupation when building a principal residence on site.

\* This guidance also applies to all other non- permanent structures used for residential purposes.

### 1.1 Explanation of Policy Objectives

1.1.1 Residential caravan use for permanent homes do not normally provide a satisfactory living environment in the Argyll and Bute wet and damp climate and is therefore not encouraged.

1.1.2 In addition static caravans are often visually intrusive in the landscape or townscape and can have a detrimental impact on the amenity of the local area.

1.1.3 **This SG conforms to:**

- [SPP](#)
- LDP Key Objectives E and F

## SG LDP REC/COM 1 – Sport, Recreation and Community facilities

This policy provides additional detail to policy LDP 8 – Supporting the Strength of Our Communities of the Adopted Argyll and Bute Local Development Plan.

**(A) There is a presumption in favour of new or improved sport, recreation and other community facilities provided:**

- (i) In the settlements and countryside zones the development is of a form, location and scale broadly consistent with policy LDP DM1, and that the scale of any development should be determined by the size of the settlement, the nature of the facility and the community that it serves;**
- (ii) They respect the landscape/townscape character and amenity of the surrounding area;**
- (iii) They are readily accessible by public transport where available, cycling and on foot;**
- (iv) They are located close to where people who will use the facility live and reduce the need to travel: AND,**
- (v) The proposal is consistent with the other policies and SG contained in the Local Development Plan;**
- (vi) Participation sports and recreational activities requiring unimpeded access to remote open country are exempt from the requirements of clauses (iii) and (iv).**

### 1.1 Explanation of Policy Objectives

1.1.1 Sport, recreational and community facilities are essential to the quality of life, health and well-being of both local communities and visitors to Argyll and Bute. They also play an important and growing role in developing the economy of the area.

1.1.2 The aim of this policy therefore is to promote the creation of sport, recreation and other community facilities such as schools, health facilities, community halls, heritage centres and art venues in places that are accessible by foot, cycling and public transport where it is available. To help assess development proposals the views of SportScotland may be sought.

1.1.3 The policy does not define the scale of community facilities in the way that other forms of development are defined, rather there should be a more flexible approach where the scale of a particular facility should reflect the size of the settlement or the community that it serves. It is not realistic to specifically define the scales of different types of community facility that this policy covers.

#### 1.1.4 This SG conforms to:

- [SPP](#),
- LDP Objectives A, B, C, D, E,G, H and I

## SG LDP REC/COM 2 – Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas

This policy provides additional detail to policy LDP 8 – Supporting the Strength of Our Communities of the Adopted Argyll and Bute Local Development Plan.

**(A) The development or redevelopment of formally established public or private playing fields or sports pitches or those recreational areas and open space protection areas shown to be safeguarded in the LDP Proposals Maps shall not be permitted except where:**

- (i) The proposed development is ancillary to the principal use of the site as a playing field; Or;**
- (ii) The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training; Or,**
- (iii) The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; Or,**
- (iv) A playing field and pitches strategy, prepared in consultation with SportScotland, has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision; Or**
- (v) In the case of valued recreational areas (public or private) it can be adequately demonstrated that there would be no loss of amenity through either partial, or complete development and that an alternative provision of equal benefit and accessibility be made available.**

### 1.1 Explanation of Policy Objectives

1.1.1 The aim of this policy is to safeguard areas of valued open space, sports pitches and playing fields from being lost to new development without adequate alternatives being provided by the developer proposing those works.

1.1.2 **This SG conforms to:**

- [SPP](#),
- LDP Objectives A, B, C, D, E,G, H and I

### **SG LDP REC/COM 3 – Safeguarding Key Rural Services**

This policy provides additional detail to policy LDP 8 – Supporting the Strength of Our Communities of the Adopted Argyll and Bute Local Development Plan.

**(A) In remote rural areas the Council will only permit change of use of key rural services, including hotels with public bars, pubs and petrol stations to other uses provided:**

- (i) That a similar facility is available in the same community or in close proximity to;**
- (ii) That evidence is provided that all reasonable steps have been taken over a twelve month period to market the business as a going concern.**

#### **1.1 Explanation of Policy Objectives**

1.1.1 The aim of the policy is to safeguard against the loss of key services and facilities such as hotels with a public bar, public houses and petrol stations in our remote rural communities in the interests of sustainable development and keeping these communities strong as once these facilities are lost they are very difficult to replace.

1.1.2 **This SG conforms to:**

- [SPP](#),
- LDP Objectives A, B, C, D, E,G, H and I

## Argyll and Bute Local Development Plan – Supplementary Guidance Community Plans and new or extended crofting townships

### SG LDP COM 2 – Community Plans and New/Extended Crofting Townships

This policy provides additional detail to policy *LDP 8 Supporting the Strength of Our Communities* of the Adopted Argyll and Bute Local Development Plan.

Proposals for community plans and new or extended crofting townships (including forest crofts) are generally supported by the council where they can successfully demonstrate that:-

(A) they can bring significant benefits to the local community concerned and have widespread community support;

(B) they are compatible with landscape character, including landform and the surrounding settlement pattern;

(C) they offer a high standard of design and amenity for local residents to enjoy;

(D) there are no significant adverse impacts on natural, built and cultural features particularly with regard to designated sites;

(E) adequate access and servicing arrangements can be achieved in accordance with establish policy and supplementary guidance;

(F) good land management practices will be delivered (the Crofting Commission will confirm the bona fides for crofting proposals);

(G) the proposals comply with all other relevant policy and SG of the Local Development Plan. In particular an ACE will be required when the proposed Community Plan or Crofting Township lies within the Countryside development management zone.

(H) in support of planning applications for new crofting townships, the following information will also be required:

- a business plan (albeit, there is no expectation of a full time income from a croft);
- where the proposal involves the large scale restructuring of agricultural land or use of uncultivated /semi-natural areas for intensive purposes, then an Environmental Impact Assessment also may be required.
- for woodland crofts, a management plan must be submitted which meets the UK Forestry Standard and where deforestation of an area is required [the Scottish Government’s Policy on Control of Woodland Removal](#) should be taken into account.
- a masterplan for the entire development area, focussing on issues such as the preferred density, siting, design and layout of buildings (with reference to the Council’s suite of [Sustainable Design Guides](#)) and associated infrastructure and services.

### 1.1 Explanation of Policy Objectives

1.1.1 In many parts of Argyll and Bute populations are either falling or static. In an effort to counter this negative trend the council welcomes the production of Community Plans and the creation of new crofting townships in appropriate locations where it can be demonstrated that there is widespread public support in the local area for them being established. Proposals should also be able to demonstrate significant benefits to the wider communities within which the lie, including both crofters and non-crofters.

1.1.2 With Community Plans, this could be achieved through a variety of measures including the creation of housing, business, recreation, tourism and community facility opportunities which enhance the socioeconomics of the wider community.



## Argyll and Bute Local Development Plan – Supplementary Guidance Community Plans and new or extended crofting townships

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1.1.3 With Crofting Townships, this could be achieved through a variety of measures including the significant enhancement of land through habitat creation, the growing of local food, the management of better access or recreation provision, provision of affordable housing and/or the retention of the land in community ownership including tenancy agreements. Whilst the preferred route for the delivery of both Community Plans and new crofting townships is through the review of the Local Development Plan, in some instances, particularly when the LDP are broadly adhered to, there may also be other opportunities for new proposals to be lodged via the planning application process.

### 1.1.4 This SG conforms to:

- [NPF3](#)
- [SPP](#)
- [PAN 73 – Rural Diversification](#)
- LDP Key Objectives B & C

## Argyll and Bute Local Development Plan – Supplementary Guidance Planning Gain

### SG LDP PG 1 – Planning Gain

This policy provides additional detail to policy LDP 8 *Supporting The Strength of Our Communities* of the Adopted Argyll and Bute Local Development Plan.

(A) Where appropriate the council shall seek appropriate elements of planning gain\* in association with development proposals emerging from partnership activity, from the LDP process and from planning applications. This shall be in liaison with participating partners and developers and be proportionate to the scale, nature, impact and planning purposes associated with the development and shall be in accord with the Policy Tests set out in Circular 3/2012.

In developing planning obligations, consideration will be given to the economic viability of proposals and alternative solutions can be considered alongside options of phasing or staging payments.

\*e.g. this may cover the provision of affordable housing, in accordance with SG LDP HOU 1 within housing development sites over 8 units in areas demonstrating housing need as set out in the LDP.

### 1.1 Explanation of Policy Objectives

1.1.1 Planning gain usually refers to circumstances, in association with particular development proposals, when community benefits can be achieved such as the provision of affordable housing. Argyll and Bute Council, along with partners, will seek to achieve such planning gain when it is appropriate to do so and as set out in the requirements for affordable housing in the Local Development Plan. The Council will not expect planning gain from development proposals beyond the stated requirement for affordable housing and green/play space provision as set out in the LDP or where there may be a requirement for other off-site improvements/works proportional to and directly related to the development that are necessary to allow it to proceed. A balanced and measured approach to planning gain issues is therefore required and this is the basis of the criteria set out in SG LDP PG 1.

(see also Supplementary Guidance – delivery of affordable housing; SG LDP HOU 3 – Housing Green Space)

#### 1.1.2 This SG conforms to:

- [SPP](#)
- [Circular 3/2012: Planning Obligations and Good Neighbour Agreements](#)

**Policy SG LDP ENF 1 - Enforcement Action**

This policy provides additional detail to policy LDP 5 – Supporting the Strength of Our Communities of the Adopted Argyll and Bute Local Development Plan.

- (A) Unauthorised breaches of planning control issues shall be assessed on the basis of a planning application deemed to have been submitted for the development that is the subject of the breach;
- (B) Swift enforcement action shall be pursued and may be expected when the unauthorised development:
  - (i) Has a severe and unacceptable impact on public health or public safety; OR,
  - (ii) Has a severe and unacceptable bad neighbour impact; OR,
  - (iii) Without swift remedy, will result in unacceptable damage occurring to the natural and historic environment;
- (C) Enforcement action shall be undertaken in line with the Planning Service’s Enforcement charter taking into account the nature of the offence or potential breach of planning control and shall be pursued at the discretion of the planning authority in proportion to the offence and resulting risks to human, natural or built environment resources.
- (D) This enforcement action shall be consistent with the principle of natural justice; shall be co-ordinated with other enforcement processes; and shall be effectively resourced to meet enforcement priorities.

**1.1 Explanation of Policy Objectives**

1.1.1 The primacy, integrity and purposes of the Local Development Plan will break down unless there is effective enforcement of statutory planning controls. However, enforcement action should also be measured, co-ordinated and in proportion to the gravity and scale of the development impact. Of particular concern are developments which impact adversely on public health and public safety; on neighbouring land use and property; and on those highly valued elements of the natural and historic environment, which this plan seeks to sustain. **SG LDP ENF 1** presents such a measured approach to enforcement.

**1.1.2 This SG conforms to:**

- [SPP](#)

Argyll and Bute Local Development Plan – Supplementary Guidance  
Departures from the Local Development Plan

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**SG LDP DEP 1 - Departures To The Local Development Plan**

This policy provides additional detail to policy LDP 8 – Supporting the Strength of Our Communities of the Adopted Argyll and Bute Local Development Plan.

(A) The Council shall seek to minimise the occurrence of departures to the Local Development Plan and to grant planning permission as a departure only when material planning considerations so justify.

(B) The incidence of departures shall be monitored as part of the review of this plan, with consideration to be given to modifying or introducing policies that can respond effectively to the issues underlying the departure circumstances.

### 1.1 Explanation of Policy Objectives

1.1.1 For the purposes of this plan, a proposed development will be a departure to the Local Development Plan whenever it is determined by the planning authority that the development is not in accord with one or more development management or supplementary guidance (SG). It is important to ensure that departures to the Local Development Plan are kept to a minimum and only pursued whenever justified by material planning considerations. The occurrence of departures should be monitored and the Local Development Plan itself should be kept up to date to avoid departures becoming an increasing occurrence. This is the basis of **SG LDP DEP 1**.

#### 1.1.2 This SG conforms to:

- [SPP](#)

## Argyll and Bute Local Development Plan – Supplementary Guidance Bad Neighbour Development

### SG LDP BAD 1 – Bad Neighbour Development

These policies provide additional detail to policy LDP 8 – Supporting the Strength of Our Communities of the Adopted Argyll and Bute Local Development Plan.

Proposals for developments classed as “Bad Neighbour” Developments\* will only be permitted where all the following criteria are satisfied.

- (A) There are no unacceptable adverse effects on the amenity of neighbouring residents;
- (B) The proposal includes appropriate measures to reduce the impact on amenity as defined by the use classes order (i.e. noise, light, smells);
- (C) There are no significant transport, amenity or public service provision objections;
- (D) Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full. (see SG on Access and car parking Standards);
- (E) The proposal does not conflict with any other Local Development Plan policy and SG.

### SG LDP BAD 2 – Bad Neighbour Development in Reverse

In all Development Management Zones there is a general presumption against proposals that will introduce new incompatible development and associated land uses into, or adjacent to, areas already containing developments classed as “Bad Neighbour” Developments.\*

Policy Note: \* as defined in Schedule 7 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992

#### 1.1 Explanation of Policy Objectives

1.1.1 Proposals for “Bad Neighbour” developments (including motor car, motor cycle racing, pubs clubs, and wastewater treatment plant can be made adjacent to established residential or quiet amenity areas. A number of these uses often involve a high turnover of customers, often occurring at unsociable hours or can result in unpleasant odours. Accordingly, proposals for all such uses will be considered on their individual merits, subject to the proposals meeting the criteria of supplementary guidance **SG LDP BAD 1** in full. Where appropriate, planning conditions or section 75 agreements under the Town and Country Planning (Scotland) Act 1997 may be used to restrict business hours and other aspects of the operation. In other cases land use compatibility may be achieved by the imposition of safeguarding zones.

1.1.2 In circumstances of “Bad Neighbour” in reverse, supplementary guidance **SG BAD 2** seeks not to prejudice the operational integrity of safeguarded land use and operations. For example, new residential development can expect to be refused if the proposal is located in close proximity of a waste treatment plant or industrial process plant.

#### 1.1.3 This SG conforms to:

- [SPP](#),
- LDP Key Objectives A, B, C and E

## Argyll and Bute Local Development Plan – Supplementary Guidance Shopfront and Advertising Design Principles

### SG LDP ADV 1 - Advertisements

This policy provides additional detail to policy LDP 9 – Development Setting, Layout and Design of the Adopted Argyll and Bute Local Development Plan.

**(A) Within commercial and residential areas of settlements the Council, when considering applications to display advertisements, will take into account:**

**(i) The impact on the amenity of the site, or surrounding area, or character of the building in terms of positioning, scale, design or materials and where appropriate conform with the SG on Shopfront/Advertising Design Principles of this Local Development Plan;**

**(ii) The impact on public safety (including pedestrians and road users); AND,**

**(iii) Within Conservation Areas and Special Built Environment Areas, in addition to the above points they preserve or enhance the character and amenity of the area.**

**(B) Within the Countryside Development Management Zones, advertisements will be refused unless they are directional or advance warning signs for business or tourist facilities that are not reasonably visible from any main road. In each case it must be shown that a tourist 'brown sign' is not a suitable first option; AND they must satisfy A) (i), (ii) and (iii) above.**

### 1.1 Explanation of Policy Objectives

1.1.1 The aim of this SG which is linked to **Policy LDP 9 – Development Setting, Layout and Design** is to control advertisements allowing for information to be displayed to the public, without loss of character, amenity or safety. Advertisements, which include hoardings (freestanding or otherwise), advance signs, shop fascia and projecting signs are amongst the most lively but also potentially most intrusive elements in our environment. As a result they have always merited their own specific mention in planning legislation and their own set of regulations that require controls to be exercised. If these controls were not exercised, character, amenity and safety may be compromised. Due to their special nature, Conservation Areas and Special Built Environment Areas require stricter controls. The control of advertisements in industrial areas will be less strict than elsewhere. Nevertheless, the general principles of preserving amenity (e.g. appropriate scale and design) and public safety will be applied. Business and tourist signs, although very important, need to be restricted to those necessary, and existing signs with no operational need should be removed. Further information on the design of acceptable advertising is contained in **Supplementary Guidance Shopfront/Advertising Principles** as set out below.

## Supplementary Guidance

### Shopfront/Advertising Design Principles

#### The Purpose of These Principles

- 1.1 These design principles have been produced to ensure that planning applications for shopfronts, canopies, hoardings and security measures are submitted with due consideration to the historic setting and the architectural quality of Argyll and Bute's many towns and settlements. These design principles apply in particular to Conservation Areas, but could also be applied to shopfronts in other development control zones. This appendix also provides supplementary information on advance warning signs in rural areas with the aim to safeguard Argyll and Bute's outstanding natural heritage.
- 1.2 Many historic shopfronts have been considerably altered or replaced over time. These design principles have been created with the intention of protecting and enhancing the historic character of the Town Centre, balanced with the commercial requirements of the shopkeepers.

#### The Need for Planning Permission

- 2.1 Planning permission is required for any alteration that materially affects the external appearance of a building, including canopies/awnings and external security measures (and painting within Conservation Areas).
- 2.2 Listed Building Consent (separate from planning permission) is required for any alterations to a listed building which affect its character as a building of special architectural or historic interest.
- 2.3 It should be noted that many proposed signs require advertisement consent.

#### Context

- 3.1 Scottish Planning Policy paragraph 60 states
  - ***“apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;***
  - ***encourage a mix of uses in town centres to support their vibrancy, vitality and viability Throughout the day and into the evening;***
  - ***ensure development plans, decision-making and monitoring support successful town centres;”***
- 3.2 These design principles follow established good practice. Further guidance may well be issued in the future for individual town centres such as Dunoon, Campbeltown, Oban, Rothesay, Lochgilphead/Ardrishaig or Helensburgh to take account of their distinct local identities.

## Argyll and Bute Local Development Plan – Supplementary Guidance

### Shopfront and Advertising Design Principles

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#### Shopfront Guidelines

- 4.1 Inappropriate shopfronts in Conservation Areas for example those constructed from garish materials, can detract from the character of such areas. The use of non-traditional or gimmicky style shopfronts/architecture will be discouraged in the Conservation Areas.
- 4.2 Original 19thC and early 20thC shopfronts should be retained and restored. There will be a presumption against removal/alteration of surviving shopfronts that contribute to the architectural quality, or historic interest of the Town Centre.
- 4.3 Timber fascias should be repaired as necessary and repainted. Traditional shopfronts should be painted rather than stained. Garish 'modern' combinations of colours should not be used, but bright traditional colours will be more acceptable.
- 4.4 Shop signs should preferably be painted onto the fascias or onto signboards on the masonry above shop windows where the original signs are likely to be found.
- 4.5 Signs should be contained within the fascia and not repeated on window glass.
- 4.6 Sign materials should be compatible with those of the historic (or modern) building.
- 4.7 The shopfront should not be designed in isolation from the rest of the building or adjoining frontages. The Council will seek to achieve a level of consistency in the style of shopfronts to ensure that new proposals blend in with neighbouring premises, displaying compatibility of design, materials, colours and lettering between a shop and its neighbours.
- 4.8 Where the same user occupies the ground floor of two buildings, taking one fascia across both frontages might destroy the individual character of the two. Two relating fascias should be installed, designed to suit each façade.
- 4.9 Lettering should be balanced-out on fascias to avoid overcrowding at one end and should not be oversized. If lettering is to be individually mounted it should be of good quality.
- 4.10 New signs should not obscure significant features of the historic building.
- 4.11 Where company signs are proposed they should be modified, where necessary, to ensure that the shop front harmonises with the character of the area and the building concerned.
- 4.12 If the need for externally mounted light fittings can be demonstrated they should be of unobtrusive design, size and colour, and fixed to the buildings in a manner that will not damage the building fabric.
- 4.13 No internally illuminated signs or plastic fascia signs will be permitted.
- 4.14 The Council will endeavour to negotiate improvements to shopfronts when applications are submitted for advertisement consent, listed building consent and planning permission in the Conservation Areas or Special Built Environment Areas.
- 4.15 All of these principles recognise that a shopfront must attract customers into a shop so a fair degree of flexibility must be exercised. Equally, a shopping area's character and attractiveness to customers can be destroyed by inappropriate or unsympathetic design.

#### Projecting Signs

- 5.1 The use of projecting signs may be considered in some circumstances. For example on shops that are located on narrow streets. They should not be obtrusive or restrict pedestrian or vehicular movement.



## Argyll and Bute Local Development Plan – Supplementary Guidance

### Shopfront and Advertising Design Principles

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- 5.2 Projecting signs should be of good design and in proportion to the building. Proliferation/clutter of signs should be avoided and a single projecting sign per building frontage will normally be considered the maximum acceptable.

#### **Shopfront Security Guidelines**

- 6.1 The addition of shopfront security must be given careful consideration as the inclusion of such measures can have a damaging effect on the visual amenity of a streetscape.
- 6.2 Where shopfront security is essential, it is necessary to ensure that the historical/architectural character of the Conservation Areas and Special Built Environment Areas is maintained. The following advice should be adhered to.
- 6.3 Externally fitted shutters will not be acceptable, as they would have a detrimental impact by obscuring existing shopfronts and their details. They can also present a rundown and unwelcoming image to a town centre.
- 6.4 Externally mounted roller shutters require a large box above the window to accommodate the shutter and substantial channels at each side of the opening to guide the shutter down and provide side restraint. The architectural quality of the shopfront and the street on which it is situated will be greatly diminished.
- 6.5 Another problem associated with externally fitted shutter systems is that potential customers will not be able to view goods in the window when the shop is closed.
- 6.6 Removable external grills will be considered to be more appropriate than fixed shutter systems, provided that daytime storage is available. Alternatively, brick bond internal retractable security shutters may be considered behind the glass of the shop window.
- 6.7 In cases where the risk to security is not excessive, the use of a glazing material that will resist breakage, such as laminated or toughened safety glass may offer adequate protection. Anti-bandit glass has thicker layers than laminated glass and provides greater security, without the need to install internal or external grilles.

#### **Sunblinds/Awnings and Dutch Canopies**

- 7.1 The erection of sun blinds (also referred to as awnings) and canopies in Conservation Areas will generally be discouraged by the Council unless valid reasons for their introduction can be shown (e.g. to protect perishable goods from sunlight).
- 7.2 The following is therefore applicable for the reason of promoting good design and safeguarding the amenity of the town centre.
- 7.3 The Council will favour traditional flat projecting canvas sunblinds, which are hardwearing and fully retractable.
- 7.4 Proposals for Dutch canopies, designed with a curved profile and enclosed ends, will be discouraged on properties in Conservation Areas and Special Built Environment Areas and on all Listed Buildings. This is because their size, shape and projection can make them appear intrusive thus creating difficulties of integrating them into a historic town centre.
- 7.5 The style/design of the proposal should be sympathetic to the building and its existing features and they should be restricted to the width of the individual window. Its size should also respect the proportions of the shopfront.
- 7.6 The Council will favour the use of traditional sunblind materials, such as woven materials or canvas, in preference to PVC or plastic; in neutral rather than bright colours.

## Argyll and Bute Local Development Plan – Supplementary Guidance Shopfront and Advertising Design Principles

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### Advertisements

- 8.1 Advertisements play an important role in our lives, providing important safety information and raising awareness of services and products. In addition where sited sensitively advertisements can have an important visual benefit, e.g. screening unsightly gap sites or unattractive buildings.
- 8.2 That said, if not carefully controlled advertisements can create clutter, undermine public safety, especially along main roads and adversely impact on the amenity of an area, especially in sensitive locations.

### Advertising Hoardings

- 9.1 **Location** – these signs require to be confined to small gap sites in urban areas, particularly those of a temporary nature, where it is proposed to erect a new building. There will be a presumption against new hoardings in all of the countryside development control zones, Conservation Areas, Special Built Environment Areas, predominantly residential areas, open areas within settlements and on, or adjacent to, listed buildings.
- 9.2 **Scale and Design** – the scale and design of a hoarding has to relate to the size and layout of the site. Where a gap site is involved a generous landscaping treatment should be incorporated. If free standing, it should be integrated into the framework of a wall, fence or purpose built structure.
- 9.3 **Illumination** – in areas where hoardings are permitted it will normally be sufficient street lighting to cancel the need for additional illumination.

### Advance Warning Signs for Individual Premises

- 9.4 **Location** – where the principle of an individual advance warning sign is accepted, the display should normally comprise of one double-sided sign at the public/private road junction leading directly to the premises advertised. A series of repetitive signs will not be acceptable. In cases where two or more advance signs are justified at the same road junction, the use of a combined sign will be strongly encouraged. All signs must be erected outwith the highway boundary. Signs with a visual backdrop of existing trees, native planting and walls will be preferred.
- 9.5 **Scale and Design** – The overall size of the advance warning sign shall not normally exceed 1200mm by 600mm or be more than 2 metres in height from ground level. The signs should only contain explanatory information rather than general advertising. The maximum size of letter used will depend on traffic speeds.
- 9.6 **Illumination** – illumination will only be permitted provided it can be done without prejudice to road safety. External down lighting will be the preferred method of illumination and lights should be coloured to match the colour of the sign.

## Sustainable Siting and Design Principles

This policy provides additional detail to policy LDP 9 –  
**Development Setting, Layout and Design of the Adopted Argyll  
and Bute Local Development Plan.**

### Sustainability

- 1.1 The concept of sustainability was embraced at the Rio Earth Summit in 1992 and now is at the heart of all planning policy. The short and long-term environmental impacts of a new development should be considered from the outset of a project and the design should aim for sustainability. Sustainable building makes economic sense, saving money in the long term as well as being environmentally friendly. In a landscape where man and the environment are so closely linked this interdependency will work better if nature is respected.
- 1.2 All new development should be designed, sited and built to be sustainable. The fundamental principles are set out in the following guidelines:
- **Environmental Impact:** the development should integrate into the landscape or existing built form and therefore minimise detrimental impact on the landscape and environment. In some cases there may be a case for high quality design that acts as a landmark development. The impact of access roads and tracks, infrastructure and other services should also be considered.
  - Further information on the landscape assessment methodology used to assess particular development proposals in the countryside can be found in **LDP Policy SG ACE 1**.
  - **Protecting Agricultural Assets:** most of the agricultural land within Argyll and Bute is of a poor quality, with no agricultural land classified as Class 1 or 2 and only small areas of Classes 3.1 and 3.2 in Kintyre and Islay. Nevertheless agriculture remains an important part of the economy of Argyll and Bute and also provides forms of continuous and locally sensitive land management. In all countryside development management zones, new development should not be considered where it would require the loss of better quality agricultural land or result in the fragmentation of field systems or the loss of access to better quality agricultural land.
  - **Positioning:** the development should be positioned within the landscape to make best use of solar gain, natural ventilation and shelter from the elements and minimises environmental disturbance;
  - **Energy Efficiency:** is a fundamental sustainability aim. Development should be as energy efficient as possible and have an energy rating. At the very least the development should have double or triple glazing and high levels of insulation to the whole building. The building should be sited and planned to control solar gain, minimise heat loss and utilize natural ventilation to minimise energy use. It is in the interests of long term sustainability that all developments incorporate energy efficient heating and cooling systems. Alternative forms of energy, such as solar panels or wind turbines will be encouraged where appropriate. Draught proofing is also very important to minimise heat loss. Energy advice is available from the ALLenergy in Oban and from the Council's Building Standards Officers;

## Argyll and Bute Local Development Plan – Supplementary Guidance Sustainable Siting and Design

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- **Lifecycle:** the lifecycle of the development, its materials and components should be considered at the start of the project. Higher quality materials and systems will be more expensive at the outset but will recoup the investment in the longer term;
- **Materials:** building materials should be from sustainable sources and manufacturing processes, be recycled or otherwise have low environmental impact. Full use should be made of design and technology to maximise the efficient use of resources. Sourcing materials locally can also cut down in transport/energy costs;
- **Flooding:** new development should not be built on land that is subject to flooding or at risk from land erosion;
- **Water Supply/Drainage:** new development should minimise the use of water and utilise environmentally friendly ways of waste disposal wherever feasible including the use of Suds.
- **Habitats and Species:** Valuable habitats and species should be protected, and opportunities should be examined where possible for their enhancement.

### Development Affecting National Scenic Areas – Areas of Panoramic Quality

- 2.1 Argyll and Bute has some of the UK's finest landscapes, which are a source of pleasure to local people and visitors, as well as being of national importance. They are an important part of Argyll and Bute's identity. It is therefore vital that these landscapes are not scarred by insensitive development and that their identity is not diluted through design that makes the area in which we live look more like anywhere else. The unique identity of Argyll and Bute's landscape is likely to be strengthened either by design that draws on traditional forms and materials, or that builds on best qualities of modern design.
- 2.2 In the national context, National Scenic Areas (NSA) are considered to be of outstanding scenic beauty and therefore worthy of special protection measures. The designation is primarily an aesthetic one: it is not directly related to any ecological concerns. In Argyll and Bute there are 7 NSAs:
- Ben Nevis and Glen Coe (Part of);  
Jura;  
Knapdale;  
Kyles of Bute;  
Loch Na Keal;  
Lynn of Lorn;  
Scarba, Lunga and the Garvellachs.
- 2.3 Planning authorities have a duty to protect NSAs from developments that would seriously detract from their landscape value. Within NSAs, some works that would not normally require planning consent, e.g. vehicle tracks and road works, are required to be the subject of a planning application. In addition, Planning Authorities have a statutory duty to consult Scottish Natural Heritage (SNH) on planning applications within certain categories of development (e.g. tall buildings, groups of caravans and houses).
- 2.4 The conservation and enhancement of the landscape will be given prime consideration in the determination of development proposals. Any proposal that would harm the landscape will be refused or amended. Development permitted within the NSA must therefore not damage the landscape. This can be achieved through good design and sensitive siting. In this regard, Landscape Capacity Studies (LCS) covering all NSAs will be produced. These LCSs will identify key characteristics of both the natural landscape and

## Argyll and Bute Local Development Plan – Supplementary Guidance Sustainable Siting and Design

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built environment within each NSA and will identify areas and locations where development capacity exists.

- 2.5 The plan also identifies Areas of Panoramic Quality (APQ) that are considered important for the quality of the landscape. Within these areas the impact on the landscape is a major consideration when new development is proposed. Similarly to NSAs, Areas of Panoramic Quality will also have LCSs produced in order to address this issue.
- 2.6 All significant developments or land use changes within or impacting on NSA or Areas of Panoramic Quality as defined in the Local Development Plan Proposals Maps will be assessed for their compatibility with present landscape character as detailed in the SNH Argyll and Firth of Clyde Landscape Character Assessment.

### **Design of New Housing in the Countryside Development Management Zones – see also SG LDP ACE 1**

- 3.1 In many places the Argyll and Bute landscape could be easily spoiled by careless development. If its uniqueness and beauty are not to be destroyed, the design and construction of new houses within this landscape must respect local identity and the environment. All new buildings and other structures should be designed taking the following advice into account.
- **Location:** houses must be carefully located within the landscape to complement their surroundings and should make the minimum possible physical impact. Hilltop, skyline or ridge locations should be avoided for wind exposure and visual reasons.
  - **Siting:** must respect existing landforms and development patterns, and the amenity of other dwellings. Southerly aspect and shelter should be maximised. Clues can often be gained from old houses as to the best orientation for a new building, relative to shelter and aspect.
  - **Principles of Design:** high standards of design will be expected. The scale, form, proportions, materials, detailing and colour must all work together to enhance the existing built form and landscape. Traditionally roofs would be between 35° and 45°, windows and doors would be carefully proportioned within the elevation, and dormers would be subordinate to the main roof (and not box/flat-roofed). The roof itself should not sit directly onto the window-heads, as this disrupts the proportions of the elevations.
  - **Materials and Detailing:** for a new house to sit happily within the landscape or group of existing buildings, the materials and detailing should be compatible with the traditions of the area and be sympathetic to the landscape. This does not mean that houses should be always disguised by camouflage colours or be an exact copy of traditional houses. More advice on the use of innovative design is provided in the Argyll and Bute Design guides.
  - **Outbuildings:** should relate to the main building in form and design and be carefully positioned on the site, relating to the house.
  - **Landscaping and Boundaries:** Where privacy and amenity is important, built form should be screened or buffered from viewpoints (e.g. access ways) by using appropriate native planting. Existing planting and hedges should be supplemented and/or retained where possible. Hard-landscaping should be kept to a minimum and will work best when its colour is close to that of the local stone. Boundaries will either integrate a site into the landscape or alienate it. While the ideal of a dry stane dyke may not always be possible, the most unobtrusive alternative is post and wire fencing.

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Native hedging and/or vertical boarded fences may also be appropriate, but horizontal ranch-style fencing or block-work often appears to look very out-of-place.

- Parking: Car parking areas should not be dominant features which are highly visible from access ways or dominate views from within buildings. Other things to consider are services provision (power, telephone, water and sewerage) as well as proximity to community facilities and services (such as schools, shops or bus-routes).

### Design of New Housing in Settlements

- 4.1 The location of houses within a settlement is the most critical factor. New development must be compatible with, and consolidate, the existing settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise. Bullet points 1, 4, 5, 6 and 7 of section 3.1 can also apply here.
- 4.2 As a general principle all new proposals should be designed taking the following into account:
- Location: new housing must reflect or recreate the traditional building pattern or built form and be sympathetic to the setting landmarks, historical features or views of the local landscape.
  - Layout: must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.
  - Access: should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties. In rural areas, isolated sections of urban-style roads, pavements and lighting are best avoided.
  - Open Space/Density: all development should have some private open space (ideally a minimum of 100 sq. m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments.
  - Services: connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor – particularly if there is a limited capacity.
  - Design: The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.

### Development Briefs, Design Statements and Pan 46 Assessments

- 5.1 Groups of new houses require attention to design and layout if they are to sit well in the landscape and provide the best possible environment for the new residents and existing local householders. Following pre-application discussion, guidance in the form of a development brief or design statement may be prepared by the Planning Authority detailing road layout, service provision, grouping, density, scale, height, sustainability issues, materials, colour and open space requirements.
- 5.2 In exceptional circumstances, a similar brief may be prepared for the development of a single house, where for example it affects the setting of a listed building, is in a woodland setting, or if it is in a prominent, isolated site.

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- 5.3 The decision as to whether or not a development brief is required will normally be taken when an application for outline planning permission is considered, but the Planning Authority may arrange for the preparation of one following an informal proposal by a developer. The Planning Authority may also call for the need to undertake a PAN 46 Assessment.

#### Development and Colour

- 6.1 New development appears less obtrusive when its colouring ties in with existing development, or in the case of rural sites, where the colour harmonises either with the colour of the surrounding landscape or with the colours traditional to rural development in that area.
- 6.2 The traditional combination of bright white walls and black roof is as appropriate as ever. Generally however, light coloured roofs combined with dark walls tend to be less satisfactory, as a dark roof will visually ground the building into the landscape.

#### Under-Building and Excavation

- 7.1 Large unfenestrated under buildings generally are detrimental to buildings and look inappropriate in most settings. They also generally increase construction costs whilst not providing usable accommodation on sloping sites. On sloping sites, careful positioning combined with minor excavation works often provides a cheaper and more attractive design solution than under-building, and can also give a house added shelter from prevailing winds. If a 1½ or 2 storey house is in fact what is required, on a sloping site it should either be cut into the landscape or stepped down the hill; this will minimise both visual and physical impact. If a basement or garage below the living accommodation is required, that accommodation should be designed into the building, rather than appear as a separate element or afterthought.
- 7.2 The extent of any under-building or excavations should be clearly shown on submitted plans including the use of cross-sections. Any waste materials from excavations should be re-graded, landscaped, and utilised to backfill against areas of under build that would otherwise remain exposed or alternatively be removed from the site, restoring the site to its natural condition.

#### Alterations, Extensions, Conversions

- 8.1 Where planning permission is required alterations and extensions can add valuable extra space to a house, thereby increasing its value and if, carefully designed, improving its appearance. However, care needs to be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties.
- 8.2 Alterations and extensions should be in scale and designed to reflect the character of the original dwelling house or building, so that the appearance of the building and the amenity of the surrounding area are not adversely affected. Approval will not be granted where the siting and scale of the extension significantly affects the amenity enjoyed by the occupants of adjoining properties, taking into account sunlight, daylight and privacy. Proposals to construct two storey extensions onto single storey buildings will need special consideration. Care should be taken not to over-develop the site (see paragraph 4.2 on Open Space/Density). The following criteria will also be taken into account when considering house extensions:-

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- (a) Extensions should not dominate the original existing building by way of size, scale, proportion or design;
- (b) External materials should be complementary to the existing property;
- (c) Extensions should not have a significant adverse impact on the privacy of neighbours, particularly in private rear gardens.
- (d) Flat-roofed extensions, and multiple dormer window extensions, which give the appearance of a flat roof will not be permitted where they do not complement the existing house style and design.

#### Roadside Development

- 9.1 Lines of houses straggling along main roads beyond existing settlement boundaries are to be avoided. As they are likely to:
- increase the number of uncontrolled vehicle turning movements;
  - lead to on-road parking;
  - give rise to demands for lengthy sections of pavement or street lighting;
  - sterilise development land to the rear;
  - suburbanise the countryside, detrimentally impacting on visual amenity;
  - result in greater risks to children from fast traffic than would be the case with off-road housing.

#### Infill Development

- 10.1 Infill development can be defined as being new development on land between existing buildings. It is normally bounded on at least two sides by existing development, but must have at least one side open for means of access.
- 10.2 The things that must be considered when developing an infill site are access and car parking provision and the scale and design of the proposal, which should be in harmony with the surrounding area, particularly the adjacent buildings. The amenity and privacy of neighbouring properties should also be considered. Infill development should take care not to sterilise future development opportunities. Guidance and standards for overlooking are given below.

#### Back-land Development

- 11.1 Back-land development can be defined as new development behind a row or group of existing buildings. Access to such development is normally gained via a separate road from that serving the existing buildings, although joint accesses are sometimes possible.
- 11.2 Back-land development can provide additional housing within existing residential areas and make good use of neglected and/or unused vacant land. However, such development needs to take account of the settlement's existing built character and the area's historical development. It requires to be designed to maintain the privacy and amenity of the original property and allow for an appropriate and safe vehicular and pedestrian access.
- 11.3 Planning applications for back-land sites should include details that clearly indicate the siting, aspect and height of the building, the proposed and existing accesses, and a clear, scale plan of all adjacent roads and footpaths.

#### Garages/Outbuildings



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- 12.1 Domestic garages/outbuildings are useful structures, which normally add to the amenity and value of any house. The scale, design and building materials should complement the house and not dominate it, or detract from its amenity or the amenity of the surrounding area and properties. Generally they should be built using the same materials as the house and be placed satisfactorily in relation to it, not haphazardly in one corner of the site. The total amount of building on the site should not exceed 33% of the site area.

#### Overlooking

- 13.1 Privacy in the home is something that everyone has a right to expect, and in order to protect this basic right, new development needs to be carefully sited and designed. The use of windows that are taller than they are wide can greatly reduce problems of overlooking, particularly in built-up areas or where the road or footpath is close to the house.
- 13.2 The following standards have been successfully applied by the Council for many years and it is intended that their use will continue.
- 13.3 No main window of a habitable room (i.e. all rooms except bathrooms and hallways) within a dwelling shall overlook (directly facing) the main windows of habitable rooms in neighbouring dwellings at a distance of less than 18 metres\*. Plans submitted with planning applications will be required to show the location of all adjoining properties and the exact position of their main windows. A distance of 12 meters is required between habitable room windows and gable ends or elevations with only non-habitable room windows. These standards may be relaxed where the angle of view or the design (i.e. use of frosted glass) of the windows allows privacy to be maintained. In some cases a condition may be attached to a planning consent withdrawing permitted development rights to insert new window openings.

\*This may not be possible in densely built areas or 'courtyard-type' schemes.

#### Developments Affecting Daylight to Neighbouring Properties

- 14.1 Householders can legitimately expect a reasonable amount of direct daylight into all or at least some living room windows, and this should be protected as far as possible in order to maintain reasonable levels of household amenity.
- 14.2 When considering a site for a new house, or an extension to an existing house, applicants should ensure that the house will not significantly affect daylight and direct sunlight to existing neighbouring properties. Applicants should refer to published standards "Site Layout Planning For Sunlight and Daylight" BRE 1991.
- 14.3 Where a proposed development has a significant adverse effect on daylight and direct sunlight to existing neighbouring properties planning permission will be refused.

#### Landscaping and Biodiversity

- 15.1 Landscaping can significantly assist the integration of new development within the built or natural environment. Landscaping can take the form of soft or hard features and performs its function best when designed as an integral aspect of a new design.
- 15.2 The biodiversity within and adjacent to development sites should be maintained and improved where possible by:
- Retaining valuable habitat features

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- Avoiding any fragmentation of corridors and linkages for wildlife
- Retaining an open buffer between development and trees and watercourses
- Planting of native species for benefit to both landscape and wildlife
- Other biodiversity enhancement measures, such as bird and bat boxes, SuDS wetland
- Timing of works to avoid sensitive periods for wildlife, eg. bird breeding

See also Policy SG LDP ENV 1 – Development Impact on Habitats, Species and our Biodiversity (ie. biological diversity) and;

### The **SITE BIODIVERSITY CHECKLIST**

#### **Listed Buildings, Scheduled Monuments, Historic Gardens and Designed Landscapes, Conservation Areas and Special Built Environment Areas**

- 16.1 Listed Buildings, Scheduled Monuments, their surroundings, Historic Gardens and Designed Landscapes, Conservation Areas and Special Built Environment Areas are all subject to special protection measures to ensure that, inappropriate or unsympathetic development does not damage the property or its setting.
- 16.2 When undertaking any proposals; building lines, character, form, materials and detailing must all be compatible with the existing building(s) or area subject to special protection.
- 16.3 In the case of Listed Buildings, Conservation Areas and Special Built Environment Areas the Council will apply the advice contained in Scottish Historic Environment Policy 2008. This guidance refers to all types of development from replacement windows to new houses or commercial buildings.

#### **Agricultural Buildings**

- 17.1 New agricultural buildings should be sympathetically sited and of a high standard of design appropriate to their setting in the landscape. When locating agricultural buildings consideration should be given to the local topography and the scale and colour of the building. Sites on the skyline should be avoided, natural contours should be used to marry the building into the landscape and in most cases dark/natural matt colours will be most appropriate.
- 17.2 The erection of all agricultural buildings or significant extensions to existing buildings requires the submission of a Prior Notification form to the Planning Authority. Depending on their size and location, some agricultural buildings also require planning permission. If in doubt farmers and crofters should seek advice from the Council's Planning Service before starting work.

#### **Isolated Industrial/Commercial Development**

- 18.1 Before establishing a commercial, or industrial operation, particularly one in a remote area, the appearance of the development should be considered. The form and pattern of the landscape will largely determine the acceptability of the proposal. The extent to which the proposal(s) would be clearly visible from public roads, viewpoints and neighbouring local communities is also an important factor.
- 18.2 When assessing the appearance of isolated commercial development, including industrial proposals, the Planning Authority will take the following into consideration:

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- The size and extent of the proposal(s). This includes the visual impact of the scheme and the distance/location from which it is visible.
- The location of the proposal(s) and its landscape setting, including the way in which the development has used the natural contours of the site is of prime importance. A large building must be absorbed by the landscape as much as possible, whether by excavating and building into the landform, using existing landforms to mask the development or screening by new trees.
- The design and colour of the development(s) and ancillary structures can be used to minimise their perceived bulk and visual impact. Natural materials such as timber and stone will help to fit a large building into the landscape, as will dark natural colours (particularly on the roof).

### Domestic Satellite Positioning

19.1 Where planning permission is required the preferred locations for domestic satellites are as follows:

Siting on the rear garden ground/curtilage and building elevation unless the following applies:

- A more suitable ground or wall location is available that affords a greater level of screening from public view than the rear garden curtilage or elevation.

The following locations for domestic satellite dishes will be resisted when:

- The dish would project above the ridgeline of the main roof of the dwelling house;
- The dish is located on the front elevation of a dwelling house;
- The dish is in a garden facing a road and is not adequately or appropriately screened;
- The dish is on a roof or wall where the dish will be readily visible from a public place and where the installation will have a detrimental impact on the general amenity of an area;
- The dish is in a position where it will constitute a significant visual intrusion adversely affecting the amenity of an adjacent property.

**SG LDP SERV 1 - Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems**

This policy provides additional detail to policy LDP 10 - Maximising our Resources and Reducing our Consumption of the Adopted Argyll and Bute Local Development Plan.

Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 will be a prerequisite of planning consent for all development proposals in the main settlements identified in the plan with a population equivalent of more than 2000 and wherever significant development (large scale) is proposed.\*

Elsewhere, connection to the public sewer will be required, unless the applicant can demonstrate that:

- (i) connection is not feasible, for technical or economic reasons, or
- (ii) the receiving waste water treatment plant is at capacity and Scottish Water at that time has no programmed investment to increase that capacity; and
- (iii) the proposal is not likely to result in or add to existing environmental, amenity or health problems.

Planning consent for development with private waste water systems will only be allowed where proposals satisfy (i) or (ii) above, and satisfy (iii). Any such systems in areas adjacent to waters designated under EC Shellfish Directives 79/923/EEC or 91/492/EEC or Bathing Directives should discharge to land rather than water.

\*In settlements where there is limited or no capacity for additional foul drainage connections to the public sewer, the Council may accept temporary drainage solutions provided that Scottish Water has programmed investment to upgrade the foul drainage system in that settlement and the proposed temporary system is acceptable to Scottish Water and SEPA.

## 1.1 Explanation of Policy Objectives

1.1.1 The Council wishes to ensure that where practicable, all new development is drained to a public sewer. However, the Council recognises that within rural areas septic tanks and small wastewater schemes are essential for development. The aim of this policy is to ensure that septic tanks and other private foul drainage arrangements where permitted, are properly sited and have no adverse effects on the surrounding area, and in areas served by wastewater schemes, new development is connected to the system where capacity allows. Applicants should note that the proliferation of septic tanks will be resisted through this policy. Further guidance on environmentally friendly methods of wastewater disposal is provided in the [Sustainable Design Supplementary Guidance](#) prepared by the Council. Applicants for wastewater systems are also asked to see the requirements of **SG LDP SERV 2 and 3**.

### 1.1.2 Additional Information:

<http://www.sepa.org.uk/media/143338/lups-gu19-planning-guidance-on-waste-water-drainage.pdf>

<https://www.scottishwater.co.uk/assets/business/files/connections%20documents/sfsv3may2015.pdf>

1.1.3 This SG conforms to:

- [SPP](#)
- Associated legislation
- LDP Key Objectives H and I

**SG LDP SERV 2 - Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)**

This policy provides additional detail to policy LDP 10 - Maximising our Resources and Reducing our Consumption of the Adopted Argyll and Bute Local Development Plan.

In accordance with Government Advice the Council will encourage developers to incorporate existing ponds, watercourses or wetlands as positive environmental features in development schemes. The Council will also require that canalisation or culverting, which can increase the risk of flooding and also greatly reduce the ecological and amenity value of watercourses are avoided wherever practicable and designed sensitively where unavoidable.

Sustainable Drainage Systems (SuDs) (see Glossary) provide benefits in terms of flood avoidance, water quality, habitat creation and amenity. Proposals for SuDs measures compliant with technical guidance will be required in relation to all development prior to determination.

**1.1 Explanation of Policy Objectives**

1.1.1 This SG embraces two separate issues; the enhancement and protection of natural watercourses and the use and promotion of sustainable drainage systems. Rivers, burns, lochs, ponds and wetlands are important wildlife habitats forming an integral part of the Argyll and Bute landscape. In the past many watercourses have been buried under culverts in order to allow development and this has greatly reduced their ecological and amenity value. The Water Framework Directive requires that all inland and coastal water within defined river basin districts must reach at least good status by a set deadline. Where major new developments are planned the Council will seek to encourage the retention of existing watercourses and the creation of buffer zones on development sites, to reduce the risk of flooding which can occur through the forcing of water through alternative/man made routes. The retention of natural watercourses also helps to protect and enhance biodiversity. SuDS should also be considered as a way of improving the landscape impact of the proposal. Developers are advised to undertake pre-application discussions with planning officers to address SuDs issues at the earliest stage of the proposal.

**1.1.2 This SG conforms to:**

- [SPP](#)
- [PAN 61 \(Sustainable Urban Drainage Systems\)](#)
- [PAN 79 – Water and Drainage](#)
- LDP Key Objectives H and I

**1.1.3 Background Information:**

- The Water Framework Directive
- [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011: A Practical Guide](#)

<http://www.sepa.org.uk/media/143195/lups-gu2-planning-guidance-on-sustainable-drainage-systems-suds.pdf>

**SG LDP SERV 3 - Drainage Impact Assessment (DIA)**

This policy provides additional detail to policy LDP 10 - Maximising our Resources and Reducing our Consumption of the Adopted Argyll and Bute Local Development Plan.

The Council will require developers to demonstrate that all development proposals incorporate proposals for SUDS measures in accordance with technical guidance. Developers will be required to submit a Drainage Impact Assessment (DIA) with the following categories of development:

- (A) Development of six or more new dwelling houses;
- (B) Non-householder extensions measuring 100 square metres or more; AND,
- (C) Other non-householder extensions involving new buildings, significant hard standing areas or alterations to landform.

Developments excluded from the above three categories might also require a DIA when affecting sensitive areas such as areas affected by flooding, contamination or wildlife interest.

In all cases the Council will encourage the use of sustainable options for waste and surface water drainage.

## 1.1 Explanation of Policy Objectives

1.1.1 The Council will require developers to submit a Drainage Impact Assessment (DIA) along with SuDs (see **SG LDP SERV 2**) as part of all significant new development proposals and for all proposals where there are contamination or flood risk issues. A DIA takes into consideration the impact of the proposed development on its catchment areas essentially with regard to flood risk and pollution.

1.1.2 **This SG conforms to:**

- [PAN 69 \(Planning and Building Standards Advice on Flooding\)](#)
- LDP Key Objectives H and I

**SG LDP SERV 4 – Contaminated Land**

This policy provides additional detail to policy LDP 10 - Maximising our Resources and Reducing our Consumption of the Adopted Argyll and Bute Local Development Plan.

Where development is proposed at a site that is known to be contaminated, or at a site where there is a reasonable expectation of contamination, the applicant will be required to undertake a contaminated land assessment and implement suitable remediation measures before the commencement of any new use.

**1.1 Explanation of Policy Objectives**

1.1.1 Under Part II of the Environmental Protection Act 1990, the Council is required to inspect land for contamination and to prepare a Contaminated land Strategy. Where the contaminated land is identified, the Council has a duty to secure its remediation. SEPA has a duty to regulate and secure remediation of “special sites”.

1.1.2 Land may be contaminated by a wide variety of substances and materials in the form of solids, liquids or gases. Contaminants may be spread across a site, or concentrated in pockets; readily identifiable, or hard to detect. Contamination may give rise to hazards, which put people or the environment at risk. Land contamination is regarded as a material consideration when individual planning applications are considered. It is anticipated that the majority of contaminated land issues will be addressed through the normal planning process. It is therefore not impossible for contaminated land to be developed, but appropriate measures will be required before the site can be re-used.

**1.1.3 This SG conforms to:**

- [PAN 33 \(Development of Contaminated Land\)](#)
- [PAN 51 \(Planning and Environmental Protection\)](#)
- LDP Key Objectives H and I



**SG LDP SERV 5 - Waste Related Development and Waste Management**

This policy group provides additional detail to policy LDP 10 *Maximising Our Resources and Reducing Consumption Together* of the Adopted Argyll and Bute Local Development Plan.

**(A)** Development proposals and associated land use and operations shall conform with the Zero Waste Plan for Scotland;

**(B)** There is support in principle for waste related development on industrial and employment land provided it does not involve the following:

1. the importation into and subsequent storage of radioactive waste products at any sites within Argyll and Bute;
2. large scale energy from waste facilities in any location unless it complies with the objectives of the Zero Waste Plan;
3. waste storage, sorting (for recycling) and collection facilities:
  - of any scale in the Greenbelt, very sensitive countryside and of medium or large scale within the countryside zone (subject to settlement plan consistency) and rural opportunity areas;
  - of medium or large scale in settlement locations other than in business and industry areas or at other locations which are well separated from residential and other vulnerable land use;
4. the processing, recycling and disposal of waste (including landfill, composting and storage of waste for onward transportation) in the countryside zone bordering villages or minor settlements, or in the Green belt or Very Sensitive Countryside;

**(C)** A development under (B 1-4) above may be exceptionally supported if it is demonstrated that:

1. in the case of (B) 1 above, there is an overwhelming and undisputed community benefit and there is a persuasive environmental justification for the proposal having regard to environmental impact at the proposed location as well as at other considered alternative locations;
2. in the case of (B) 2, 3, and 4 above, the proposal can be treated as vital infrastructure and that there are no other more suitable sites available for the development within the planning area;
3. in all cases :- (B) 1-4 above, the proposal being consistent with (A) above and will not result in unacceptable environmental, bad neighbour, servicing or access impacts and is consistent with all other policies and SG in the LDP.

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

Developments shall make effective land use and layout provision for the storage, separation, recycling, composting and collection of waste consistent with the following:

- I. housing, commercial and institutional development shall make effective provision for the storage, recycling, composting where appropriate, separation and collection of waste from within the development site or when appropriate, from an appropriate roadside or other specified collection point or points (for onward reuse and recycling);
- II. in the case of detailed applications for medium or large-scale development, details of the arrangements for the storage, separation and collection of waste from the site or roadside collection point shall be submitted. This shall include provision for the safe pick-up by refuse collection vehicles;
- III. Developers shall ensure the minimisation of waste generated during construction and demolition by the production of Site Waste Management Plans (SWMPs) in support of development proposals.

**SG LDP SERV 5(c) – Safeguarding Existing Waste Management Sites**

The Council will seek to ensure that existing and proposed sites for medium to large scale\* waste management facilities (as shown on the Proposals Maps) are protected as far as practicable from development that would prejudice a waste management use. (see also SG LDP BAD 2)

\* development on sites exceeding 500m<sup>2</sup>

**Scales of waste related development:**

<b>Large-scale waste related development -</b>	Development on sites exceeding 0.25 hectares
<b>Medium-scale waste related development -</b>	Development on sites between 500m <sup>2</sup> and 0.25 hectares
<b>Small-scale waste related development -</b>	Development on sites less than 500m <sup>2</sup>

**1.1 Explanation of Policy Objectives**

1.1.1 The Zero Waste Plan for Scotland sets out the national context and criteria for waste management. The sustainable approach to waste management as incorporated in the above is supported by this Local Development Plan.

1.1.2 This approach, for municipal waste management, involves segregated kerbside collection initiatives to collect recyclates; community composting and the development of mechanical biological treatment (MBT) plants to process waste into composted material; with residual waste disposed of

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at two landfill sites within Argyll and Bute (by Lochgilphead and near Dunoon) and at one site in the neighbouring West Dunbartonshire Council area to service Helensburgh and Lomond. The settlement plan components of this Local Plan for Lochgilphead, Dunoon/Sandbank and Helensburgh take account of these provisions.

1.1.3 SG LDP SERV 5 conforms to the above, and it further supports, conditions and resists waste related development having regard to the general capacity of the various settlement and countryside management zones to absorb such development. Requirements for waste management within development sites are also specified in the SG.

1.1.4 Due to the nature of waste operations and their particular requirements e.g. in terms of hydrology and geology, waste disposal sites require careful selection and are not easy to find. When suitable sites are identified they therefore require protection from inappropriate development that may prejudice the existing, or allocated, waste management use.

1.1.5 With regard to existing sites, this policy aims to safeguard permitted waste management operations, which contribute to waste management in the Plan area (see Theme Diagram and Proposal Maps). Identification under this policy should not be taken to imply that additional planning permission would be granted. Further planning proposals will be determined having due regard to the policies, SG and criteria contained in the Local Development Plan and the National Zero Waste Plan.

1.1.6 **This SG conforms to:**

- [SPP](#)
- LDP Key Objectives H and I

1.1.7 **Background Information:**

- [National Zero Waste Plan](#)
- <http://www.sepa.org.uk/media/143299/lups-gu6-guidance-on-input-to-development-management-consultations-in-relation-to-zero-waste-plan-issues.pdf>

**SG LDP SERV 6 - Private Water Supplies and Water Conservation**

This policy provides additional detail to policy LDP 10 - Maximising our Resources and Reducing our Consumption of the Adopted Argyll and Bute Local Development Plan.

- (A) There is support in principle for the use of private water supplies where a public water supply is not, or could not be made available. This support is subject to the private water supply being of adequate quality and quantity to serve the proposed development without prejudicing the lawful interests of neighbouring properties or land and water users. Applicants will be required to submit full details of the proposed private water supply arrangements with their application, including a report by independent and suitably qualified engineers demonstrating that the proposed water supply has sufficient capacity and quality to supply existing water users and the proposed new development.
- (B) In addition, in those areas where Scottish Water advise (see Maximising Our Resources Theme Diagram in Written Statement) that there are on-going public water supply shortages. All developments that require water supplies for either human or animal consumption, or for other processes or activities relating to industrial or commercial activities shall require to demonstrate the incorporation of water conservation measures such as rainwater harvesting or the re-use of grey water.

**1.1 Explanation of Policy Objectives**

1.1.1 In Argyll and Bute many properties are served by a private water supply due to a lack of a public system. While water supply development is generally compatible with most locations a new private water supply will not generally be supported where a public water supply is available. Where there is no other option other than a new private water supply the Council will ensure that there is sufficient capacity and quality to meet the anticipated demand of the new development. Care must also be taken that new development will not have an adverse impact on existing private water supplies and water quality (see SG LDP ENV 7). This approach will reinforce the delivery and maintenance of effective and high standards of water supply services.

1.1.2 The Council will continue to work in partnership with Scottish Water and SEPA to increase the availability of public water supplies to meet projected needs. However, there are areas within Argyll and Bute where the public water supply remains at limited capacity and it is therefore appropriate to ensure that new development minimises, where practicable the abstraction from the public water supply through water conservation measures such as rainwater harvesting and the re-use of grey water.

**1.1.3 This SG conforms to:**

- [SPP](#)
- LDP Key Objectives H and I

**Additional Information:**

<https://www.scottishwater.co.uk/assets/business/files/connections%20documents/wfsv3may2015.pdf>

**Additional Supplementary Guidance****Minimising Water Consumption**

1.1.4 Argyll and Bute Council will expect applications for development in areas where Scottish Water advise there are current limitations on treatment capacity, should incorporate a range of water conservation measures designed to reduce mains water usage. Scottish Water are keen that these measures be considered to be a practical efficiency enhancement to modern homes, in parallel to Scottish Water's programme of investment where appropriate. In most circumstances it should be practicable to include measures to achieve a minimum standard of internal potable water consumption of no more than 120 litres per day per person in all residential developments. In office developments it should be practicable to include measures to ensure that water consumption is reduced to an average of 3m<sup>3</sup> per person/year.

1.1.5 Where this cannot be achieved, evidence will be required to demonstrate that full consideration has been given to the potential for the use of water saving measures including the use of reclaimed water through the inclusion of rainwater collection and greywater recycling systems.

1.1.6 While Argyll and Bute has a high rainfall in comparison to many parts of the UK a number of areas experience potable water shortages in the summer months where visitor numbers increase. This is a particular problem in our island communities of Mull, Tiree and Islay where the shortage of potable water has constrained growth in the past and limited the capacity of businesses to produce their products.

1.1.7 This situation is likely to increase given the unpredictability of the weather due to the growing impacts of climate change and the demand for new households and new business activity.

1.1.8 To cope with this increased demand for water new developments should seek to use water more efficiently. In addition, although it is not usually factored into the carbon footprint for a building, the amount of energy used to purify water is predicted to increase due to more exacting environmental standards being introduced, with the resulting CO<sub>2</sub> emissions also contributing to climate change.

1.1.9 The prudent use of natural resources means ensuring that we use them wisely and efficiently in a way that respects the needs of future generations. Planning policies should seek to minimise the need to consume new resources over the lifetime of the development by making more efficient use of existing resources, rather than making new demands on the environment, this should include policies relating to the sustainable use of water resources.

1.1.10 A number of measures can be incorporated into developments in order to minimise water consumption, including:

- 6/4 Dual flush WC systems;
- Flow reducing / aerating taps throughout;
- 6-9 litres per minute shower (average electric shower uses 6/7 litres per minute);
- Water meters;
- 18 litre maximum volume dishwasher; and
- 60 litre maximum volume washing machine.

**1.1.11 Rainwater harvesting**

On average around 200 litres of rainwater fall on the roof of a 100m<sup>2</sup> house each day in the UK. In residential developments, the provision of water butts and/or community storage facilities to collect rainwater is a simple and low cost measure.

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On new developments where collecting and reusing water is feasible, in the areas subject to water shortages, developments the council will welcome applications that include water-saving facilities in the proposed development. These may include:

- Water Butts to all downspouts where appropriate, including any outbuildings such as garages or garden buildings where designed in to a scheme. Water butts can become blocked with slime / debris and should be cleaned at least annually;
- Underground water storage tanks for rainwater collection that could be used for many greywater uses in the development; and Retention ponds as a rainwater storage facility.

### 1.1.12 Reclaimed Water

Reclaimed water refers to the use of rainwater and grey water for non-potable uses such as the flushing of toilets and outdoor water use such as watering the garden. To facilitate the best use of reclaimed water the introduction of a separate or dual supply system is encouraged where these are feasible. The public has a general expectation of a single supply of drinking quality water.

1.1.13 Changing perceptions to accept the use of dual systems with a separate supply of much lower quality water will not be easy. However, although this is key to the success of the full use of reclaimed water, there are still some issues in relation to control and maintenance, as some grey water may contain contaminants. For example, there can be blockage problems reusing bath water and kitchen water should never be reused due to detergents, food particles and grease. Furthermore, at the current time grey water and rainwater recycling systems are expensive to purchase. The council does not therefore expect to see full dual use systems, but there are a number of much easier quick-win systems that will be expected.

**SG LDP SERV 8 - Development in the Vicinity of Notifiable Installations**

This policy provides additional detail to policy *LDP 10 Maximising our Resources and Reducing our Consumption* of the Adopted Argyll and Bute Local Development Plan.

Proposed developments that are to be located within the Safeguarding Zones of Notifiable Installations will require the Planning Authority to formally consult the Health & Safety Executive to assess the risk to the proposed development. Dependent upon the nature, scale and location of development relative to the Notifiable Installation, the Council may seek to refuse applications for development based on advice given by the Health & Safety Executive.

**1.1 Explanation of Policy Objectives**

1.1.1 The area covered by this Plan contains a number of installations handling notifiable substances. Whilst they are subject to stringent controls under existing health and safety legislation, it is also a requirement of Seveso III Directive 2012/18/EU to control the kind of development permitted in the vicinity of these installations. In determining whether or not to grant planning permission for a proposed development within these consultation distances, the Planning Authority will consult with the Health & Safety Executive about risks to the proposed development from the notifiable installation. This will take into account the requirements of the Seveso III Directive to maintain appropriate distances between establishments and residential areas, areas of public use and areas of particular natural sensitivity or interest, so as not to increase the risks to people.

1.1.2 In the interests of clarity and accuracy notifiable sites and their respective safeguarding distances are shown in the list of technical constraints that accompanies this Plan.

**1.1.3 This SG conforms to:**

- [Seveso III Directive 2012/18/EU](#)
- LDP Key Objectives H and I

**SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land**

This policy provides additional detail to policy *LDP 10 Maximising our Resources and Reducing our Consumption* of the Adopted Argyll and Bute Local Development Plan.

Argyll and Bute Council expects new development proposals to minimise the loss of better quality agricultural land including in-bye land and croft land. Consequently, in all development management zones new development proposals will not be supported where it would result in:

- (A) the loss of better quality agricultural land;
- (B) the fragmentation of field systems;
- (C) the loss of access to better quality agricultural land.

If proposals do not meet the above criteria they will only be deemed acceptable where the applicant can adequately demonstrate that:

- (D) there exists a proven and justified significant economic, environmental or social wider community interest to allow the development to proceed; And
- (E) there is no alternative viable land outwith the in-bye or croft land concerned for the development to proceed.

**1.1 Explanation of Policy Objectives**

1.1.1 Argyll and Bute has a very limited supply of good quality agricultural land and efforts need to be made to safeguard it to help ensure our future food security, reduce our carbon footprint and assist in the further development of our economically important food and drink industry.

As a consequence Argyll and Bute Council seeks to protect our better quality agricultural land, including in-bye or croft land, particularly where there are opportunities to develop poorer quality land in the same community. An exception to this approach can be taken where the applicant concerned can fully justify the loss of better quality agricultural land where wider economic, environmental and/or social benefits can be delivered to the same community.

**1.1.2 This SG conforms to:**

- [NPF3](#)
- [SPP](#)
- LDP Key Objectives D, H & I



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### SG LDP SERV 7 - Flooding and Land Erosion – The Risk Framework for Development

This policy provides additional detail to policy LDP 10 - Maximising our Resources and Reducing our Consumption of the Adopted Argyll and Bute Local Development Plan.

#### Flooding

Development on the functional flood plain will be considered contrary to the objectives of this plan. In exceptional circumstances, where land is required to facilitate key development strategies which come forward through the Local Development Plan process, land raising may be acceptable provided effective compensatory flood storage can be demonstrated and it will not lead to flooding elsewhere, and the objectives of the EU Water Framework Directive are not compromised in so doing. Where redevelopment of existing sites within built up areas at risk from flooding is proposed, the planning authority will take into account the impact on flood risk elsewhere and the mitigation measures proposed.

Guidance on the type of development that will be generally permissible within specific flood risk areas is set out below. However it should be noted that in all cases where the potential for flooding is highlighted, the planning authority will exercise the ‘precautionary principle’ and refuse development proposals where such proposals do not comply with parts (A); (B); (C); (D) and (E) as set out below and/or on the advice of the Scottish Environment Protection Agency (SEPA):

- (A) All types of development within “little or no risk areas” (of less than 1:1000 annual probability of Flooding) are acceptable in terms of this policy unless local circumstances and/or the nature of the development dictate otherwise;
- (B) All types of development, excluding essential civil infrastructure, within “low to medium risk areas” of between 1:1000 and 1:200 annual probability of flooding) are acceptable in terms of this policy unless local circumstances dictate otherwise;
- (C) Within “medium to high risk areas” (1:200 or greater annual probability of flooding) only those categories of development indicated in (C) (i), (ii) and (iii) may be acceptable:
  - i) Residential, commercial and industrial development within built-up areas providing flood prevention measures to the appropriate standard (1:100 year return period) already exist or are under construction. Water resistant materials/ construction together with a suitable freeboard allowance as appropriate;
  - ii) Development on undeveloped and sparsely developed areas within the functional flood plain and comprising:
    - Essential development such as navigation and water based recreation use, agriculture and essential transport and some utilities infrastructure; and an alternative lower risk location is not achievable;
    - Essential infrastructure should be designed and constructed to remain operational during floods;
    - Certain recreational, sport, amenity and nature conservation uses providing adequate evacuation procedures are in place;
    - Certain job related residential use with a locational need;
    - In all cases loss of storage capacity in the functional flood plain is minimised and

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suitably compensated for, and any such measures would not compromise the objectives of the EU Water Framework Directive. Where compensatory flood water storage is deemed necessary it should be designed to provide like for like storage, that is volume for volume and level for level;

- In all cases new development should not add to the land which requires protection by engineered flood prevention measures.
- iii) Development, which is in accord with flood prevention or management measures as specified in association with a Local Development Plan Allocation or development brief.

### Land Erosion

- (D) Within land erosion risk areas, new development, other than the categories specified in (D) (i) and (ii) shall be resisted; exceptions may be made if the proposal successfully demonstrates that the level of risk is acceptable having regard to the nature of the development proposed, operational considerations and land erosion remedial measures:
- i) Development which is ancillary to an existing lawful use or involves a building replacement, alteration, extension or provision of minor access works;
  - ii) Development that is in accord with land stabilisation measures as specified in association with a local plan Allocation or development brief.

### Risk Appraisals

Flood Risk Assessments, Drainage Impact Assessments\*, or land Erosion Risk Appraisals shall accompany development applications when required by the Planning Authority, or in consultation with the Scottish Environment Protection Agency (SEPA). This requirement shall have regard to information held by the Planning Authority on its Flooding and Land Erosion Trigger Maps and to awareness of potential for flooding, including the possible effects of climate change, or land erosion risks associated with the specific development proposed.

\*See SG LDP SERV 3

## Sustainability Checklist

1.1.1 This Sustainability Checklist has been adapted from a checklist created by **Network 21 a Highland and Islands based Well-being Alliance Partnership**. The sustainability principles identified in **POLICY LDP STRAT 1 – Sustainable Development** together with the requirement to undertake Area Capacity Evaluations (ACEs) for specific medium to large-scale developments in the Countryside Zone and Rural Opportunity Area Development Management Zones (see **Policy LDP DM1– Development within the Development Management Zones and SG LDP ACE 1**).

1.1.2 It is intended that potential developers will be asked to complete the checklist in exceptional cases and/or for large or medium scale planning applications judged by the Planning Authority to have the potential to have significant economic, community or environmental impacts. It is hoped by completing the checklist the applicant could take the opportunity to address concerns over the sustainability of their project and make changes to their application, where appropriate. The completed checklist will also help inform the planning process and be included as part of any eventual committee report submitted for Member’s approval.

### 1.1.3 How can I Use the Sustainability Checklist?

1.1.4 Sustainable Development is about improving our situation and getting the best out of the way we use things, while limiting any negative impact our actions have now or in the future. The purpose of your proposed development may primarily be economic, social, or environmental, but it might have impacts or benefits in other areas that you haven’t yet considered. A small amount of thought at an early stage might make a big difference as the project develops. Please complete this checklist in relation to your project or development when asked to do so by the Planning Authority. You are prompted to consider any impacts your project might have under the headings:

### **Community; Economy; Environment; the Future:**

**Applicants and/or their agents are also asked to refer to “Network for the 21<sup>st</sup> Century” Sustainability Checklist to help answer these questions.**

### Sustainability Checklist (Required for Major Applications)

Q	Community	Yes	No	N/A	Details
1	Does the project have widespread community support?				
2	Does the project strengthen the local community?				
3	Does the project help to ensure everyone has access to the same level of resources?				
4	Does the project have any impact on existing facilities or other organisations?				

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	<b>Economy</b>				
<b>5</b>	Does it help increase value of local products or make sustainable use of existing resources?				
<b>6</b>	Does it create jobs or retain existing jobs?				
<b>7</b>	Does it help to develop skills/ knowledge of local people?				
<b>8</b>	Does the project purchase goods and services locally?				
<b>9</b>	Does the project impact on existing businesses?				
	<b>Environment</b>				
<b>10</b>	Does the project help reduce waste and pollution?				
<b>11</b>	Has the project undertaken an Area Capacity Evaluation (ACE)?				
<b>12</b>	Does the project minimise energy use, including the need to travel by car, and/or support the development or use of renewable energy?"				
<b>13</b>	Does the project provide or safeguard access to and awareness of wildlife and open spaces?				
<b>14</b>	Does the project safeguard, protect and enhance the natural environment and support local biodiversity?				
<b>15</b>	Has the project considered the re-use of brown field land or an existing building?				
	<b>The Future</b>				
<b>16</b>	Will the project bring positive changes?				
<b>17</b>	Does the project link with existing services or organisations?				
<b>18</b>	Does the project have any long-term impacts on the environment?				

## **SG LDP MIN 1 – Safeguarding of Mineral Resources**

**This policy provides additional detail to policy *LDP 10 Maximising our Resources and Reducing our Consumption* of the Adopted Argyll and Bute Local Development Plan.**

**Development likely to sterilise workable mineral reserves will be refused unless:**

- (A) There is no alternative site for the development; AND,**
- (B) The extraction of mineral resources will be completed before the development commences.**

### **1.1 Explanation of Policy Objectives**

1.1.1 The Council aim is to ensure mineral resources are not unnecessary sterilised or made impractical to work where they will contribute toward a land-bank of mineral resources.

1.1.2 SPP requires that development unrelated to mineral extraction shall not sterilise areas of significant workable reserves in order to safeguard valuable and finite natural resources. They are important in terms of their end use and for employment opportunities they create. It is therefore important that the sterilisation of this resource is avoided, wherever possible.

1.1.3 **This SG conforms to:**

- [SPP](#)
- LDP Objectives H and I

**SG LDP MIN 2 – Mineral Extraction**

This policy provides additional detail to policy *LDP 10 Maximising our Resources and Reducing our Consumption* of the Adopted Argyll and Bute Local Development Plan.

There will be a presumption against the re-opening of abandoned works, new or extended quarry developments, where adequate permitted reserves already exist. Applications for planning consent will only therefore be considered where:-

- (A) The applicant can successfully demonstrate an exceptional local\* need for the specific mineral type and quality to be extracted; OR,
- (B) The applicant can successfully demonstrate that the proposal is to satisfy export demands for specialised minerals beyond the boundaries of Argyll and Bute and is consistent with national mineral policy;
- (C) Planning permission is limited to a period appropriate to the circumstances of the site and workings with the initial grant of consent not exceeding 20 years, unless varied by the planning authority;
- (D) The proposal would result in less environmental impact than an extension to an existing authorised extraction site within the same Planning Area;
- (E) The proposal is consistent with all other Local Development Plan policies and SG.

All applications for mineral extraction will require to be submitted in detail and include proposals for phased land restoration, after-care and after-use, community liaison and annual reporting. Section 75 Agreements and Financial Bonds may also be used in certain circumstances.

Where the Planning Authority considers a proposal is likely to create a significant impact in terms of its nature, size or location the applicant will be required to submit an Environmental Impact Assessment as part of the planning application.

Applications for the extension or renewal of mineral workings will also be required to submit an audit of the existing workings and its programme of closure, reinstatement and after-care.

\* Local need is defined as being for the predominant use within a 30 mile radius of the extraction site, or in the case of islands on the same island or within 30 mile transportation distance by road in the case of larger islands.

**Scales of Mineral Extraction:**

<b>Small Scale</b>	Not exceeding 800m <sup>3</sup> and not exceeding 20 metres on the longest edge of the site and not exceeding 2 metres in extraction depth.
<b>Medium and Large Scale</b>	Exceeding 800m <sup>3</sup> or exceeding 20 metres on the longest edge of the site or exceeding 2 metres in extraction depth.

**1.1 Explanation of Policy Objectives**

1.1.1 The Monitoring Report has identified that there is a considerable supply of hard rock and peat available in Argyll and Bute but a shortfall in the supply of sand and gravel. This situation has

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recently been improved with a number of new sand and gravel works at Benderloch, Tiree and Cowal.

1.1.2 Consequently it is not anticipated that there will be a significant need for additional sites during the life of this LDP.

1.1.3 That said there is also a need to conserve and make best use of this resource wherever practicable and help reduce demand further by recycling wherever possible and find alternative materials.

1.1.4 There is therefore a presumption against mineral extraction development in most locations and circumstances in Argyll and Bute under the terms of **Policy LDP 10 – Maximising our Resources and Reducing Our Consumption** and supplementary guidance **SG LDP MIN 2 – Mineral Extraction**. This reflects the current availability of supply together with the fact that most landscapes in Argyll and Bute are vulnerable to the adverse visual impact that is generally associated with mineral extraction.

1.1.5 If new extraction proposals are going to be approved an exceptional case shall be required to be demonstrated justifying the proposal. This case requires to be founded on a demonstration of a specific local need (i.e. local road reconstruction) or an exceptional export demand for a specific type and quality of material. In the case of commercial peat extraction, this plan only supports planning applications where the extraction is to directly serve a local industrial process such as whisky production.

1.1.6 When considering what exceptional local need circumstances are required to justify a new mineral extraction, a number of factors need to come into play. The most significant of these is the island and extended peninsular geography of Argyll and Bute. Within this dispersed area mineral resources and markets are distributed widely. This adds substantially to mineral transportation and associated road maintenance costs and the impact on the general environment. It also reinforces pressures for local mineral supply to meet demand emanating from relatively localised areas and economies. Local need has therefore been defined as being for the predominant use within a 30 mile radius of the extraction site, or in the case of islands on the same island or within 30 mile transportation distance by road in the case of larger islands\*. Furthermore, this approach recognises that the island and peninsular geography concentrates environmental capacity issues into relatively small and localised areas.

*\* Mineral transportation distance by road from Mineral Products Association website Nov 2012*

1.1.7 **This SG conforms to:**

- [SPP](#),
- LDP Key Objectives H and I

**SG LDP TRAN 1 – Access to the Outdoors**

This policy provides additional detail to policy LDP 11 – Improving our Connectivity and Infrastructure of the Adopted Argyll and Bute Local Development Plan.

(A) Argyll and Bute Council requires development proposals to safeguard and enhance public rights of access to the outdoors\* in a manner that is appropriate and proportionate to the specific site characteristics and the scale and impact of the proposed development on access issues. Accordingly, the Core Paths Plan, claimed Public Rights of Way and public rights of access to land and water under the Land Reform (Scotland) Act 2003 (LRSA) will be material considerations in assessing planning applications.

(B) Where development would have a significant adverse effect upon the public access interests identified in (A) alternative access provision will be sought at the developer's expense either by diverting the route or incorporating it into the proposed development in a way that it is no less attractive, safe or convenient for public use. Unless such appropriate provision is demonstrated.

(C) Where development would have a significant effect upon the public access interests identified in (A) the developer is required to submit an Access Plan\*\* which addresses access issues to the satisfaction of the Council.

(D) The Core Paths Plan, claimed Public Rights of Way and public rights of access to land and water under the LRSA will be material considerations in considering planning applications.

(E) Where there is development close to the foreshore or a loch side a strip of land four meters wide should be provided between the shore and any area from which the developer intends to exclude the public such as a garden or industrial area. Where there is a pier or other structure that will obstruct access along a foreshore or loch side a reasonable means of passing by the obstruction should be provided to allow the public to exercise their right of access along the shore.

\*including; Core Paths, Launching Points, claimed Public Rights of Way, identified safe routes to school, Long Distance Routes, walking paths, cycle ways, equestrian routes, trod earth paths, waterways and significant areas where there are wider rights of public access under the LRSA ie. woodlands, agricultural land, the foreshore and fresh water loch shores;

\*\*This should show all the existing paths and tracks on the site, together with proposed public access provision after completion of the development and should include links to the existing path networks and the surrounding area as well as launching points and access to the foreshore or water where appropriate. For larger developments close to settlements a phased approach may be required to the management of access during construction.

**1.1 Explanation of Policy Objectives**

1.1.1 Statutory access rights under the Land Reform (Scotland) Act 2003 apply to most land and inland water in Scotland, underpinning opportunities for outdoor recreation. Planning authorities should consider access issues and should protect core and other important routes and access rights when preparing development plans and making decisions on planning applications.

1.1.2 The opportunity for outdoor recreation is a key selling point of the Argyll & Bute tourism product and is an important factor in the health and wellbeing of our communities, in addition it can be a key factor for employers wishing to attract and retain key staff. The Land Reform (Scotland) Act 2003 established access rights to most land and inland water for everyone in Scotland. People only have these access rights if they exercise them responsibly by respecting people's privacy, safety



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and livelihoods and Scotland's Environment. The Council has a legal duty to protect and assert public rights of access to land and water as well as Public Rights of Way when determining Planning Applications.

1.1.3 To aid the Council in meeting the provisions of the Land Reform Act, the Council has produced a [Core Path Plan](#), which identifies the paths that communities value the most.

1.1.4 The development of a network of accessible paths will benefit residents of and visitors to Argyll & Bute supporting more active, healthier and independent lives. It will ensure that the places where we live, work and visit are well planned, safer and successful, meeting the needs of our communities. The Core Paths Network will also help to realise the full potential of our outstanding natural environment.

1.1.5 Long Distance Routes provide significant economic benefits to local communities along their routes and will safeguarded. The Council will seek to enhance existing and proposed long distance routes and their settings. The routes of the paths have been identified in the Connectivity theme diagram in the Written Statement. Consideration will be given to developing/ improving further strategic multi user routes both inland, on water and along the coast with due regard to the impact on the Natural Heritage features along these routes.

### 1.1.6 SCHEDULE A

#### Existing Long Distance Paths/Routes

- Cowal Way
- Kintyre Way
- National Cycle Network
- Three Lochs Way
- West Highland Way
- NCN routes (7, 75 and 78)

### 1.1.7 Proposed Routes

- Canoe Trails Loch Awe and Crinan Canal
- Craignure to Fionnphort Path
- Dumbarton to Helensburgh Cycle Path
- Tyndrum to Oban Cycle Route
- John Muir Way

1.1.8 Part of the planning response to this issue is to ensure that developments avoid prejudicing public rights of way and core paths including public access on to and along coastal areas or along loch shores. SG LDP TRAN 1 sets out criteria for assessing development proposals in this regard. Where these involve access to the foreshore, reference should also be made to **SG LDP CST 1 - Coastal Development** and associated SG.

Foreshore in this context means the natural foreshore between the mean high and low water springs. The Council is required to protect public access rights to and along the foreshore for all non-motorised users. When alternative or modified public access is required in response to development proposals, this provision may require to be underpinned by planning conditions or a formal Section 75 Planning Agreement.

Paths may include, roads both adopted and private, footways, surfaced paths, un-surfaced paths, metalled forestry and farm tracks, trod earth paths which indicate an existing level of public use along a desire line or any other structure designed to facilitate access as defined by the Land Reform (Scotland) Act 2003 Section 6(2).

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1.1.9 It should be noted that the Council’s duties to protect and assert public rights of access do not override its other functions. For example, when considering planning applications for development on land over which access rights are exercisable it is still possible to give consent for developments. However, where appropriate, the Council will consider attaching suitable planning conditions to enable them to ensure reasonable continuing public access to and from the development site as well as around and across it.

1.1.10 **This SG conforms to:**

- [Land Reform \(Scotland\) Act 2003](#)
- [SPP](#)
- [Argyll & Bute Core Paths Plan](#)

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### SG LDP - TRAN 2 - Development and Public Transport Accessibility

This policy provides additional detail to policy LDP 11 – Improving our Connectivity and Infrastructure of the Adopted Argyll and Bute Local Development Plan.

(A) Development proposals which are likely to generate significant levels of journeys between places of residence, shopping, employment, leisure and social facilities, shall have regard to selecting and orientating development sites such that advantage can be taken of existing or potential public transport services to and from the locality;

(B) Development shall make appropriate internal layout provision for encouraging pedestrian and cyclist access, linking the development with public transport facilities and routes or with locations that contain such facilities e.g. town centres;

(C) When considered appropriate by the planning authority, developers will be asked to submit an independent transport impact assessment and/or green transport plan to help justify their proposal. Developers are also required, where appropriate, to mitigate the impacts of their developments to preserve the performance and safety of the strategic (Trunk) road network so that it may continue to provide for the safe and efficient movements of traffic.

### 1.1 Explanation of Policy Objectives

1.1.1 Public access between places of residence, shopping, employment, leisure and social facility can be further encouraged by ensuring that development proposals take sufficient account of access to public transport, both in terms of site selection and site-layout provision. The settlement plans that form part of this Local Development Plan (see the Proposal Maps) have sought to locate development, which has a relatively high demand for public transport, within easy reach of frequent journey destinations such as town centres or else within easy reach of existing or potential public transport routes. In certain circumstances developers will also be asked by the Planning Authority to submit an independent transport impact assessment and/or green transport plan to help justify their proposal.

Accordingly, the focus of this policy is on the following large-scale categories of development:

<b>Large-scale Categories of Development</b>	
<b>Large-scale housing development</b>	30 or more dwelling units.
<b>Large-scale shops</b>	gross floor space exceeding 1,000m <sup>2</sup>
<b>Large-scale business and industry development</b>	gross site area exceeding 2 ha.; or Building of more than 600 square metres gross.
<b>Large-scale leisure or tourist developments</b>	Tourist facility buildings exceeding 600 square meters gross; more than 60 letting units; more than 50 caravans or stances; 100 tent pitches, or exceeding 11-60 letting units.

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Reference in **SG LDP TRAN 2** to public transport services and facilities relates mainly to train, bus and ferry services.

**1.1.2 This SG conforms to:**

- [SPP](#)
- [PAN 75 \(Transport and Planning\)](#)
- LDP Key Objectives G, H and I

### SG LDP TRAN 3 - Special Needs Access Provision

This policy provides additional detail to policy LDP 11 – Improving our Connectivity and Infrastructure of the Adopted Argyll and Bute Local Development Plan.

(A) Development proposals, will be expected to make appropriate provision for:

1. Safe separation of pedestrian and vehicular traffic;
2. Access to open space, recreational and play space facilities and along desire-lines, including links to off-site destinations such as town centres, schools and recreational paths, as appropriate;
3. Cycle-ways and cycle-parking facilities where these form part of a green transport plan;
4. Walkway and access facilities designed for use by the disabled, older people, the infirm, the very young and parents with prams, including effective lighting provision as appropriate to the scale of the development and its location;
5. Walking and cycling opportunities as part of a green network in and around our main Towns to provide attractive corridors for active travel as appropriate.
6. Access requirements shall comply with the Disability Act and equalities legislation.

(B) All Developments shall make suitable provision for service vehicle (including emergency services) access and turning.

## 1.1 Explanation of Policy Objectives

1.1.1 There are various aspects of special needs access provision that require to be considered when selecting sites and arranging development layouts. These include public transport accessibility addressed by **SG LDP TRAN 2** and special needs access is also given particular emphasis by this plan in **SG LDP TRAN 3** above.

1.1.2 This SG addresses the special needs of the disabled, older people, the very young, pedestrians, and cyclists. Reference should also be made to **SG LDP HOU 2** which addresses special needs provision in housing development.

1.1.3 **This SG Conforms to:**

- [SPP](#)
- LDP Key Objectives F, H and G

## SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

This policy provides additional detail to policy LDP 11 Improving our Connectivity and Infrastructure of the Adopted Argyll and Bute Local Development Plan. Street design for new developments must consider place before movement and take into account the principles regarding development setting, layout and design set out in policy LDP 9 of the Local Development Plan.

Acceptance of development utilising new and existing public roads, private roads and private access regimes is subject to road safety and street design issues being addressed and the following:-

**(A) Developments shall be served by a public road<sup>1</sup> (over which the public have right of access and maintainable at public expense;**

Except in the following circumstances:-

**(1) a new private access<sup>3</sup> may be considered appropriate if:**

- (i) The new private access forms an individual private driveway serving a single user development, which does not, in the view of the planning authority, generate unacceptable levels of pedestrian or vehicular traffic in terms of the access regime provided; or**
- (ii) The private access serves a housing development not exceeding 5 dwelling houses; or**
- (iii) The private access serves no more than 20 units in a housing court development;**

**OR**

**(2) further development that utilises an existing private access or private road<sup>2</sup> will only be accepted if:-**

- (i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the applicant can;**
- (ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,**
- (iii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.**

**(B) The construction standards to be applied are as follows:-**

**1. Public Roads:**

- (i) shall be constructed to a standard as specified in the Council's Roads Development Guide<sup>4</sup>. This takes account of Designing Streets to create a strong sense of place related to the development's location i.e. in a settlement, in a rural or remote rural situation, or in a Conservation Area. All roads submitted for adoption as a public road should form a continuous system with the existing public roads.**

**(ii) in areas with a predominant system of single track roads with passing places, housing**

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development of between 6 and 10 dwelling units may be accepted served by the *Variable Standard of Adoption* introduced in the Council’s Road Development Guide, in recognition of differing needs within more rural areas.

- (iii) which connect to or impact significantly on a Trunk Road<sup>5</sup> will require consultation with Transport Scotland.

### 1.Private Access

(i) shall be constructed to incorporate minimum standards to function safely and effectively as set out in the Council’s Road Development Guide, in particular in relation to adequate visibility splays, access gradients, geometry, passing places, boundary definition, turning capacities, integrated provision for waste management and recycling.

(ii) It must be demonstrated to the Planning Authority that consideration has been given by the applicant in the design process to the potential need to make future improvements to the access up to and including an adoptable standard.

(iii) which connect to or impact significantly on a Trunk Road will require consultation with Transport Scotland.

### Notes

<sup>1</sup>Public Road - roads on the Local Roads Authority’s list of public roads. This includes any new road (including any associated footway or verge) constructed in accordance with a Road Construction Consent, with public access and maintainable by the Local Roads Authority. All roads submitted for adoption as a public road should form a continuous system with the existing public roads.

<sup>2</sup>Private Roads – The public have the right of passage over a private road. Responsibility for the maintenance of a private road rests with the owner(s). However, the Roads Authority may, by notice to the frontagers, of an existing private road, require them to make the road up to, and maintain it at, such reasonable standard as may be specified in the notice. The Roads (Scotland) Act 1984 requires Road Construction Consent for new private roads, which means they now require to be built to an adoptable standard.

<sup>3</sup>Private access - private accesses are controlled (maintained) by the owner(s) and there is no public right of passage. These do not require a Road Construction Consent as there is no right of public access. The Roads Authority cannot make a notice to require a private access to be made up or maintained.

<sup>4</sup>The Council’s Roads Development Guide is being reviewed in light of the emergence of the SCOTS National Roads Development Guide (NRDG). Local variations to the NRDG are currently being prepared, which will include a variable standard for adoption for developments of 6-10 dwelling units (inclusive) in areas with a predominant system of single track roads with passing places, where the Roads Authority consider the variable standard is appropriate. Both the NRDG and the emerging Argyll and Bute Local Roads Development Guide seek to support the Scottish Government policy [Designing Streets](#).

<sup>5</sup>Trunk Road – a strategic road which is managed and maintained by Transport Scotland, on behalf of the Scottish Ministers.

### Explanation of policy objectives

This policy aims to provide additional detail to policy LDP 11 Improving our Connectivity and Infrastructure of the Argyll and Bute Adopted Local Development Plan. It provides a planned approach to street design to deliver an improved quality of place-making for new developments. SG

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LDP TRAN 4 refers to standards appropriate for Road Construction Consent. These can be found in the Council's Roads Development Guide.

The primary objective is the safety of all road users including pedestrian, cycle and motorised vehicles, achieved within a well-designed street environment.

### Development and Public Roads

The Local Roads Authority holds a list of **public roads** that require to be constructed to a set standard, are maintained by the Roads Authority and have a public right of access. These are also known as Adopted Roads. The Local Roads Authority may be requested to adopt, i.e. add to its list of public roads, any new road (including any associated footway or verge) constructed in accordance with a Road Construction Consent. All roads submitted for adoption as a public road should form a continuous system with the existing public roads. The aim is to have roads developed to an appropriate standard that are publically accessible and have a maintenance regime regulated by the Roads Authority. Therefore, within most developments it is appropriate for road construction standards to be applied and the roads to be adopted.

That said, in some limited circumstances, particularly in the more rural areas of Argyll and Bute, it is considered appropriate to introduce a *variable standard for adoption* to reflect the scale, nature and differing design requirements of development in these circumstances. This would apply to roads serving developments of 6-10 dwelling units (inclusive) in areas with a predominant system of single track roads with passing places, where the Roads Authority consider the variable standard is appropriate. This approach may also bring benefits to applicants, by helping to reduce initial development costs and to the environment, by allowing a more rural design solution. This could include removal of the requirement for pavements, lighting and a variation in the construction specification.

### Development and Private Access/Private Roads

It may also be appropriate to limit public access and/or vary construction standards by allowing the construction of a private access in the circumstances set out in the policy SG LDP TRAN 4, sections A1 and A2.

When assessing the circumstances when it may be appropriate to accept a development being served by a private access or an existing private road consideration needs to be given to the integration of place-making and technical matters to produce a safe, well designed street environment. A number of principles guide these considerations including:

- a) Private accesses should not result in significant barriers to and discontinuity of public access across settlements or between settlements, countryside and coast.
- b) Private accesses and private roads should be fit for purpose and become less appropriate in urban areas and in circumstances when serving development that generates substantial levels of pedestrian and /or vehicular traffic, particularly by visiting members of the public.
- c) Private accesses and private roads are more appropriate for smaller scale developments in rural areas.
- d) Private accesses and private roads should facilitate effective and safe access by emergency service vehicles (3.7m width from wall to wall) and where appropriate, by public service vehicles and include a turning area.
- e) Private accesses and private roads where they join the public road network should provide for an adequate visibility splay to be maintained in perpetuity and be constructed in such a manner to not cause undue safety issues.
- f) Private accesses provision should be designed in such a manner to allow for continuous improvement in the interests of sustainable development.



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In applying the above principles to the variety of locations and circumstances found in Argyll and Bute, distinction should be made between housing, commercial and other non-housing development.

### **Commensurate Improvements**

In situations where development aims to utilise an existing private access or private roads regime an informed assessment requires to be made. This needs to examine the access issues related to the proposed additional development and the current situation on the private access or private road, including any capacity for improvement. The assessment requires to be an integral part of the design stage. These factors will be used to determine the level of commensurate improvement required. Designing in future improvement capacity will promote a planned approach to street design, delivering an improved quality of place-making for new developments in the more rural areas rather than an incremental approach with its inherent issues.

The commensurate improvements that are required will be determined by the Roads Authority on a sliding scale related to the individual circumstances but taking a range of factors into account including :- existing access conditions, scale and nature of the proposed development and scale and nature of existing development. The Council Roads Development Guides will be applied.

The above factors have been taken into account in **SG LDP TRAN 4**.

### **This SG conforms to:**

- SPP
- PAN 75 (Transport and Planning).
- LDP Key Objectives F, G and H.
- LDP 11 Improving our Connectivity and Infrastructure
- LDP 9 Development Setting, Layout and Design

### **Background information**

- Designing Streets <http://www.gov.scot/Resource/Doc/307126/0096540.pdf>

## SG LDP TRAN 5 - Off-site Highway Improvements

This policy provides additional detail to policy LDP 11 – Improving our Connectivity and Infrastructure of the Adopted Argyll and Bute Local Development Plan.

Where development proposals will significantly increase vehicular or pedestrian traffic on substandard private or public approach roads, then developments will be required to contribute proportionately to improvements to an agreed section of the public or private road network.

### 1.1 Explanation of Policy Objectives

1.1.1 It can be appropriate in some circumstances to require a development to contribute to improvements to the public road approaching a development site. These circumstances include:

- When in the judgement of the Planning and Roads Authority that the development because of its projected traffic generation, is likely to result in unacceptable road safety conditions, and this will consequently place an unreasonable burden on the Roads Authority to improve a significantly substandard road.
- The improvements to the public or private road should be practical and proportionate to the nature and scale of development proposed; account should be taken of existing traffic usage of the road and its overall condition; the principle of continuous improvement should be applied whereby the road condition will have been improved after the development has taken place, notwithstanding the increased traffic.
- Where public or private road improvements are considered necessary for a development to proceed, and these involve private land a Section 75 Planning Agreement may be appropriate before planning consent is issued.

#### 1.1.2 This SG conforms to:

- [SPP](#)
- LDP Key Objectives F, G and H

**SG LDP TRAN 6 – Vehicle Parking Provision**

This policy provides additional detail to policy LDP 11 – Improving our Connectivity and Infrastructure of the Adopted Argyll and Bute Local Development Plan.

Off-street car and vehicle parking shall be provided for development on the following basis:

**Car parking standards**

(A) The car parking standards (including disabled parking) set out in the Access and Car Parking SG shall be applied to those specified categories of development.

**Tolerance of zero parking provision In the Main Town Centres including the core shopping areas, zero parking provision for Special Needs Housing and small-scale\* flatted development; retail (up to 1,000m<sup>2</sup> floor space); Restaurants (use class 3); hot food takeaways; public houses; business (use class 4) (up to 600m<sup>2</sup> floor space) will be permitted.**

\*Up to 5 units

**1.1 Explanation of Policy Objectives**

1.1.1 SPP recommends the use of national maximum parking standards for new developments, these national maximum car parking standards relate only to limited categories and scales of development e.g. retail development (food) and (non-food) of 1000m<sup>2</sup> and over. They do not apply to housing development. It is accepted that these national maximum car parking standards can operate in Argyll and Bute without resulting in unacceptable off-site parking consequences. Accordingly, these national standards form the basis of development in **SG LDP TRAN 6** and **the Access and Parking Standards Supplementary Guidance as set out below.**

1.1.2 The next question to address is whether minimum car parking standards should apply in the context of the Argyll and Bute particularly for those developments that are subject to National maximum standards. Given the essentially rural nature of Argyll and Bute and the correspondingly higher levels of dependency on car ownership it is considered appropriate to have minimum standards for the majority of new developments. These minimum standards do not exceed the National maximum standards and also form the basis of development in **SG LDP TRAN 6** and its accompanying **Access and Parking Standards Supplementary Guidance as set out below.**

1.1.3 In accordance with the advice in SPP there is a recognition that zero parking provision is appropriate for certain categories of developments within the main town centres. This represents a change in policy from the SRDG minimum standard. It is justified on the basis that certain categories of development are able to function effectively within these central areas without requiring on-site parking, relying instead on central area public car parking provision and the availability of public transport services. This policy will also reinforce efficient use of scarce land resources within these central areas in that it will reduce the extent of such land given over to low intensity car parking use. It is not considered necessary to make this zero provision aspect of policy compulsory on developers. The type of development where zero parking provision is considered appropriate is defined in **SG LDP TRAN 6** and its accompanying **Access and Parking Standards Supplementary Guidance as set out below.**

1.1.4 Specific provision should be made for disabled parking. Minimum standards are justified in tune with this guidance and are incorporated with **SG LDP TRAN 6** as part of car parking standards set out in its accompanying **Access and Parking Standards Supplementary Guidance as set out below.**

## 1.1.5 This SG conforms to:

- [SPP](#) Annex B – Parking Policies and Standards
- LDP Key Objectives G and H

## Access and Parking Standards

- 1.1 Where a proposed development is not specified on the council’s parking standards list, the council will use the nearest type of land use on the list as a basis for assessing the parking requirements.
- 1.2 Where a specific assessment of staff numbers is required, the likely maximum number of staff present at the busiest time period should be used.
- 1.3 Each car parking space should measure no less than 2.5 metres by 5 metres.
- 1.4 Parking layouts should include circulation aisles with a minimum width of 6 metres.
- 1.5 Assessments of the parking requirement for a particular proposal will be rounded up to the nearest whole parking space.
- 1.6 All developments must provide adequate off road facilities for parking operational vehicles and staff cars and include space such that all vehicles enter and leave the premises in forward gear. A commercial proposal should include adequate provision for servicing. The proposed layout should normally:
  - provide for all loading and other servicing to be carried out on-site;
  - accommodate the likely maximum number and size of delivery vehicles at any one time on-site, to prevent delivery vehicles having to queue or reverse on the street;
  - incorporate loading bays of a dimension which will cater for the largest size of service vehicle likely to be used;
  - allow service vehicles to manoeuvre with ease (i.e. there should be adequate manoeuvring space within the site for a vehicle to enter and leave the service area in a forward gear);
  - not inconvenience other users of the site when service vehicles are being loaded or unloaded.

The only possible exception to the requirement for all servicing to be carried out on-site may be where the construction of on-site service bays would seriously damage the character of the urban environment.
- 1.7 “Bulk retailing stores” require large display areas. In Argyll and Bute, supermarkets, garden centres and the sale of DIY goods, wallpaper, paints, carpets, furniture and furnishings may fit this category. All other retailing developments will be assessed by the “shops” standard.
- 1.8 “Wholesale warehouses” are premises where wholesale goods are collected by the customer (e.g. cash and carry businesses). Warehouses that are just transit stores for goods will be assessed by the “Factories, workshops and warehousing” parking standard.
- 1.9 Where a retail development car park is designed to provide general town centre parking, or can be demonstrated to do so to a significant extent, that should be recognised in the amount of parking that is permitted above that specifically allowed for the development.

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- 1.10 For stadia and leisure uses sufficient coach parking should be provided to the satisfaction of the Planning Authority and treated separately from car parking. Coach parking needs to be designed and managed so it will not be used for car parking.
- 1.11 For higher and further education uses the standard for students relates to the total number of students attending an educational establishment, rather than full-time equivalents.
- 1.12 In normal circumstances, adequate off-street parking or communal parking should be provided adjacent to all new development to ensure that vehicles are not parked on the road where they may impede traffic flow or cause a hazard. A degree of flexibility will be available where: -
1. It can be shown by the applicant that the parking requirement can be met by existing car parks and that the demand for parking in connection with the development will not coincide with the peak demand from the other land uses in the area.
  2. The development is a straight replacement that can use the existing parking provision. It should be noted that there may also be a requirement to provide additional parking spaces if there was a shortfall in the original provision.
  3. The development is adjacent to, and well served by, good public transport and pedestrian links.
  4. The development, due to special characteristics, is likely to generate a significantly lower demand for parking than the standards would imply.
  5. Environmental considerations are of prime importance e.g. the development is proposed within a Conservation Area.
  6. There is a need for additional disabled parking to serve the needs of the users of the building.
- 1.13 It should be noted however, that before the parking requirement is reduced or increased it would have to be shown to the council's satisfaction that the development complies with one or more of the above criteria.

### CAR PARKING STANDARDS

Reference to m <sup>2</sup> is to Gross Floor Area	Argyll and Bute Minimum Parking Standard	National Maximum Parking Standard
Bulk Retailing Stores	1 space per 25m <sup>2</sup>	1 space per 14m <sup>2</sup>
Shops	1 space per 30m <sup>2</sup>	1 space per 20m <sup>2</sup>
Wholesale Warehouses	1.1 space per 100m <sup>2</sup>	1 space per 20m <sup>2</sup>
Business (Use Class 4)	1 space 50m <sup>2</sup>	1 space per 30m <sup>2</sup>
Cinemas (Use Class 11 (a))	1 space per 10 seats	1 space per 5 seats
Conference Facilities	1 space per 10 seats	1 space per 5 seats
Stadia	Not applicable	1 space per 15 seats
Leisure (other than Cinemas and Stadia)	1 space per 22m <sup>2</sup>	1 space per 22m <sup>2</sup>
Hotels and Hostels	1 space per 3 staff plus 1.2 spaces per room	N/A

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Bed and Breakfasts	Housing Standards plus 1 space per letting room	N/A
Higher and Further Education	1 space per 2 staff plus 1 space per 15 students	1 space per 2 staff plus 1 space per 15 students
Storage or Distribution	4 spaces per 100m <sup>2</sup>	N/A
General Industrial	2 spaces per 100m <sup>2</sup>	
Open Air Markets	1 space per 50m <sup>2</sup> site area	1 space per 50m <sup>2</sup> site area
Restaurants (Use Class 3) Hot Food Takeaways and Public Houses	2 spaces per 22m <sup>2</sup>	2 spaces per 22m <sup>2</sup>
Housing (Use Class 9) and Flatted Dwellings	1.5 spaces per 1 bedroom unit 2 spaces per 2-3 bedroom unit 3 spaces per 4 or more bedroom units	N/A
Residential Institutions: Homes	1 space per 2 staff plus 1 space per 4 units/bedrooms	N/A
Sheltered Housing	1 space per warden plus 0.5 to 0.8 spaces per dwelling	N/A
Town Centre: Housing (Use Class 9) (all Scales) and Flatted Dwellings (medium to large scale)	0.5 spaces per unit	N/A
Hospital	1 space per doctor; 1 space per 3 staff plus 1 space per 3 beds; Day clinics and out patients 3 spaces per 100m <sup>2</sup>	
Non Residential Institutions	1 space per 2 staff plus 3 spaces per 100m <sup>2</sup>	N/A
Disabled Car Parking Provision	Minimum standards (retail, leisure and recreation) :- 3 spaces or 6% (whichever is greater) in car parks with up to 200 spaces: or 4 spaces plus 4% in car parks with more than 200 spaces. Places of employment:- 1 space per disabled employee plus 2 spaces or 5% (whichever is greater) in car parks with up to 200 spaces; or 6 spaces plus 2% in car parks over 200 spaces.	Specific provision should be made for parking for disabled people in addition to general provision. In retail, recreation, leisure developments, and places of employment. Disabled parking spaces should be at least 5 x 2.5 metres, with a clear space at least a 1 metre wide along one long side to facilitate access for wheelchairs. The clear space may be shared between 2 car parking spaces.

## ZERO PARKING PROVISIONS IN TOWN CENTRES INCLUDING CORE SHOPPING AREAS

The limited categories of development that will not be expected to provide off-street car parking on development sites in identified town centre zones (including Core Shopping Areas) are set out below :

Retail (Use Class 1)	Small and Medium scale (up to 1000m <sup>2</sup> gross floor space)
Restaurants (Use Class 3) Hot Food Takeaway and Public Houses	Any scale
Other Leisure Facilities (Use Class 11)	Small scale (500m <sup>2</sup> gross floorspace)
Special Needs Housing (Use Class 9)	Any scale (disabled car parking may however be required)
Flatted Dwellings (for single bedroom)	Small scale (up to five dwelling units)
Business (Use Class 4)	Small and Medium scale (buildings up to 600m <sup>2</sup> footprint and gross site area up to 2 Ha.)

Where specific types of developments are not included guidance should be sought from Development and Infrastructure, Policy and Assets Manager.

## SG LDP TRAN 7 - Safeguarding of Airports

This policy provides additional detail to policy LDP 11 – Improving our Connectivity and Infrastructure of the Adopted Argyll and Bute Local Development Plan.

Development will be refused where it would constrain the present and future operations of existing airports and airfields.

### 1.1 Explanation of Policy Objectives

1.1.1 The aim of this policy is to prevent unnecessary dangers to low-flying aircraft and to ensure that the scope for expansion of facilities at existing airports and airfields is not limited by inappropriate development.

1.1.2 A major concern for airports and airfields is danger to aircraft presented by tall buildings and structures, or land uses which may attract flocks of birds. The possibility of future expansion of airports, or the installation of new facilities, must also be borne in mind. It is therefore important to consider the effect of proposed development on the present and future operation of airports and airfields.

1.1.3 **This SG conforms to:**

- [SPP](#)
- LDP Key objective G



**SG LDP TEL 1 – Telecommunications**

**This policy provides additional detail to policy LDP 11 – Improving our Connectivity and Infrastructure of the Adopted Argyll and Bute Local Development Plan.**

**There is a presumption in favour of proposals for telecommunications development provided that the following criteria are met: -**

- (i) the siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;**
- (ii) if on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact on the external appearance of the host building;**
- (iii) if proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the Planning Authority;**
- (iv) if proposing development in an environmentally sensitive area, the development should not have an unacceptable impact on areas of ecological interest, including Areas of Wild Land, National Scenic Areas, historic gardens and designed landscapes, other areas of landscape importance, the Greenbelt, the isolated coast sector of very sensitive countryside, archaeological sites, conservation areas, areas of townscape quality or buildings of architectural or historic interest. Special care should be exercised in these locations.**

**When considering applications for telecommunications development, the Planning Authority will have regard to the operational requirements of tele-communications networks and the technical limitations of the technology. Applicants will be expected to demonstrate compliance with ICNIRP guidelines.**

**1.1 Explanation of Policy Objectives**

1.1.1 The Scottish Government’s policy is to enable the telecommunication industry to expand and diversify in a sensitive manner. The telecommunications industry’s operational and expansion plans are essential to the global competitiveness of a Smart Successful Scotland. Such economic and social benefits can only be secured if the industry’s infrastructure is developed and improved, including networks of radio base stations. The development of these networks is required to be undertaken with greater attention to the siting and design of apparatus.

1.1.2 The provisions of SPP are material to the determination of planning applications for telecommunications development. Planning Advice Note (PAN) 62 ‘Radio Telecommunications’ provides advice on the siting and appearance of telecommunications development and will also be treated as a material consideration in the determination of any planning application for telecommunications development.

1.1.3 The Council is mindful of the Scottish Government’s policy on emission, health and the role of the planning system, which states that it is not necessary for planning authorities to treat radio-frequency emissions as a material consideration, if the arrangements relating to the declaration of compliance with the ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines are undertaken.

Argyll and Bute Local Development Plan – Supplementary Guidance  
Telecommunications

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1.1.4 Telecommunications investment is an economic and social priority for Argyll and Bute. In particular super-fast and reliable broadband services together with modern standards of mobile phone coverage are both deemed necessary to sustain our quality of life and enable sustainable economic growth to take place. It contributes to overcoming some of the challenges of remoteness in the island and extended peninsular geography of the area. The economic role and technical requirements of such development also requires to be balanced alongside environmental considerations.

1.1.5 **This SG conforms to:**

- [SPP](#)
- [PAN 62 \(Radio Telecommunications\)](#)
- LDP Key Objectives A, B, C, D and I

## Argyll and Bute Local Development Plan – Supplementary Guidance List of Settlements

These lists contain the names of the Main Towns and Key Settlements, Key Rural Settlements and Villages and Minor Settlements set out in section 2.9 of the Local Development Plan.

### Argyll and Bute Main Towns

<b>1. Campbeltown</b>
<b>2. Dunoon</b>
<b>3. Helensburgh</b>
<b>4. Lochgilphead/Ardrishaig</b>
<b>5. Oban/Dunbeg</b>
<b>6. Rothesay</b>

### Argyll and Bute Key Settlements

<b>1. Cardross</b>
<b>2. Bowmore</b>
<b>3. Inveraray</b>
<b>4. Sandbank (including Ardnadam)</b>
<b>5. Tarbert</b>
<b>6. Tobermory</b>

### Argyll and Bute Key Rural Settlements

<b>1. Ardfern/Craobh Haven</b>
<b>2. Ardminish</b>
<b>3. Arinagour</b>
<b>4. Barcaldine</b>
<b>5. Benderloch (including Ledaig/Keil Crofts/Baravullin)</b>
<b>6. Bunessan</b>
<b>7. Cairndow</b>
<b>8. Carradale</b>
<b>9. Clachan</b>
<b>10. Craighouse – Keills</b>
<b>11. Craignure</b>
<b>12. Crossapol</b>

<b>13. Dalmally</b>
<b>14. Furnace</b>
<b>15. Garelochhead</b>
<b>16. Glenbarr</b>
<b>17. Kames/Tighnabruaich</b>
<b>18. Kilcreggan/Cove</b>
<b>19. Port Charlotte</b>
<b>20. Port Ellen</b>
<b>21. Rosneath/Clynder</b>
<b>22. Salen</b>
<b>23. Southend</b>
<b>24. Strachur</b>
<b>25. Taynuilt</b>
<b>26. Tayvallich (including Carsaig)</b>

Argyll and Bute Local Development Plan – Supplementary Guidance  
List of Settlements

### Argyll and Bute Villages and Minor Settlements

1. Acha – Seil	35. Calgary
2. Achahoish	36. Caol Ila
3. Achnacroish – Lismore	37. Clachaig
4. Achnagoul	38. Clachan
5. Achnamara	39. Clachan of Glendaruel
6. A'Chrois – South	40. Claddach
7. Appin/Tynribbie	41. Cladich
8. Ardbeg	42. Colgrain Farm
9. Ardbrecknish	43. Colintrave
10. Ardentallen	44. Conisby
11. Ardnagowan	45. Connel
12. Ardoch	46. Cornaigmore
13. Ardpeaton	47. Coulport/Letter
14. Arduaine	48. Creag a'Phuill/Poll
15. Aros Bridge	49. Crinan/Crinan Harbour
16. Aros Mains	50. Croc-an Raer
17. Baile Mor – Iona	51. Croggan
18. Balemartine	52. Cuan - Seil
19. Balephuill	53. Cui Dheis – north Balemartine
20. Ballygrant – including Kilmeny	54. Cullipool – Luing
21. Balvicar	55. Cumladden
22. Balvicar Bay	56. Dalavich
23. Bellanoch	57. Dervaig
24. Bellochantuy	58. Drumlemble
25. Black Mill Bay – Luing	59. Duilletter
26. Blackrock	60. Eallabus
27. Bonawe	61. Easdale – Easdale Island
28. Bridge of Awe	62. Ellenabeich – Seil
29. Bridge of Orchy	63. Eorabus
30. Bridgend	64. Eredine
31. Bridgend/Waterfoot	65. Erraid – on the island of Erraid
32. Bruichladdich	66. Ettrickdale
33. Bunnahabhain	67. Fearnoch
34. Cairnbaan	68. Fionnphort

**Argyll and Bute Local Development Plan – Supplementary Guidance**  
**List of Settlements**

69. Ford	105. Lochgair
70. Glenegeedale	106. Lower Altgatraig – Newton
71. Grogport	107. Lunga
72. Hynish	108. Machrihanish
73. Innellan	109. Melfort
74. Inverinan	110. Mill Cottage – Glendaruel
75. Inverneill	111. Millhouse
76. Kames	112. Millpark
77. Keills - Islay	113. Minard
78. Kenmore	114. Muasdale
79. Kenovay	115. Nerabus
80. Kerrycroy	116. Newton
81. Kilberry	117. North Connel
82. Kilchenzie	118. Old Kilmore Parish Church
83. Kilchrenan/Annat	119. Old Kilmore Parish Church – East
84. Kilfinan	120. Peninver
85. Killean	121. Pennyghael
86. Killeonan/Knocknaha	122. Port Ann/Achnaba
87. Kilmartin	123. Port Appin
88. Kilmelford	124. Port Askaig
89. Kilmichael/Bridgend	125. Port Bannatyne/Ardbeg
90. Kilmichael of Inverlussa	126. Port Ramsay – Lismore
91. Kilmore/Barran	127. Port Righ
92. Kilninver	128. Portavadie
93. Kingarth/Kilchattan	129. Portincaple/Whistlefield
94. Kintra	130. Portkil
95. Kirn	131. Portkil House
96. Knockdrome/Ardfernal	132. Portnacroish
97. Lagavulin	133. Portnahaven/Port Wemyss
98. Laphraoig	134. Portsonachan
99. Leachd	135. RAF Machrihanish
100. Leanach	136. Rahane
101. Lephinmore	137. Redhouses
102. Letterwalton	138. Rhu
103. Lochawe	139. Saddell
104. Lochdon	

**Argyll and Bute Local Development Plan – Supplementary Guidance**  
**List of Settlements**

140. <b>Sandaig</b>
141. <b>Sandhole</b>
142. <b>Scalasaig</b>
143. <b>Scarinish</b>
144. <b>Shandon</b>
145. <b>Skipness</b>
146. <b>Slockavullin</b>
147. <b>South Cuan – Luing</b>
148. <b>Sraid Ruadha/Balevullin</b>
149. <b>Sron-na-Bruic</b>
150. <b>St Catherines</b>
151. <b>Stewarton</b>

152. <b>Straad</b>
153. <b>Stronafian</b>
154. <b>Stronmilchan</b>
155. <b>Tayinloan</b>
156. <b>Toberonochy – Luing</b>
157. <b>Torinturk</b>
158. <b>Torran</b>
159. <b>Toward</b>
160. <b>Uisken</b>
161. <b>West Ardhu</b>
162. <b>West Loch Tarbert</b>
163. <b>Whitehouse</b>

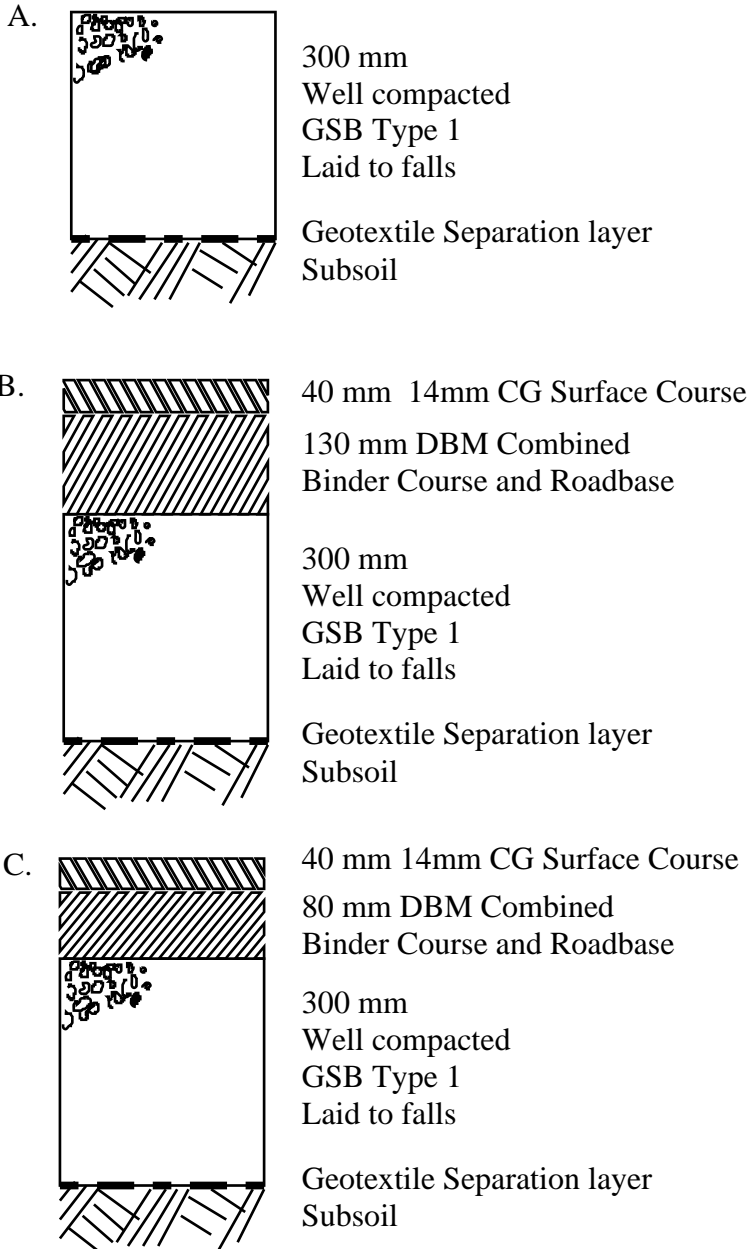
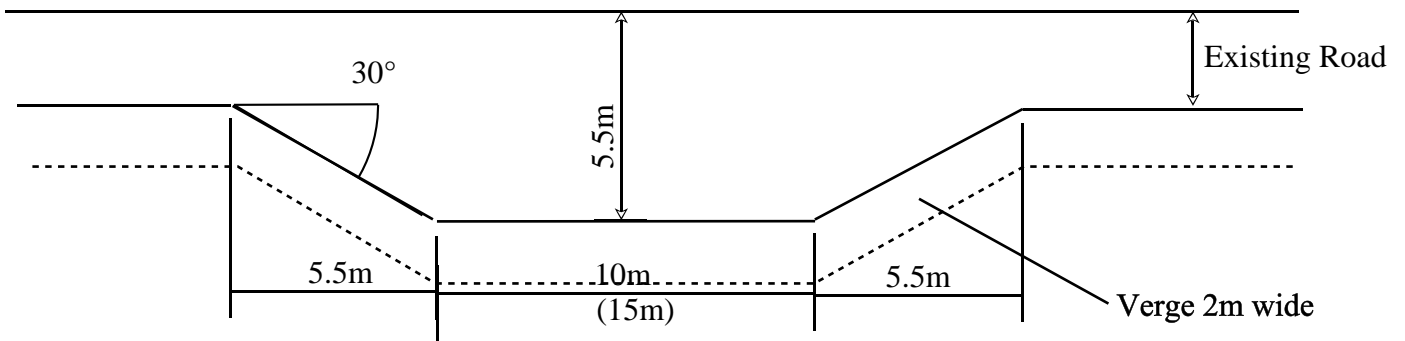


Argyll and Bute Council  
Development and Infrastructure  
Director: Pippa Milne

[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

*Chomhairle Earra-Ghàidheal is Bhòid*





Notes.

1. All options laid to falls such that surface water is shed to back of passing place, offlets and ditch to be provided as required.
2. Specification to be agreed with Roads Authority.
3. Construction depth on rock can be reduced with the agreement of the Roads Authority.
4. Passing places on routes subject to commercial vehicle traffic will be 15m long.
5. Type A construction will only be used on unsurfaced private access tracks.
6. Type B construction will be used on all strategic routes and heavily trafficed secondary routes.
7. Type C construction will be used on all other routes where traffic volumes are low and mostly private vehicles and LGVs.

# Typical Passing Place Detail

For use on Public and Private Roads

## Argyll & Bute Council Operational Services

Scale 1:200, 1:20      Date June 2008

Drawing No SD 08/003

REV. a







VEHICLES  
TURNING  
AHEAD

A83 X

**SLOW**

A83 X



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Achnagoul House  
Inveraray,  
Argyll & Bute  
PA32 8XT

Argyll & Bute Council  
Development Management  
Kilmory Castle,  
Lochgilphead,  
Argyll & Bute

Date: 11.04.2023

Dear Sirs,

**Re: Planning application No. 20/01901/PPP**

I am writing to comment on the notice of review for the above planning at Achnagoul.

My wife and I are the owners of Achnagoul House and full-time residents. Ours is the dwelling house next to Swallow tale Cottage on the site plans.

We have previously documented our objections in our letter dated 08.01.2021 and these objections still stand as there has been no further detail regarding them given.

Having read the documentation from Millard Consulting I would like to address a few points which need clearing up.

1. The comment has been made that the council gave SSE's contractors permission to access the quarry at the top of Achnagoul. I would like to point out that the bulk of the material, which was blasted and crushed on site, went to make roadways further up Achnagoul during the project and very little traffic left the site, using the junction of the A83.

Since the forestry finished their harvesting operation last year, there have been very few logging lorries using the junction.

The problem of the junction could only ever be improved when turning right, by reducing the blind summit or by traffic control in the form of lights. Both of which are not financially practical.

2. The comment by Mr. Pirie (Millard Consulting) regarding the decrease in traffic resulting from the removal of the existing buildings use is a very strange one. I would like to point out that the building is not being used for any purpose and there is no Agricultural equipment currently being used anywhere in Auchnagoul. Therefore, the construction of a house would by nature increase the traffic usage by the number of car owners who would occupy the property. However, they would still need to use the junction and be subject to the existing visibility issues.
  
3. I notice that towards the end of Mr. Pirie comments he makes a statement about the fact that his client would not need to bring the road up to council standard. I have seen no evidence that Argyll Estates / Forestry Commission have been consulted or there has been any feasibility study carried out by any party of who will be paying for this. Mr. Pirie appears to think the imaginary farm traffic reduction will negate any upgrading, other than a few passing places, which could encourage the public to use them as parking areas for walking.
  
4. I would also like to draw the council's attention to the fact that Mr. Pirie did not mention the increase in traffic, during any construction which could be up to a year or more depending on the build progress or if the road would get its passing places prior to the construction being started. This brings me to the next issue of parking of site traffic. At no point during the process has this been brought up, the road to the site is a rough surface single track with nowhere to park once you get to the top, which involves crossing two burns. With heavy plant and vehicles bringing in suppliers there is a real danger these will be damaged. Again, these are part of the road owned by the Argyll Estates and there is no evidence that these have been surveyed to identify if these are fit to take heavy and increased construction traffic.

Should you require any points in this letter clarifying, please do not hesitate to contact me.

Yours Sincerely

Mr. & Mrs. Knowles



**FURTHER INFORMATION**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY  
23/0003/LRB**

**REFUSAL OF PLANNING PERMISSION IN  
PRINCIPLE FOR ERECTION OF  
DWELLINGHOUSE AT LAND NORTH OF  
SWALLOWTALE, ACHNAGOUL, INVERARAY**

**PLANNING PERMISSION IN PRINCIPLE  
APPLICATION REFERENCE NUMBER  
20/01901/PPP**

**23<sup>rd</sup> MAY 2023**

**ABC Development Management Service:**

**Response to the request for further information which was requested by the LRB on 10<sup>th</sup> May 2023**

**a) Appropriate conditions and reasons to attach to any consent in the event the Members of the LRB were minded to approve the application;**

**SUGGESTED CONDITIONS AND REASONS RELATIVE TO LOCAL REVIEW BODY REF. 23/0003/LRB**

**PPP - Standard Time Limit Condition (as prescribed by regulation):**

This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority, as specified in Condition 1 (within the list of Additional Conditions below), have been satisfied.

Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 within the time limits specified below.

Any application for Approval of Matters Specified in Conditions must be submitted to the Planning Authority no later than three years from the date of this permission in principle.

Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the prescribed three year time period will no longer be capable of being implemented within the terms of this permission.

The development to which this planning permission in principle relates must commence no later than five years from the date of this permission, or within the expiration of two years from the final approval of all Approval of Matters Specified in Conditions, whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

**Standard Condition on Soil Management During Construction**

Where the development involves ground breaking works, soil management should be undertaken in compliance with the established best practice set out in the DEFRA publication "[Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 2009](#)", unless an alternative methodology for sustainable management of soil is submitted to and approved in writing by the Planning Authority.

Reason: In order to ensure that sustainable management of soils and compliance with the requirements of NPF4 Policy 5A.

**Additional Conditions**

1. **PPP – Matters Requiring AMSC Submission**

Plans and particulars of the matters specified in conditions 3, 5, 6, 7, 8, 9, and 10 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. **PPP - Approved Details**

The development shall be implemented in accordance with the details specified on the application form dated 19/10/2020 supporting information and, the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	0927/300/B		16.12.2020
Site Plan	0927/301/A		09.12.2020

Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

3. **PPP – Archaeological Watching Brief**

Pursuant to Condition 1 - no development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service.

The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

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

Reason: In order to protect archaeological resources.

Note to Applicant:

- Regard should be had to the West of Scotland Archaeology Service's consultation comments in respect of the proposed development.

4.\* **Junction with the A83 (T) Trunk Road**

Prior to the construction of any dwellinghouse, visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the local Planning Authority. These splays are triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set

back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

Note to Applicant:

- The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate . Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.
- Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
- Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
- The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.
- Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

**5.\*\* PPP - Single Building Access Requirements – Commensurate Improvement of Private Road & Parking Provision**

Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) The private access between the development and the A83(T) to be widened to 3.25m;
- ii) Provision of inter-visible passing places at maximum spacing of 150m on the private access between the development and the A83(T). Passing places to be constructed as per the Council's Standard Detail drawing ref. SD 08/003 Rev a. (type A);
- iii) Provision of a 1.5m verge on the private access between the development and the A83(T);
- iv) The existing road surface of the private access between the

development and the A83(T) to be regraded and all potholes filled;

- v) Provision of a turning head for a commercial vehicle within the development site;
- vi) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2015.

The approved scheme of works i) – v) shall be completed prior to work starting on site.

The approved parking and turning layout shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety.

#### 6. **PPP – Details of New Private Foul Drainage System**

Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority.

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

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

Note to Applicant:

- Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.

#### 7. **PPP – Surface Water Drainage – No detail required for approval**

Notwithstanding the provisions of Condition 2, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

Note to Applicant:

- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk)

#### 8. **PPP – Full Landscaping Scheme**

Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development;
- vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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

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

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

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

#### 9. **PPP – Tree Survey, Retention and Protection**

Pursuant to Condition 1 – no development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:

- i) A survey of trees on and overhanging the site indicating the location, species, height, canopy spread and condition of each tree;
- ii) An assessment of the amenity and nature conservation value of tree groups and individual trees which shall inform the layout of the development proposed;
- iii) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
- iv) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2005 “Trees in Relation to Construction”.

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.

10. **PPP BUILDING SITING, DESIGN & FINISHES – INDIVIDUAL BUILDING**

Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- ii) Local vernacular design;
- iii) Maximum of 1 ½ storeys in design;
- iv) Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate;
- v) External walls finished in natural stone, timber cladding, or wet dash render or, a combination of these elements;
- vi) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site;
- vii) Window openings with a vertical emphasis;

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.

11. **PP/PPP – Further investigation of potential for land contaminants from historic use required**

Unless otherwise agreed in writing and in advance by the Planning Authority, no development shall commence until a scheme has been submitted by the Developer (at their expense) to identify and assess potential contamination on site.

***No construction work shall commence until the scheme has been submitted to, and approved, by the Planning Authority, and is thereafter implemented in accordance with the scheme so approved.***

*The scheme shall be undertaken by a competent person or persons in accordance with relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or*

supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination to the satisfaction of the Planning Authority, and must include:-

a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council **prior to** addressing parts b, c, and d of this condition. Should the desk study show the need for further assessment this will be undertaken in the following sequence:

b) A detailed investigation of the nature and extent of contamination on site, and assessment of the risks such contamination presents.

c) Development and agreement of a remedial strategy (if required) to treat/remove contamination ensuring the site is made suitable for its proposed use (this shall include a method statement, programme of works, and proposed verification plan).

d) Submission of a verification report for any agreed remedial actions detailing and evidencing the completion of these works.

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

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

**Further commentary on matters that the LRB would require to modify/clarify prior to setting conditions on any grant of planning permission:**

It is noted that planning application ref. 20/01901/PPP was refused on the basis that officers were unable to identify a competent means of utilising planning conditions to satisfactorily mitigate concerns relating to the suitability of the proposed means of access and the impact of the proposed development upon road safety. This position remains unchanged and whilst it is necessary in responding to the LRB request for further information with some advice on the general requirement and format of conditions to address roads issues within any potential grant of planning permission in principle, officers are not in a position to provide competent wording for those conditions. Explanatory commentary for this position is provided as follows:

**Condition 4\* Junction with A83(T) Trunk Road**

Officers are unable to fully advise the LRB on this particular issue as Transport Scotland have not provided any draft condition for consideration in this matter and advised that planning permission be refused. To provide



assistance to the LRB, officers have provided standard condition wording utilised by Transport Scotland in such matters elsewhere. The drafted condition wording accordingly sets out a requirement for a minimum visibility splay standard of 215m in each direction as the appropriate standard to be applied to a trunk road junction where the national speed limit applies.

The LRB is however advised that a condition worded in this manner would not be competent to apply for two reasons – firstly it is understood that the land required for formation of the extended visibility splay lies outwith the control of the applicant and as such future maintenance of the splay could not be secured even if the applicant were legally able to form the visibility splay; and secondly, Transport Scotland have confirmed that due to the vertical alignment of the A83(T) where there is a brow of a hill there is little opportunity to physically improve the existing visibility to the north which is currently between 120-130m.

In the event that the LRB were minded to grant planning permission subject to conditions then it would be necessary for the members of the LRB to modify the wording of condition 4 in order to identify the visibility splays required (and which were deliverable) and to justify why it is considered appropriate to grant planning permission without the minimum technical standards being attainable. In reaching a view on the terms to be applied to any requirement to improve the access onto the A83(T) members of the LRB are referred to Scottish Government Circular 4/1998 which sets out the six tests that require to be met in applying planning conditions:

- ***necessary***
- ***relevant to planning***
- ***relevant to the development to be permitted***
- ***enforceable***
- ***precise***
- ***reasonable in all other respects.***

It is further noted that this matter would require to be notified to Scottish Ministers prior to a formal determination being reached.

#### **Condition 5\*\* - Commensurate Improvement of Private Road & Parking Provision**

Suggested condition 5 has been set out to incorporate the commensurate improvements identified by the Council's Roads Officers in their latest response to the current LRB. It is however highlighted that the identified requirements of items i) – iv) would involve land that is understood to be outwith the control of the applicant and as such may be undeliverable unless otherwise confirmed by the applicant. This would be a matter for the LRB to consider further prior to reaching their own view on whether the terms of the condition are compliant with the requirements of Circular 4/1998 (see above for detail).

**b) Confirmation as to whether or not a condition for signage to be erected on the trunk road would address the road safety issues in respect of vehicles entering and leaving the traffic stream on the A83(T) and waiting to turn right off the A83(T) and, if so, to include that in the list of conditions and reasons requested.**

It is the understanding of officers that the provision of warning signage would not be an appropriate form of mitigation that would address road safety issues in this instance, accordingly no such provision has been made in the suggested list of conditions and reasons above.

It is however recognised that this is a matter where Transport Scotland have locus as a statutory consultee and that they have also advised against use of signage as an appropriate form of mitigation in this instance.

**McCallum, Fiona**

---

Gerard.McPhillips@transport.g

23 May 2023 15:05

Fiona

I refer to your recent email regarding the above case / planning application and the notification from the Local review Body requesting further information from Transport Scotland, as follows:

*To request the following written information from Transport Scotland:-*

*Confirmation as to whether or not a condition for signage to be erected on the trunk road would address the road safety issues in respect of vehicles entering and leaving the traffic stream on the A83(T) and waiting to turn right off the A83(T) and, if so, confirmation as to whether consent would be given to the erection of this signage on the A83(T).*

Transport Scotland would wish to provide the following additional information in response to this request:

Transport Scotland would advise that there are already triangular warning signs, together with "Slow" carriageway markings on the A83(T), in place approaching the existing access from both the east and the west – see images below taken from video footage on 22<sup>nd</sup> May 2023.



Photo 1: A83(T) east of the existing access - from video footage taken on 22<sup>nd</sup> May 2023 – see here: [A83 - Google Maps](#)



Photo 2: A83(T) west of the existing access - from video footage taken on 22<sup>nd</sup> May 2023 – see here: [A83 - Google Maps](#)

Transport Scotland's main concern regarding this access is associated with traffic movements approaching the access from the east where the A83(T) mainline is over the brow of a hill. This means the access is not visible to mainline traffic until quite late – see Photo 1 above and also here looking east from the access back towards the brow of the hill: [A83 - Google Maps](#) As a result of the vertical alignment of the A83(T), the stopping sight distance / visibility on the approach to the access is restricted to between 120m and 130m, and the visibility to the left when exiting the access is around the same, whereas the desirable minimum standard for this type of trunk road is 215m.

On the basis that there are already existing traffic signs and carriageway markings in place along the A83(T) on both the east and westbound approaches to the access which are aimed at alerting drivers to the presence of the access and the possibility of traffic entering or leaving the trunk road, it would not be appropriate to include a Condition requesting these or additional signage / markings.

In considering the planning application Transport Scotland has already taken cognisance of the existing traffic signs and carriageway markings in place along the A83(T). However, despite these being in place, Transport Scotland remains of the opinion that the additional traffic associated with the planning application has the potential to impact on the safe and efficient operation of the A83(T). Transport Scotland would therefore continue to recommend that the application be refused.

I trust this this additional information addresses the request of the LRB and helps to set out Transport Scotland's ongoing position with regards to this planning application.

Regards.

Gerard

**a**

**Gerard McPhillips**  
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Roads Directorate  
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[transport.gov.scot](http://transport.gov.scot)

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Dear Fiona,

**Response to Request for Further Written Information - Notice of Review - Reference 23/0003/LRB**

Having had the opportunity to study the responses received thus far, on behalf of the applicant, I would like to make our final submission to present to the Review Body.

Transport Scotland's Gerard McPhilip detailed response regarding existing signage presents a useful commentary on what is already in place but does not explore improvements that could be made. Being proactive, I would suggest that additional written "JUNCTION AHEAD" wording could be added to the existing signage and possibly even rumble strips applied to the road surface to make drivers more aware.. Furthermore, illuminating flashing "SLOW" signs could be installed, possibly at the applicant's expense, which would further assist drivers to the presence of an already statistically safe junction. These are used to great effect in the Highlands and have proven to be a great benefit to motorists (a great improvement on "SLOW" road markings which wear over time).

It was quite telling that Mr McPhilip's final paragraph, giving the reasons for refusal, omitted the elephants in the room - Transport Scotland's previous approvals for the use of this junction for timber extractions and borrow pit works:

**"In considering the planning application Transport Scotland has already taken cognisance of the existing traffic signs and carriageway markings in place along the A83(T). However, despite these being in place, Transport Scotland remains of the opinion that the additional traffic associated with the planning application has the potential to impact on the safe and efficient operation of the A83(T). Transport Scotland would therefore continue to recommend that the application be refused."**

Transport Scotland believe that an additional dwelling house on a Brownfield Site in an area zoned for Housing would cause a greater impact on the safe and efficient operation of the A83 than Forestry and Borrow Pit workings with their associated heavy vehicle movements. To the applicant and myself, there appears to be a disconnect somewhere. With this in mind, let us present the facts that require to be taken into account which are backed up by the document provided in support by Millard Consulting who are experienced Transport Consultants - their original document is attached for reference.

1. This is an existing junction serving 5 residential properties and not a new access to serve a single dwelling
2. There have been no accidents reported at this junction
3. Transport Scotland have approved the use of this junction for slower moving vehicles for timber extraction and borrow pit extractions
4. The development is in an area zoned for housing and is a Brownfield Development
5. The site forms part of a small holding. The applicant would be well within his rights to

keep livestock all year round on the site which could require several daily visits for checks, feeding, lambing etc. etc. This would create additional vehicle use over the junction which would not require the input of Transport Scotland.

With the greatest respect to Transport Scotland, the applicant and myself feel they have simply got this one wrong and are refusing to take the facts presented to them into consideration. This is why we find ourselves in the current situation and require the support of the Review Body to overturn the delegated refusal. Transport Scotland have already indicated that the Case Officer could have approved the application against their recommendation. Given the difficult position this would have put the past 3 Case Officers into, we ask the Review Body apply common sense and recommend approval for this application and send it to the Scottish Ministers for final approval.

Kind Regards,

**Duncan Macleman BSc (Hons) Dip. Arch**

**ORMONDE**

Architecture • Design • Project Management

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05 February 2021

FAO Ian McArthur

**Email only: ianmacarthurtiree@gmail.com**

Structures  
Infrastructure  
Flood Risk  
Environmental  
Hydrology  
Transportation

Dear Ian,

**Planning Application 20/01901/PPP For Demolition of outbuilding and erection of a dwellinghouse located Land North of Swallowtail, Inverary, Argyll and Bute.**

Having been instructed to review and report on both Transport Scotland and the highway authority's statutory consultee responses to the above planning application we report as follows:

#### Current Application

The land is located north of Swallowtail, Achnagoul and it is proposed to replace an existing stone byre with a new dwellinghouse. The site is accessed via a private track which currently serves five other properties and additional employment uses. The track connects onto the A83 trunk road via a "T" junction. The track is in reasonable good condition and has been well used by residents, farmers and the forestry commission over many years. Although the track is suitable for the current level of use it should be noted that it is not constructed to an adoptable standard. The A83 in comparison to most other trunk roads is not as heavily trafficked. In the vicinity of the site the National Speed Limit applies. Forward visibility on the A83 is impaired due to the vertical and horizontal alignments not complying with standards. Visibility at the junction between the track and the A 83 is also restricted due to the trunk road alignment. A planning response has been provided from the Council's Road Department, dated 7<sup>th</sup> January 2021, which recommended refusal on the grounds that **"the existing private access already serves five dwellings. Argyll and Bute Council's Local Plan clearly states that that developments of more than five dwellings should be served by a road constructed to an adoptable standard. Any further development will require a road to an adoptable standard"**.

In considering the comments from the Roads Department we will evidence later that the existing track serves supplementary development where planning has been approved which exceeds the level of daily vehicular trips generated by the five dwellings. We shall also demonstrate that the applicant, as part of his planning proposals, will not intensify the use of this track by vehicles but could in fact offer reduced levels of trips and therefore reduce the impact on the track. We will also comment on the fact that the applicant, whilst not increasing the residual impact on the track, is still willing to fund improvements to all other parties who have access to the track which should be greatly welcomed by the Council.

Transport Scotland (TS) have also provided a response to the planning department with a recommendation to refuse the planning application. The reasons for refusal cited in their response dated 27<sup>th</sup> January 2021 are as follows:

- The proposed development would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of the traffic on the trunk road;

- The proposed development would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is sub-standard thus creating interference with the safety and free flow of the traffic on the trunk road.

In respect to Transport Scotland's first reason for refusal we will demonstrate that there is indeed potential that the planning application will not increase vehicle numbers but may actually reduce trips based on a current consented use. We do agree with Transport Scotland however that visibility is restricted at this location. With regards to the second reason for refusal we will demonstrate that the planning proposals have the potential to improve safety to the benefit of all road users and could reduce the level of slower right turning vehicles from the general network.

### Previous Planning Consent

Planning application, reference 09/00745/DET, was submitted on the same site for the erection of a new dwellinghouse and office building. This application was refused and when appealed the decision remained in favour of the Council. The reasons cited were essentially the same as those stated by Transport Scotland and the Roads Department during the current application.

### Millard Consulting's Comments

As part of the planning consultation process both Transport Scotland and the Roads Department have not appeared to consider the proposals in any depth. The current application does not include an office building which significantly reduces potential impact arising from the earlier 09/00745/DET application. Most importantly there does exist a byre on the site and as such this, under historic use, would have had consent for agricultural use.

In our considered opinion there is nothing impeding the applicant from continuing to use from this plot for agricultural purposes. The level of daily trips rates arising from one dwellinghouse has the potential to generate an average 2 – 2.5 daily two-way trips onto the adjacent highway network. As current use on the application site has no restrictions on the level of vehicular use then there is potential for similar or increased daily trips which could exceed those for a solitary dwelling. As part of the proposals the existing byre will be demolished thereby removing the requirement for agricultural access. Agricultural use is predominately associated with larger slower moving vehicles in comparison to the private car.

The potential for reduced vehicular movements should be welcomed by both Transport Scotland and the Roads Department however no comment has been made in respect to the current site use. We therefore do not agree with both authorities' comments that intensification will arise as a consequence of the development proposals. We would contend that there is potential for reduced intensification based on the fact that the current permitted site use will be removed if planning is granted and therefore there will be less impact on the existing highway network and safety would actually improve.

### Supplementary Comments

During the 09/00745/DET application it was stated by Transport Scotland that the approved use of the track for forestry commission purposes was due to the fact that vehicles do tend to be higher and as such visibility standards are significantly better than those experienced by private car drivers. We have to make comment that visibility splay standards are regulated on the basis that all vehicles are classified as the same no matter the height of the vehicles. Visibility for forestry commission use do not meet Transport Scotland standards nor any relaxation or departure from standard and we are sure this is a point Transport Scotland would agree with. Employees associated with forestry commission work also have a tendency to access the site by van / car so not all movements are HVG related. We believe that the comments made by Transport Scotland during the earlier application and subsequent appeal were incorrect and not justified as larger vehicles tend to be slower moving and statistics quite clearly demonstrate that they do tend to have a higher rate of right turning accidents as a consequence of this. This fact was never raised by Transport Scotland and therefore comparison between residential and forestry is considered to have been misrepresented.

More importantly a more recent application, ref 19/01422/MIN was approved and Transport Scotland did not advise against the granting of permission in this instance. The application was applied for

consent for extraction of minerals from an existing borrow pit. Transport Scotland obviously had no concerns over intensification nor road safety. We find this to be unacceptable on the basis that such use will have a significantly greater intensification in comparison to one dwelling. Vehicles will also be slower turning in comparison to the private car. Having previously refused the earlier application 09/00745/DET on grounds of intensified use and road safety Transport Scotland have totally disregarded such concerns when providing comment on the 19/01422/MIN application which would have had a more significant impact. A response from the Roads Department on the 19/01422/MIN application raised no concerns on either intensified use nor roads standards or adoption requirements.

### Conclusions

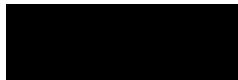
In conclusion we would argue that the current proposals have the potential to reduce vehicular use from the current site and also as a consequence of this could improve road safety. We would also strongly state that the most recently approved application in 2019 has significantly greater impact on the highway network than that arising from one dwelling and as such Transport Scotland has not been consistent with their comments.

Regarding the adoption of the track we would conclude that it serves not only five dwellings but other land uses such as mineral extraction and forestry commission. As such the Council should have asked for it to have been made up to adoptable standards prior to this application. The applicant is looking to replace a byre with a house which has the potential to reduce trip generation and yet at the same time offer improvements by providing lay-by's to the mutual benefit of all users of the track. We would question therefore the Council's stance that it should be brought up to adoptable standard when traffic movements could actually reduce based on the consented use of the site.

Finally the Roads Department's comments to planning imply that in accordance with the Council's Local Plan Policy the track should be brought up to adoptable standard as it will serve more than five dwellings. This however is not specifically the case. The extract attached from the LDP supplementary guidance confirms there are exceptions to this. In the circumstance where further development utilises an existing private access or private road it is the Council's policy that this will only be accepted if the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the new development. The Council have previously found it acceptable to approve access to other land use applications without the need for adoption and we would encourage the Roads Department to consider the fact that the current consented use of the site will be removed as part of the application and that lay-by's will be constructed to the mutual benefit of others. We consider this to be commensurate with the proposals under consideration.

We challenge responses to planning by both Transport Scotland and the Roads Department based on the above grounds and would move the Council to approve the application on the basis of a reduction in intensification, consequential improvements to road safety and based on a more recently approved application having significantly greater impact than proposals arising from one dwelling.

Yours faithfully,

A solid black rectangular box used to redact the signature of Ken Pirie.

Ken Pirie  
Managing Director

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**From:** [Mark Knowles](#)  
**To:** [McCallum, Fiona](#)  
**Subject:** RE: Response to Request for Further Written Information - Notice of Review - Reference 23/0003/LRB (Planning Ref: <20/01901/PPP> - Land North of Swallowtale, Achnagoul, Inveraray [OFFICIAL])  
**Date:** 11 June 2023 16:32:03

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Hi Fiona,

Thank you for the update regarding Planning Application for 20/01901/PPP Swallowtale Review.

We would like to make some observations concerning this.

1. Rumble Strips - the noise they will create especially at night and coming downhill. This will cause constant noise 24/7 which is of great concern to us but also to the person living opposite the Junction.
2. The signage as suggested is going to make no difference especially on a national speed limit road of the A83 and the speed at which vehicles travel.
3. Forestry harvesting and quarrying is now finished and has been for sometime.
4. We would also bring to your attention that in the last 2 years there have been 2 Accidents on this area of road and in fact the first one was seen from our kitchen window resulting in the police managing the traffic and ambulance arrival. The second being a motor cyclist.
5. We would also like to bring to your attention that there are Bats located here and our neighbours during there renovations had to make provision for them. To date no one has been to carryout any survey. We also have Owl's present at the location.
6. There are the tree's to which the Bats and Owl's need and once again no-one has surveyed the species of tree's and the disturbance it will cause them and other wild life.
7. Once again as we clearly stated previously we would like to bring to your attention of the adopted road as the Applicant does not own this road or the surrounding land, just the Plot.
8. Reference the comment of having cattle, sheep etc... there is a shed at the bottom of the track from the houses which is used and no farming transportation comes up the road.
9. Some of the existing Properties have utility equipment located within their gardens as well as water pipes (ours being the main one for the electricity transformer) , our question is will applicant pay compensation for the work that needs to be carried out by these companies and any damage that is caused while this work is being carried out.

If you require any further information please do not hesitate to contact us.

Kind Regards,  
Mr. & Mrs. Knowles.

Sent from [Mail](#) for Windows

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**From:** [Ormonde ADPM](#)

**Sent:** 08 June 2023 22:18

**To:** [McCallum, Fiona](#)

**Cc:** [j](#)

---

**Subject:** Response to Request for Further Written Information - Notice of Review - Reference 23/0003/LRB (Planning Ref: <20/01901/PPP> - Land North of Swallowtale, Achnagoul, Inveraray [OFFICIAL]

Dear Fiona,

**Response to Request for Further Written Information - Notice of Review - Reference 23/0003/LRB**

Having had the opportunity to study the responses received thus far, on behalf of the applicant, I would like to make our final submission to present to the Review Body.

Transport Scotland's Gerard McPhilip detailed response regarding existing signage presents a useful commentary on what is already in place but does not explore improvements that could be made. Being proactive, I would suggest that additional written "JUNCTION AHEAD" wording could be added to the existing signage and possibly even rumble strips applied to the road surface to make drivers more aware.. Furthermore, illuminating flashing "SLOW" signs could be installed, possibly at the applicant's expense, which would further assist drivers to the presence of an already statistically safe junction. These are used to great effect in the Highlands and have proven to be a great benefit to motorists (a great improvement on "SLOW" road markings which wear over time).

It was quite telling that Mr McPhilip's final paragraph, giving the reasons for refusal, omitted the elephants in the room - Transport Scotland's previous approvals for the use of this junction for timber extractions and borrow pit works:

**"In considering the planning application Transport Scotland has already taken cognisance of the existing traffic signs and carriageway markings in place along the A83(T). However, despite these being in place, Transport Scotland remains of the opinion that the additional traffic associated with the planning application has the potential to impact on the safe and efficient operation of the A83(T). Transport Scotland would therefore continue to recommend that the application be refused."**

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provided in support by Millard Consulting who are experienced Transport Consultants - their original document is attached for reference.

1. This is an existing junction serving 5 residential properties and not a new access to serve a single dwelling
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4. The development is in an area zoned for housing and is a Brownfield Development
5. The site forms part of a small holding. The applicant would be well within his rights to keep livestock all year round on the site which could require several daily visits for checks, feeding, lambing etc. etc. This would create additional vehicle use over the junction which would not require the input of Transport Scotland.

With the greatest respect to Transport Scotland, the applicant and myself feel they have simply got this one wrong and are refusing to take the facts presented to them into consideration. This is why we find ourselves in the current situation and require the support of the Review Body to overturn the delegated refusal. Transport Scotland have already indicated that the Case Officer could have approved the application against their recommendation. Given the difficult position this would have put the past 3 Case Officers into, we ask the Review Body apply common sense and recommend approval for this application and send it to the Scottish Ministers for final approval.

Kind Regards,

**Duncan Macleman BSc (Hons) Dip. Arch**

# ORMONDE

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**McCallum, Fiona**

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**From:** Gerard.McPhillips@transport.gov.scot  
**Sent:** 13 June 2023 11:22  
**To:** Scott, Fiona  
**Cc:** ianmacarthur; Bain, Peter (Planning); roadsconsnaki; Ross, James; planningconsultations@scottishwater.co.uk; development\_management@transport.gov.scot; enquiries@wosas.glasgow.gov.uk; Carson, Anthony; mark.knowles; localreviewprocess  
**Subject:** RE: Response to Request for Further Written Information - Notice of Review - Reference 23/0003/LRB (Planning Ref: <20/01901/PPP> - Land North of Swallowtale, Achnagoul, Inveraray [OFFICIAL]

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Fiona

I refer to the above LRB and the further additional information submitted by the applicant's architect and consulting engineers (Ormonde and Millard) in their email below.

Having reviewed these comments, Transport Scotland would welcome the opportunity to provide some clarity and corrections on some of the information presented.

There are various comments presented suggesting that the application for a house is likely to result in a reduction in the number of vehicle movements currently associated with the byre and therefore offer an overall reduced level of trips using the existing access. These comments appear to be on the basis that a single dwelling has the potential to generate an average of 2 – 2.5 daily two way trips. Transport Scotland would disagree with this level of trips and would advise that a single dwelling is generally assumed to generate an average of 5 to 6 (five to six) two way trips per day. This figure is taken from the TRICS database ([www.trics.org](http://www.trics.org)) and relates to the 12 hour period 0700-1900.

On that basis, it seems unlikely that a dwelling will in actual fact result in any reduction in trips associated with the existing access.

With regards to the previous / historic application 09/00745/DET, I was not involved in the consideration of this application and am unaware of any previous comments by Transport Scotland such that we would have been prepared to allow the application on the basis that HGVs tend to be higher and that as such visibility standards are significantly better than those experienced by car drivers. Millard are quite correct in pointing out that visibility standards (presented in the Design Manual for Roads and Bridges) are regulated on the basis that all vehicles are classified as the same no matter the height of the vehicles and there are not separate visibility standards for cars and HGVs.

Notwithstanding, no such difference in visibility standards has been applied in the consideration of this latest application.

As regards what the applicant's architect refers to as the "*elephant in the room*" and Transport Scotland's previous approval for the use of the access for timber extractions and borrow pit work – ABC Ref. 19/01422/MIN (TS Ref. NW/331/2019), some clarity is required here, as what has been presented by both the architect and Millard is considered to be misrepresentative.

Application 19/01422/MIN was for the temporary use of an existing borrow pit to extract rock. Access to the site off the A83(T) was via the same access as would provide access to the proposed dwelling above.

Transport Scotland did not object to this application – on that we can all agree.

However, the Written Statement submitted in support of 19/01422/MIN – dated 12/9/19 and still available on the ABC planning portal, highlights it was anticipated that *a maximum of 10 low loader trips would be needed for mobilisation and demobilisation of site plant and equipment throughout the duration of the works.... Once the Borrow Pit is operational all traffic used to transport processed stone will utilise a combination of new build and upgraded tracks within the forestry.*

The Written Statement goes on to highlight with regards to proposals for preventing mud and other materials being dragged on to public roads: *Road brush / sweeper will be available if necessary, although we do not anticipate that this will be an issue given that once operational all Borrow Pit traffic will be running on the existing forestry network.*

On that basis, Transport Scotland did not object to application 19/01422/MIN.

In terms of the architect's suggestion that Transport Scotland *does not explore improvements that could be made* to the existing signage etc. on the A83(T) approaches to the existing access, Transport Scotland would advise as follows regarding the suggested improvements:

- Rumble Strips – whilst these can be used in some locations across the trunk road network (TRN), generally on the mainline approaches to major junctions i.e. roundabouts, their use in isolation on the approaches to below standard minor accesses is not generally considered appropriate, on both environmental and safety grounds. Not only are rubble strips or the like noisy, but they create a danger in such situations for two wheeled users. They also introduce discomfort to all road users. Additionally, were Transport Scotland to introduce rumble strips on the approaches to this single access, we would no doubt receive requests to install them more widely across the TRN for similar accesses which, for the reasons outlined, would not be appropriate.
- Flashing "SLOW" signs – again there are various examples of these across the TRN, but they are generally introduced in locations where there is a known accident issue or such. Transport Scotland would not proactively introduce these in a location to simply ameliorate a sub-standard access where there are currently no accidents. Doing so would again likely set a precedent and we could be asked for these on the approaches to other sub-standard access across the TRN. In addition, even if the applicant were to pay for the installation, Transport Scotland would be left with the operational and maintenance liability, as well as the replacement liability if the signs were damaged.

The current signage and carriageway markings in place on either A83(T) approach to the access are therefore considered to be appropriate for the current situation and comply with the necessary design standards.

Transport Scotland therefore remains of the opinion that the application should be refused on the basis that:

1. *The proposed development would result in increasing the number of vehicles entering and leaving the traffic stream at a point where visibility is restricted thus creating interference with the safety and free flow of the traffic on the trunk road.*
2. *The proposed development would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of the traffic on the trunk road.*

Many thanks.

Regards.

Gerard McPhillips

**a**

**Gerard McPhillips**  
Transport Scotland  
Development Management Quality Manager  
Roads Directorate

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**From:** Ormonde ADPM <>

**Sent:** 08 June 2023 22:18

**To:** McCallum, Fiona <[Fiona.McCallum@argyll-bute.gov.uk](mailto:Fiona.McCallum@argyll-bute.gov.uk)>

**Cc:** Ian McArthur Bain, Peter (Planning) <>; roadsconsmaiki \_\_\_\_\_

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**Subject:** Response to Request for Further Written Information - Notice of Review - Reference 23/0003/LRB (Planning Ref: <20/01901/PPP> - Land North of Swallowtale, Achnagoul, Inveraray [OFFICIAL]

Dear Fiona,

**Response to Request for Further Written Information - Notice of Review - Reference 23/0003/LRB**

Having had the opportunity to study the responses received thus far, on behalf of the applicant, I would like to make our final submission to present to the Review Body.

Transport Scotland's Gerard McPhilip detailed response regarding existing signage presents a useful commentary on what is already in place but does not explore improvements that could be made. Being proactive, I would suggest that additional written "JUNCTION AHEAD" wording could be added to the existing signage and possibly even rumble strips applied to the road surface to make drivers more aware.. Furthermore, illuminating flashing "SLOW" signs could be installed, possibly at the applicant's expense, which would further assist drivers to the presence of an already statistically safe junction. These are used to great effect in the Highlands and have proven to be a great benefit to motorists (a great improvement on "SLOW" road markings which wear over time).

It was quite telling that Mr McPhilip's final paragraph, giving the reasons for refusal, omitted the elephants in the room - Transport Scotland's previous approvals for the use of this junction for timber extractions and borrow pit works:

**"In considering the planning application Transport Scotland has already taken cognisance of the existing traffic signs and carriageway markings in place along the A83(T). However, despite these being in place, Transport Scotland remains of the opinion that the additional traffic associated with the planning application has the potential to impact on the safe and efficient operation of the A83(T). Transport Scotland would therefore continue to recommend that the application be refused."**

Transport Scotland believe that an additional dwelling house on a Brownfield Site in an area zoned for Housing would cause a greater impact on the safe and efficient operation of the A83 than Forestry and Borrow Pit workings with their associated heavy vehicle movements. To the applicant and myself, there appears to be a disconnect somewhere. With this in mind, let us present the facts that require to be taken into account which are backed up by the document provided in support by Millard Consulting who are experienced Transport Consultants - their original document is attached for reference.

1. This is an existing junction serving 5 residential properties and not a new access to serve a single dwelling
2. There have been no accidents reported at this junction
3. Transport Scotland have approved the use of this junction for slower moving vehicles for timber extraction and borrow pit extractions
4. The development is in an area zoned for housing and is a Brownfield Development
5. The site forms part of a small holding. The applicant would be well within his rights to keep livestock all year round on the site which could require several daily visits for checks, feeding, lambing etc. etc. This would create additional vehicle use over the junction which would not require the input of Transport Scotland.

With the greatest respect to Transport Scotland, the applicant and myself feel they have simply got this one wrong and are refusing to take the facts presented to them into consideration. This is why we find ourselves in the current situation and require the support of the Review Body to overturn the delegated refusal. Transport Scotland have already indicated that the Case Officer could have approved the application against their recommendation. Given the difficult position this would have put the past 3 Case Officers into, we ask the Review Body apply common sense and recommend approval for this application and send it to the Scottish Ministers for final approval.

Kind Regards,

**Duncan Macleman BSc (Hons) Dip. Arch**

**ORMONDE**

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Our ref: 230629 Swallowtale, Inveraray

Ormonde  
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For the attention of Duncan Macleman

29 June 2023

Dear Duncan

**20/01901/PPP: LAND NORTH OF SWALLOWTALE – ERECTION OF SINGLE DWELLING HOUSE. REVIEW OF TRANSPORT SCOTLAND COMMENTS**

Thank you for your recent call and for the information relating to Transport Scotland's comments on the above in principle application. We have reviewed the commentary and offer the following points that Argyll & Bute Council may wish to consider.

**Transport Scotland Objection**

Transport Scotland has objected to the application stating the following reasons:

- The proposed development would result in increasing the number of vehicles entering and leaving the traffic stream at a point where visibility is restricted, thus creating interference with the safety and free flow of the traffic on the trunk road.
- The proposed development would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard, thus creating interference with the safety and free flow of the traffic on the trunk road.

We have reviewed these comments and other information relating to the site. Our opinion is that Transport Scotland has not been consistent in its approach and has failed to consider suitable mitigation to allow the development of a single residential property.

**Review of Objection**

The existing junction is not of modern design, however, caters for access to five existing residential properties, a borrow pit and wider forestry / estate management activities. The borrow pit is currently not active but was recently in use.

A review of the online resource, Crashmap.co.uk indicates that for the last 15 years, there has not been a recorded accident at the junction. The closest recorded accident, which was classified as a Slight accident, was located approximately 270 metres (m) to the east of the junction. The details provided within the detailed accident report indicate that the accident occurred between two vehicles (a car and a light goods vehicle) passing each other on a straight section of carriageway and not in the vicinity of any junctions. The accident also happened in winter, occurring in November 2017.

Despite its evolved design, the junction has operated in a safe manner without any Slight, Serious or Fatal accidents over a significant period of time whilst providing residential access, timber extraction access and borrow pit access.

In their commentary, Transport Scotland state that junction visibility should be 215m in each direction from the junction and that the junction is therefore unsafe. They have not provided any drawings to illustrate this. Furthermore, they have not provided any information in relation to accidents or near misses at the junction to demonstrate that the junction is unsafe. As detailed above the accident information provided within Crashmap.co.uk shows that no accidents have been recorded at the junction or in the immediate vicinity of the junction for over 15 years.

Transport Scotland have relied upon a video survey to estimate reaction time for the traffic turning right into the access junction. The speed noted for traffic on the road is “fairly high”, the description of which is vague and unscientific.

They state that the “*the actual reaction time and stopping sight distance available to mainline traffic, should a vehicle be waiting to enter the access or be exiting the access and heading west, is considerably less than the desirable minimum*” without stating what they consider the reaction time to be. Again, this is vague and unspecified.

Works to enhance visibility at the junction and to provide advance warning could include:

- Trimming of verge vegetation along the A83;
- Verge clearance and regrading works to improve forward visibility and visibility splays; and
- The provision of a suitable static road sign advising drivers of an access ahead.

None of these options have been considered by Transport Scotland, all of which would further assist with improving visibility and awareness of traffic at the junction.

Transport Scotland has stated in their response to an MSP letter the following: “*With regard to the other recent application referred to, this relates to the use of an existing borrow pit to extract rock (ABC Ref. 19/01422/MIN & TS Ref. NW/331/2019). In assessing this application, we noted that access to the site was to be via an existing forestry access off the A83 – the same access as proposed in the most recent application highlighted above. However, in the supporting information submitted with this application, it was anticipated that a maximum of 10 low loader trips would be needed for mobilisation and demobilisation, and that all other trips occurring would be within the forestry area (see Written Statement 12/9/19 available on the ABC planning portal). On this basis, our Operating Company and Area Manager did not raise any concerns, and we did not object to this application.*”

It is acknowledged that the borrow pit application does relate to 10 low loader trips, however it does not make any mention of the staff required to operate the equipment listed in the document, namely 2 x 20t excavators, 1 x wheeled loading shovel, 1 x mobile primary crusher, 1 x screener, 2 x 25t dump trucks, 1 x dozer, 1 x welfare office, 1 x road sweeper (if required). This would equate to approximately 8 staff per day, resulting in a further 16 movements at the junction per day. With the closest residential area being Inveraray, the likelihood is that the majority of

construction traffic would access the site from the north, making a right hand turn manoeuvre at the junction, the very movement that Transport Scotland have concerns about.

The report accepted by Transport Scotland also fails to comment on how the access junction would serve the wider electrical grid reinforcement project that would appear to require deliveries of concrete and steel to facilitate up to 10 OHL towers and all associated cable stringing activities in this section.

The movement of staff working at the borrow pit and engagement on the construction of the OHL development will have been greater than the small number of vehicle movements that one residential property can realistically generate, especially as some trips (post van, refuse collection, etc.) will be shared with the other properties that currently safely access from the junction. Transport Scotland has therefore been entirely inconsistent in its approach and has already permitted a higher intensity traffic generating use on a junction that it does not consider safe. The result, however, has been that the junction has operated safely, with no accidents recorded. As such, it is considered that the effects of one additional property at the junction have already been proven by Transport Scotland to have no detrimental effects on the safe operation of the junction.

With regards to the comment by Transport Scotland that one residential property will significantly affect the free flow of traffic on A83, which is a trunk road, is highly overstated and not proven. The closest permanent traffic count site (ATC08055) operated by Transport Scotland is located to the south of Newtown on the A83, approximately 4 kilometres north of the junction. Traffic data for the most recently available data from the counter, which is 2019, shows the Average Daily Traffic (ADT) to be 2,817 two-way vehicle movements. The theoretical capacity of the A83 in the vicinity of the junction, based on Design Manual for Roads and Bridges (DMRB), Volume 15, Part 5 "The NESMA Manual" is estimated to be 43,200 two-way vehicle movements per day, clearly demonstrating significant spare capacity. Therefore, based on this level of existing two-way traffic operating on the A83 trunk road, it is considered that the addition of the vehicle trips associated with one residential property will have no significant impact on the free flow of traffic.

Transport Scotland has made mention in their objection to a policy comment from Argyll and Bute Council, relating to adoptable road standards of the existing track leading from the A83 up to the existing dwellings and the location of the proposed development, suggesting that Transport Scotland's comments accord with those of Argyll and Bute Council. We would dispute this and advise that they relate to completely separate matters. Transport Scotland's objections relates to the operation of the junction and its potential effects on the A83, whereas the policy comment from Argyll and Bute Council relates to the standard of the existing access track and the suitability or otherwise of this to accommodate an additional residential development. We consider the inclusion of this comment is outwith the remit of Transport Scotland and its term consultant Systra and has been included solely to further gain support from the Council.

The existing junction may not accord to modern design standards, however not all junctions across the Country do as they have evolved, rather than been designed. This junction has ample capacity to accommodate the very low traffic flows associated with the addition of one house.

The junction currently operates in a safe manner and furthermore has done so during periods where there has been an intensification in use by other land uses, accommodating both types of vehicles and numbers of vehicles above what it would have originally been proposed for. With the clearance of the verge and provision of a static road sign, the junction operation can be enhanced to provide a betterment to the current situation.

Based on the above information, it is considered that the existing junction can accommodate the proposed development without any detriment to other road users or the safe operation of the

junction. We would therefore suggest that the Council consider these material points in its planning assessment of the proposed development at the Local Review Body.

Yours sincerely

On behalf of **Pell Frischmann**



**Stephen Cochrane**

Associate Director

cc.