

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

28 September 2023

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **THURSDAY, 5 OCTOBER 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: EILEAN LOCH OSCAIR, OFF ISLE OF LISMORE (REF: 23/0006/LRB)**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 116)
 - (b) Comments from Interested Parties
 - Planning (Pages 117 – 142)
 - Oban Access Panel (Pages 143 – 144)
 - (c) Comments from Applicant (Pages 145 - 146)

Argyll and Bute Local Review Body

Councillor Gordon Blair
Councillor Liz McCabe

Councillor Amanda Hampsey (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: planning.hq@argyll-bute.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100577561-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o The Estates Office"/>
First Name: *	<input type="text" value="A"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="MacGillivray"/>	Address 1 (Street): *	<input type="text" value="Gibraltar Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Oban"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA34 4AY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="paul@houghtonplanning.co.uk"/>		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing
 Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of short-term holiday let accommodation, outbuilding and pontoon and installation of sewage treatment plant

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Local Review Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Application as submitted Report of Handling Decision Notice Local Review Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/02100/PP

What date was the application submitted to the planning authority? *

18/10/2022

What date was the decision issued by the planning authority? *

18/07/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

See Local Review Statement

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Island only accessible by boat.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Paul Houghton MRTPI

Declaration Date: 22/08/2023

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Local Review Statement

Reference No: 22/02100/PP

Applicant: Mr A MacGillivray

**Proposal: Erection of short-term holiday let accommodation,
outbuilding and pontoon and installation of sewage treatment
plant**

Site Address: Eilean Loch Oscair, off Isle of Lismore

Introduction

This Local Review Statement has been prepared on behalf of the Mr MacGillivray (hereafter the Applicant) by Paul Houghton MRTPI of Houghton Planning Ltd. It responds to the reasons for refusal for the Application as set out on the Decision Notice dated 18th July 2023.

The Applicant would like to make clear that this is a unique 'one-off' project, and one that will not only help use the island for an innovative purpose supporting it as a croft, but has also been designed to blend with the landscape, and to a very, very high standard, and has all the sustainability credentials that can be mustered. The Applicant hopes it will eventually be award winning should councillors support it.

In the meantime, for the purposes of this local, the design quality is seen as a significant material consideration in favour of this development being allowed, and on its own outweighs all the concerns raised by the case officer in her Report of Handling.

The Applicant appreciates that building on this island will be novel, but the planning system has always welcomed innovation, as indeed does National Planning Framework 4 (NPF4). It was perhaps inevitable that it would be left to councillors to determine the appropriateness of this development, and perhaps that is the right thing for something that is pushing the boundaries of what is possible in design and constructional terms.

The Applicant would love the opportunity to show councillors the island at a site visit, although he appreciates that this may be difficult to arrange, although he does have access to a boat that could be used for the purpose.

If the above is not considered possible, the Applicant is looking into commissioning a drone video of the island, which will be forwarded as soon as it is available. Still photographs from that will also be provided just in case a short video is not permitted to be shown at the Local Review Body.

Finally, before reading the rest of this Statement, it is requested that councillors read the entirety of the Design Statement first because this sets out the vision for the island eloquently, as written by the person who has designed the buildings.

The remainder of this Statement now follows the same order as the Report of Handling for ease of reference by councillors.

Representations

The Applicant welcomes the support of the Lismore Community Council who can see the many merits of this proposal. This support is a further material consideration in favour of planning permission being granted.

As for the comments of Oban District Access Panel (ODAP), the building itself is fully disabled accessible. Yes, disabled people will need a boat to get to the island, but that is also possible, and the Access Panel have not raised that as an issue.

Summary Assessment

It is accepted that the development will have a visual impact on the Lynn of Lorn National Scenic Area. However, that impact will be limited by virtue of the position, design, and materials proposed, for the buildings.

This is a small-scale and discreet intervention that will be visible from the sea as people pass, but will be a thing of beauty and interest. If that is accepted, then the proposal complies with NPF4 Policy 4 c because the *“objectives of designation and the overall integrity of the area will not be compromised”*.

Furthermore, there is an economic benefit from adding a unique holiday experience to the island supporting the Applicant and his croft whilst, if councillors are impressed with the design, then this could be seen as being of ‘national importance’.

It is accepted that the development does not fall within one of the accepted categories under LDP Policies LDP STRAT 1 and LDP DM 1, and thus is at odds with NPF4 Policy 9 b. It also fails to find favour under NPF4 Policy 10. However, this is more than outweighed by the material considerations suggested above, notably the exceptional quality of the design.

The comments the case officer makes regarding NPF4 Policy 14 such as the island being isolated, and the development not being connected to an established settlement, development, or infrastructure, are all correct, but detachment is the very point of the proposals. It’s about a sense of isolation for those that will stay on the island that will be the unique selling point. This proposal is about introducing a high quality, small holiday dwelling to this unique landscape. It cannot, therefore, be expected to comply with every policy, or nuance of a policy, and needs to be considered for what it is. If councillors see the wonderment in the design and concept, then that is enough to allow it. If they think it could be award winning, and put Argyll on the map, that tips the scales massively in favour of approval.

NPF4 Policy 17 is not considered relevant to this proposal. The building is not being proposed for permanent occupation, which would clearly be difficult due to the position of the island, and adverse weather to be expected during the winter months. It will likely only be used during the summer months, and mothballed (winterised) once harsher weather sets in.

NPF4 Policy 29 seeks to encourage rural economic activity, innovation, and diversification, which this proposal meets in all respects. It is supported by the local community who provide the answer to the concerns raised by the case officer in relation to this policy by underlining that the development *“would be a useful facility and diversification for a working croft, helping support the farming enterprise of a local family”*.

NPF4 Policy 30 seeks to encourage, promote, and facilitate, sustainable tourism development. This development ticks all those boxes by providing a unique holiday offer in an amazing landscape setting that is likely to attract people to Argyll from far and wide. Some will stay there; some may simply sail

by to have a look. All of them will contribute money to the local economy, and will help support local tourism-related jobs.

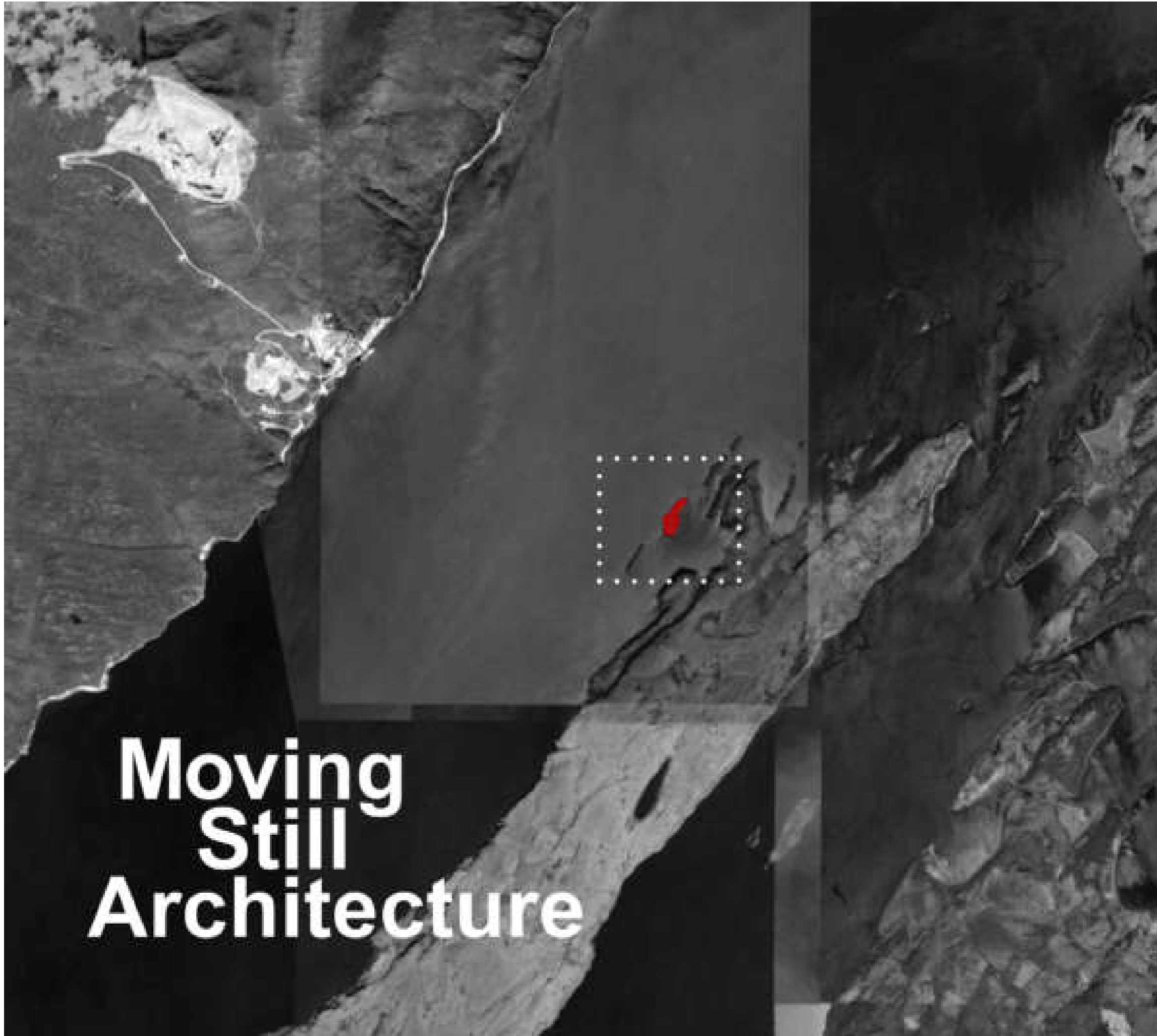
Conclusion

For the reasons given above, there is a strong argument in favour of granting planning permission. It is accepted that every policy requirement is not met. However, that is never going to happen for what is a unique project in an awe inspiring landscape setting.

If councillors like what they see, then that is enough to support the development, thereby setting aside the concerns of the case officer who has, understandably, wanted the proposal to comply with every policy, and every part of every policy. That is never going to happen where a proposal is pushing the envelope, and testing the limits of the possible.

As a final thought, a couple of examples of award winning houses are included with this local review. Neither had an easy ride through the planning system, but the results are stunning, particularly the Assynt house that sits in splendid isolation in the sparsely populated coastal area of Assynt in the North West Highlands. That could happen here with Eilean Loch Osaic on the RIBA 2024 or 2024 shortlist.

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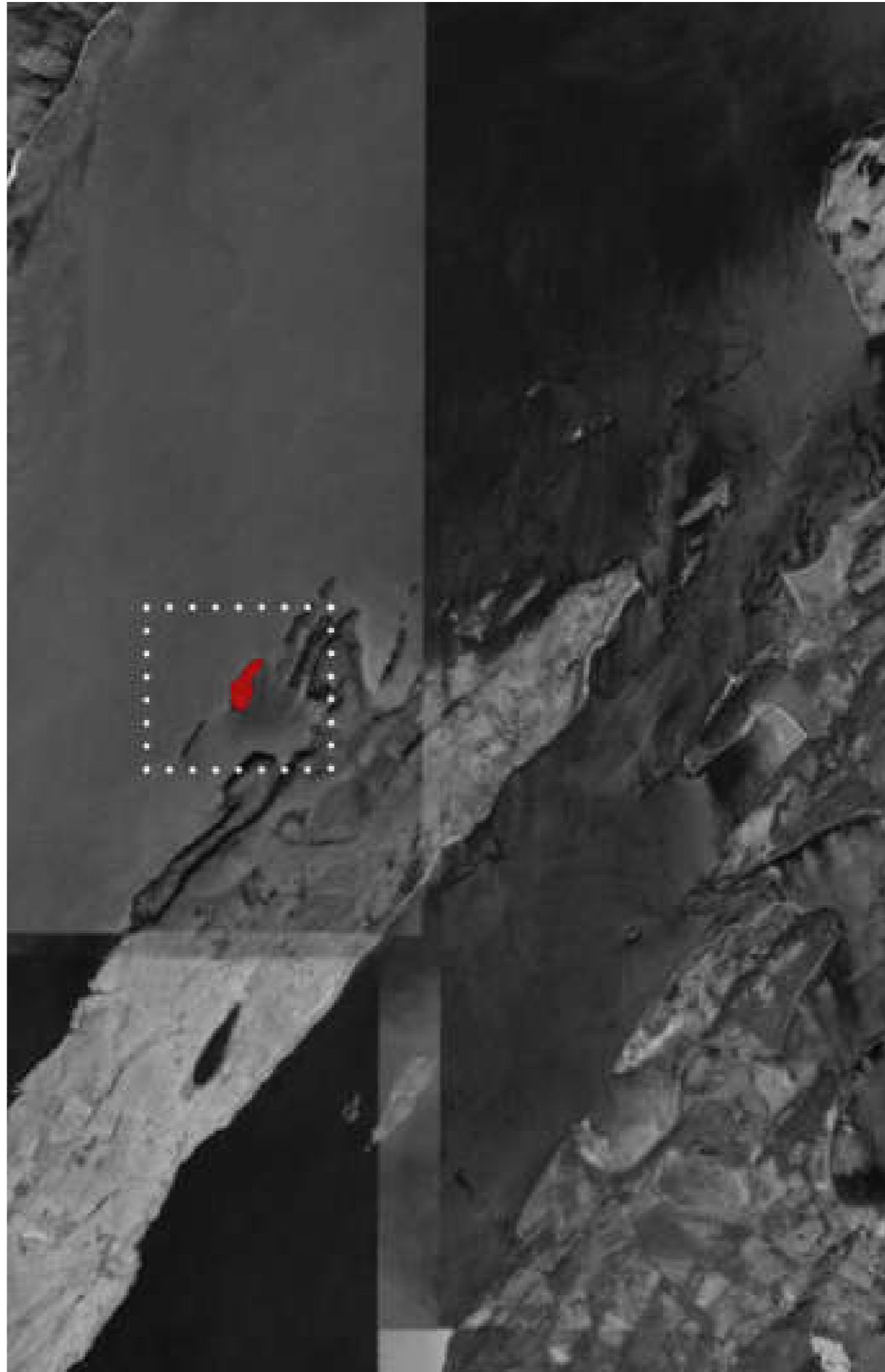


Moving Still Architecture

Eilean Loch Osaic
by Lismore

Design Statement

June 2022 (Original at A3)



Preamble

We are pleased to submit this design statement in support of an application to create a unique and beautiful holiday home on Eilean Loch Oscair; a small island situated at the north-western edge of Lismore, on Loch Linnhe.

Having visited the island, we were struck by the beauty of the site, and by the unique opportunity, and challenges, that the project presents.

We hope that the strategies we've developed - in relation to the site, the architectural scheme, and the technical realisation of those ideas, does justice to the stunning beauty of this amazing place.

We recognise and accept a profound responsibility to approach the site with a determined sense of respect and care - and hope that the proposals described here express that very clearly.

Introduction

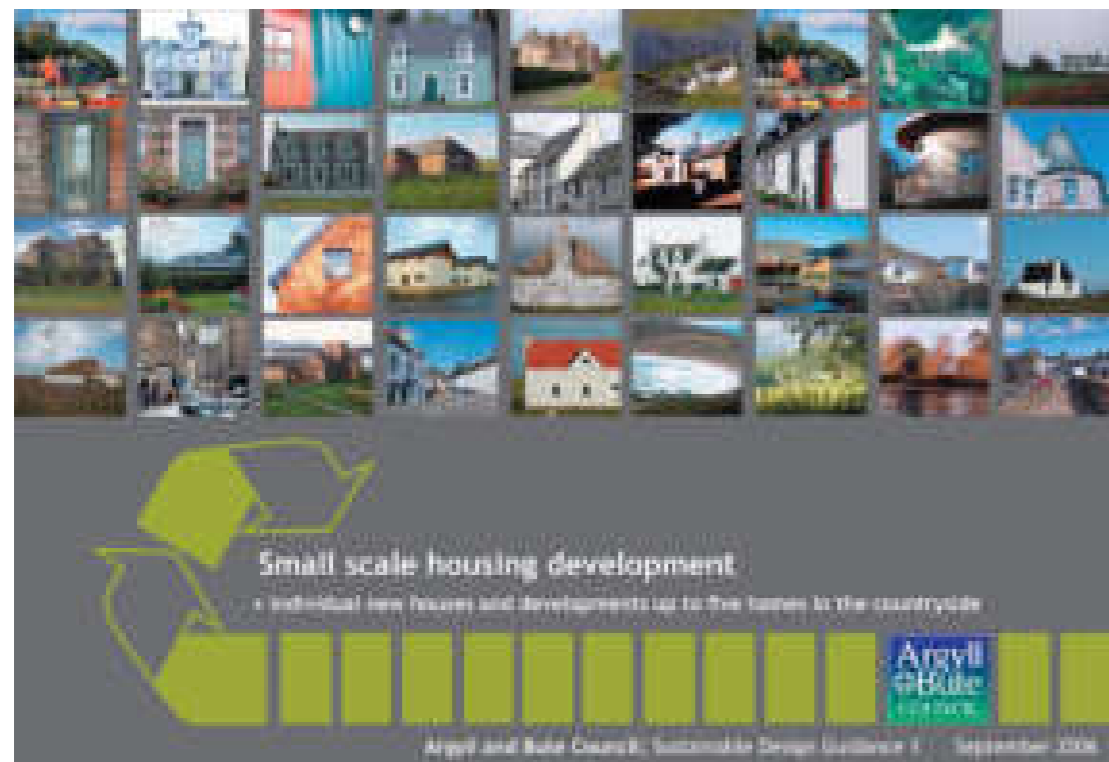
This application relates to the proposed installation of a high quality building to create a three-bedroom holiday accommodation unit, on Eilean Loch Oskair. Our aspiration is to design a building of excellent quality, so as to justify its presence on this very special site, and to make a positive contribution to the visual quality of the island.

Eilean Loch Oskair is a small island, located at the north-western edge of Lismore on Loch Linnhe. We are acutely aware of the landscape character of this place, and have gone through a rigorous process, continually seeking to refine the design, so that the final proposal is a sensitive, sustainable, and beautiful building.

We have visited Eilean Loch Oskair, travelling by small boat down Loch Linnhe. We have walked the island, making sure that we understand the constraints and opportunities that the site presents. We have recorded in sketches, photographs and a model, key observations across the island. That analysis has been absolutely critical in our design process; in fact, the desire to create a scheme which is appropriate to the island has guided our architecture – which has evolved to reach the design which is submitted in this application.

Design Process

Throughout the design process we have continually referred to the Argyll & Bute 'Small Scale Housing Development / Sustainable Design Guidance' publication. We have intertwined that with our own research on small-scale 'off-grid' sustainable architecture, as well as technical research in to pre-fabrication (particularly in relation to marine-based delivery to site of prefabricated components). All of this work has been really important to us – so that we can be confident in the credentials of our proposal in relation to preservation of the existing landscape, long-term / whole-life sustainability, construction logistics, and climate awareness.



Ref: **Argyll & Bute Council**: *Small Scale Housing Development, Sustainable Design Guidance* (2006)

Project Introduction

Furthermore, we have been keen to relish and enjoy the architectural opportunity this project presents. So, while going through that process of research on the technical issues described above we have also focused on human aspects – ideas about how people could enjoy the unique opportunity that visiting this building, and this island, would present. In other words we also want this project to be excellent so that the people who visit it find themselves in a building that is beautiful and joyous, so they can sit and enjoy the views up and down Loch Linnhe, and soak in the stunning nature of the place.

There has been research carried out in relation to flood risk, which has identified the areas on the island where a building could be located, and we have worked within those parameters. As mentioned above, we have discussed our proposals in principle with a leading marine logistics operator, to make sure that the dimensions of the scheme we have proposed could be readily delivered to the site in prefabricated parts, and assembled on the island.

Our initial ideas focused on a contemporary building within a traditional / vernacular form – it was a one-and-a-half storey, pitched roof scheme dressed in contemporary cladding, with large picture windows so that the views around Loch Linnhe could be fully enjoyed. We were pleased with the scheme to a large extent, but in reviewing these proposals we wondered whether it could be possible to create something that responded more directly to the landscape and topography of the island; a building which would sit lower in to the landscape.

Page 20 of the Argyll & Bute 'Small Scale Housing Development / Sustainable Design Guidance' discusses preferred approaches to the siting of buildings, and specifically mentions the traditional way in which rural buildings are often "*grounded within the landscape*" and "*work with the contours for shelter*". These notions basically capture the critical idea which led to the revisions we made to our design. We started looking at options for a single storey, low-lying scheme whose roof would sit much more closely to the horizon of the island. Early moves involved breaking up the mass of the building in to two 'fingers' – so that each block could enjoy the views and benefit from natural light in a way that a building with a deeper plan might not.

The final move was to 'crank' the main element of the plan. This move was based on creating a sense that the building was hugging the landscape as closely as possible. We have proposed a pair of linear elements, linked in the middle, and with a small outbuilding.

We hope that the design moves which have led to this final proposal mean that the building will be a much less prominent – so that the architecture can "*minimise [it's] impact on [the] landscape setting*" (Page 24, Argyll & Bute 'Small Scale Housing Development / Sustainable Design Guidance').

We have proposed no formal / structural landscaping as part of this proposal. Our idea is that the building would sit gently on the landscape, and would not seek to permanently alter it. Therefore we've made are no proposals for fencing, planting, paths etc. We have included a modest pontoon so small boats can land people on the island, but that's all. We would want the building to make a 'light touch' on the ground. We would propose screw piles instead of traditional foundations, and as mentioned above the building would be largely prefabricated off-site. This means that effectively in the future the building could be deconstructed / demounted and

removed in sections, then the screw piles could be removed or capped, so that the building would leave no trace on the island.

Technical Considerations

The design is expected to be 'off-grid' – following much of the advice offered on pages 32-35 of the A&B Sustainable Design Guidance. We have anticipated that grey-water would be reused (this is the main reasons the WCs are grouped together in the plan), that composting toilets would be provided, and that an array of solar pv would be used to generate electricity – with capacity for battery storage of power and a small generator to back-up that supply. We would also anticipate a bore hole would be used to provide water, as is the case at other locations along Loch Linnhe.

The weather was good when we visited the island, but we've spent lots of time on the west coast, and are fully aware that this isn't always the case. The desire to shelter the building was part of our thinking with the low-lying massing we've proposed, but at the same time we want to allow people to really enjoy the sensational views – which is the reason we've proposed large areas of picture-windows. The compromise we've proposed is that all of those large openings would have slatted timber external shutters which could run over the openings during winter – offering protection from the elements, but still allowing for views out and for light to come in.

We have proposed that the building would be clad in high quality, sustainably sourced timber cladding (as described in pages 44-45 of the A&B Sustainable Design Guidance). We feel that this material would create a natural harmony with the landscape, and would look very attractive.

Summary

The following pages will summarise the design process we've followed, and will highlight all of the ideas described in this text which have been critical to our architectural thinking.

We feel privileged to have been able to work on this project, and are keenly aware of the quality of the site we're working on. We hope that our proposal is an appropriate response to that context.

We think the scheme could be an exemplar in low-impact, sensitive, contemporary rural architecture – a sustainable building which is befitting of it's beautiful location.



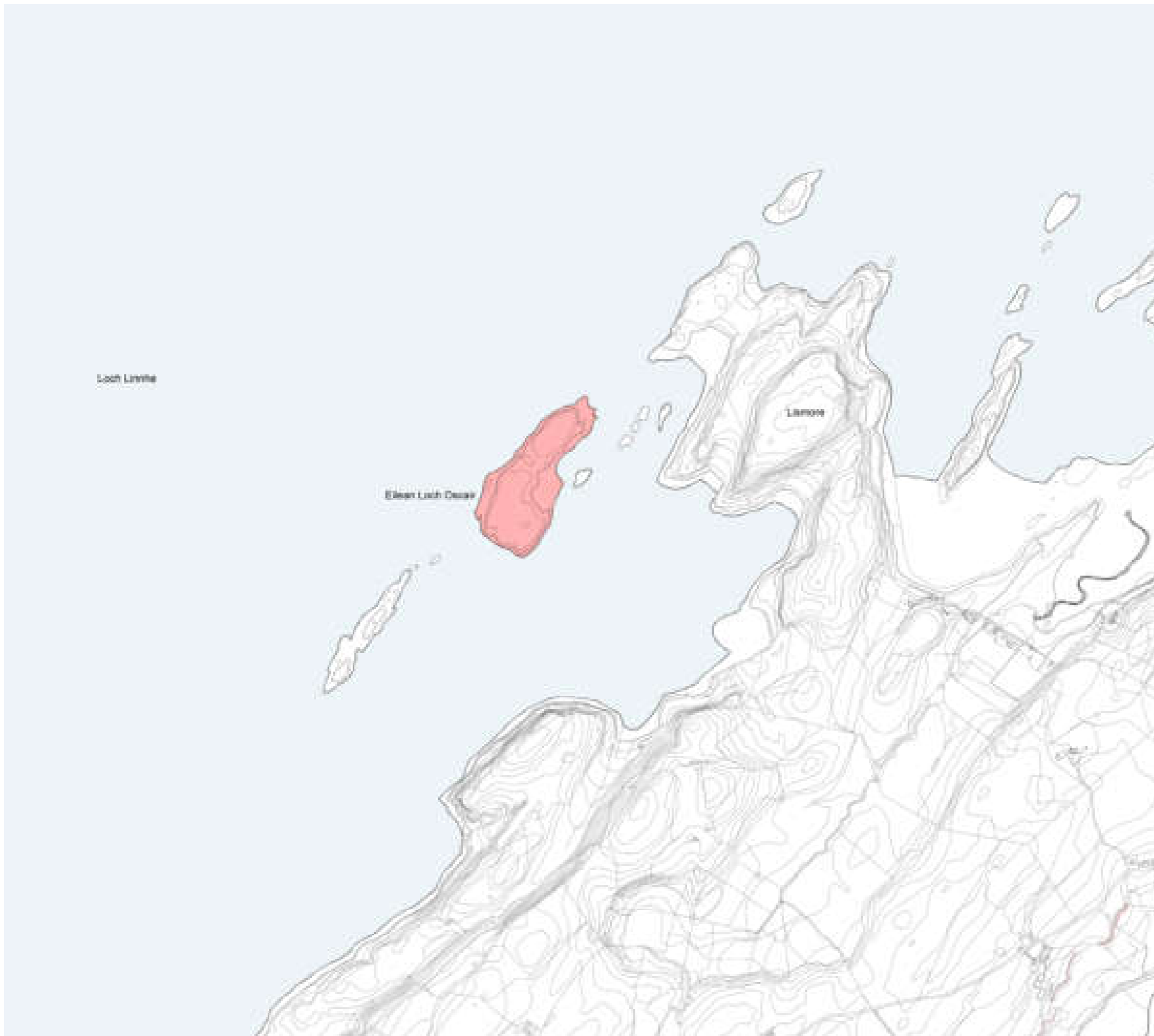
Approaching Eilean Loch Oscair from the north on Loch Linnhe.



Alongside the southern edge of Eilean Loch Oscair.

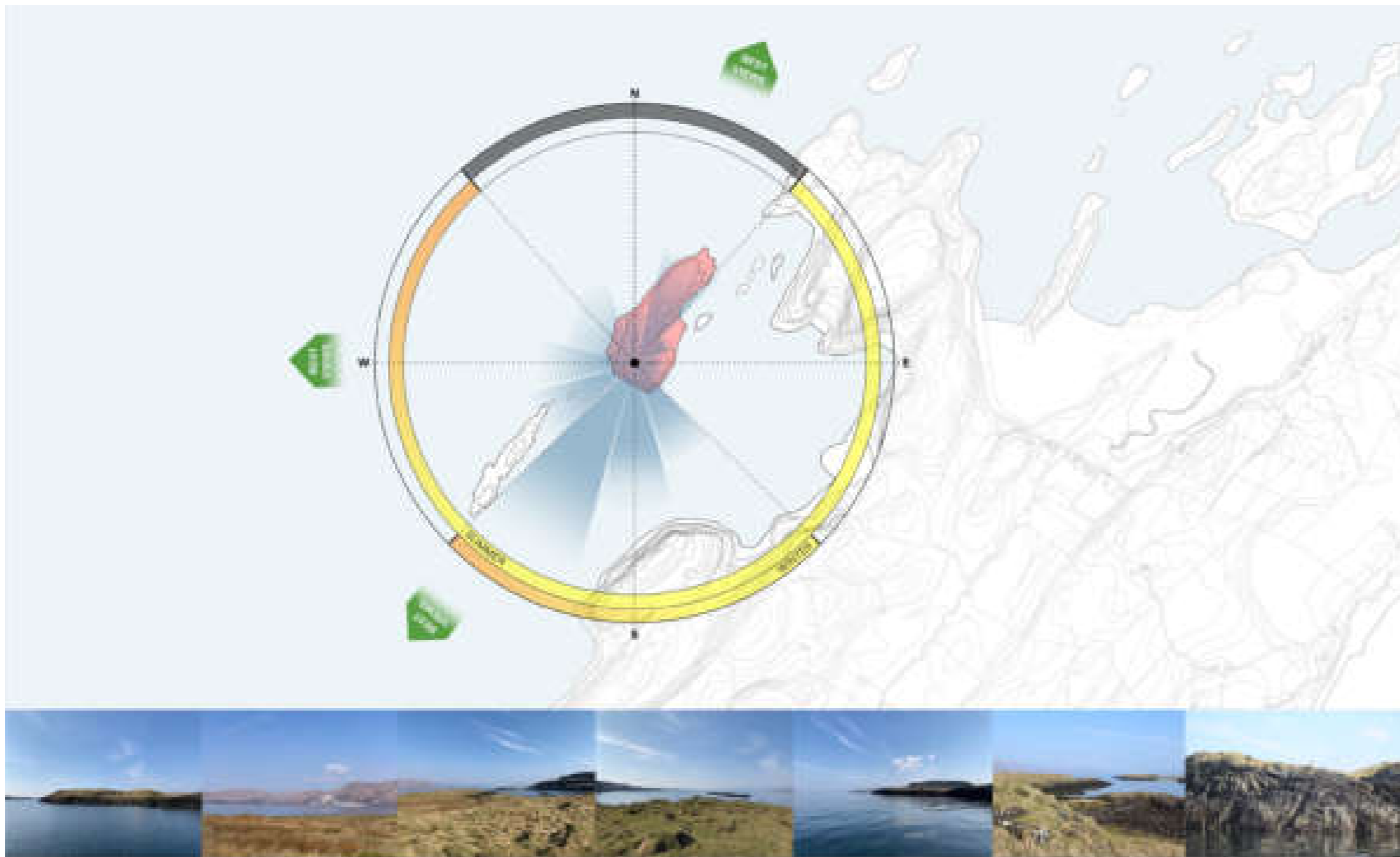
Location

The site is Eilean Loch Oscair, which is a small island located at the north-western edge of Lismore, on Loch Linnhe.

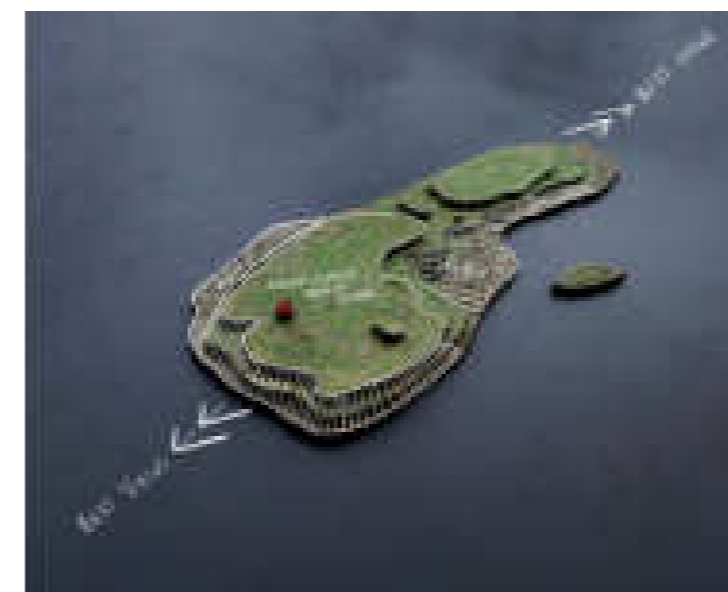


Site Analysis

Having visited the island we carried out a detailed site analysis exercise. This included items such as climate, sun path, prevailing winds, aspect and outlook and landscape character.



Physical model of Eilean Loch Oisclair (orig scale 1:1,000)



June 2022

**Moving
Still
Architecture**

Site Analysis

This is a selection of the photographs taken around and on Eilean Loch Oisair during our visit. We have continually referred to these images throughout the design process.



On our approach to the island, showing the slight hollowing on the horizon. This is where the proposed building has been located; in an attempt to hug the contours of the land, and respect the integrity of the broader horizon.



Eilean Loch Oisair.



The site is tucked in to the hollow in the centre of the image, with the horizon of Lismore behind.



Looking east, back over towards Lismore.



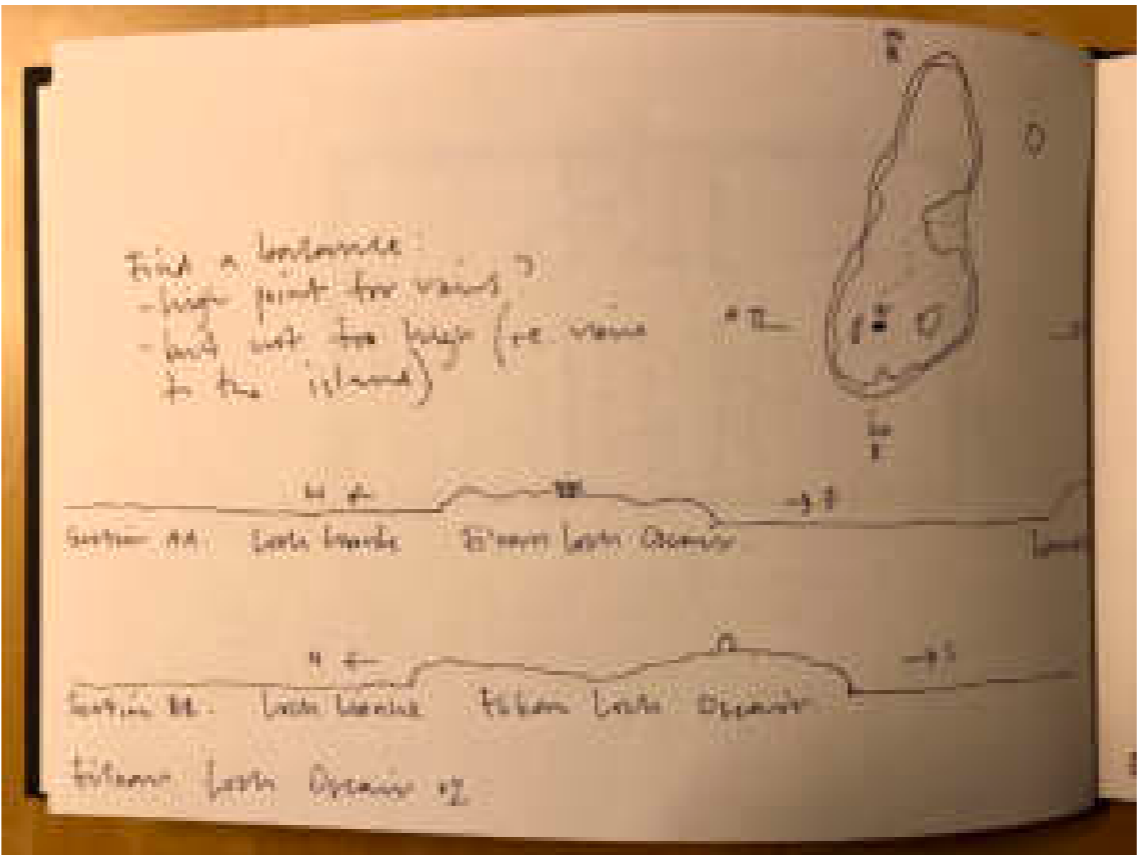
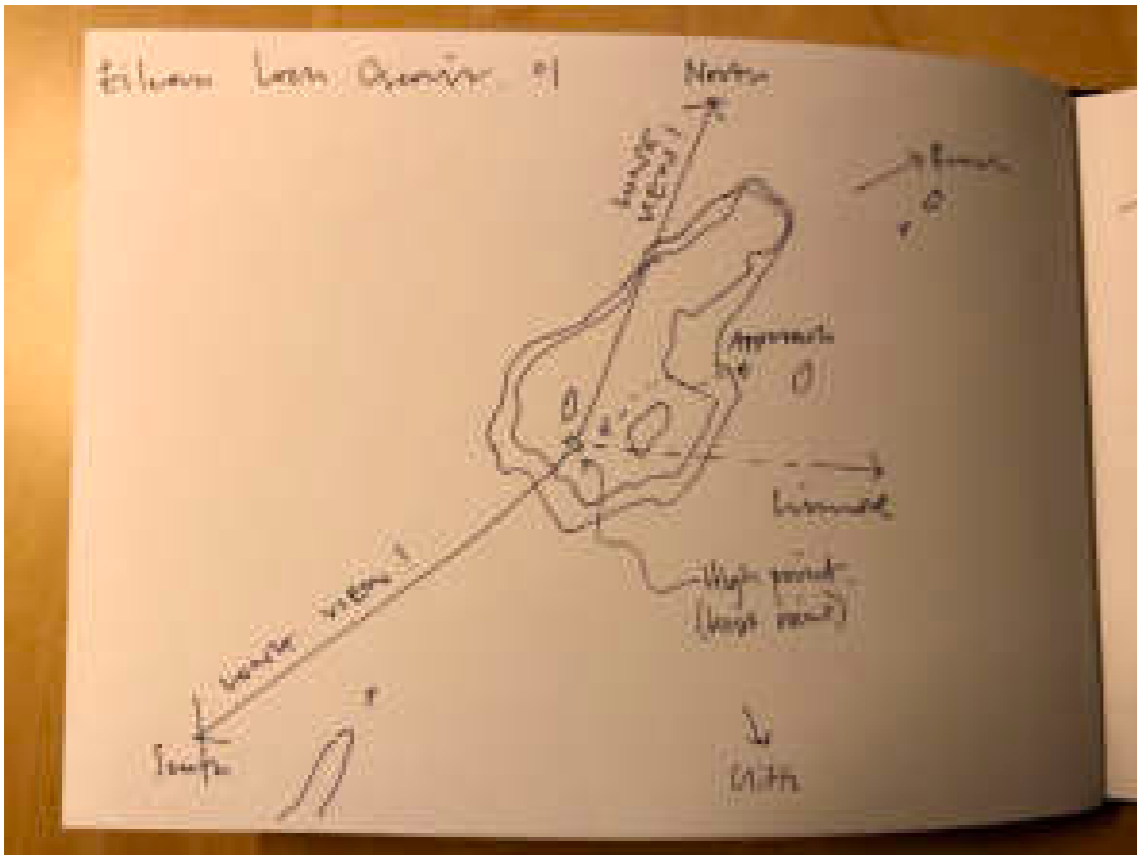
Looking north from the site.



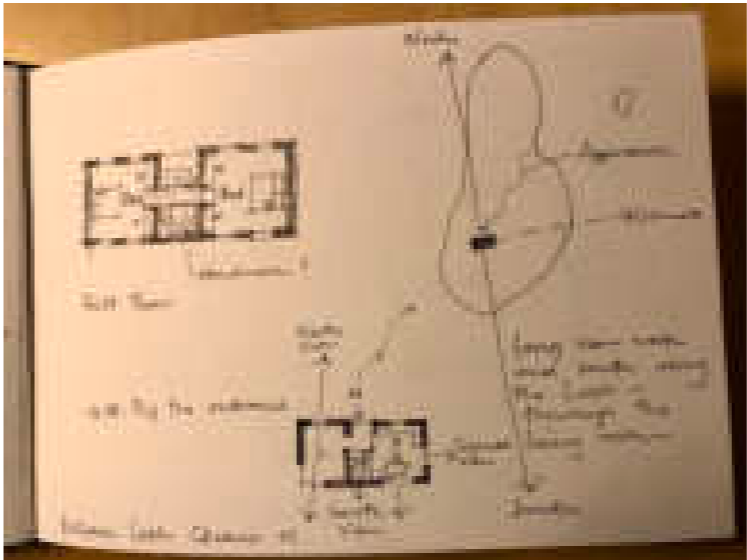
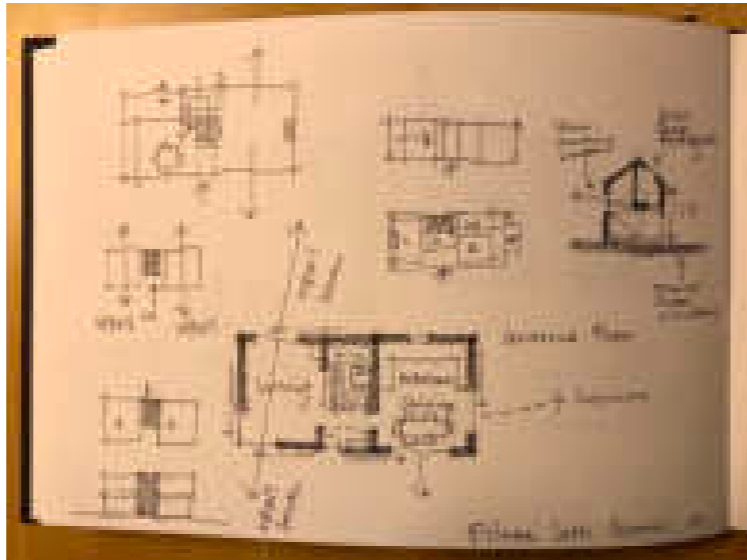
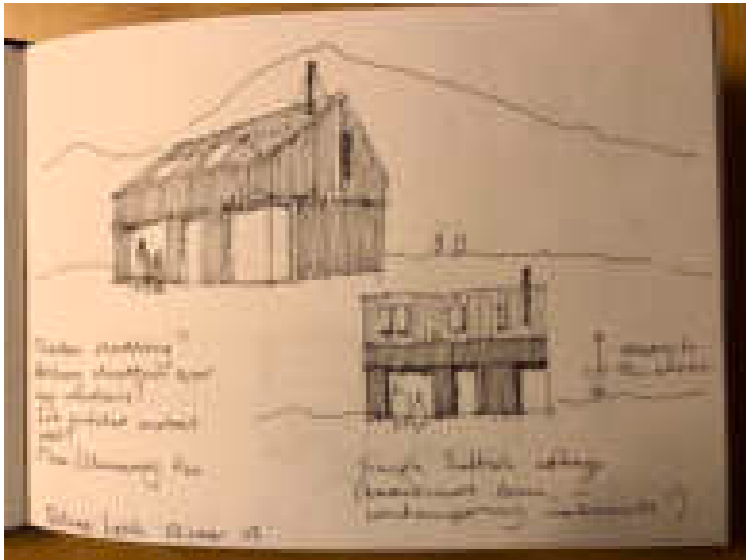
Looking south from the site.



Where the island meets the water.



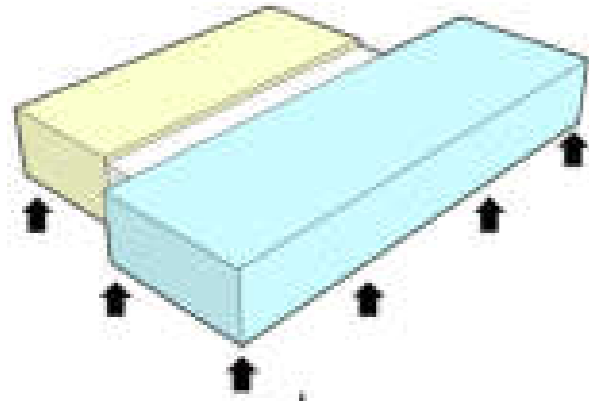
These sketches illustrate some initial thoughts on site design and architectural strategy for our initial options.



Preliminary Analysis / Sketch Design

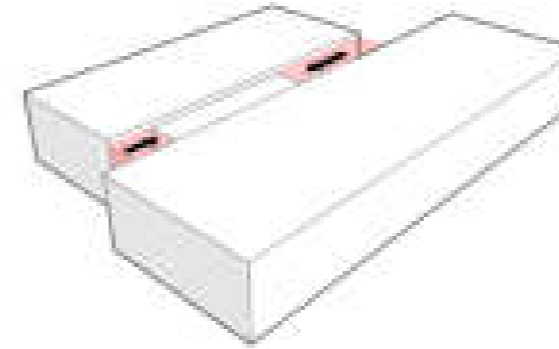
Having prepared massing studies for that initial option we elected to revise our architectural strategy, in favour of a scheme with reduced massing and scale, which would attempt to hug the landscape and sit lower to the horizon.





I
TWO BLOCKS

The geometry of the building is arranged with two main 'blocks', elevated slightly off the ground in order to minimise the impact on the island's surface.



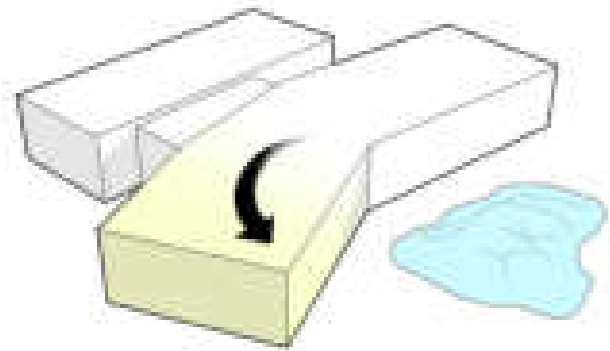
II
THE CONNECTOR BLOCK

The middle section, connecting the two main blocks is reduced in size in order to provide clear visual separation, and to frame views, as well as naturally guide the user in to the building.



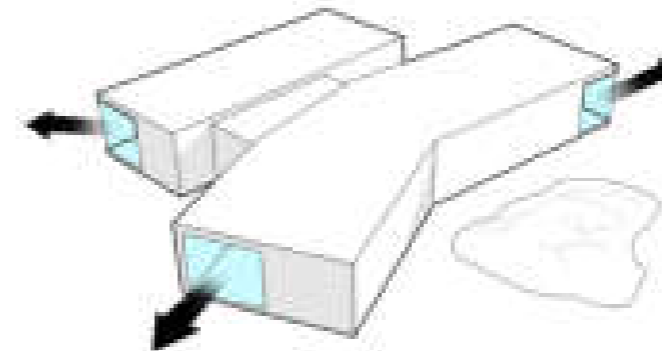
V
MODEST PRESENCE

The building is settled in to the landscape in an understated way; barely protruding over the horizon when seen from the water. This diagram reflects the view shown in the photograph of Page 7 (top left).



III
WORKING AROUND THE LANDSCAPE

The larger block is 'cranked' around a nearby outcrop which helps the building sit better within its environment, minimise the impact on it, and allows the internal arrangement to focus on opening up to the best views to the north and south.



IV
THE VIEWS

The building is orientated in a way which best utilises the breathtaking views all around, including sea views to the south, and views on to Lismore towards the east and north-east. Large window openings help bring light deep in to the plan as well as connect the building users with the environment directly from the key internal spaces.

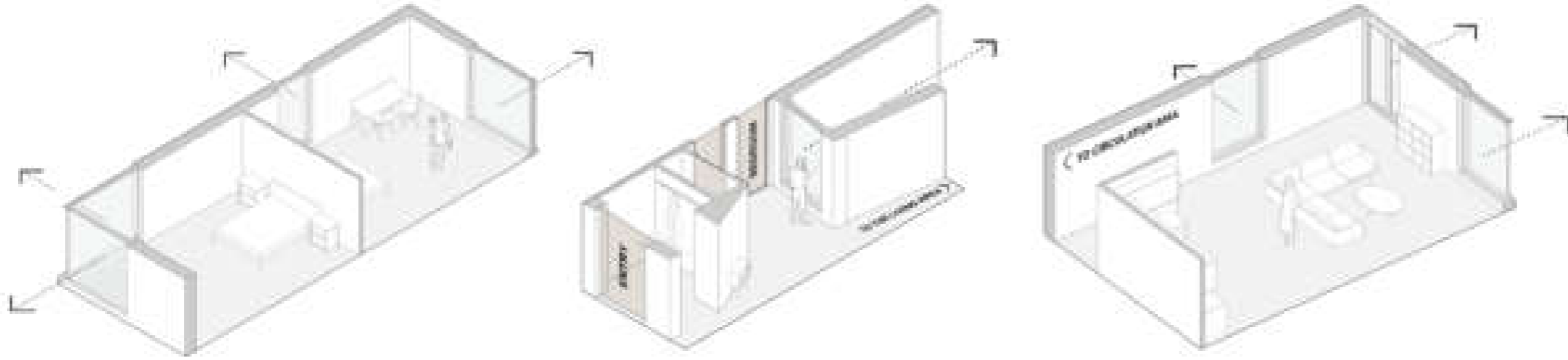
These diagrams formalise the architectural steps we followed in trying to understand and clarify the revised scheme; they identify the ideas that have been particularly important to the design.

We hope that these diagrams can clearly explain the method and critical ideas we've followed through the design process, all of which has been in an effort to ensure that the architecture is dynamic and exciting, while constantly pushing to ensure our intervention is appropriate and sensitive to the landscape.

BEDROOMS:
 - lots of light
 - beautiful unobstructed
 - quietness

CIRCULATION BLOCK:
 - in the heart of the house
 - beautiful light space
 - access to all spaces
 - deep threshold

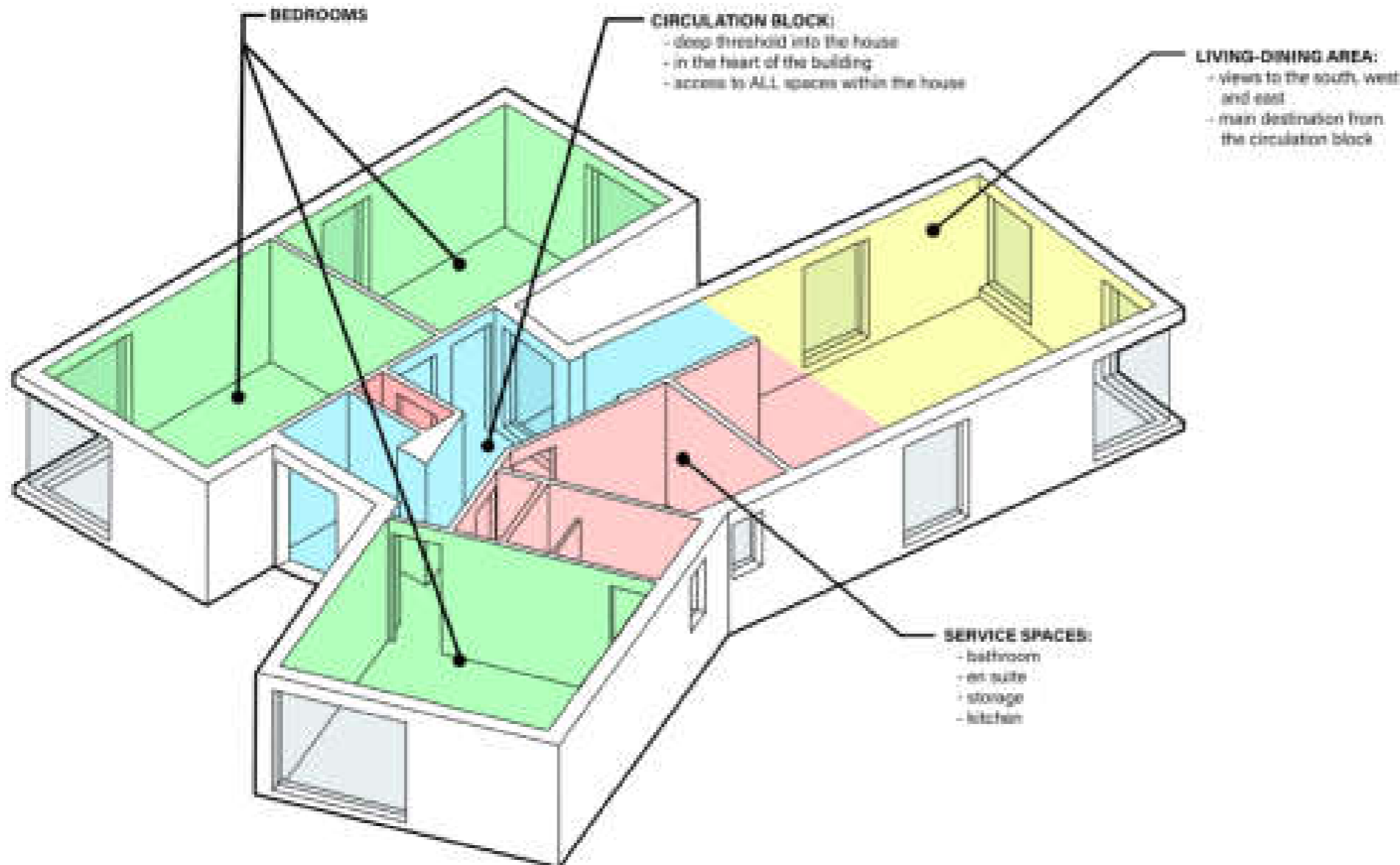
LIVING AREA:
 - open plan living-dining kitchen
 - access to all
 - view of landscape



Developed Proposal

These diagrams seek to demonstrate the relationships and qualities of the internal spaces which are created in the building, and show how these work in synergy with the broader architectural preoccupations described in the previous pages.

We feel that these are great spaces, which make the most of the stunning situation of the building.





The central circulation space, which feels deliberately enclosed, which connects the main spaces.



The view upon entering the main living and dining area - giving a clear glimpse of the sea.

Developed Proposal

Illustrative renders of our proposal.

Developed Proposal

Illustrative renders of our proposal.



Throughout the design process we've been focussed on creating internal spaces which connect with the landscape beyond in a poised and considered manner.

Developed Proposal

Illustrative renders of our proposal.



An illustrative view of the approach to the building, showing the principle which was described in the diagram on Page 11.



The proposed building, resting gently on the landscape of the island.

Design Statement (June 2022)

www.movingstillarchitecture.com

jamie@movingstillarchitecture.com

**Moving
Still
Architecture**



House in Assynt by Mary Arnold-Forster Architects - Awards RIAS Award 2021 - Shortlisted for RIBA House of the Year 2021



Cuddymoss, North Ayrshire - RIBA National Award winner 2023 - 2023 RIAS Award

18th October 2022

Argyll & Bute Council
Central Valuation Team
Planning and Regulatory Services
1a Manse Brae
Lochgilphead
Argyll
PA31 3RD

Our Ref.: PH

Dear Sirs

Eilean Loch Oscair

Houghton Planning is instructed by Mr A MacGillivray to apply for Planning Permission for new short-term let holiday accommodation, and a new pontoon, on Eilean Loch Oscair, off Lismore.

The proposal has been the subject of a Pre Application Advice Report (5th March 2020) (ref: 20/00318/PREAPP), although that was for a dwelling whereas the decision has been taken to apply for holiday accommodation instead, so that people can enjoy staying in a bespoke, isolated, beautifully designed property that will blend seamlessly with the landscape.

The planning application is accompanied by the following documents and information: -

- (this) Covering Letter.
- Design Statement.
- Flood Risk Assessment.
- Planning Application Form.
- Relevant Certificate.
- Location Plan;
- Site Plan.
- Elevations;
- Floor Plans;
- Sections; and
- Planning & Advertisement Fee, if necessary, which will be sent under separate cover.

The application site is located on Eilean Loch Oscair island, which lies just off the north western coast of Lismore.

The site is located within Very Sensitive Countryside, and a designated National Scenic Area, which is why so much care has been taken to design a building that will sit into the landscape, will appear part of it, and will have limited visual and landscape impact. The design process is explained in the Design Statement, which describes the design process in detail from conception, to design, and also how the build can be delivered.

Before starting the design process, a Flood Risk Assessment (FRA) was prepared to ensure that the proposed building would sit above the flood level on the island, which is calculated as being ≥ 5.78 mAOD. The building has been sited well above that level.

As the proposal is for tourist accommodation, the most relevant policy is SG LDP TOUR 1 'Tourist Facilities and Accommodation, Including Static and Touring Caravans', which provide additional detail in support of policy LDP 5 'Supporting the Sustainable Growth of our Economy'.

Policy SG LDP TOUR 1 states that *"There is a presumption in favour of new or improved tourist facilities and accommodation"* provided it meets a number of criteria, which relate to the design of the proposal; ensuring that there is no adverse impact on landscape character and amenity; it is reasonable accessible; and there is a locational requirement for the tourist accommodation to be sited where it is proposed.

Dealing with each of these in turn, then the design is considered in detail in the Design Statement. The building is a simple, bespoke and a beautifully proportioned structure that respects, and sits into, its landscape setting, and will be potentially award winning. There will be minimal landscape impact. The building is remote, deliberately so, but will be accessible by boat from the proposed new pontoon. As for a locational requirement, then the landscape itself provides that, with the proposal offering the opportunity for people to stay on the island in absolute isolation in a sustainable, off-grid, building that suits its context, and will give people a unique experience of the expansive landscape of which the island forms part.

I trust that the above provides sufficient justification for the proposals to be validated. However, if you do require any further information, then please contact me at paul@houghtonplanning.co.uk or call me on 07780 117708.

I look forward to receiving confirmation in due course that the planning application has been validated.

Yours faithfully

Paul Houghton
Director on behalf of Houghton Planning Ltd



Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: planning.hq@argyll-bute.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100577561-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Short-term holiday let accommodation and pontoon.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Houghton Planning Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Paul	Building Name:	Alloa Business Centre
Last Name: *	Houghton MRTPI	Building Number:	<input type="text"/>
Telephone Number: *	07780117708	Address 1 (Street): *	Whins Road
Extension Number:	<input type="text"/>	Address 2:	Alloa
Mobile Number:	<input type="text"/>	Town/City: *	Clacks
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	FK10 3RF
Email Address: *	paul@houghtonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	c/o The Estates Office
First Name: *	A	Building Number:	<input type="text"/>
Last Name: *	MacGillivray	Address 1 (Street): *	Gibraltar Street
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Oban
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	PA34 4AY
Fax Number:	<input type="text"/>		
Email Address: *	paul@houghtonplanning.co.uk		

Site Address Details

Planning Authority:

Argyll and Bute Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Eilean Loch Oisair, Lismore, Argyll & Bute

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

.

Title:

Other title:

First Name:

Lesley

Last Name:

Cuthbertson

Correspondence Reference Number:

20/00318/PREAPP

Date (dd/mm/yyyy):

05/03/2020

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Bin storage within building.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Not in a Use Class

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

157

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Short-term holiday let

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Do you have any agricultural tenants? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: Paul Houghton MRTPI

On behalf of: Mr A MacGillivray

Date: 18/10/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- A copy of an Environmental Statement. * Yes N/A
- A Design Statement or Design and Access Statement. * Yes N/A
- A Flood Risk Assessment. * Yes N/A
- A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Yes N/A
- Drainage/SUDS layout. * Yes N/A
- A Transport Assessment or Travel Plan Yes N/A
- Contaminated Land Assessment. * Yes N/A
- Habitat Survey. * Yes N/A
- A Processing Agreement. * Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Paul Houghton MRTPI

Declaration Date: 18/10/2022

Payment Details

Pay Direct

Created: 18/10/2022 14:41

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Flood Risk Assessment (FRA) Checklist

(SS-NFR-F-001 - Version 16 - Last updated 27/08/2019)

This document must be attached within the front cover of any Flood Risk Assessments issued to Local Planning Authorities (LPA) in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist SEPA in reviewing FRAs, when consulted by LPAs. This document should not be a substitute for a FRA.

Development Proposal Summary	
Site Name:	Eilean Loch Oskair
Grid Reference:	Eastings: 186280 Northing: 745520
Local Authority:	Argyll and Bute Council
Planning Reference number (if known):	
Nature of the development:	Recreational If residential, state type: Bothy
Size of the development site:	Not known Ha
Identified Flood Risk:	Source: Coastal Source name: Loch Linnhe
Land Use Planning	
Is any of the site within the functional floodplain? (refer to SPP para 255)	No
Is the site identified within the local development plan?	No
If yes, what is the proposed use for the site as identified in the local plan?	Other
Does the local development plan and/or any pre-application advice, identify any flood risk issues with or requirements for the site.	No
What is the proposed land use vulnerability?	Most Vulnerable
If yes, what is the net loss of storage? <input type="text"/> m ³ Local Development Plan Name: <input type="text"/> Year of Publication: <input type="text"/> Allocation Number / Reference: <input type="text"/> If Other please specify: <input type="text"/> Settlement Zone If so, please specify: <input type="text"/> Do the proposals represent an increase in land use vulnerability? <input type="text"/> No	
Supporting Information	
Have clear maps / plans been provided within the FRA (including topographic and flood inundation plans)?	Yes
Has sufficient supporting information, in line with our Technical Guidance, been provided? For example: site plans, photos, topographic information, structure information and other site specific information.	Yes
Has a historic flood search been undertaken?	Yes
Is a formal flood prevention scheme present?	No
Current / historical site use:	Uninhabited island
Is the site considered vacant or derelict?	Yes
If flood records in vicinity of the site please provide details: <input type="text"/> If known, state the standard of protection offered: <input type="text"/>	
Development Requirements	
Freeboard on design water level:	0.6 m
Is safe / dry access and egress available?	Neither
Design levels:	Ground level: ≥5.78 m AOD Min access/egress level: n/a m AOD Min FFL: ≥6.38 mAOD mAOD
Mitigation	
Can development be designed to avoid all areas at risk of flooding?	Yes
Is mitigation proposed?	No
If yes, is compensatory storage necessary?	No
Demonstration of compensatory storage on a "like for like" basis?	Select from List
Should water resistant materials and forms of construction be used?	No



Flood Risk Assessment (FRA) Checklist

(SS-NFR-F-001 - Version 16 - Last updated 27/08/2019)

Hydrology							
Is there a requirement to consider fluvial flooding?	No						
Area of catchment:	km ²						
Estimation method(s) used (please select all that apply):	<input type="checkbox"/> Pooled Analysis <input type="checkbox"/> Single Site Analysis <input type="checkbox"/> Enhanced Single Site <input type="checkbox"/> ReFH2 <input type="checkbox"/> FEH RRM <input type="checkbox"/> Other						
Estimate of 200 year design flood flow:	m ³ /s						
Qmed estimate:	m ³ /s						
Statistical Distribution Selected:	Method: _____ Reasons for selection: _____						
Is a map of catchment area included in FRA? _____							
If Pooled analysis have group details been included? _____							
If other (please specify methodology used): _____							
Hydraulics							
Hydraulic modelling method:	Software used: _____						
Number of cross sections:	If other please specify: _____						
Source of data (i.e. topographic survey, LiDAR etc):	Date obtained / surveyed: _____						
Modelled reach length:	m						
Any changes to default simulation parameters?	If yes please provide details: _____						
Model timestep:							
Model grid size:	Specify, if combination: _____						
Any structures within the modelled length?							
Maximum observed velocity:	m/s						
Brief summary of sensitivity tests, and range:	Please specify climate change scenario considered: _____						
variation on flow (%)	%						
variation on channel roughness (%)	%						
blockage of structure (range of % blocked)	%						
boundary conditions:							
(1) type	<table border="0"> <tr> <td style="text-align: center;">Upstream</td> <td style="text-align: center;">Downstream</td> </tr> <tr> <td style="text-align: center;">Flow</td> <td style="text-align: center;">Flow</td> </tr> <tr> <td>Specify if other: _____</td> <td>Specify if other: _____</td> </tr> </table>	Upstream	Downstream	Flow	Flow	Specify if other: _____	Specify if other: _____
Upstream	Downstream						
Flow	Flow						
Specify if other: _____	Specify if other: _____						
(2) does it influence water levels at the site?							
Has model been calibrated (gauge data / flood records)?							
Is the hydraulic model available to SEPA?							
Design flood levels:							
200 year	m AOD						
200 year plus climate change	m AOD						
Cross section results provided?							
Long section results provided?							
Cross section ratings provided?							
Tabular output provided (i.e. levels, velocities)?							
Mass balance error:	%						
Coastal							
Is there a requirement to consider coastal / tidal flooding?	Yes						
Estimate of 1000 year design flood level:	4.16 m AOD						
Estimation method(s) used:	CFB						
Allowance for climate change (m):	0.86 m						
Allowance for wave action etc (m):	0.76 m						
Overall design flood level:	5.78 m AOD						
If other please specify methodology used: _____							
Comments							
Any additional comments: _____							
Approved by:	Garret Macfarlane						
Organisation:	TransTech Ltd						
Date:	13/07/2021						

Note: Further details and guidance is provided in 'Technical Flood Risk Guidance for Stakeholders' which can be accessed here:-

[CLICK HERE](#)

FLOOD RISK ASSESSMENT

Proposed Bothy, Eilean Loch Oscair, off Isle of Lismore, Argyll

Prepared for:

The Estates Office

Gibraltar Street

Oban

Argyll

PA34 4AY



TransTech Limited

www.transtechltd.com

Tel: +44 (0)1631 720699

E-mail: mail@transtechltd.com

Caerthann House
Grosvenor Crescent
Connel
Argyll PA37 1PQ

Registered in Scotland, No: SC175087

Quality Assurance

The data used in this document and their input and reporting have undergone a quality assurance review which follows established TransTech procedures. The information and results presented herein constitute an accurate representation of the data collected and analysed.

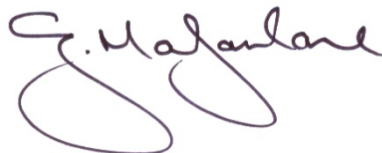
Indemnity

All comments and opinions contained in this report, including any conclusions are based on information available to TransTech during our investigations. The conclusions drawn by TransTech could therefore differ if the information is found to be inaccurate, incomplete, or misleading. TransTech accepts no liability should this prove to be the case, or, if additional information exists or becomes available with respect to the potential development site to which this assessment applies.

TransTech makes no representation whatsoever concerning the legal significance of its findings or to any legal matters referred to in this document.

Document Details

Author:



Garret Macfarlane
PhD, BSc (hons)

Issue Date: 13 July 2021

Project Ref.: ELO-0721-1

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List of Abbreviations

CFB	Coastal Flood Boundary
CFBM	Coastal Flood Boundary Method
DEFRA	Department of Environment, Farming and Rural Affairs
DEM	Digital Elevation Model
EA	Environment Agency
FFL	Finished Floor Level
FRMT	Flood Risk Management Team
GIS	Geographical Information System
LA	Local Authority
mAOD	Metres Above Ordnance Datum, Newlyn
SEPA	Scottish Environment Protection Agency
UKHO	United Kingdom Hydrographic Office

EXECUTIVE SUMMARY

This flood risk assessment has been prepared for the erection of a bothy on Eilean Loch Oskair, a small island situated in Loch Linnhe off the west coast of Isle of Lismore. At the time of this FRA, a precise location for the bothy has not yet been chosen.

Given that a bothy is proposed, according to SEPA guidance, this has to be assessed against a 1:1000 year (0.1% annual probability) flood event⁽¹⁾.

The predicted 1:1000 year Coastal Flood Boundary sea level for the coastline adjacent to the island was obtained from the most recent EA GIS datasets and is 4.16 mAOD⁽²⁾. The CFB level is often referred to as the “still water” level as it does not include an allowance for climate change nor does it account for the potential effects of funnelling, local bathymetry and wave action raising flood levels. SEPA’s flood map only provides an indication of where the “still water level” may lie according to the maps underlying DEM which can often be inaccurate, particularly in rural locations.

The most up to date climate change uplift prediction for the Argyll (West) river basin area within which Lismore falls is a cumulative rise of 0.86 m from 2017 to 2100⁽³⁾.

Funnelling and bathymetry is not predicted to affect flood levels at the island due to the open geometry of Loch Linnhe in its location and the lack of significant shoaling in the local near shore bathymetry.

In terms of wave effects, joint probability analysis of the likelihood of a 1:1000 year sea level and a wave occurring simultaneously was carried out along the direction of maximum wind fetch (and hence wave height) towards the island. The maximum fetch is from the SWbW and will result in the highest expected wave heights as the strongest winds nearly always blow from a SW to NW direction. The results of this analysis plus the allowance for climate change results in a peak predicted water level of 5.78 mAOD.

Topographical levels for the island suggest that it should be able to accommodate a bothy at ≥ 5.78 mAOD as areas between 6 to 10 mAOD are available.

The Argyll and Bute Council FRMT and SEPA generally requires ≥ 600 mm FFL freeboard above the predicted flood level. As such, for the bothy the FFL needs to be ≥ 6.38 mAOD.

Our conclusion is that, with the location of the bothy on ground ≥ 5.78 mAOD, it will not be at risk of coastal flooding and as such will be compliant with Argyll and Bute Local Plan Policy LP SERV 8: Flooding and Land Erosion⁽⁴⁾, SEPA’s Technical Flood Risk Guidance for Stakeholders⁽⁵⁾ and Scottish Planning Policy⁽⁶⁾.

1.0 INTRODUCTION

- 1.1 The only identified potential flood risk to the proposed bothy comes from elevated water levels in Loch Linnhe. This flood risk assessment has been prepared to determine an appropriate land level for its location.
- 1.2 This report is based on the following information:
- i) Topographical survey drawing provided by DM Hall, Chartered Surveyors.
 - ii) The extreme still water level at the island based on the Coastal Flood Boundary Method⁽²⁾.
 - iii) SEPA's climate change allowances for flood risk assessment in land use planning⁽³⁾.
 - iv) Revetment Systems Against Wave Attack, A Design Manual, HR Wallingford⁽⁷⁾.
 - v) British Standard 6399 1997, Loading for buildings - Part 2: Code of practice for wind loads⁽⁸⁾.
 - vi) Flood and Coastal Defence Appraisal Guidance⁽⁹⁾.
 - vii) SEPA indicative flood map⁽¹⁰⁾.
 - viii) UKHO digital Admiralty chart.
 - ix) EA/DEFRA guidance on the use of joint probability methods in flood management⁽¹¹⁾.

2.0 REGULATORY GUIDANCE

- 2.1 Scottish Planning Policy - Managing Flood Risk and Drainage⁽⁶⁾ provides the regulatory framework and guidance for planning authorities in relation to flood issues for new developments. Any application lodged with a local Planning Authority will be considered in conjunction with this guidance, and dependant on the nature and location of the application, the Planning Authority may request a flood risk assessment as part of the planning application.
- 2.2 The planning process requires that it be demonstrated that land proposed to be developed can be done so with an acceptable risk of flooding and that any works needed to manage flood risk are sustainable over the likely life of the development.
- 2.3 The Planning Authority's Flood Risk Management Team along with SEPA can be consultees to planning applications in relation to flood risk.

3.0 TOPOGRAPHY OF ISLAND

- 3.1 The island is located at NM 86280 45520.
- 3.2 Topographical levels indicate that land is available at 6 to 10 mAOD (figure 1).

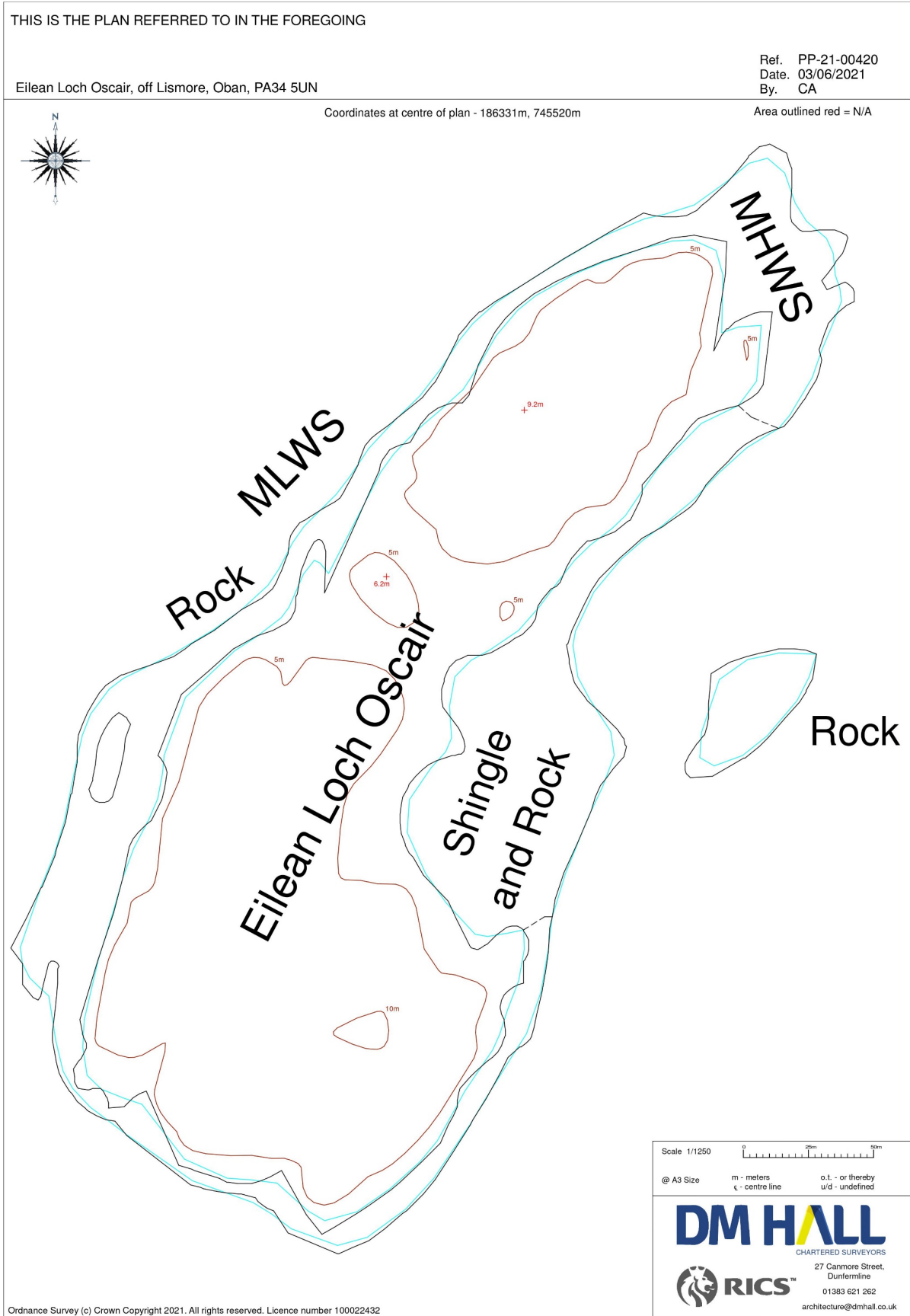


Figure 1. Topography of Eilean Loch Oscair.

4.0 INDICATIVE FLOOD INUNDATION & HISTORICAL FLOODING

- 4.1 SEPA's indicative flood maps provide an estimate of the areas of Scotland with a 0.1%, 0.5% and 1% probability of being flooded in any given year (1:1000, 1:200 and 1:10 year events respectively). Copyright restrictions do not permit the maps to be shown within this report but they are available at: <https://www.sepa.org.uk/environment/water/flooding/flood-maps/>.
- 4.2 The SEPA map indicates that much of the island is out with the 1:1000 year coastal flood extent. However, the map is indicative in nature (not absolute) and as such could be over-predicting or under-predicting the actual flood risk. It does not provide enough detail to accurately estimate the flood risk associated with individual properties or specific point locations. Importantly, the map also does not include the anticipated effects of climate change on sea level rise and the potential effects of funnelling, local bathymetry, and wave action on flood levels.
- 4.3 No fluvial or surface water flood risk to the island is shown on the flood map. TransTech concurs with this given that there are no watercourses on the island and the landform permits rainfall to drain freely towards the sea.
- 4.4 Details of historical flooding are not available particularly given that the island is uninhabited.

5.0 METHODOLOGY & RESULTS

5.1 Predicted 1:1000 Year Coastal Flood Level

- 5.1.1 The Coastal Flood Boundary Method 1:1000 year coastal flood level for the island was obtained from the most recent EA GIS datasets⁽²⁾. The closest 1:1000 flood level is 4.16 mAOD which is located at 184925.5 E 746517.1 N, c. 1.7 km from the MHWS contours on the island (figure 2).
- 5.1.2 The CFBM is the result of research commissioned by the Environment Agency's Evidence Directorate and funded by the joint EA/DEFRA Flood and Coastal Erosion Risk Management Research and Development Programme. This method was introduced in February 2011 and significantly updated in 2018.
- 5.1.3 It uses GIS software to determine extreme sea levels of annual exceedance probability ranging from one in 1 year to one in 10000 years, around the UK coast, islands, and estuaries. The CFB level does not consider the potential effects of climate change, wave action, funnelling and local bathymetry but does include storm surge.
- 5.1.4 The concept of return period is commonly used in assessing the severity of extreme natural events such as a flood. Return period can be defined as the number of years on average between the occurrence of events of a specified magnitude. Return period implies a long length of time. It is important to note with the definition of return period that the 1000 year event may occur or be exceeded more than once in any 1000 year period or may not occur at all. It may also occur in successive years.
- 5.1.5 Assessment against a 1:000 year flood return period needs to be undertaken for the bothy as it falls under the 'Most Vulnerable Use' as defined by SEPA's Land Use Vulnerability Guidance⁽¹⁾.
- 5.1.6 The 1:1000 year still water flood level of 4.16 mAOD is shown in figure 2.

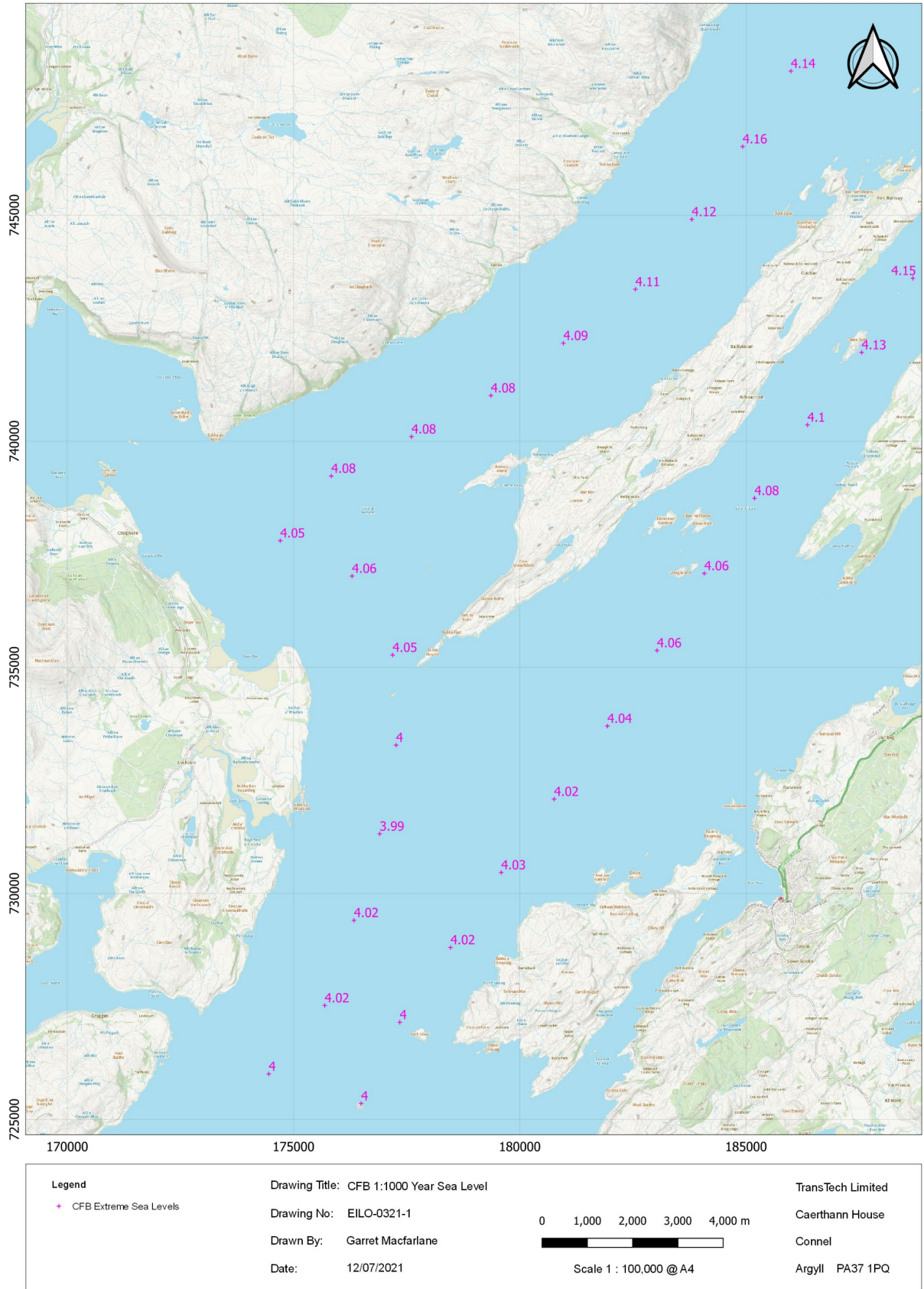


Figure 2. 1:1000 year Coastal Flood Boundary sea level at Eilean Loch Oisair.

5.2 Predicted Effects of Climate Change on Sea Levels to 2100

- 5.2.1 The author has reviewed the latest climate change predictions. The projections indicate that for Argyll there is going to be a significant rise in sea level over the next 80 years due to the global heating and expansion of ocean water and melting of ice sheets and glaciers. In most of Scotland the land surface is actually rising due to post-glacial rebound. However, this is not rapid enough to negate sea level rise but it reduces the absolute amount. For the proposed development's location SEPA predicts a cumulative rise of 0.86 m to 2100⁽³⁾.
- 5.2.2 This figure differs significantly from past predictions which were often $\geq 50\%$ lower.
- 5.2.3 Table 1 provides the latest CFB⁽²⁾ sea levels for a range of return periods up to the 1:1000 year event.

Table 1. Extreme sea levels at the potential development site.

Return Period (Years)	Extreme Sea Level (mAOD)	Extreme Sea Level + 0.86 m Climate Change Uplift (mAOD)
1	2.89	3.75
2	3.00	3.86
5	3.16	4.02
10	3.28	4.14
20	3.40	4.26
50	3.57	4.43
100	3.70	4.56
200	3.83	4.69
1000	4.16	5.02

5.3 Predicted Wave Height

- 5.3.1 Wave heights have been calculated by TransTech for the wind fetch across Loch Linnhe using an industry standard method outlined in the document *Revetment Systems Against Wave Attack - A Design Manual*⁽⁷⁾ by HR Wallingford. This method is based on work published by Yarde et al⁽¹²⁾ and was principally designed for application to wave estimation in dams and inland reservoirs. However, the method is theoretically applicable to any wide stretch of water sheltered from the open sea.
- 5.3.2 The HR Wallingford method is preferred when hydrodynamic modelling can be avoided as the latter incurs significant additional expense to the client. Indeed, the former is the recommended approach by many LAs located on the west coast of Scotland.
- 5.3.3 The Yarde method involves calculating an appropriate design wind speed and then equating wave heights using this information. The method involves two principal steps as outlined below:

STEP A: Design wind speeds

To calculate wave heights, one must first obtain an estimate of a return period wind speed for the site of interest.

The 1:50 year basic wind speed was obtained from British Standard 6399 1997, Loading for buildings - Part 2: Code of practice for wind loads⁽⁸⁾. This indicates a wind speed at the potential development site of approximately 25.5 m/s.

To convert the 50 year wind speed to other return period wind speeds, the Yarde approach provides the following conversion equation:

$$U_D = U_b * S_a * S_d * S_p * S_f * S_w$$

Where:

- U_D = design wind speed (m/s) at subject site(s);
- U_b = basic hourly wind speed (m/s) for design event;
- S_a = an altitude factor;
- S_d = a factor to account for the wind direction;
- S_p = a factor to adjust for different return periods;
- S_f = a factor to convert hourly wind speed to a more appropriate duration for the water body under study, and
- S_w = an over-water speed-up factor to account for the effect of reduced friction as wind travels over water. This value is based on fetch.

Appropriate values for the above parameters are chosen from tables given by McConnell⁽⁷⁾. As indicated by the equation, fetch, and wind direction, which are related variables, have a significant impact on wave heights.

The land proposed for development is sheltered from direct effects of ocean swells. Wind waves could however be generated and cause localised wave effects.

As Atlantic depressions pass by the UK the wind typically starts to blow from the SW, but later comes from the W or NW as the depression moves away. The range of directions between SW and NW accounts for the majority of occasions and the strongest winds nearly always blow from these.

For this study, the shoreline is most exposed to waves generated by a SWbW wind blowing from 240.796° Grid North, and in order to provide a worst-case scenario, it is this direction that has been used in the calculations (see figures 3 and 4) along with a maximum fetch distance of 16,691 m.

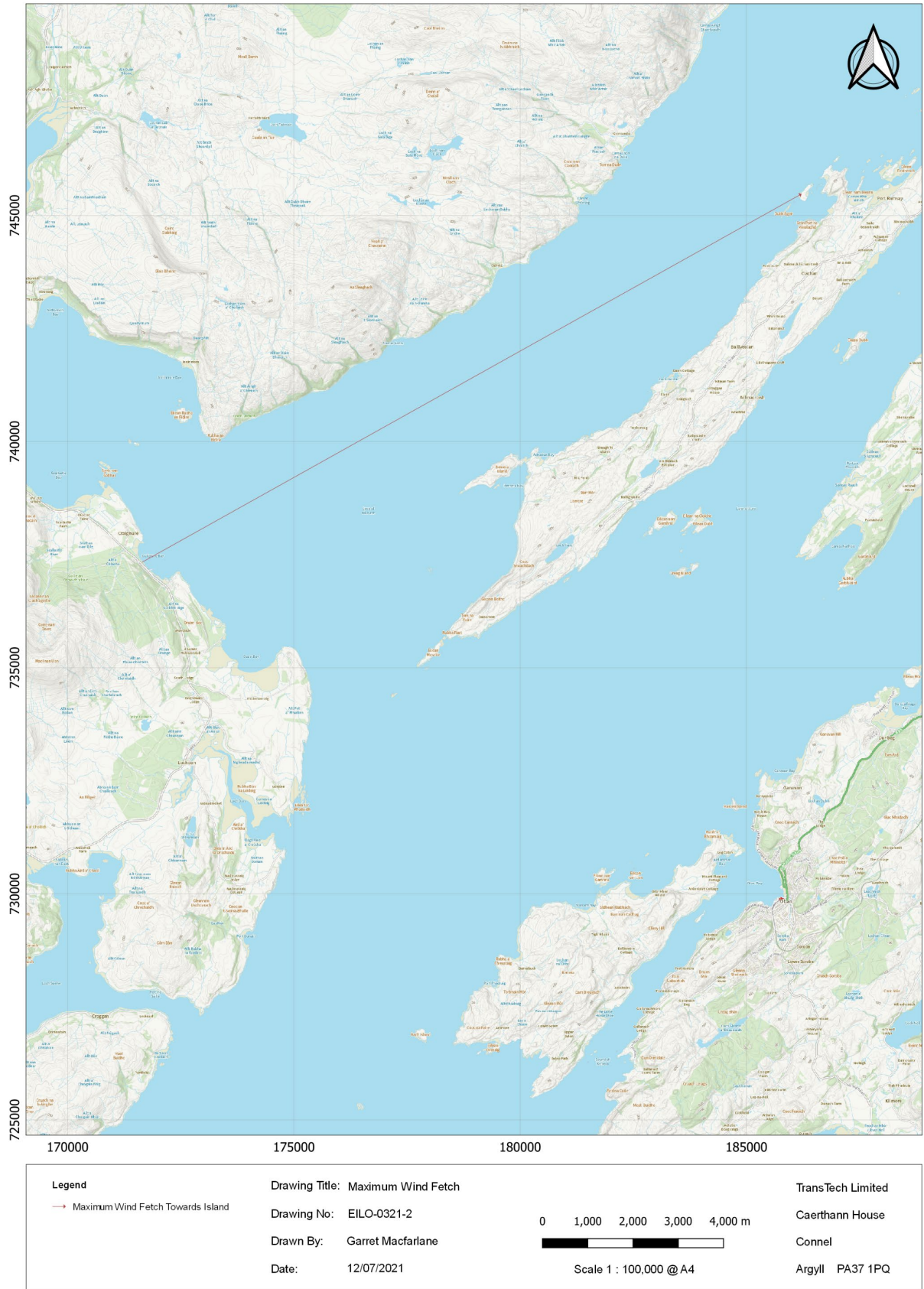


Figure 3. Maximum uninterrupted wind fetch (16,691 m) towards the island.

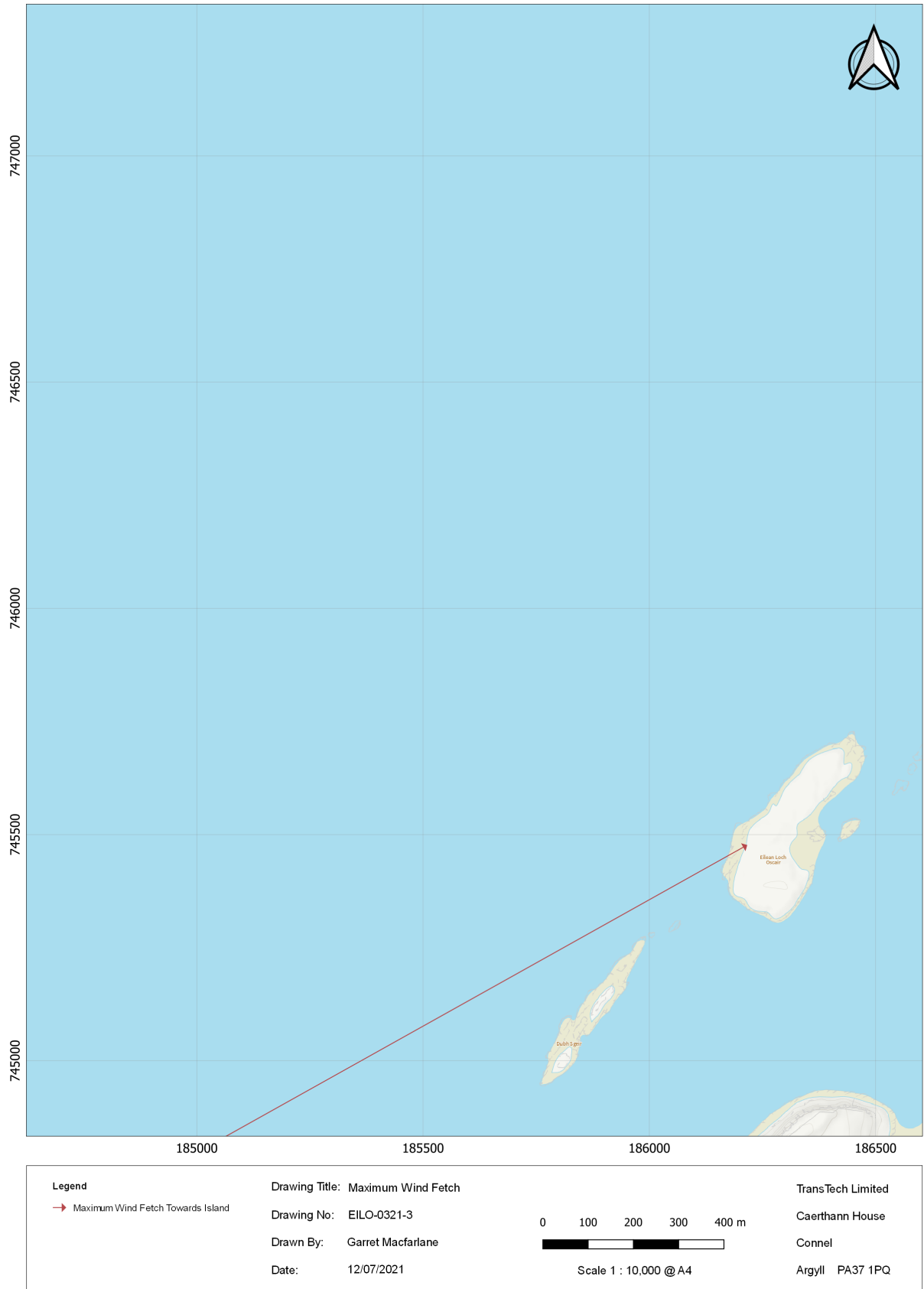


Figure 4. Closer view of maximum uninterrupted wind fetch at island.

Given the above, the parameters used for the wave height analysis are provided in table 2.

Table 2. Factors used to calculate design wind speed (without wind speed climate change allowance).

Factor	Correction Applied
S _a	1 (based on S _a =1+0.001*Δ _s , where Δ _s is altitude above mean sea level in metres), from McConnell ⁽⁷⁾ p63
S _d	1.00 from table 7.1 of McConnell
S _p	Various (0.67 for 1 year wind speed, 1.00 for 50 year wind speed and 1.10 for the 1:200 year wind speed), from McConnell p64
S _f	1.05 (based on a 15 min duration, UK recommended value), from table 7.3 of McConnell
S _w	1.31 from table 7.4 of McConnell

STEP B: Design Wave Heights

To calculate design wave heights from design wind speeds, McConnell⁽⁷⁾ provides the following equation:

$$H_s = 0.00178 * U_D * \frac{\sqrt{F}}{\sqrt{g}}$$

Where:

- H_s = significant wave height (m). This is the mean wave height (trough to crest) of the highest third of the waves;
- U_D = design wind speed (m/s);
- F = fetch length (m); and
- g = acceleration due to gravity (9.81 m/s²).

Design wave heights for the water body based on this equation and the wind speeds calculated above are given for a range of return periods in table 3.

Table 3. Design wave heights (without wind speed climate change allowance).

Return Period (years)	S _p	Design Wind Speed U _D (m/s)	Significant Wave Height* H _s (m)
1	0.67	23.50	1.73
2	H _s derived from wave height growth curve		2.01
5	0.83	29.11	2.14
10	0.88	30.87	2.27
20	0.93	32.62	2.40
50	1.00	35.08	2.58
100	1.05	36.83	2.70
200	1.10	38.58	2.83
1000**	1.19	41.74	3.06

* Significant wave height is the wave's amplitude i.e. the distance from its trough to crest.

** Derived from the S_p growth curve parameters (5 paramount logistic curve fit, r² = 0.999).

Note: The 50 year return period wind speed is greater than 25.5 m/s because the Yarde method directional factor (S_d) has been applied.

Consideration has been given to the potential for climate change to affect the local wind speeds and hence wave heights. No specific SEPA guidance on the effects of climate change on wind speed could be found. Therefore, the flood and coastal defence appraisal guidance⁽⁹⁾

which recommends a 10% increase in wind speeds for dates 2055 to 2110 was applied (table 4).

Table 4. Design wave heights (with wind speed climate change allowance).

Return Period (years)	S_p	Design Wind Speed U_D (m/s)	Significant Wave Height H_s (m)
1	0.67	25.85	1.90
2	H _s derived from wave height growth curve		2.01
5	0.83	32.02	2.35
10	0.88	33.95	2.49
20	0.93	35.88	2.63
50	1.00	38.58	2.83
100	1.05	40.51	2.97
200	1.10	42.44	3.12
1000	1.19	45.91	3.37

5.4 Joint Probability Analysis

5.4.1 For this appraisal, the joint probability of a high wind (and hence wave) and an extreme sea level (including climate change uplift) occurring simultaneously has been calculated. This analysis is based on the desktop method outlined in DEFRA Report FD2308/TR2, Use of Joint Probability Methods in Flood Management⁽¹¹⁾.

5.4.2 In figure 4.1 of FD2308/TR2 (reproduced in figure 5 below), Loch Linnhe solely falls within the well correlated (Tobermory) levels of dependence between large waves and high sea levels. Based on this, ρ was set to equal 0.39, representing the lower end of "well correlated".

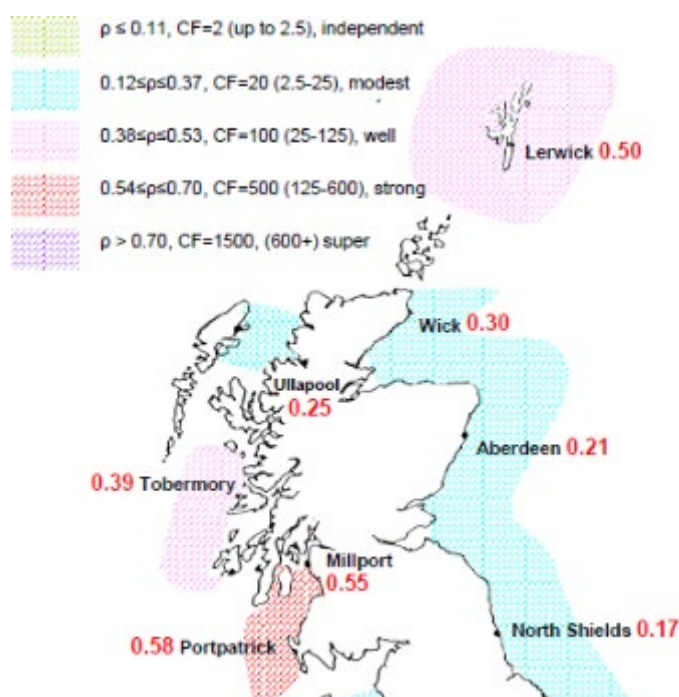


Figure 5. Correlation coefficients: all wave directions combined.

5.4.3 The combination results of the probability analysis are presented in table 5.

Table 5. Joint probability results: Joint exceedance return period of 1000 years.

Variable 1: Sea Level (incl. climate change allowance)		Variable 2: Wave Conditions (incl. climate change allowance)	
Return Period (Years)	Extreme Sea Level (mAOD)	Return Period (Years)	Significant Wave Height* H _s (m)
1	3.75	83.27	2.93
2	3.86	41.63	2.79
5	4.02	16.65	2.59
10	4.14	8.33	2.45
20	4.26	4.16	2.28
50	4.43	1.67	1.98
100	4.56	0.83	1.87
200	4.69	0.42	1.76
1000	5.02	0.08	1.51

5.4.4 From the above calculation the joint probability of a 1:1000 year sea level and a wave occurring simultaneously will result in a flood level of **5.78 mAOD** i.e., 5.02 + (1.51 divided by 2 as the significant wave height is from trough to crest).

5.5 Predicted Funnelling & Bathymetric Effects

5.5.1 TransTech deems that funnelling will not influence flood levels at Eilean Loch Oisair because of the adjacent physical geometry of the part of Loch Linnhe within which the island is located.

5.5.2 Given the lack of significant shoaling (figure 6), especially for a 1:1000 year sea level, in the local near shore bathymetry there are no predicted effects of bathymetry on the 1:1000 year flood level.

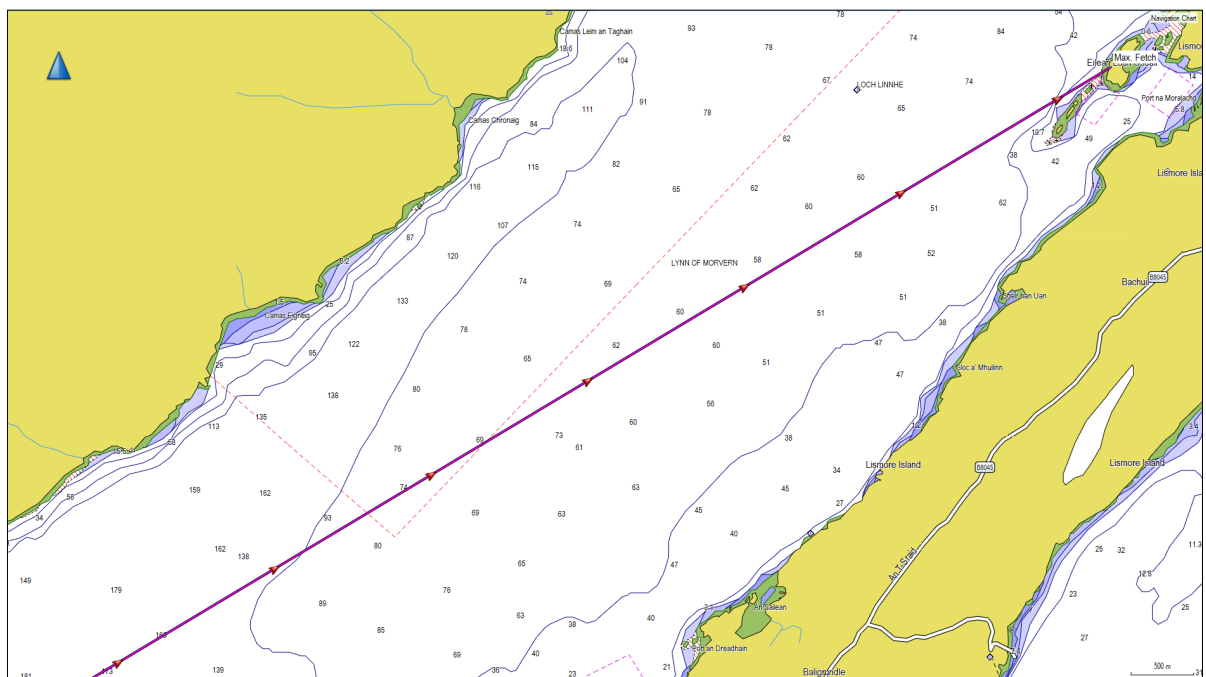


Figure 6. Admiralty chart extract showing Eilean Loch Oisair and the line of maximum fetch towards it.

6.0 DISCUSSION

6.1 Predicted Extreme Coastal Flood Level and its Implications to Development of the Bothy

6.1.1 The assessment of the joint probability of a high sea level and wave effects occurring simultaneously produces a 1:1000 year extreme coastal flood level of 5.78 mAOD. Thus, the bothy should be located on ground above this level.

6.1.2 Topographical levels for the island suggest that it should be able to accommodate a bothy at ≥ 5.78 mAOD as areas between 6 to 10 mAOD are available (figure 1).

6.2 Finished Floor Level

6.2.1 The Argyll and Bute Council FRMT and SEPA generally requires ≥ 600 mm FFL freeboard above the predicted flood level. As such, for the bothy the FFL needs to be ≥ 6.38 mAOD.

6.3 Access and Egress

6.3.1 Safe access to and egress from the development during extreme flood events needs to be considered. As the FRMT notes in their advice provided via email on 06/07/2021, visiting Eilean Loch Oskair will be similar to visiting other small islands such as Cramond Island in the Firth of Forth.

6.3.2 It is therefore recommended that appropriate signage be provided informing visitors of the flood risk, with recommendations against accessing the island during extreme weather events.

7.0 CONCLUSIONS

7.1 Our conclusion is that, with the location of the bothy on ground ≥ 5.78 mAOD, it will not be at risk of coastal flooding and as such will be compliant with Argyll and Bute Local Plan Policy LP SERV 8: Flooding and Land Erosion⁽⁴⁾, SEPA's Technical Flood Risk Guidance for Stakeholders⁽⁵⁾ and Scottish Planning Policy⁽⁶⁾.

FILES ACCOMPANYING THIS REPORT

The following file accompanies this report:

- Eilean Loch Oisair flood risk assessment checklist.pdf
– *SEPA Checklist*

REFERENCES

- (1) Flood Risk and Land Use Vulnerability Guidance. LUPS-GU24. Version 4. Scottish Environment Protection Agency. 10 July 2018. [Website link](#).
- (2) Coastal Design Sea Levels - Coastal Flood Boundary Extreme Sea Levels 2018 (March 2020 update). [Website link](#).
- (3) Climate change allowances for flood risk assessment in land use planning. LUPS-CC1. Scottish Environment Protection Agency. 26 April 2019. [Website link](#). Accompanying map available [here](#).
- (4) Argyll and Bute Local Development Plan SG LDP SERV 8 - Flooding and Land Erosion - The Risk Framework for Development. Adopted March 2016. [Website link](#).
- (5) Technical Flood Risk Guidance for Stakeholders. Version 12. Scottish Environment Protection Agency. May 2019. [Website link](#).
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- (10) Indicative Flood Map. Scottish Environment Protection Agency. [Website link](#).
- (11) Use of Joint Probability Methods in Flood Management. A Guide to Best Practice. R&D Technical Report FD2308/TR2. Department of Environment, Farming and Rural Affairs/Environment Agency. Flood and Coastal Defence R&D Programme. March 2005. [Website link](#).
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- SEPA Flood Risk Standing Advice for Planning Authorities and Developers. November 2020. [Website link](#).
- Development Plan Guidance on Flood Risk. Scottish Environment Protection Agency. 10 July 2018. [Website link](#).
- Planning Background Paper Flood Risk. LUPS-BP-GU2a. Scottish Environment Protection Agency. 10 July 2018. [Website link](#).
- Flood Risk Management (Scotland) Act 2009. 16 June 2009. [Website link](#).

NB: The website links above are current and may expire.

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Gavia Environmental Ltd
Auld Bond Road
Perth
PH1 3FX

Tel: 01738 718 685

E-mail: molly.turner@gavia-environmental.co.uk

29 March 2023

NatureScot
Cameron House
Albany Street
Oban
Argyll
PA34 4AE

Re: P23099 Eilean Loch Oscair Development: Review of Construction Notes for Harbour Seal Mitigation

Dear Whom it May Concern,

Introduction

Gavia Environmental Ltd. (Gavia) was commissioned by The Estates Office ('the Client') to provide a review of the construction notes to be submitted to planning for a proposed development on Eilean Loch Oscair, Isle of Lismore, and recommend mitigation measures for the consideration of the harbour seal population in the neighbouring Eileanan agus Sgeiran Lios mor Special Area of Conservation (SAC). The information provided within this report will be used to support planning application 22/02100/PP.

Background Information

The proposed Site lies is located on Eilean Loch Oscair, c. 640m south-west of Port Aolnais in the north-west of the Isle of Lismore, Argyll and Bute, approxiamte National Grid Reference NM 86273 45433. The proposed development incldues the erection of short-term holiday let accomodation, outbuilding, pontoon and installation of a small sewage treatment plant.

The Site is c. 250m north-east of the island of Dubh Sgeir and the Isle of Oronsay, both of which are located within the Eileanan agus Sgeiran Lios mor SAC, designated for its population of harbour seals *Phoca vitulina* (see Appendix A for legislation). Following consultation with NatureScot (Ref: CDM169632; dated 14th February 2023) it has been recommended that further information regarding constuction is supplied in order to determine whether the proposal is likely to have a significant effect on the harbour seal qualifying interest of the SAC. The following information should be obtained as recommended by NatureScot:

"Further information regarding construction, i.e. timescales, anticipated duration of activity, vessel activity (bringing material to the island), an indiciaton of in-air noise levels from drilling, digging, mahcinery, equipment etc."

Mitigation Measures

Based on the the initial construction notes provided by the Client's architect, Moving Still Architecture (see Appendix B), and NatureScot's consultation response, the following outline mitigation measures



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should be taken into consideration when producing the final construction plan in order to minimise disturbance to the local harbour seal population and qualifying feature of the Eileanan agus Sgeiran Lios mor SAC.

It is recommended that all construction activities occur outwith the pupping season between June and July (inclusive) and the moult period in August. During the months of June-July females will return to haul-out sites to give birth to pups, and their annual molt will occur between the end of July and mid-August, during which seals need to spend the majority of time ashore.

Piling Mitigation Measures

Piling and drilling activities or activities that involve a high level of in-air noise should only be undertaken between 8am and 5pm and duration of these activities should be minimised where possible.

A pre-piling watch for marine mammals should be undertaken following the standard JNCC 'Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise' (JNCC Protocol)¹:

- For a period of at least 30 minutes prior to piling
- To be undertaken by fully qualified and experienced Marine Mammal Observer (MMO)
- Pre-piling monitoring zone of 250m should be monitored;
- If marine mammals are detected within the monitoring zone, the commencement of piling should be delayed until the marine mammal is outside of the monitoring zone for 20 minutes, and the full 30 minute pre-piling watch has been completed.

Soft-start protocol

Each piling event should commence with a hammer energy at as low as is reasonably practical, followed by a gradual ramp-up to full hammer energy.

If a marine mammal enters the monitoring zone during the soft-start and ramp-up procedure, then, if possible, the piling energy will not increase until the marine mammal exits the monitoring zone. The soft start procedure is only required where there has been no piling for the preceding 10 minutes (i.e. if piling continues at a new location within 10 minutes of a pile being installed, as is expected, then this soft-start and ramp-up protocol would not be required).

Breaks in piling

If piling activity is stopped for more than 10 minutes, the MMO will check within the monitoring zone for any marine mammal presence before piling can recommence. If a marine mammal is present within the monitoring zone, the full mitigation procedure should be undertaken prior to piling recommencing.

In the event that piling activity is stopped for more than 10 minutes, the pre-piling watch, soft-start and ramp-up procedure (if possible) is conducted prior to piling re-commencing.

Vessels Management Measures

The use of vessels will be required to transport construction equipment and materials to the island and therefore the following good practice vessel measures should be taken into consideration during transportation:

- Within 300m of a marine mammal vessels will maintain a steady speed, and direction, at all times, to allow any marine mammal to predict where the vessel may be headed, and to

¹ Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise, 2010
<https://data.jncc.gov.uk/data/31662b6a-19ed-4918-9fab-8fbcff752046/JNCC-CNCB-Piling-protocol-August2010-Web.pdf>



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move out of the way. Vessels should use the defined anchorage area and shipping channel at all times.

- Vessels should not approach within 600m of known seal haul-out sites.
- Keep a well-maintained engine and propellor to minimise underwater noise.
- Vessels should turn off 'noisy' equipment when close to marine mammals (e.g. engines, propellers (within the anchorage area), and echo sounders) if possible.

It is considered that the implementation of the mitigation measures described above will aid in the reduction of any potential disturbance to the local harbour seal population as a result of the proposed development.

I hope that you find the information within this report acceptable. Please do not hesitate to contact me if you require further information.

Yours sincerely,



Molly Turner
Senior Ecological Consultant
Gavia Environmental Ltd



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Appendix A Legislation

Under the Marine (Scotland) Act 2010 it is an offence to intentionally or recklessly kill, injure or take a seal at any time of the year except:

- To alleviate suffering;
- Where Marine Scotland has issued a licence to do so.

The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) also prohibits certain methods of catching or killing seals.

It is also an offence to intentionally or recklessly harass seals at significant haul-out sites under the Protection of Seals (Designation of Haul-out Sites) (Scotland) Order 2014.

Appendix B Construction Notes

Timescales - *It's likely a contractor would be required to really firm this up, but given the extent of prefabrication / lightweight construction which is anticipated, I suspect the time on site would be relatively short - perhaps two / three months - but that's just a very rough guess, and would depend on the final level of prefabrication that was achieved within the detailed design.*

Logistics – *I've spoken with Ferguson Shipping (they have experience in this area - both technically and geographically and have carried out similar projects). We didn't confirm the specification (size) of the vessel that would be required, but did confirm that the principle of delivery of large prefabricated elements to the site was feasible.*

Piling / Drilling - *This would be kept to a minimum, and would be much less of an issue than on a conventional build of similar scale. This is a result of the proposed use of screw piles, which would remove the need for the kind of mass excavations which would be required for conventional strip or slab foundations. This would apply across the full extent of the proposed building. The exception would be the treatment plant (Klargester) which is anticipated as the means of handling foul drainage; this would have to be located in a hole - which would require digging of the ground - but this would likely be limited to a day or two in working time.*

Noise / Construction Method - *The design is proposed on the basis of significant levels of prefabrication - effectively meaning that pre-finished volumes would be delivered to site, leaving a minimum of time (and noise) required on site to finish junctions in external cladding, and form the roof membrane etc on site. As noted above, these are relatively small amounts of work (including less need for larger, noisy equipment) to be carried out on site when compared to a conventionally designed building. The principles behind the architectural design include a desire to minimise any impact on the landscape and wildlife on the island."*



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Argyll and Bute Council
Development & Economic Growth

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

Reference No: 22/02100/PP
Planning Hierarchy: Local Development
Applicant: Mr A MacGillivray
Proposal: Erection of short-term holiday let accommodation, outbuilding and pontoon and installation of sewage treatment plant
Site Address: Eilean Loch Oscair, off Isle of Lismore

DECISION ROUTE

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

(A) THE APPLICATION

- (i) Development Requiring Express Planning Permission**
- Erection of short-term holiday let accommodation
 - Erection of outbuilding
 - Erection of pontoon
 - Installation of sewage treatment plant
 - Connection to private water supply
- (ii) Other specified operations**
- None
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be **refused** for the reasons appended to this report.

(C) CONSULTATIONS:

NatureScot

Letter dated 14.02.2023 objecting to the proposal until further information is provided. Further response dated 18.05.2023, following the receipt of additional information from the applicant, removing the holding objection.

Scottish Environment Protection Agency

Letter dated 03.02.2023 advising of no objections subject to conditions.

Environmental Health Service

Report dated 07.02.2023 advising of no objections to the application. Comment was made regarding the requirement of the applicant to apply for a short-term let licence.

Marine Scotland Licensing

No response at time of report and no request for an extension of time.

The above represents a summary of the issues raised. Full details of the consultation responses are available to view via the [Public Access](#) section of the Council's website.

(D) HISTORY:

No relevant planning history.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, overall closing date 23.02.2023.

(F) REPRESENTATIONS:

(i) Representations received from:

One email representation has been received from Lismore Community Council, dated 01.02.2023, supporting the application.

One email representation has been received from Oban District Access Panel, dated 27.01.2023, commenting on the application.

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:

- Lismore Community Council support the proposed development as it would be a useful facility and diversification for a working croft, helping support the farming enterprise of a local family.

Comment: Whilst the support for the application is noted, there has been no information submitted to suggest that the proposed development would relate to the diversification of an existing croft.

- Oban District Access Panel (ODAP) outline that their remit is to encourage developers and designers to create accessible buildings and environments that provide disabled people with equal access and facilities and enable them to participate and to thrive.

In this respect the ODAP encourage the Applicant to consult with their Architect with a view to adapting the proposed accommodation on

Inclusive Design principles to enable it to be used and enjoyed by a disabled people. This would involve providing a ramped access, facilitating wheelchair access, adapting the bathroom, and the widening of the pontoon bridge.

- *The comments by the ODAP are noted and will be passed to the Applicant for information/action should permission be granted.*

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No
- (iii) **A Design or Design/Access statement:** Yes No

A Design Statement has been submitted with the application.

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

A Flood Risk Assessment has been submitted with the application.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

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

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

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

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

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 2 – Climate Mitigation and Adaption
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural Places
NPF4 Policy 5 – Soils
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)
NPF4 Policy 10 – Coastal Development
NPF4 Policy 12 – Zero Waste
NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 17 – Rural Homes
NPF4 Policy 18 – Infrastructure First
NPF4 Policy 22 – Flood Risk and Water Management

Productive Places

NPF4 Policy 29 – Rural Development
NPF4 Policy 30 – Tourism

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

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

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

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 2 – Impact on European Sites
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 12 – Impact on National Scenic Areas (NSAs)
SG LDP ENV 14 – Landscape

Support for Business & Industry: General

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

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

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

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

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

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

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

SG LDP SERV 6 – Private Water Supplies and Water Conservation

SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

Addressing Climate Change

SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework

Transport (Including Core Paths)

SG LDP TRAN 1 – Access to the Outdoors

SG LDP TRAN 2 – Development and Public Transport Accessibility

SG LDP TRAN 3 – Special Needs Access Provision

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

Coastal Development

SG LDP CST 1 – Coastal Development

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

- Third Party Representations
- Consultation Responses
- Argyll and Bute Sustainable Design Guidance, 2006
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

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

Spatial and Settlement Strategy

Policy 02 – Outwith Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

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

Diverse and Sustainable Economy

Policy 23 – Tourism Development, Accommodation, Infrastructure and Facilities

Sustainable Communities

Policy 55 – Flooding
Policy 58 – Private Water Supplies and Water Conservation
Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
Policy 61 – Sustainable Urban Drainage Systems (SUDS)
Policy 63 – Waste Related Development and Waste Management

High Quality Environment

Policy 70 – Development Impact on National Scenic Areas (NSA's)
Policy 73 – Development Impact on Habitats, Species and Biodiversity
Policy 74 – Development Impact of Sites International and National Importance
Policy 79 – Protection of Soil and Peat Resources
Policy 83 – Safeguarding Agricultural and Croft Land

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

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

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

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

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

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

- Lynn of Lorn National Scenic Area
- SEPA Coastal Flood Risk Zone
- Eileanan agus Sgeiran Lios mor Special Area of Conservation

(P)(ii) Soils

[Agricultural Land Classification:](#)

Unclassified Land

Peatland/Carbon Rich Soils Classification:

- Class 1
- Class 2
- Class 3
- N/A

Peat Depth Classification:

N/A

Does the development relate to croft land?

- Yes No

Would the development restrict access to croft or better quality agricultural land?

- Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land?

- Yes No N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland?

- Yes
- No

Does the proposal include any replacement or compensatory planting?

- Yes
- No details to be secured by condition
- N/A

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

Status of Land within the Application

- Brownfield
- Brownfield Reclaimed by Nature
- Greenfield

ABC LDP 2015 Settlement Strategy
LDP DM 1

- Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area
- Rural Opportunity Area
- Countryside Zone
- Very Sensitive Countryside Zone
- Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:

N/A

ABC pLDP2 Settlement Strategy

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs etc:

N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

This application seeks planning permission for the erection of a detached dwellinghouse for short-term holiday letting purposes, an associated outbuilding and pontoon, and the installation of a sewage treatment plant, at the site of Eilean Loch Oscair, off the Isle of Lismore.

The application site, Eilean Loch Oisair, is a small island located approximately 250 metres off the northwest coast of Lismore within Loch Linnhe. The application site comprises an area of land towards the southern end of the island, extending from the west coast to the east coast of the island. The application site, and the wider surroundings, form an uninhabited and undeveloped island comprising rough grassland with a rocky foreshore.

This application seeks planning permission for the erection of a dwellinghouse for short-term holiday letting purposes, and an associated outbuilding and pontoon. The proposed dwellinghouse would be set back from the coast, sited relatively centrally within the plot. The dwelling would be single storey and would be formed of three main blocks; a narrow linear block at the rear would facilitate two bedrooms which would be connected to a circulation block which would facilitate the access within the dwelling and would connect to the larger living and dining block which would be set at an angle around an adjacent rocky outcrop. The total external footprint of the dwellinghouse would be approximately 188 square metres. The flat roof of the dwelling would predominantly have a height of 3.2 metres, with the circulation block being set slightly lower than this at a height of 3 metres. The dwelling would include contemporary glazing arrangements within each elevation which would feature timber shutters. The facing material of the dwellinghouse would comprise vertically aligned natural timber cladding.

The proposed outbuilding would be sited immediately adjacent to the proposed dwellinghouse and would comprise a rectangular building covering a footprint of approximately 7.3 square metres. The building would be similar in design to the dwelling, having a flat roof at a height of 3.2 metres and clad in vertically aligned timber.

The proposed pontoon would be sited at the eastern shore of the island, extending approximately 38 metres from the shoreline to provide the access to the island and the application site.

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 Policy LDP DM 1 of the LDP 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.

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

The application site is located within close proximity to the Eileanan agus Sgeiran Lios mor Special Area of Conservation, protected for its harbour seals. As a result of the designation, comments were sought from NatureScot who, after the submission of additional information from the applicant, advised that the proposal is likely to have a significant effect on the harbour seal qualifying interests of the Special Area of Conservation. However, the response from NatureScot concluded that whilst there are natural heritage interest of international importance at the site, their advice is that these would not be adversely affected. The status of the site means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently NatureScot advised that the Council is required to consider the effect of the proposal on the Special Area of Conservation. NatureScot advised that, in their view, the proposal is likely to have a significant effect on the harbour seal qualifying interests and accordingly, the Council, as competent Authority, is required to carry out an Appropriate Assessment (AA) in view of the site's conservation objectives for its qualifying interests.

An Appropriate Assessment has been undertaken which identifies that, subject to conditions being imposed were planning permission to be granted, to ensure that the development would be undertaken in accordance with the mitigation set out within Environmental Statement accompanying the application, any disturbance would be minimised. Based on the likely short time period for construction, and the proposed mitigation measures, there would be no adverse effect on the integrity of the Special Area of Conservation.

Whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection could be delivered by planning condition in the event that planning permission were to be granted. The proposed development is therefore considered to be in compliance with NPF4 Policy 3 as underpinned by LDP Policy LDP 3, supplementary guidance SG LDP ENV 1, and Policies 73 and 74 of the proposed Local Development Plan 2.

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

The site lies within the Lynn of Lorn National Scenic Area. The Lynn of Lorn is an island-studded waterway at the confluence of the Sound of Mull with Loch Etive and Loch Linnhe, from which it is separated by the island of Lismore. The Lynn follows the north-westerly alignment of the prevailing relief in the area, which, set in the wider context of sea lochs and mountains, is a small scale region of parallel limestone ridges. The proposed development would introduce built development in an area of undeveloped land, in an open and exposed location, and would therefore disturb the unsettled character of the landscape and have an adverse effect on the integrity of the area. In this regard, the development would fail to respect the existing character and quality of the site and its surroundings.

NPF Policy 4 c) states that development proposals that will affect a National Scenic Area will only be supported where:

- i. The objectives of designation and the overall integrity of the area will not be compromised; or
- ii. 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.

In this case, it is the considered opinion of the planning authority that the proposed development will be materially harmful to the designated qualities of the area and its overall integrity and that this harm is not clearly outweighed by any social, environmental or economic benefit, and certainly not of 'national importance'.

The proposed development is therefore considered to be in conflict with NPF4 Policy 4 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 14, and Policies 04 and 70 of the proposed Local Development Plan 2.

NPF4 Policy 5 seeks to protect carbon-rich soils, to restore peatlands and to minimise disturbance to soils from development.

The development proposed by the current planning application seeks to develop an area of rough ground. The site has no agricultural land classification and is not within an identified area of peatland, carbon-rich soils or priority peatland habitat. The development proposed is therefore considered to be in accordance with NPF4 Policy 5 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 11 and SG LDP SERV 9, and Policies 79 and 83 of the proposed Local Development Plan 2.

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The development proposed by this planning application is on a greenfield site. The site is located within the Very Sensitive Countryside Zone as defined within the Local Development Plan, where LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement only to specific categories of development on appropriate sites. These comprise renewable energy related development; telecommunication related development; and development which would directly support agricultural, aquaculture, nature conservation or other established activity. The proposed short-term holiday letting dwellinghouse would not relate to any of the above categories of development. There is no established activity on the undeveloped and uninhabited island and no case has been presented to suggest otherwise.

The proposed development, on a greenfield site, would therefore be contrary to NPF4 Policy 9b, which requires development proposals on greenfield sites to be explicitly supported by policies in the Local Development Plan. The development would thereby fail to achieve the policy outcome aims which require development to be sited within an appropriate location to maximise the use of existing assets and minimise additional land take.

With regard to the proposed Local Development Plan 2, the application site is located within the Remote Countryside. This development management zone comprises countryside and isolated coast which has extremely limited capacity to successfully absorb development. Only limited categories of natural resource based development is supported in these areas, limited to renewable energy related development, telecommunications or other associated digital infrastructure, or development directly supporting existing agricultural units, aquaculture, or other recognised countryside activity. The proposed development would not relate to any of these categories of development and in this regard would be contrary to Policy 02 of the proposed Local Development Plan 2.

NPF4 Policy 10 seeks to protect coastal communities and assets and support resilience to the impacts of climate change.

The proposed development is considered to be a form of coastal development by virtue of the development relying on the use of the coast to access and facilitate the development. NPF4 Policy 10b states that development proposals in undeveloped coastal areas will only be supported where they:

- i. are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site;
- ii. do not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and
- iii. are anticipated to be supportable in the long-term, taking into account projected climate change; or
- iv. are designed to have a very short lifespan

The proposed development would fail to meet the above criteria as it would not relate to support of the blue economy or achieving net zero emissions, and neither would the development contribute to the economy or wellbeing of a community dependent on marine or coastal activities. Additionally, the development does not relate to the provision of essential infrastructure.

The isolated nature of the coastline within this area, designated as Very Sensitive Countryside Zone, is unable to successfully absorb the proposed development. The scale of the development, comprising a dwellinghouse with a large footprint, and the associated outbuilding and pontoon would be of a scale that is inappropriate to the characteristics of the undeveloped and isolated location and would therefore fail to safeguard areas identified as being sensitive and vulnerable to development impacts.

The proposed development would therefore represent an unsustainable form of coastal development that would conflict with the requirements of NPF4 Policy 10 as underpinned by Local Development Plan Policies LDP DM1, LDP 8 and LDP 10, and supplementary guidance SG LDP CST 1.

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks permission for the erection of a dwellinghouse for short-term letting purposes. This is a development likely to generate waste when operational. Whilst no details have been provided regarding the proposed management of waste from the site, such details could be secured via condition in the event that planning permission were to be granted. In this regard, the proposed development is considered to be in compliance with NPF 4 Policy 12(c) as underpinned by LDP Policy LDP 10, supplementary guidance SG LDP SERV 5(b), and Policy 63 of the proposed Local Development Plan 2.

NPF4 Policy 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

This policy aims to provide more opportunities for improved and more inclusive active and sustainable travel opportunities whilst ensuring that developments are in locations which support sustainable travel.

Due to the isolated and remote location of the site, access would be required to be by boat, assisted by the proposed pontoon. This small scale development is not considered to be a significant travel generating use or a proposal where it is considered important to monitor travel patterns resulting from the development.

Notwithstanding the small scale nature of the development, it is not considered that the proposal adequately addresses the requirements of NPF4 Policy 13b, which requires development proposals to demonstrate consideration of the transport requirements generated and their adherence to sustainable travel and investment hierarchies. There would be no direct or easy access to the site via sustainable transport methods or public transport and no apparent consideration has been given to the transport needs of different user groups, such as those with limited mobility. Whilst the development would be small scale and access to the site could be facilitated, it is not considered that the proposal would adhere to the requirements of NPF4 Policy 13, which specifically requires development to be in a location that supports sustainable travel.

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

NPF4 Policy 14c states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful place will not be supported. Whilst it is acknowledged that the design of the dwelling has been given significant consideration, the siting of the development within the exposed and sensitive landscape would fail to adhere to the requirements of NPF4 Policy 14 by virtue of being inappropriately sited. The development would not be well connected to any existing established settlement, development or infrastructure, nor would the development safeguard the isolated and undeveloped nature of the immediate and wider landscape surroundings.

New development in this location would not be cohesive with the landscape or settlement pattern and would not integrate with the character of the surrounding area. The introduction of built development to an undeveloped island is considered inappropriate and the development would have a significant adverse impact upon the setting, and would unacceptably alter the character and appearance of the surrounding landscape and seascape.

In addition to the above, however, it is important to note that the impact of the proposed development upon the landscape and character of the surrounding area is not the sole determining factor in the consideration of this application. Regardless of any interpretation of the impact of the proposed development upon the landscape, the development does not meet the fundamental key planning policy test for the Council's established and adopted settlement strategy for the planned growth of Argyll and Bute as set out within Policy LDP DM 1. Neither, therefore, does the proposed development accord with the sustainable development aims of the Council as established within adopted key planning Policy LDP STRAT 1 which underpins NPF4 Policy 14.

The proposed development fails to pay regard to the wider surroundings of the site in terms of infrastructure, land uses, available facilities, connectivity, the existing

character, scale and density, and views. The site is isolated and the proposed development would be incompatible with the existing character of the area, and is therefore contrary to Policies 05, 08, 09 and 10 of the proposed Local Development Plan 2.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

The development the subject of this planning application is located within a defined 'remote rural area' where Policy 17(c) offers support only where such proposals:

- i. Support and sustain existing fragile communities;
- ii. Support identified local housing outcomes; and
- iii. Are suitable in terms of location, access and environmental impact.

The proposed development seeks consent for a dwellinghouse for use for short-term holiday letting purposes. The proposed development would not therefore offer an opportunity for occupation by persons within the local community. No supporting evidence has been submitted to suggest that the development proposed would provide support to an established fragile community. In addition, as outlined above, the siting of the development is considered unsustainable due to its inaccessibility and impact upon the sensitive and vulnerable isolated landscape and seascape. The proposed development would therefore be contrary to the aims of NPF4 Policy 17 as underpinned by Local Development Plan Policy LDP DM 1.

NPF4 Policy 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning.

The development the subject of this planning application proposes a private drainage system comprising a sewage treatment plant, with water supply via connection to a private water supply. The Council's Building Standards Service would apply suitable control over the detailed arrangements of the proposed sewage treatment plant at Building Warrant stage in the event that planning permission were to be granted.

The proposed water and drainage infrastructure to serve the proposed development is considered to be consistent with the broad aims of NPF4 Policy 18 as underpinned by LDP Policy LDP 11, supplementary guidance SG LDP SERV 1, and Policy 60 of the proposed Local Development Plan 2.

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

The development the subject of this planning application proposes connection to a private water supply. In the event that planning permission were to be granted, a condition would be required to secure an appraisal of the wholesomeness and sufficiency of the intended water supply.

The application site is situated adjacent to the coastal functional floodplain, as indicated on the SEPA Flood Maps. Given the proposed siting for the development on a small undeveloped island, the proposed development falls within the Most Vulnerable land use class. SEPA have been consulted on the application and have stated that, based upon the Flood Risk Assessment submitted with the application, there are no objections subject to a condition relating to development being sited above 5.8mAOD. Should planning permission be granted and the relevant condition attached, the proposed development would be compliant with NPF4 Policy 22 as

underpinned by Local Development Plan Policies LDP 10 and LDP 11, supplementary guidance SG LDP SERV 7, and Policies 55 and 58 of the proposed Local Development Plan 2.

NPF4 Policy 29 seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

NPF4 Policy 29a offers support to development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy. No information has been submitted with the application to suggest that the proposal for a holiday let dwellinghouse on an otherwise uninhabited island would provide any support to an existing rural community and its economy.

With regard to NPF4 Policy 29c, development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact

The proposed development would not relate to supporting local employment opportunities and neither would it provide support to an existing community. As previously outlined, the site is unsuitable for development in terms of location and access due its isolated and undeveloped nature and its sensitivity to inappropriate development that would fail to protect or conserve the important landscape characteristics of the wider area. The proposed development would not therefore adhere to the requirements of NPF4 Policy 29 as underpinned by Local Development Plan Policies LDP 3, LDP 5, LDP 8 and LDP 9, and supplementary guidance SG LDP BUS 5.

NPF4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

The site the subject of the application is not in a location identified within the adopted Local Development Plan as being appropriate for tourist facilities or accommodation, and in this way fails to comply with the provisions of NPF4 Policy 30a.

As stipulated by NPF4 Policy 30b, proposals for tourism related development must take into account a number of factors, including the contribution made to the local economy; compatibility with the surrounding area; impacts on communities; opportunities for sustainable travel; accessibility for disabled people; measures taken to minimise carbon emissions; and opportunities to provide access to the natural environment.

No information has been submitted with the application to suggest that the proposal would be a diversification opportunity or such a related scheme to support the local economy. The development would fail to be compatible with the surrounding area by virtue of introducing significant built development that would lead to a significant increase in activity level at an isolated and undeveloped location. Due to its isolated

location, the development would present very limited opportunities in terms of sustainable travel options and, as outlined within the representation received by the Oban District Access Panel, adaptations would be required to take into account accessibility for disabled people.

The proposed development is not considered to represent an appropriately sited tourism development. The proposal would fail to contribute to the community economically, socially and culturally. In this way, the proposed development would fail to meet the needs of the community, visitors and the environment, and would therefore be contrary to NPF4 Policy 30 as underpinned by Local Development Plan Policies LDP 3, LDP 5, LDP 8 and LDP 9, supplementary guidance SG LDP TOUR 1, and Policy 23 of the proposed Local Development Plan 2.

Notwithstanding the above requirements of NPF4 Policy 30, the development of the site with the erection of a dwellinghouse and associate services would represent an inappropriate form of development within the Very Sensitive Countryside Zone designation which would be detrimental to the character and appearance of the wider landscape and contrary to the policies set out within the National Planning Framework 4 and the adopted Local Development Plan and associated supplementary guidance.

There is sufficient alignment in the assessment of the proposal against both provisions of the current Local Development Plan and the Proposed Local Development Plan 2 (as modified) that a decision can be made under the current development plan without giving rise to fundamental conflict with PLDP2 (as modified).

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

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

See reasons for refusal set out below.

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

N/A

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

Author of Report: Emma Shaw **Date:** 17.07.2023

Reviewing Officer: Tim Williams **Date:** 18.07.2023

Fergus Murray
Head of Development & Economic Growth

REASONS FOR REFUSAL OF PLANNING APPLICATION 22/02100/PP

1. It is considered that the proposed development upon this small and uninhabited island would be materially harmful to the landscape character and qualities of the area, the importance of which is acknowledged by the designation of the site as part of a wider National Scenic Area. The proposed development would be in direct conflict with National Planning Policy NPF4 Policy 4.

NPF4 Policy 4 c) states that development proposals that will affect a National Scenic Area will only be supported where:

- i) The objectives of designation and the overall integrity of the area will not be compromised; or
- ii) 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.

In this case, it is the considered opinion of the planning authority that the proposed development will be materially harmful to the designated qualities of the area and its overall integrity and that this harm is not clearly outweighed by any social, environmental or economic benefit, and certainly not of 'national importance'.

The proposed development is therefore considered to be in conflict with NPF4 Policy 4 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 14, and Policies 04 and 70 of the proposed Local Development Plan 2.

2. Notwithstanding Reason 1 above, the proposed development on this greenfield site conflicts with National Planning Policy NPF4 Policy 9.

NPF4 Policy 9 b) states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported in the LDP.

In this case, the proposed development would constitute the introduction of a significant built form onto an uninhabited and undeveloped small island, designated as a 'Very Sensitive Countryside Zone' within the adopted Argyll and Bute Local Development Plan 2015, and as a 'Remote Countryside Area' within the proposed Argyll and Bute Local Development Plan 2.

The proposed development site has no development allocation in either the current or the proposed LDP.

Adopted LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement within the Very Sensitive Countryside Zone only to specific categories of development on appropriate sites. These comprise renewable energy related development; telecommunication related development; and development which would directly support agricultural, aquaculture, nature conservation or other established activity. The proposed short-term holiday letting dwellinghouse would not relate to any of the above categories of development.

With regard to the proposed Local Development Plan 2, the application site is located within the Remote Countryside Area. This development management zone comprises countryside and isolated coast which has extremely limited capacity to

successfully absorb development. Only limited categories of natural resource based development is supported in these areas, limited to renewable energy related development, telecommunications or other associated digital infrastructure, or development directly supporting existing agricultural units, aquaculture, or other recognised countryside activity. The proposed development would not relate to any of these categories of development and in this regard would be contrary to Policy 02 of the proposed Local Development Plan 2.

There is therefore no support for this type of development in this location within either the adopted or proposed LDP and the development is therefore contrary to NPF4 Policy 9 as underpinned by LDP Policies LDP STRAT 1 and LDP DM 1 and LDP2 policy 02.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **22/02100/PP**

(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: Yes No

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

See reasons for refusal set out above.

APPENDIX A – APPROPRIATE ASSESSMENT RELATIVE TO APPLICATION 22/02100/PP

APPROPRIATE ASSESSMENT BY ARGYLL AND BUTE COUNCIL

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

ERECTION OF SHORT-TERM HOLIDAY LET ACCOMMODATION, OUTBUILDING AND PONTOON AND INSTALLATION OF SEWAGE TREATMENT PLANT

The application site is close to the Eileanan agus Sgeiran Lios mor Special Area of Conservation, classified for its harbour seal population.

As a result of this designation, NatureScot advised that, in their view, the proposal is likely to have a significant effect on the harbour seal qualifying interests of the Special Area of Conservation.

As a consequence Argyll and Bute Council is required to carry out an Appropriate Assessment in view of the sites conservation objectives for the sites qualifying species.

This assessment is detailed below.

Characteristics of the Development

The proposal involves the erection of a dwellinghouse for short-term holiday letting purposes, an outbuilding and a pontoon and a sewage treatment plant.

Location of the Development

The development site is located on Eilean Loch Oskair, a small uninhabited and undeveloped island located approximately 250 metres off the northwest coast of Lismore within Loch Linnhe. The application site comprises an area of land towards the southern end of the island, extending from the west coast to the east coast of the island. The development is located close to the Eileanan agus Sgeiran Lios mor Special Area of Conservation, classified for its harbour seal population.

An appraisal was undertaken by NatureScot which considered the impact of the proposals on the following factors: population of the species as a viable component of the site; distribution of the species within the site; the distribution and extent of habitats supporting the species; the structure, function and supporting processes of habitats supporting the species; and no significant disturbance of the species.

NatureScot advise that there is likely that there would be some disturbance to the population of harbour seals belonging to the Eileanan agus Sgeiran Lios mor Special Area of Conservation are therefore the conclusion is that the proposal would have Likely Significant Effects. The proposed mitigation measures relate to the carrying out of construction activities out with the pupping season piling mitigation, and vessel management measures. A pre-construction survey would be required to assess the seal activity in the area and to identify the mitigation zone required. Based on the likely short time period for construction and the

proposed mitigation measures, there would be no effect on the site integrity of the Special Area of Conservation.

It is therefore concluded that, were planning permission to be granted and subject to a an appropriately worded condition to secure a pre-construction survey and to ensure the works were carried out in accordance with the proposed mitigation, the proposed development would not have a significant adverse impact upon the integrity of the Eileanan agus Sgeiran Lios mor Special Area of Conservation.

Emma Shaw
Planning Officer
Oban, Lorn and the Isles

17.07.2023

Municipal Buildings Albany Street Oban PA34 4AW

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

REFUSAL OF PLANNING PERMISSION

REFERENCE NUMBER: 22/02100/PP

**Mr A MacGillivray
Houghton Planning Ltd
Alloa Business Centre
Whins Road
Alloa
Clacks
Scotland
FK10 3RF**

I refer to your application dated 19th October 2022 for planning permission in respect of the following development:

Erection of short-term holiday let accommodation, outbuilding and pontoon and installation of sewage treatment plant

AT:

Eilean Loch Oscair Off Isle Of Lismore Argyll And Bute

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

Dated: 18 July 2023



Fergus Murray
Head of Development and Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 22/02100/PP

1. It is considered that the proposed development upon this small and uninhabited island would be materially harmful to the landscape character and qualities of the area, the importance of which is acknowledged by the designation of the site as part of a wider National Scenic Area. The proposed development would be in direct conflict with National Planning Policy NPF4 Policy 4.

NPF4 Policy 4 c) states that development proposals that will affect a National Scenic Area will only be supported where:

- i) The objectives of designation and the overall integrity of the area will not be compromised; or
- ii) 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.

In this case, it is the considered opinion of the planning authority that the proposed development will be materially harmful to the designated qualities of the area and its overall integrity and that this harm is not clearly outweighed by any social, environmental or economic benefit, and certainly not of 'national importance'.

The proposed development is therefore considered to be in conflict with NPF4 Policy 4 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 14, and Policies 04 and 70 of the proposed Local Development Plan 2.

2. Notwithstanding Reason 1 above, the proposed development on this greenfield site conflicts with National Planning Policy NPF4 Policy 9.

NPF4 Policy 9 b) states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported in the LDP.

In this case, the proposed development would constitute the introduction of a significant built form onto an uninhabited and undeveloped small island, designated as a 'Very Sensitive Countryside Zone' within the adopted Argyll and Bute Local Development Plan 2015, and as a 'Remote Countryside Area' within the proposed Argyll and Bute Local Development Plan 2.

The proposed development site has no development allocation in either the current or the proposed LDP.

Adopted LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement within the Very Sensitive Countryside Zone only to specific categories of development on appropriate sites. These comprise renewable energy related development; telecommunication related development; and development which would directly support agricultural, aquaculture, nature conservation or other established activity. The proposed short-term holiday letting dwellinghouse would not relate to any of the above categories of development.



With regard to the proposed Local Development Plan 2, the application site is located within the Remote Countryside Area. This development management zone comprises countryside and isolated coast which has extremely limited capacity to successfully absorb development. Only limited categories of natural resource based development is supported in these areas, limited to renewable energy related development, telecommunications or other associated digital infrastructure, or development directly supporting existing agricultural units, aquaculture, or other recognised countryside activity. The proposed development would not relate to any of these categories of development and in this regard would be contrary to Policy 02 of the proposed Local Development Plan 2.

There is therefore no support for this type of development in this location within either the adopted or proposed LDP and the development is therefore contrary to NPF4 Policy 9 as underpinned by LDP Policies LDP STRAT 1 and LDP DM 1 and LDP2 policy 02.

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 22/02100/PP

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
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: 22/02100/PP

- 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.**

Yes/No (delete as appropriate) if yes, list amendments

- 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**

The proposal is considered to be contrary to National Planning Framework 4 Policies 4, 9, 10, 14, 17, 29 and 30, and Policies LDP 3, LDP 4, LDP 5, LDP 8, LDP 9, LDP 10 and LDP 11 and Supplementary Guidance SG LDP ENV 12, SG LDP ENV 14, SG LDP BUS 2, and SG LDP TOUR 1 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 Section 25 of the Act.

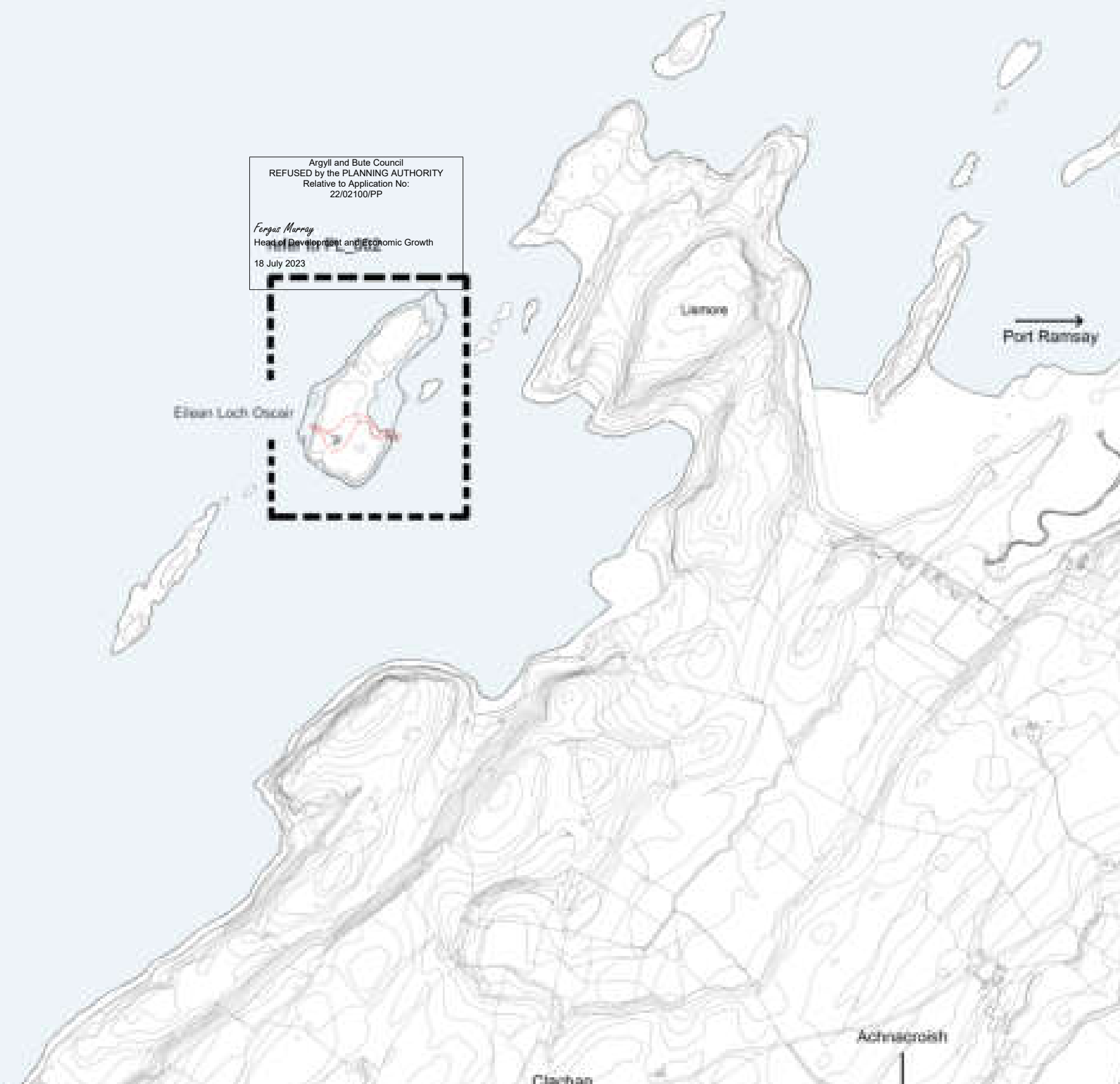
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Notes in relation to site plan:

- No buildings within 30 metre radius of the application site boundary
- No hard surfacing within the site boundary (or elsewhere on the island) is proposed.
- No boundary treatments (such as walls or fences) are proposed.
- Pontoon proposed to enable easy access by boat.
- No hard or soft landscaping within the site boundary (or elsewhere on the island) is proposed.

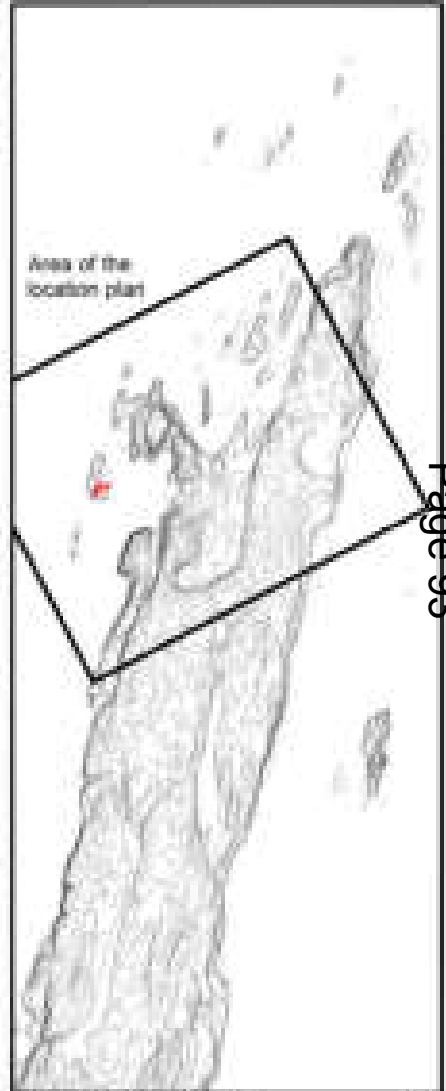
The use of this plan by the applicant will be an agreement of the planning authorities. Do not use this plan if you do not agree with any of the following statements:

Do not scale for planning purposes. Use figure dimensions if you need. Scale of dimensions in m. Report any discrepancy in writing to the author of this drawing unless permitted.



Argyll and Bute Council
REFUSED by the PLANNING AUTHORITY
Relative to Application No:
22/02100/PP

Fergus Murray
Head of Development and Economic Growth
18 July 2023



Linnore (NOT TO SCALE)

Revision:
Date:
Planning:
Project:
Eilean Loch Ossiel
Argyll and Bute
Scotland
Drawing:
Proposed Location Plan

Drawing No.	Revision	User	Type	Date	Number
PL_001					

Scale: 1:10000
Date: 2023
Author: JM
Page: 6

The use of this file by the recipient is an engagement of the drawing standards. Do not use this file if you do not agree with the following conditions:
 Only valid for drawing purposes. Use figures dimensioned in all units. Check all dimensions on site. Report any discrepancies promptly to the author of the drawing before proceeding.



Argyll and Bute Council
 REFUSED by the PLANNING AUTHORITY
 Relative to Application No:
 22/02100/PP
 Fergus Murray
 Head of Development and Economic Growth
 18 July 2023

Refer to PL_008

Discharge from treatment plant, to be approved by SEPA

Foul drainage treatment plant Klages ler Blodisc 1

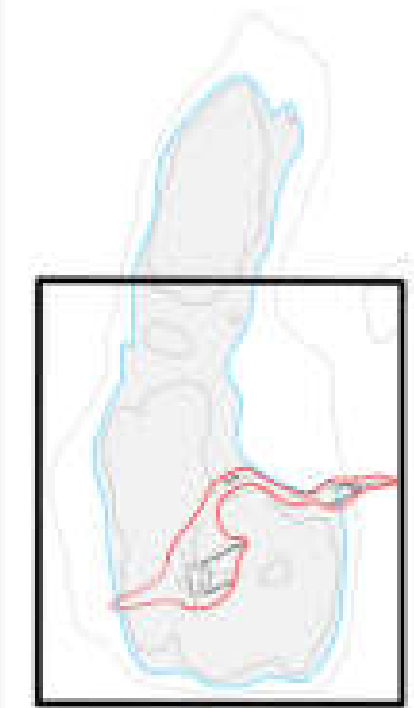
Bore hole for water supply

Proposed Outbuilding

Proposed House

Proposed Pontoon

Approach



Eilean Loch Oisair 1:5000(A3) ©

- Notes in relation to site plan:
- No buildings within 20 metre radius of the application site boundary.
 - No hard surfacing within the site boundary is (or elsewhere on the island) is proposed.
 - No boundary treatments (such as walls or fences) are proposed.
 - Pontoon proposed to enable easy access by boat.
 - No hard or soft landscaping within the site boundary (or elsewhere on the island) is proposed.

Department		Planning	
Project		Eilean Loch Oisair Argyll and Bute Scotland	
Drawing		Proposed Site Plan	
Drawing No	Project	Revision	Issue
051	1:1000	JD	B

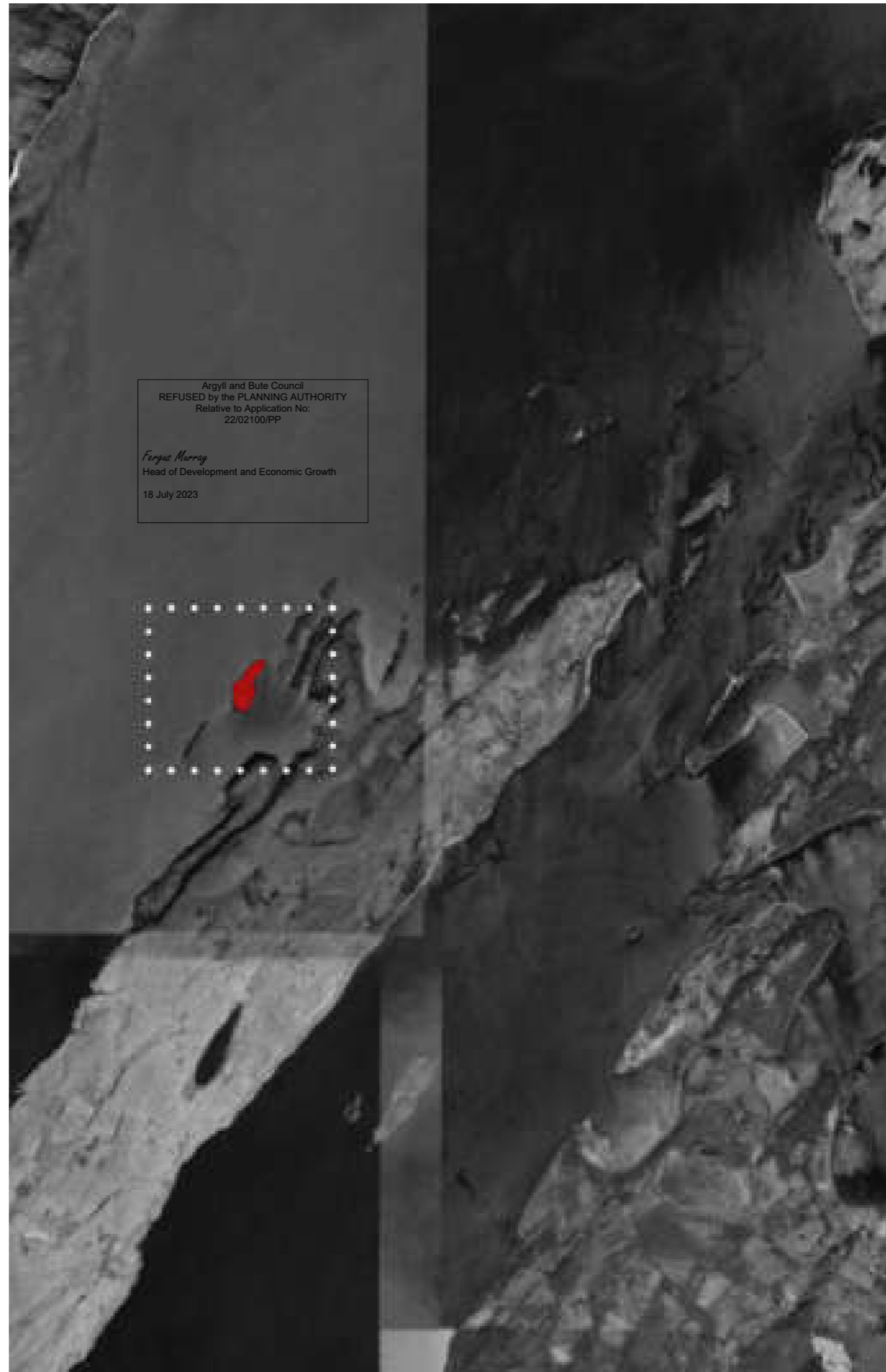


Eilean Loch Oskair
by Lismore

Design Statement

June 2022 (Original at A3)

Moving Still Architecture



Argyll and Bute Council
 REFUSED by the PLANNING AUTHORITY
 Relative to Application No:
 22/02100/PP

Fergus Murray
 Head of Development and Economic Growth
 18 July 2023

Preamble

We are pleased to submit this design statement in support of an application to create a unique and beautiful holiday home on Eilean Loch Oscair; a small island situated at the north-western edge of Lismore, on Loch Linnhe.

Having visited the island, we were struck by the beauty of the site, and by the unique opportunity, and challenges, that the project presents.

We hope that the strategies we've developed - in relation to the site, the architectural scheme, and the technical realisation of those ideas, does justice to the stunning beauty of this amazing place.

We recognise and accept a profound responsibility to approach the site with a determined sense of respect and care - and hope that the proposals described here express that very clearly.

Introduction

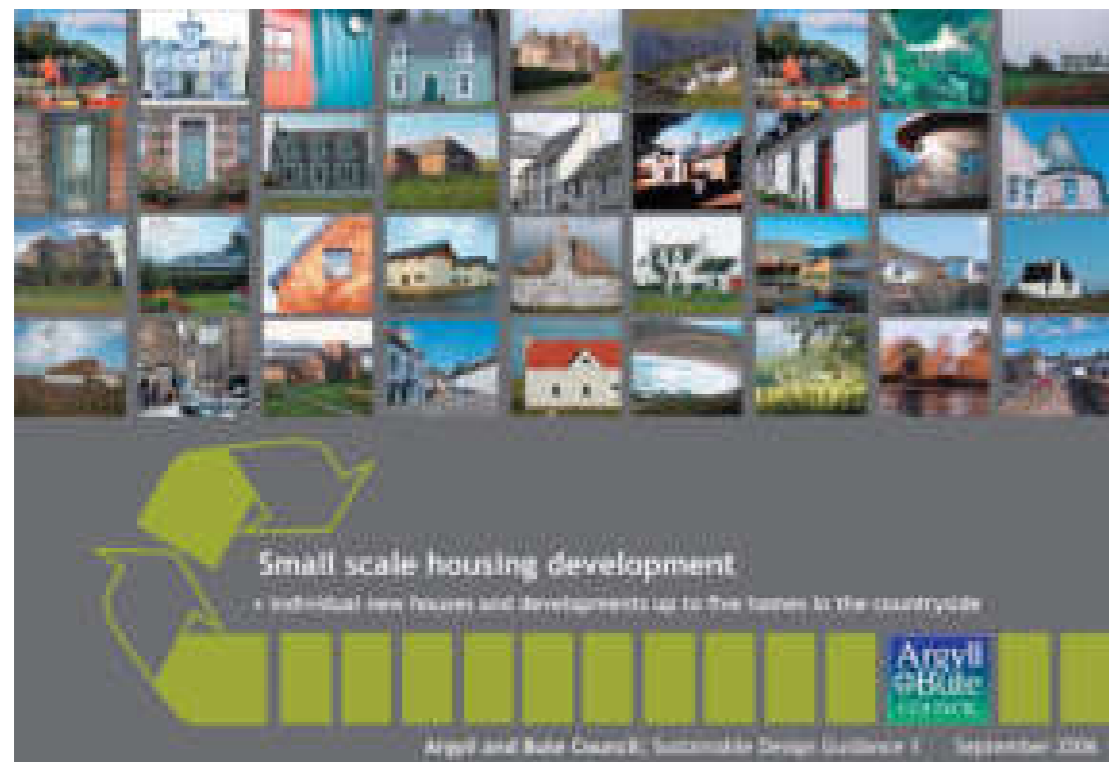
This application relates to the proposed installation of a high quality building to create a three-bedroom holiday accommodation unit, on Eilean Loch Oskair. Our aspiration is to design a building of excellent quality, so as to justify its presence on this very special site, and to make a positive contribution to the visual quality of the island.

Eilean Loch Oskair is a small island, located at the north-western edge of Lismore on Loch Linnhe. We are acutely aware of the landscape character of this place, and have gone through a rigorous process, continually seeking to refine the design, so that the final proposal is a sensitive, sustainable, and beautiful building.

We have visited Eilean Loch Oskair, travelling by small boat down Loch Linnhe. We have walked the island, making sure that we understand the constraints and opportunities that the site presents. We have recorded in sketches, photographs and a model, key observations across the island. That analysis has been absolutely critical in our design process; in fact, the desire to create a scheme which is appropriate to the island has guided our architecture – which has evolved to reach the design which is submitted in this application.

Design Process

Throughout the design process we have continually referred to the Argyll & Bute 'Small Scale Housing Development / Sustainable Design Guidance' publication. We have intertwined that with our own research on small-scale 'off-grid' sustainable architecture, as well as technical research in to pre-fabrication (particularly in relation to marine-based delivery to site of prefabricated components). All of this work has been really important to us – so that we can be confident in the credentials of our proposal in relation to preservation of the existing landscape, long-term / whole-life sustainability, construction logistics, and climate awareness.



Ref: **Argyll & Bute Council**: *Small Scale Housing Development, Sustainable Design Guidance* (2006)

Project Introduction

Furthermore, we have been keen to relish and enjoy the architectural opportunity this project presents. So, while going through that process of research on the technical issues described above we have also focused on human aspects – ideas about how people could enjoy the unique opportunity that visiting this building, and this island, would present. In other words we also want this project to be excellent so that the people who visit it find themselves in a building that is beautiful and joyous, so they can sit and enjoy the views up and down Loch Linnhe, and soak in the stunning nature of the place.

There has been research carried out in relation to flood risk, which has identified the areas on the island where a building could be located, and we have worked within those parameters. As mentioned above, we have discussed our proposals in principle with a leading marine logistics operator, to make sure that the dimensions of the scheme we have proposed could be readily delivered to the site in prefabricated parts and assembled on the island.

Our initial ideas focused on a contemporary building within a traditional / vernacular form. It was a one and a half storey, pitched roof scheme dressed in contemporary cladding, with large picture windows so that the views around Loch Linnhe could be fully enjoyed. We were pleased with the scheme to a large extent, but in reviewing these proposals we wondered whether it could be possible to create something that responded more directly to the landscape and topography of the island; a building which would sit lower in to the landscape.

Page 20 of the Argyll & Bute 'Small Scale Housing Development / Sustainable Design Guidance' discusses preferred approaches to the siting of buildings, and specifically mentions the traditional way in which rural buildings are often "grounded within the landscape" and "work with the contours for shelter". These notions basically capture the critical idea which led to the revisions we made to our design. We started looking at options for a single storey, low-lying scheme whose roof would sit much more closely to the horizon of the island. Early moves involved breaking up the mass of the building in to two 'fingers' – so that each block could enjoy the views and benefit from natural light in a way that a building with a deeper plan might not.

The final move was to 'crank' the main element of the plan. This move was based on creating a sense that the building was hugging the landscape as closely as possible. We have proposed a pair of linear elements, linked in the middle, and with a small outbuilding.

We hope that the design moves which have led to this final proposal mean that the building will be a much less prominent – so that the architecture can "minimise [it's] impact on [the] landscape setting" (Page 24, Argyll & Bute 'Small Scale Housing Development / Sustainable Design Guidance').

We have proposed no formal / structural landscaping as part of this proposal. Our idea is that the building would sit gently on the landscape, and would not seek to permanently alter it. Therefore we've made are no proposals for fencing, planting, paths etc. We have included a modest pontoon so small boats can land people on the island, but that's all. We would want the building to make a 'light touch' on the ground. We would propose screw piles instead of traditional foundations, and as mentioned above the building would be largely prefabricated off-site. This means that effectively in the future the building could be deconstructed / demounted and

removed in sections, then the screw piles could be removed or capped, so that the building would leave no trace on the island.

Technical Considerations

The design is expected to be 'off-grid' – following much of the advice offered on pages 32-35 of the A&B Sustainable Design Guidance. We have anticipated that grey-water would be reused (this is the main reasons the WCs are grouped together in the plan), that composting toilets would be provided, and that an array of solar pv would be used to generate electricity – with capacity for battery storage of power and a small generator to back-up that supply. We would also anticipate a bore hole would be used to provide water, as is the case at other locations along Loch Linnhe.

The weather was good when we visited the island, but we've spent lots of time on the west coast, and are fully aware that this isn't always the case. The desire to shelter the building was part of our thinking with the low-lying massing we've proposed, but at the same time we want to allow people to really enjoy the sensational views – which is the reason we've proposed large areas of picture-windows. The compromise we've proposed is that all of those large openings would have slatted timber external shutters which could run over the openings during winter – offering protection from the elements, but still allowing for views out and for light to come in.

We have proposed that the building would be clad in high quality, sustainably sourced timber cladding (as described in pages 44-45 of the A&B Sustainable Design Guidance). We feel that this material would create a natural harmony with the landscape, and would look very attractive.

Summary

The following pages will summarise the design process we've followed, and will highlight all of the ideas described in this text which have been critical to our architectural thinking.

We feel privileged to have been able to work on this project, and are keenly aware of the quality of the site we're working on. We hope that our proposal is an appropriate response to that context.

We think the scheme could be an exemplar in low-impact, sensitive, contemporary rural architecture – a sustainable building which is befitting of it's beautiful location.



Argyll and Bute Council
REFUSED by the PLANNING AUTHORITY
Relative to Application No:
22/02100/PP

Fergus Murray
Head of Development and Economic Growth
18 July 2023

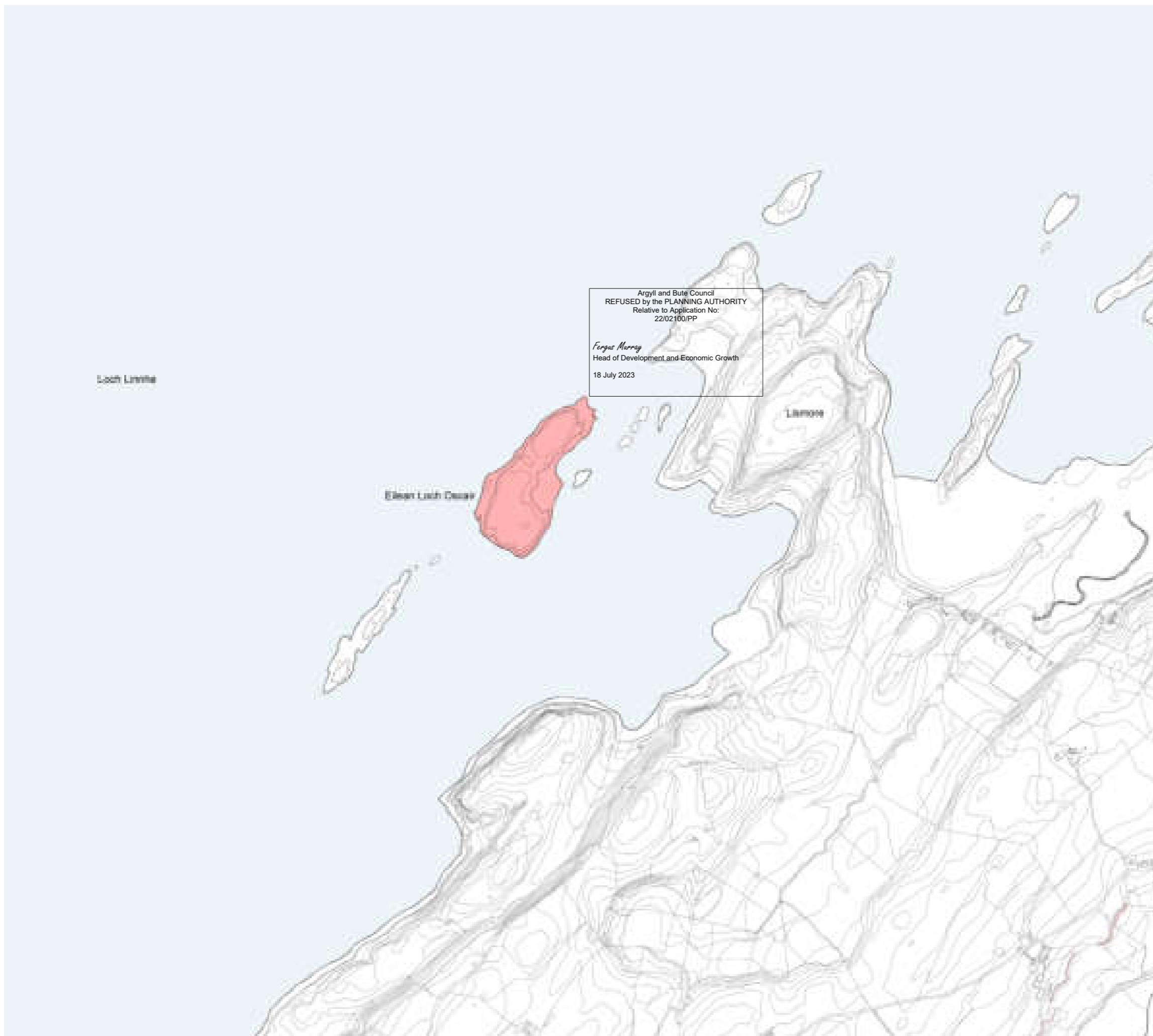
Approaching Eilean Loch Osgair from the north on Loch Linnhe.



Alongside the southern edge of Eilean Loch Osgair.

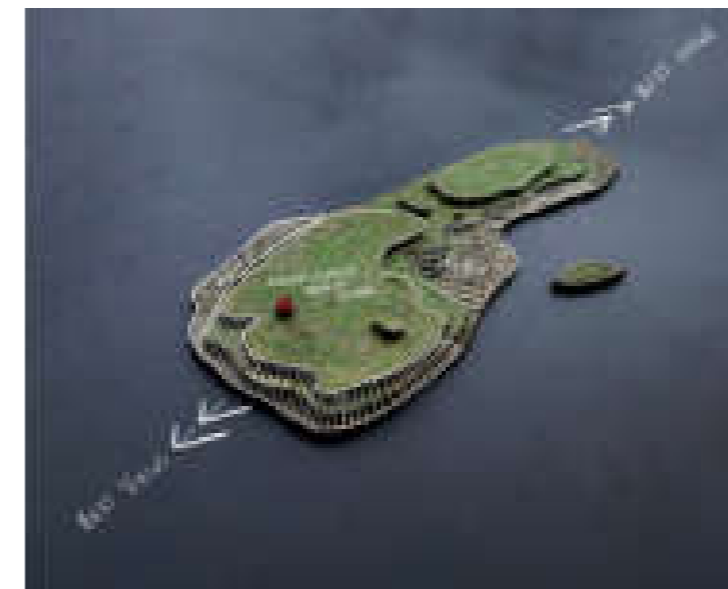
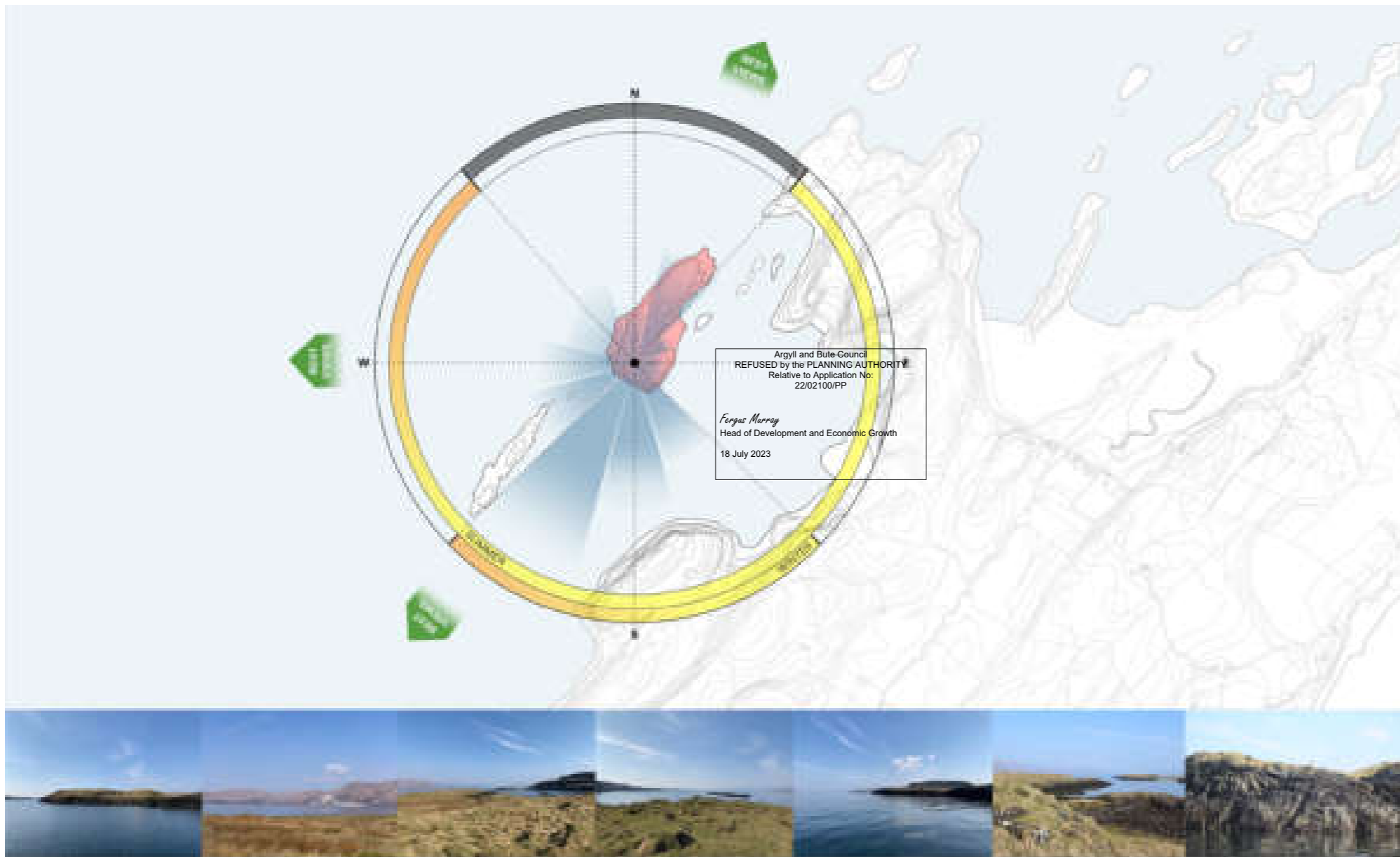
Location

The site is Eilean Loch Oscair, which is a small island located at the north-western edge of Lismore, on Loch Linnhe.



Site Analysis

Having visited the island we carried out a detailed site analysis exercise. This included items such as climate, sun path, prevailing winds, aspect and outlook and landscape character.



June 2022

Moving
Still
Architecture



On our approach to the island, showing the slight hollowing on the horizon. This is where the proposed building has been located; in an attempt to hug the contours of the land, and respect the integrity of the broader horizon.



The site is tucked in to the hollow in the centre of the image, with the horizon of Lismore behind.



Looking north from the site.



Looking south from the site.



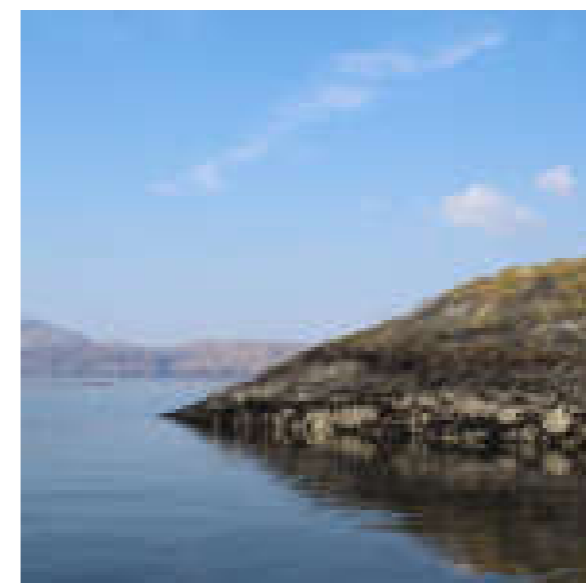
Eilean Loch Oisair.



Argyll and Bute Council
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Fergus Murray
Head of Development and Economic Growth
18 July 2023

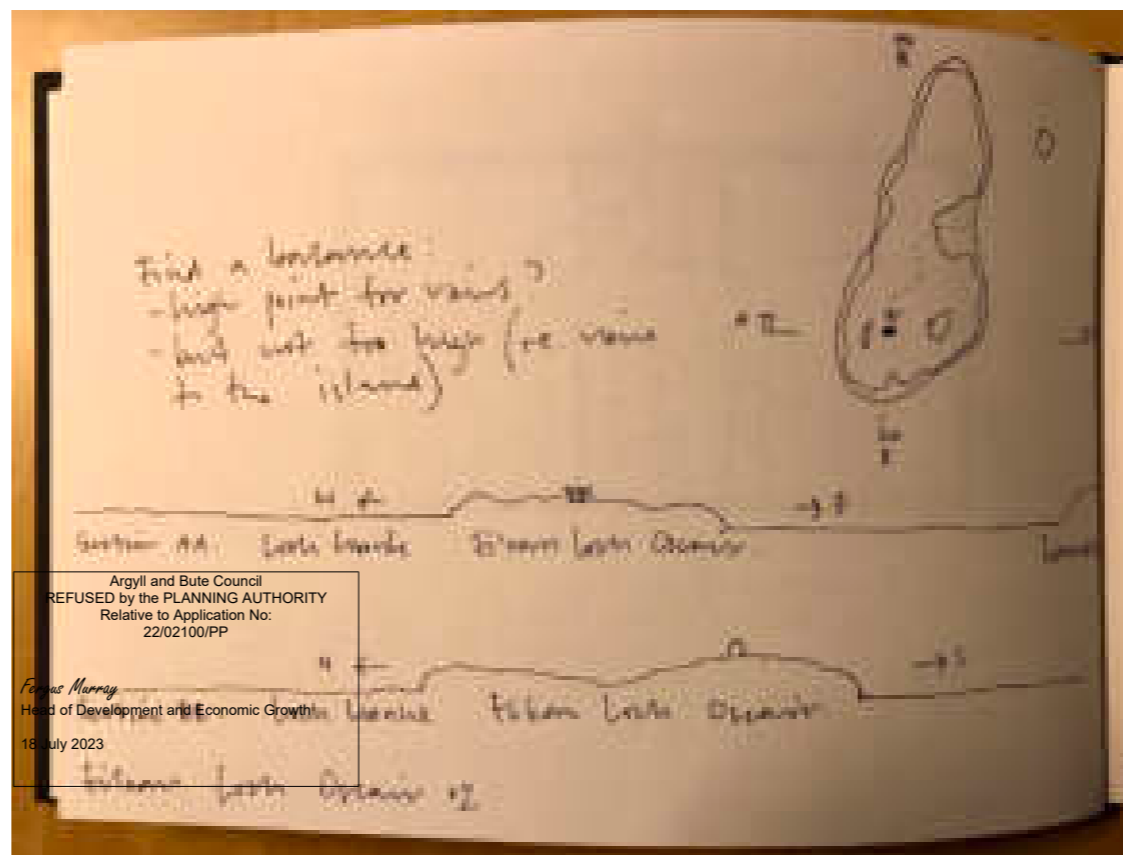
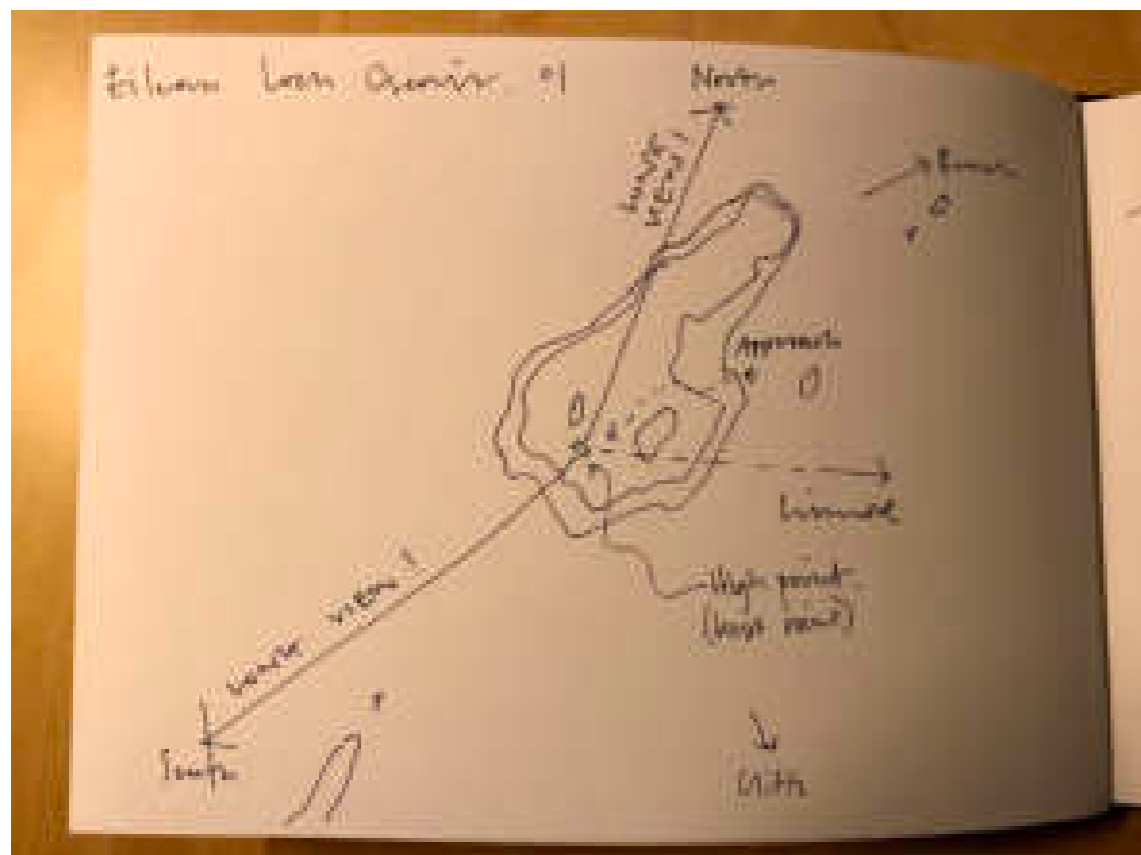
Looking east, back over towards Lismore.



Where the island meets the water.

Site Analysis

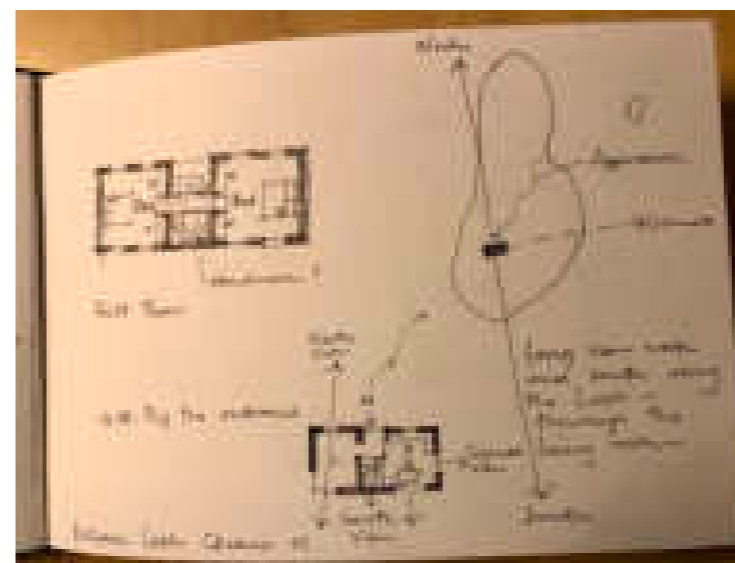
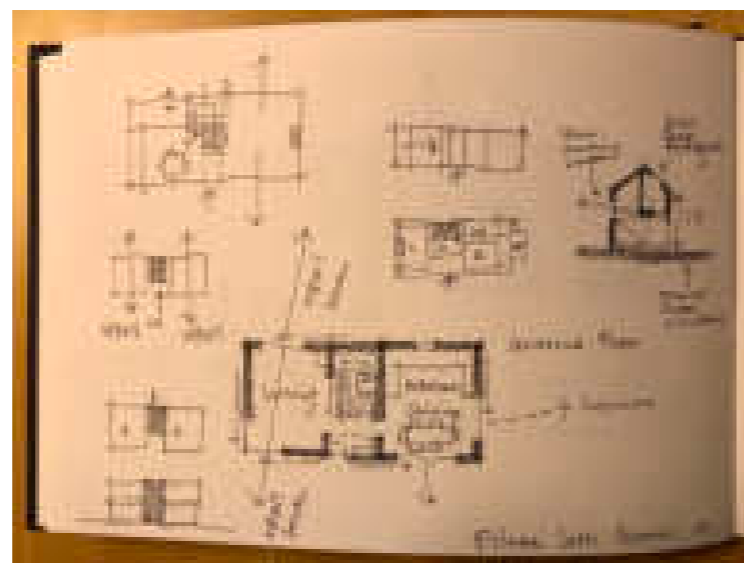
This is a selection of the photographs taken around and on Eilean Loch Oisair during our visit. We have continually referred to these images throughout the design process.



Argyll and Bute Council
REFUSED by the PLANNING AUTHORITY
Relative to Application No:
22/02100/PP

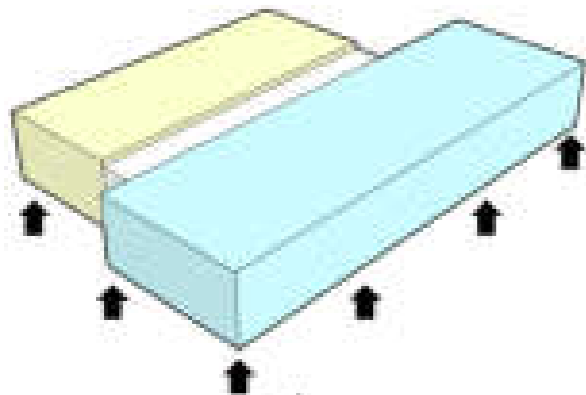
Fergus Murray
Head of Development and Economic Growth
18 July 2023

These sketches illustrate some initial thoughts on site design and architectural strategy for our initial options.



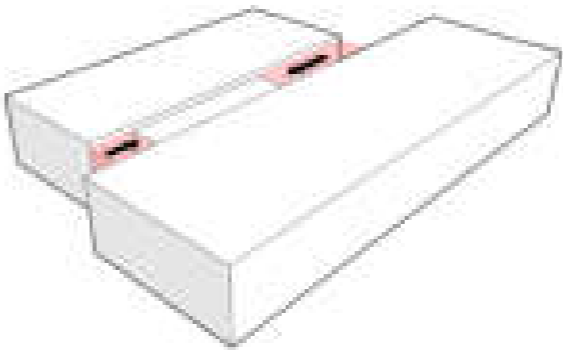
Having prepared massing studies for that initial option we elected to revise our architectural strategy, in favour of a scheme with reduced massing and scale, which would attempt to hug the landscape and sit lower to the horizon.





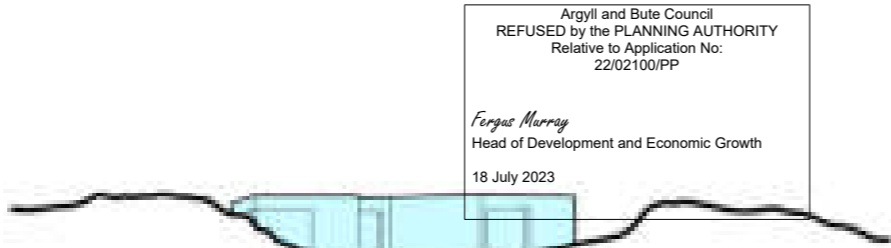
I
TWO BLOCKS

The geometry of the building is arranged with two main 'blocks', elevated slightly off the ground in order to minimise the impact on the island's surface.



II
THE CONNECTOR BLOCK

The middle section, connecting the two main blocks is reduced in size in order to provide clear visual separation, and to frame views, as well as naturally guide the user in to the building.

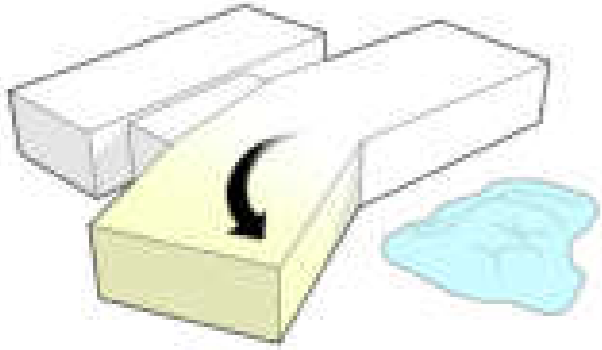


III
MODEST PRESENCE

The building is settled in to the landscape in an understated way; barely protruding over the horizon when seen from the water. This diagram reflects the view shown in the photograph of Page 7 (top left).

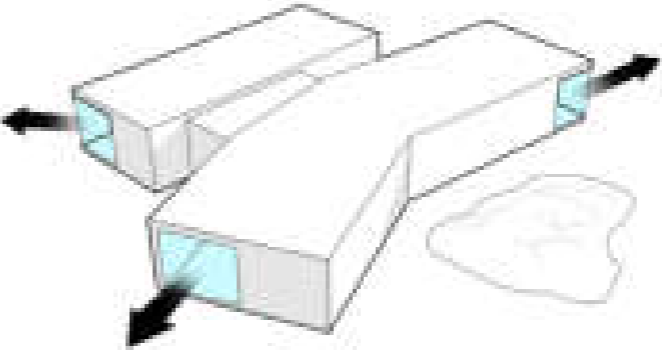
Argyll and Bute Council
REFUSED by the PLANNING AUTHORITY
Relative to Application No:
22/02100/PP

Fergus Murray
Head of Development and Economic Growth
18 July 2023



III
WORKING AROUND THE LANDSCAPE

The larger block is 'cranked' around a nearby outcrop which helps the building sit better within its environment, minimise the impact on it, and allows the internal arrangement to focus on opening up to the best views to the north and south.



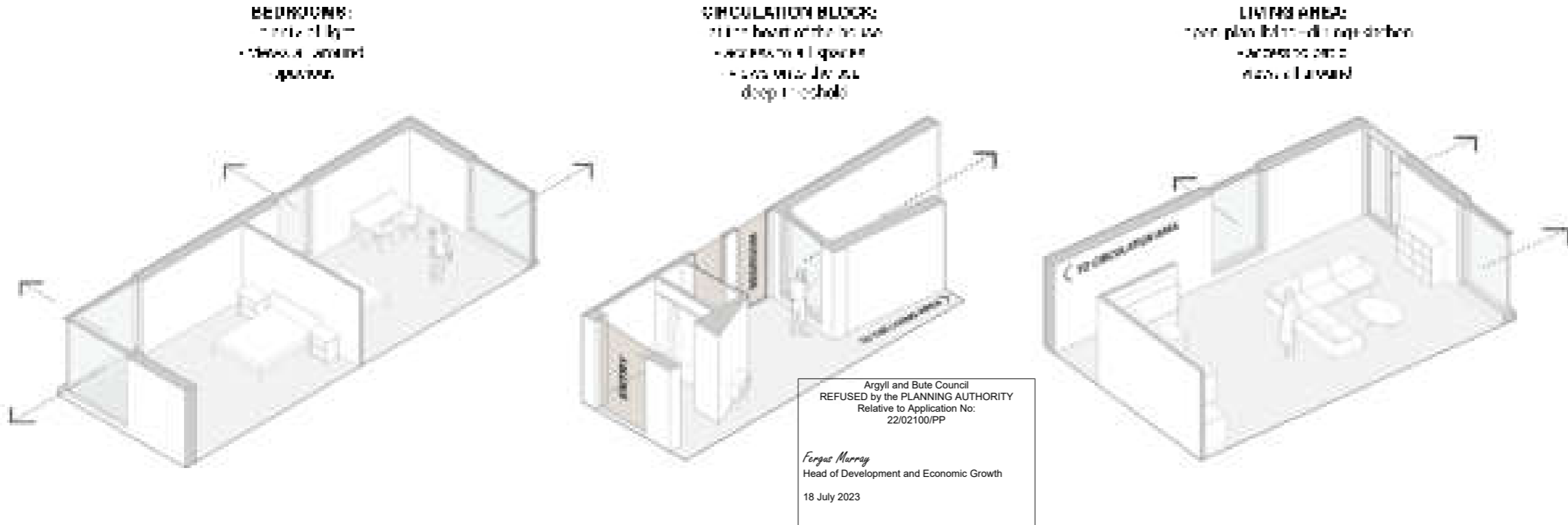
IV
THE VIEWS

The building is orientated in a way which best utilises the breathtaking views all around, including sea views to the south, and views on to Lismore towards the east and north-east. Large window openings help bring light deep in to the plan as well as connect the building users with the environment directly from the key internal spaces.

These diagrams formalise the architectural steps we followed in trying to understand and clarify the revised scheme; they identify the ideas that have been particularly important to the design.

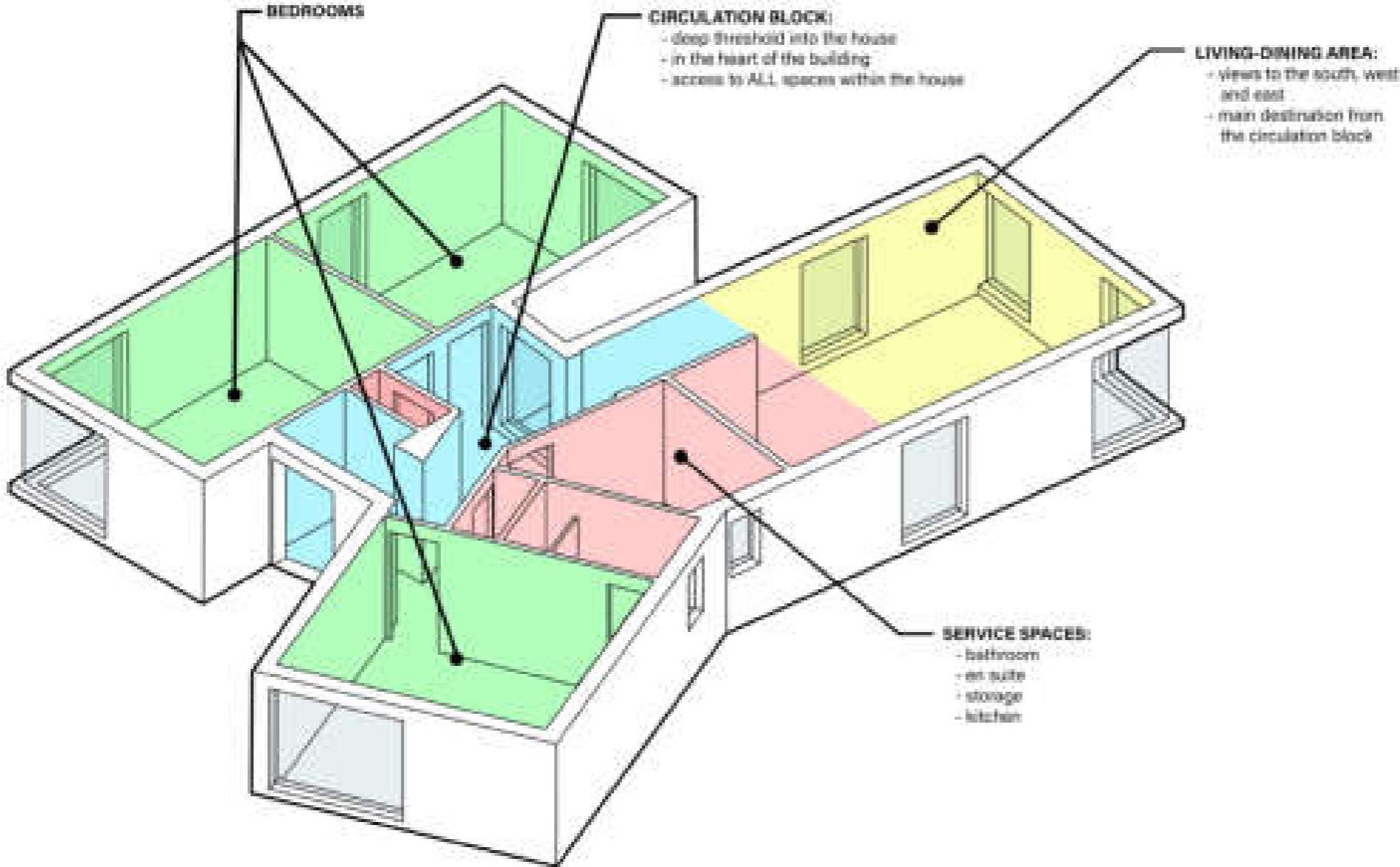
We hope that these diagrams can clearly explain the method and critical ideas we've followed through the design process, all of which has been in an effort to ensure that the architecture is dynamic and exciting, while constantly pushing to ensure our intervention is appropriate and sensitive to the landscape.

Developed Proposal



These diagrams seek to demonstrate the relationships and qualities of the internal spaces which are created in the building, and show how these work in synergy with the broader architectural preoccupations described in the previous pages.

We feel that these are great spaces, which make the most of the stunning situation of the building.





The central circulation space, which feels deliberately enclosed, which connects the main spaces.



Argyll and Bute Council
REFUSED by the PLANNING AUTHORITY
Relative to Application No:
22/02100/PP

Fergus Murray
Head of Development and Economic Growth
18 July 2023

The view upon entering the main living and dining area - giving a clear glimpse of the sea.

Developed Proposal

Illustrative renders of our proposal.

Developed Proposal

Illustrative renders of our proposal.



Throughout the design process we've been focussed on creating internal spaces which connect with the landscape beyond in a poised and considered manner.

Developed Proposal

Illustrative renders of our proposal.



An illustrative view of the approach to the building, showing the principle which was described in the diagram on Page 11.



The proposed building, resting gently on the landscape of the island.

Argyll and Bute Council
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Fergus Murray
Head of Development and Economic Growth
18 July 2023

Design Statement (June 2022)

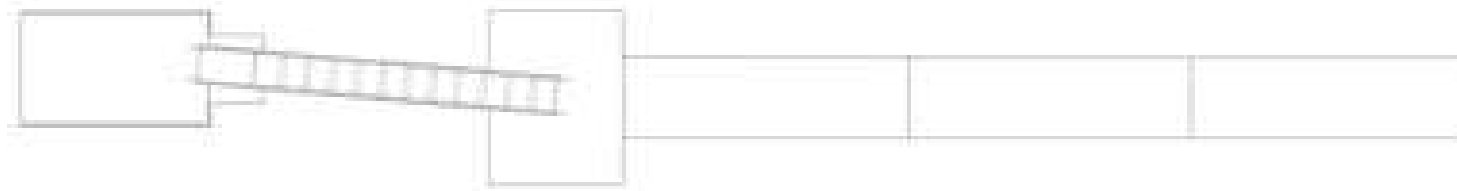
www.movingstillarchitecture.com

jamie@movingstillarchitecture.com

**Moving
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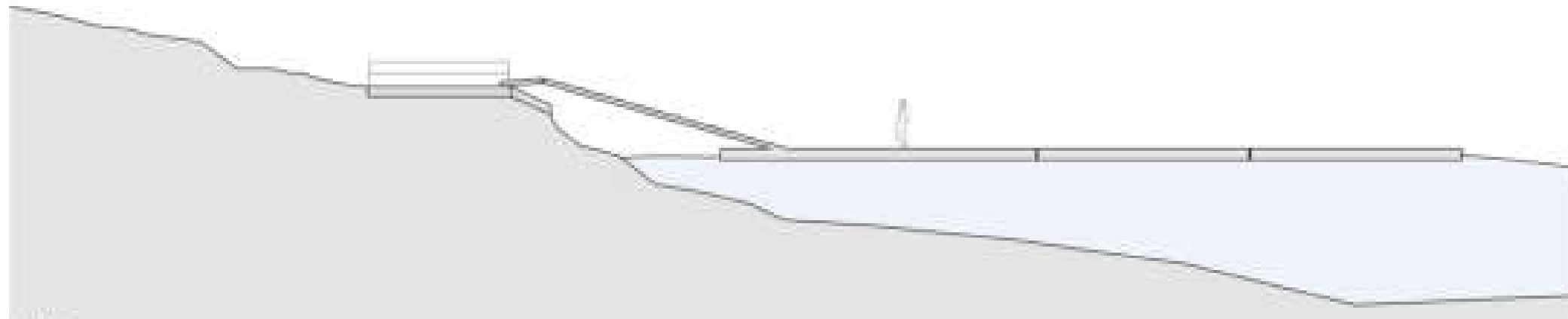
Plan

Argyll and Bute Council
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 22/02100/PP

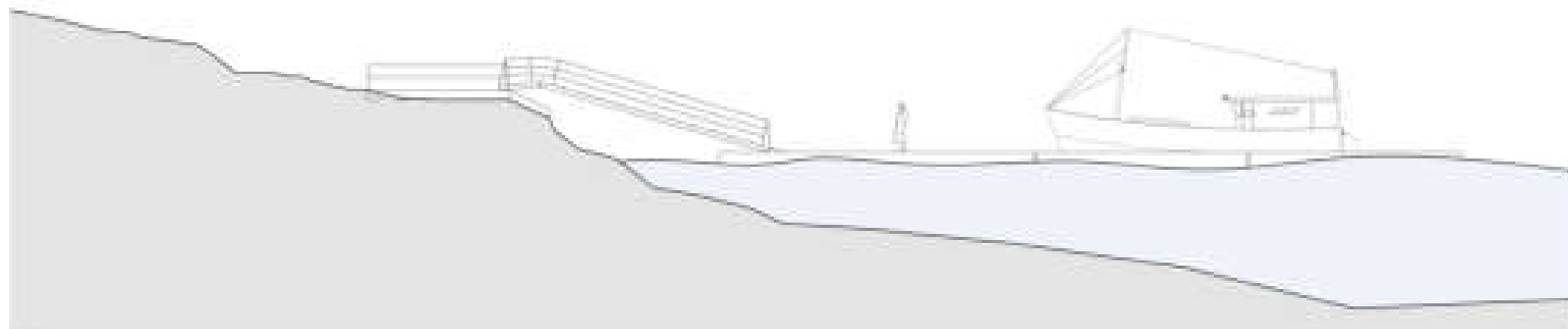
Fergus Murray
 Head of Development and Economic Growth
 18 July 2023



Front Elevation



Side Elevation



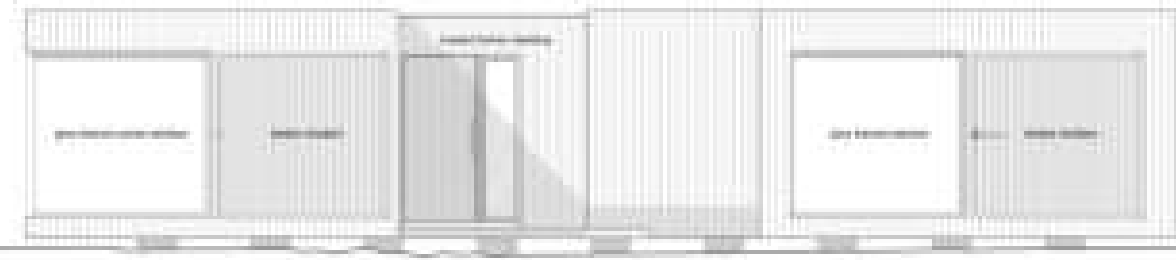
Side Elevation

Author:
 Date:
 Planning
 Project:
Eilean Loch Oisair
 Argyll and Bute
 Scotland
 Drawing:
Proposed Pier Drawing

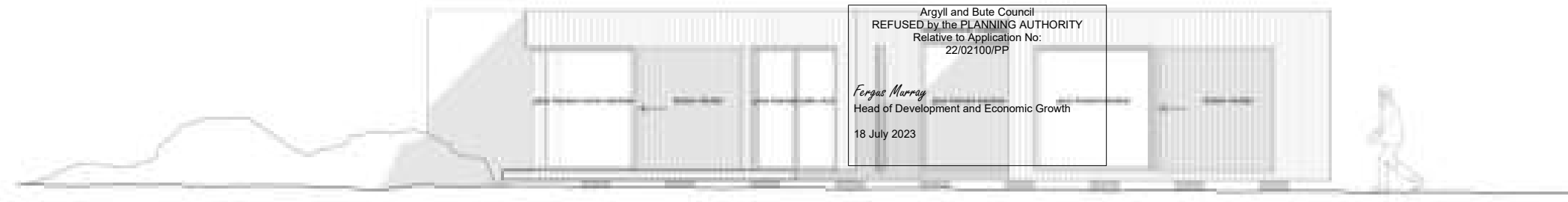
Drawing No.	Project	Version	Date	Drawn By	Checked By	Number
001	001	1	1/2023	JD		PL_000

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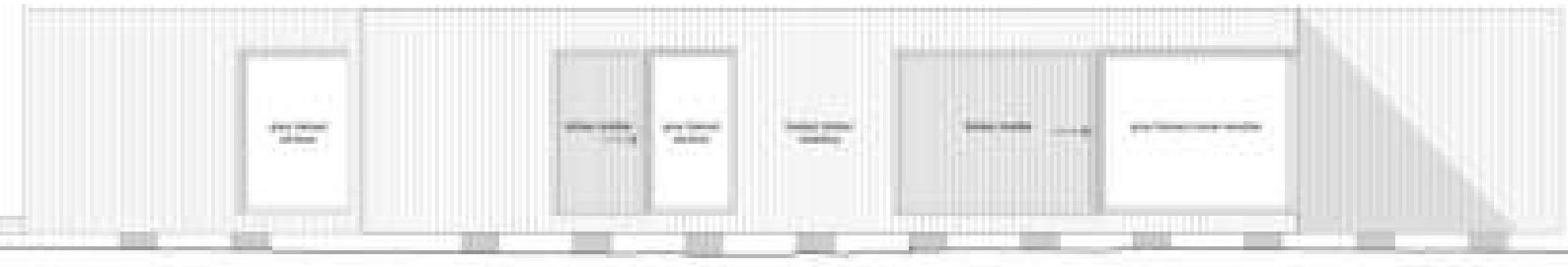
North Elevation



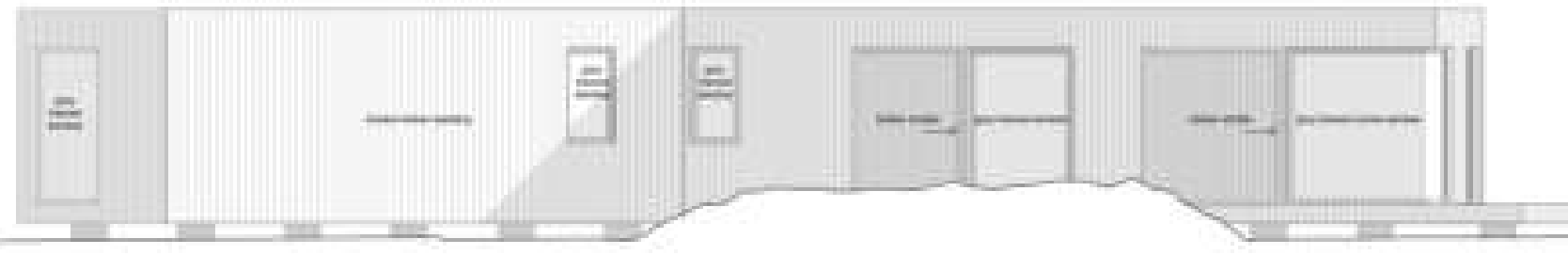
South Elevation



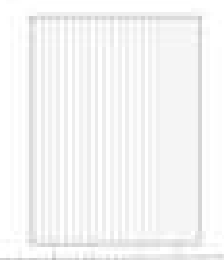
Argyll and Bute Council
 REFUSED by the PLANNING AUTHORITY
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 22/02100/PP
 Fergus Murray
 Head of Development and Economic Growth
 18 July 2023



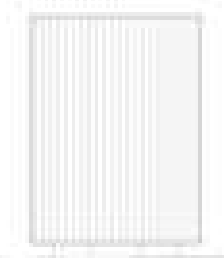
East Elevation



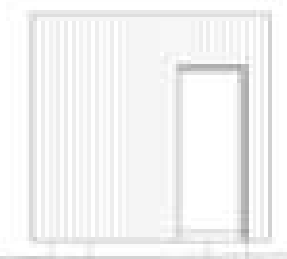
West Elevation



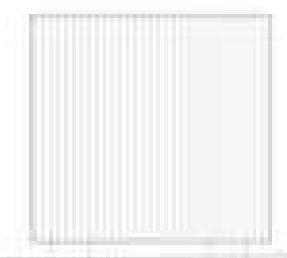
North Elevation



South Elevation



West Elevation

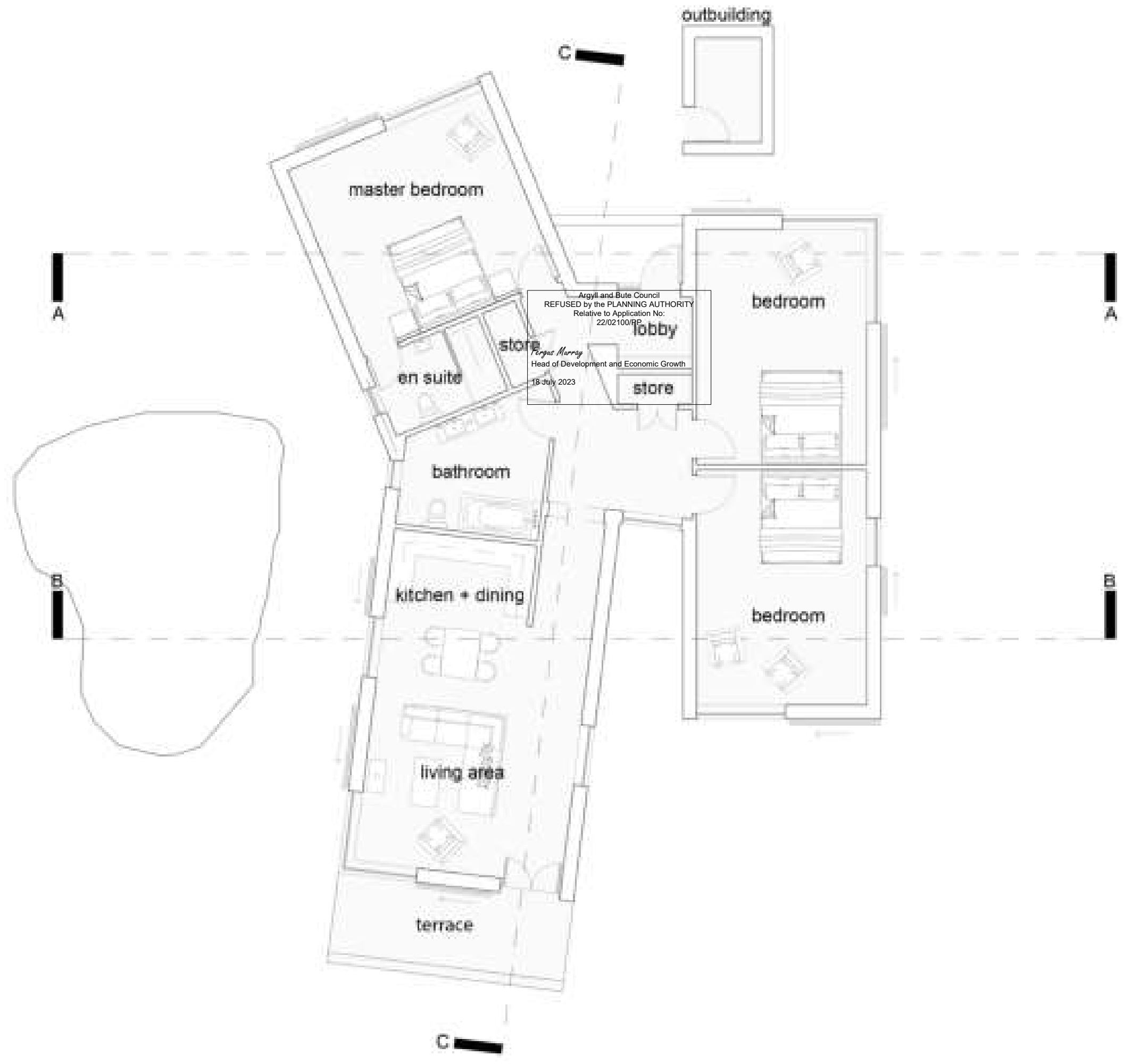


East Elevation

Author:
 Date:
 Planning
 Project:
 Eilean Loch Oscar
 Argyll and Bute
 Scotland
 Drawing:
 Proposed Elevations (+/- Outbuilding Elevations)

Drawings	Project	Design	Level	Type	File Number
01					PL_000
051	051	1:100	JD	A	

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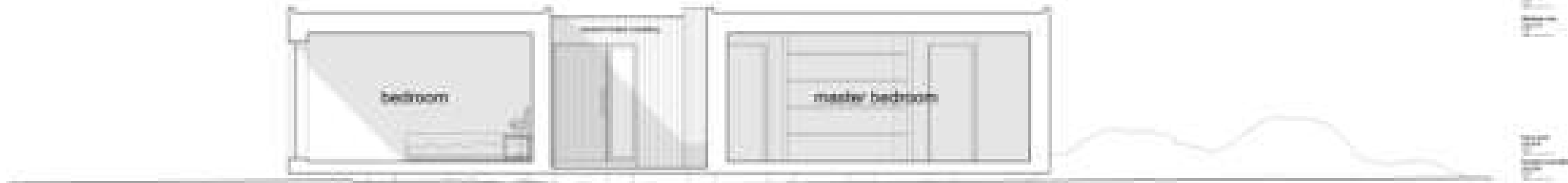


Discipline: Planning
 Project: Eilean Loch Oscar
 Argyll and Bute
 Scotland
 Drawing: Proposed Plan

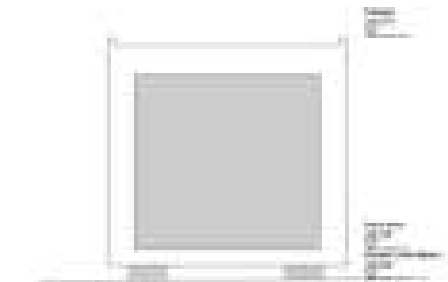
Discipline	Project	Client	Issue	Type	Number
Planning	Eilean Loch Oscar	Argyll and Bute	Scotland	Proposed Plan	PL_003
Issue	001	Date of Issue	1:100	Scale	JD

The use of this plan for the proposed work is an agreement of the following statements. Do not use this plan if you do not agree with any of the following statements:

Only used for planning purposes. Use figures dimensioned in all views. Check all dimensions on site. Detail and dimensions in writing in the notes of the drawing unless otherwise stated.



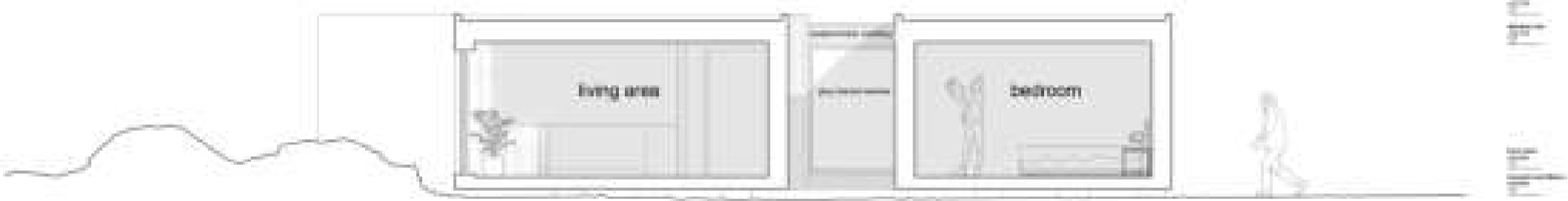
Section A-A



Section A-A

Argyll and Bute Council
 REFUSED by the PLANNING AUTHORITY
 Relative to Application No:
 22/02100/PP

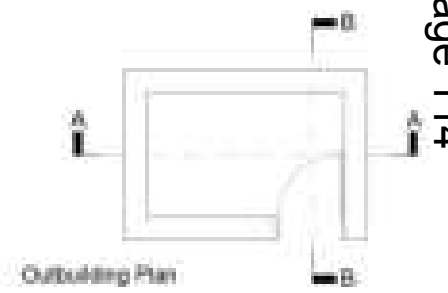
Fergus Murray
 Head of Development and Economic Growth
 18 July 2023



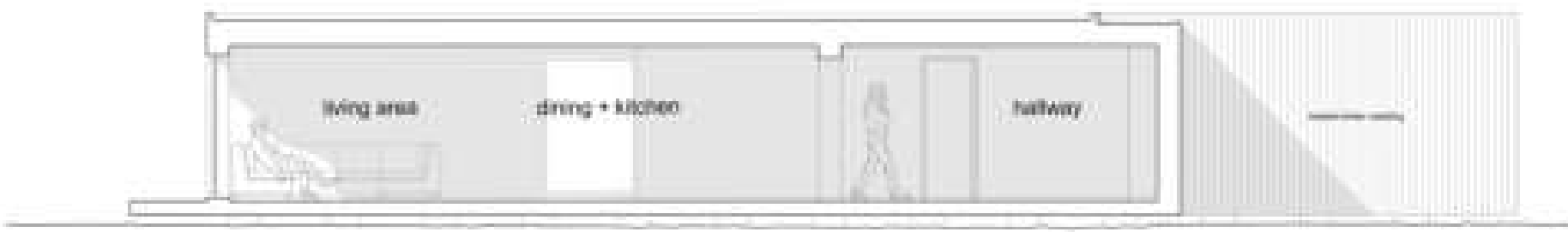
Section B-B



Section B-B



Outbuilding Plan

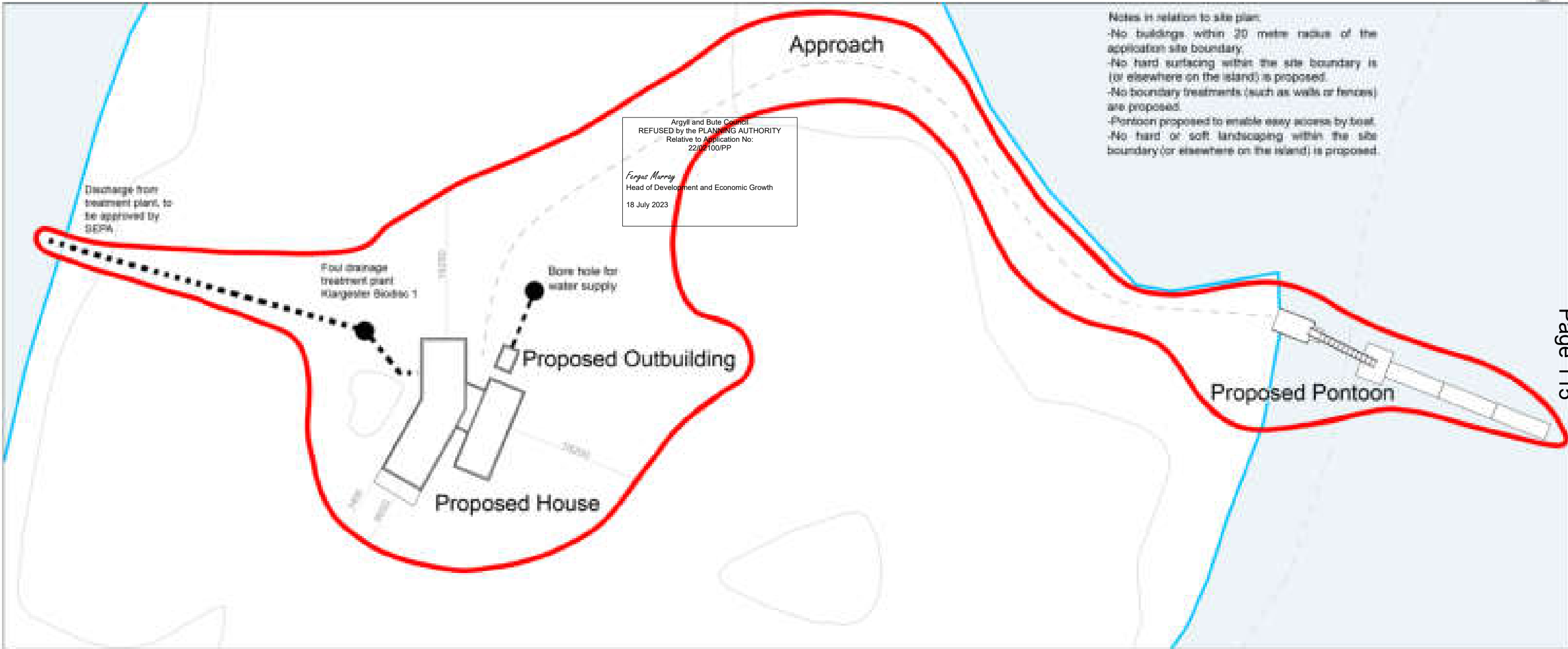


Section C-C

Approved				
Date				
Planning				
Project	Eilean Loch Oscair			
	Argyll and Bute			
	Scotland			
Client	Proposed Sections (+ Outbuilding Sections)			
Drawn by	Checked	Level	Type	Scale
PL				PL_004
Page	Scale at 1:1	Drawn by	Date	Project
051	1:100	JD	A	

The use of this site by the applicant and an approval of the planning authorities - do not constitute an agreement with any of the following statements:

Do not read the planning conditions. Use figures dimensions in all cases. Check all dimensions in plan. Report any discrepancies in writing to the author of this drawing before proceeding.



Revision:
 Date:
 Planning:
 Project:
 Eilean Loch Oisair
 Argyll and Bute
 Scotland
 Drawing:
 Proposed Site Plan (1:500)

Drawing No.	Revision	Author	Check	Date	Type	Sheet No.	Total Sheets
PL_008	001	JD	A				

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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

23/0006/LRB

**REFUSAL OF PLANNING PERMISSION FOR
ERECTION OF SHORT-TERM HOLIDAY LET
ACCOMMODATION, OUTBUILDING AND PONTOON
AND INSTALLATION OF SEWAGE TREATMENT
PLANT – PLANNING APPLICATION REFERENCE**

22/02100/PP

EILEAN LOCH OSCAIR, ISLE OF LISMORE

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr A MacGillivray ('the appellant').

Planning permission 22/02100/PP for the erection of short-term holiday let accommodation, outbuilding and pontoon and installation of sewage treatment plant at Eilean Loch Oskair, Isle of Lismore, Argyll and Bute ('the appeal site') was refused by the Planning Service under delegated powers on the 18th July 2023.

This decision is the subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The application site, Eilean Loch Oskair, is a small island located approximately 250 metres off the northwest coast of Lismore within Loch Linnhe. The proposed development site comprises an area of land towards the southern end of the island, extending from the west coast to the east coast of the island. The application site, and the wider surroundings, form an uninhabited and undeveloped island comprising rough grassland with a rocky foreshore.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Act, regard is to be had to the development plan, and all other material planning considerations and 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 development is acceptable on a greenfield site within the 'Very Sensitive Countryside Zone' where National Planning Framework 4 Policy 9(b) requires development proposals on greenfield sites to be explicitly supported by policies in the Local Development Plan, and where Local Development Plan Policies LDP STRAT 1 and LDP DM 1 support only specific categories of development on appropriate sites, relating to proposals for renewable energy, telecommunications, agriculture, aquaculture, or nature conservation.*
- *Notwithstanding the above, whether the development is considered to be materially harmful to the landscape character and qualities of the area, the importance of which is acknowledged by the designation of the site as part of a wider National Scenic Area and is, therefore, contrary to National Planning Framework 4 Policy 4 as underpinned by Local Development Plan Policies LDP 3 and LDP 9, supplementary guidance SG LDP ENV 14, and Policies 04 and 70 of the proposed Local Development Plan 2.*

The Report of Handling (Appendix A) sets out the Council's full assessment of the application in terms of these key determining issues and concludes that:

Firstly, the proposal does not accord with NPF4 Policy 9 as underpinned by Local Development Plan Policies LDP STRAT 1 and LDP DM 1 and Policy 02 of the proposed Local Development Plan 2. The proposed development would be on a greenfield site within the 'Very Sensitive Countryside Zone' as designated in the adopted Local Development Plan and within the 'Remote Countryside Area' as designated in the proposed Local Development Plan 2, where support is given to only specific categories of development on appropriate sites. These comprise renewable energy related development; telecommunication related development; and development which would directly support agricultural, aquaculture, nature conservation or other established activity. The proposed short-term holiday letting dwellinghouse would not relate to any of the above categories of development.

Secondly, the proposed development would be sited on a small undeveloped and uninhabited island and would be materially harmful to the landscape character and qualities of the area, the importance of which is acknowledged by the designation of the site as part of a wider National Scenic Area. The proposed development would be in direct conflict with National Planning Framework Policy 4 which states that development proposals that will affect a National Scenic Area will only be supported where the objectives of the designation and the overall integrity of the area will not be compromised, or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. In this case, the scale, siting and nature of the proposed development will be materially harmful to the designated qualities of the area and its overall integrity and this harm is not clearly outweighed by any social, environmental or economic benefit, and certainly not of 'national importance'. The proposed development is therefore in conflict with NPF4 Policy 4 as underpinned by Local Development Plan Policies LDP 3 and LDP 9, supplementary guidance SG LDP ENV 14, and Policies 04 and 70 of the proposed Local Development Plan 2.

Furthermore, it is not considered that the highlighted unacceptable impacts of the proposed development can be appropriately mitigated through the use of planning conditions.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix A. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant's Agent ("the Agent") has submitted a supporting statement. The following comments are made in relation to their submission:

- The Agent states that 'It is accepted that the development will have a visual impact on the Lynn of Lorn National Scenic Area. However, that impact will be limited by virtue of the position, design, and materials proposed, for the buildings'.

Comment: *The proposed development would introduce built development in an area of undeveloped land, in an open and exposed location, and in this regard would undermine the designation of the National Scenic Area, having an adverse effect on the integrity of the area and failing to respect the undisturbed character and quality of the site and its surroundings. The harm is clearly not outweighed by any social, environmental or economic benefit, and certainly not of 'national importance', as required by NPF4 Policy 4. The development would be incompatible with and out of character in the context of the undisturbed, undeveloped and unaltered application site.*

- The Agent states that 'Furthermore, there is an economic benefit from adding a unique holiday experience to the island supporting the Applicant and his croft whilst, if councillors are impressed with the design, then this could be seen as being of 'national importance'.'

Comment: *The Applicant submitted no information to suggest that the proposed development would relate to the diversification of an existing croft. The site does not appear to be within a registered croft, as recorded on the Crofting Register. Additionally, there has been no demonstration that the proposal would have any benefits to the wider community or indeed the nation. In this regard, the proposal would further fail to meet the requirements of NPF4 Policy 4 as underpinned by Local Development Plan Policies LDP 3 and LDP 9, supplementary guidance SG LDP ENV 14, and Policies 04 and 70 of the proposed Local Development Plan 2.*

- The agent states that 'It is accepted that the development does not fall within one of the accepted categories under LDP Policies LDP STRAT 1 and LDP DM 1, and thus is at odds with NPF4 Policy 9 b. It also fails to find favour under NPF4 Policy 10. However, this is more than outweighed by the material considerations suggested above, notably the exceptional quality of the design'.

Comment: *The development proposed is on a greenfield site and is located within the 'Very Sensitive Countryside Zone' as defined within the Local Development Plan, where LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement only to specific categories of development on appropriate sites. These comprise renewable energy related development; telecommunication related development; and development which would directly support agricultural, aquaculture, nature conservation or other established activity. The proposed short-term holiday letting dwellinghouse would not relate to any of the above categories of development. There is no established activity on the undeveloped and uninhabited island and no case has been presented to suggest otherwise. The design of the proposed development would not be sufficient to override the key policies of NPF4 Policy 9 and LDP Policies LDP STRAT 1 and LDP DM 1, which set out to reduce the need for greenfield development and set out the requirement for development proposals to respect the surrounding environment. The site occupies a wild, remote and undeveloped area valued for such qualities and the introduction of a significant form of built development would be at complete odds with the existing nature of the site and would*

undermine the key policies which seek to preserve, protect and maintain such sensitive areas which have extremely limited capacity to successfully absorb development where only limited categories of natural based development is supported in these areas.

- The Agent seeks to highlight the provisions of NPF4 Policy 29, which seeks to encourage rural economic activity, innovation and diversification.

Comment: *NPF4 Policy 29(a) offers support to development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy. The site is not linked to any existing community, settlement or other development and there is no information to suggest that the proposal for a holiday let dwellinghouse on an otherwise uninhabited island would provide any support to an existing rural community and its economy. The site is isolated and disconnected such that there would be no connection to the local community. Notwithstanding this, NPF4 Policy 29(c) requires development proposals to be suitable in terms of location, access, siting, design and environmental impact. In this instance, as previously outlined, the site is unsuitable for development in terms of location and access due its isolated and undeveloped nature and its sensitivity to inappropriate development that would fail to protect or conserve the important landscape characteristics of the wider area.*

- The Agent also seeks to highlight the provisions of NPF4 Policy 30, which seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

Comment: *No supporting information was submitted to address the requirements of NPF4 Policy 30, however the site is not in a location identified within the adopted Local Development Plan as being appropriate for tourist facilities or accommodation, and it therefore fails to comply with the provisions of NPF4 Policy 30(a). No information has been submitted with the application to suggest that the proposal would be a diversification opportunity or would in any way support the local economy. The development would fail to be compatible with the surrounding area by virtue of introducing significant built development that would lead to a significant increase in activity level at an isolated, undeveloped and sensitive location. As a result of the siting, the development would present very limited opportunities in terms of sustainable travel options and, as outlined within the representation received by the Oban District Access Panel, adaptations would be required to take into account accessibility for disabled people. The proposed development would not represent an appropriately sited tourism development.*

CONCLUSION

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

In this case, as detailed in the Report of Handling appended to this submission, the development does not represent an appropriate opportunity for the erection of a dwellinghouse for short-term holiday let accommodation and associated outbuilding, pontoon and sewage treatment plant, and there has been no sufficient or justifiable reason for the development to overcome the concerns outlined above. The proposed development is therefore confirmed as being contrary to National Planning Framework 4 Policies 4, 9, 10, 14, 17, 29 and 30, and Policies LDP 3, LDP 4, LDP 5, LDP 8, LDP 9, LDP 10 and LDP 11 and Supplementary Guidance SG LDP ENV 12, SG LDP ENV 14, SG LDP BUS 2, and SG LDP TOUR 1 of the Argyll and Bute Local Development Plan 2015.

Taking account of the above, it is respectfully submitted that the application for Review be dismissed.

APPENDIX A – REPORT OF HANDLING

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

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

Reference No: 22/02100/PP
Planning Hierarchy: Local Development
Applicant: Mr A MacGillivray
Proposal: Erection of short-term holiday let accommodation, outbuilding and pontoon and installation of sewage treatment plant
Site Address: Eilean Loch Oskair, off Isle of Lismore

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of short-term holiday let accommodation
- Erection of outbuilding
- Erection of pontoon
- Installation of sewage treatment plant
- Connection to private water supply

(ii) Other specified operations

- None

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be **refused** for the reasons appended to this report.

(C) CONSULTATIONS:

NatureScot

Letter dated 14.02.2023 objecting to the proposal until further information is provided. Further response dated 18.05.2023, following the receipt of additional information from the applicant, removing the holding objection.

Scottish Environment Protection Agency

Letter dated 03.02.2023 advising of no objections subject to conditions.

Environmental Health Service

Report dated 07.02.2023 advising of no objections to the application. Comment was made regarding the requirement of the applicant to apply for a short-term let licence.

Marine Scotland Licensing

No response at time of report and no request for an extension of time.

The above represents a summary of the issues raised. Full details of the consultation responses are available to view via the [Public Access](#) section of the Council's website.

(D) HISTORY:

No relevant planning history.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, overall closing date 23.02.2023.

(F) REPRESENTATIONS:

(i) Representations received from:

One email representation has been received from Lismore Community Council, dated 01.02.2023, supporting the application.

One email representation has been received from Oban District Access Panel, dated 27.01.2023, commenting on the application.

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:

- Lismore Community Council support the proposed development as it would be a useful facility and diversification for a working croft, helping support the farming enterprise of a local family.

Comment: Whilst the support for the application is noted, there has been no information submitted to suggest that the proposed development would relate to the diversification of an existing craft.

- Oban District Access Panel (ODAP) outline that their remit is to encourage developers and designers to create accessible buildings and environments that provide disabled people with equal access and facilities and enable them to participate and to thrive.

In this respect the ODAP encourage the Applicant to consult with their Architect with a view to adapting the proposed accommodation on *Inclusive Design* principles to enable it to be used and enjoyed by a disabled people. This would involve providing a ramped access, facilitating wheelchair access, adapting the bathroom, and the widening of the pontoon bridge.

- *The comments by the ODAP are noted and will be passed to the Applicant for information/action should permission be granted.*

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Impact Assessment Report: Yes No

(ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994: Yes No

(iii) A Design or Design/Access statement: Yes No

A Design Statement has been submitted with the application.

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

A Flood Risk Assessment has been submitted with the application.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** Yes No
- (J) **Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**
- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

National Planning Framework 4 (Adopted 13th February 2023)

Part 2 – National Planning Policy

Sustainable Places

- NPF4 Policy 1 – Tackling the Climate and Nature Crises
- NPF4 Policy 2 – Climate Mitigation and Adaption
- NPF4 Policy 3 – Biodiversity
- NPF4 Policy 4 – Natural Places
- NPF4 Policy 5 – Soils
- NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)
- NPF4 Policy 10 – Coastal Development
- NPF4 Policy 12 – Zero Waste
- NPF4 Policy 13 – Sustainable Transport

Liveable Places

- NPF4 Policy 14 – Design, Quality and Place
- NPF4 Policy 17 – Rural Homes
- NPF4 Policy 18 – Infrastructure First
- NPF4 Policy 22 – Flood Risk and Water Management

Productive Places

- NPF4 Policy 29 – Rural Development
- NPF4 Policy 30 – Tourism

‘Argyll and Bute Local Development Plan’ Adopted March 2015

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

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

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 2 – Impact on European Sites
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 12 – Impact on National Scenic Areas (NSAs)
SG LDP ENV 14 – Landscape

Support for Business & Industry: General

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

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

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

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

Addressing Climate Change

SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework

Transport (Including Core Paths)

SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 2 – Development and Public Transport Accessibility
SG LDP TRAN 3 – Special Needs Access Provision
SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

Coastal Development

SG LDP CST 1 – Coastal Development

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

- Third Party Representations
- Consultation Responses
- Argyll and Bute Sustainable Design Guidance, 2006
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

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

Spatial and Settlement Strategy

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

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

Diverse and Sustainable Economy

Policy 23 – Tourism Development, Accommodation, Infrastructure and Facilities

Sustainable Communities

Policy 55 – Flooding
Policy 58 – Private Water Supplies and Water Conservation
Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
Policy 61 – Sustainable Urban Drainage Systems (SUDS)
Policy 63 – Waste Related Development and Waste Management

High Quality Environment

Policy 70 – Development Impact on National Scenic Areas (NSA's)
Policy 73 – Development Impact on Habitats, Species and Biodiversity
Policy 74 – Development Impact of Sites International and National Importance
Policy 79 – Protection of Soil and Peat Resources

Policy 83 – Safeguarding Agricultural and Croft Land

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

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

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

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

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

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

- Lynn of Lorn National Scenic Area
- SEPA Coastal Flood Risk Zone
- Eileanan agus Sgeiran Lios mor Special Area of Conservation

(P)(ii) Soils

Agricultural Land Classification:

Unclassified Land

Peatland/Carbon Rich Soils Classification:

- Class 1
- Class 2
- Class 3
- N/A

Peat Depth Classification:

N/A

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

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes No

Does the proposal include any replacement or compensatory planting? Yes No details to be secured by condition N/A

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

Status of Land within the Application

- Brownfield
- Brownfield Reclaimed by Nature
- Greenfield

ABC LDP 2015 Settlement Strategy
LDP DM 1

ABC pLDP2 Settlement Strategy

- Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area
- Rural Opportunity Area
- Countryside Zone
- Very Sensitive Countryside Zone
- Greenbelt

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC LDP 2015 Allocations/PDAs/AF As etc:

ABC pLDP2 Allocations/PDAs/AF As etc:

N/A

N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

This application seeks planning permission for the erection of a detached dwellinghouse for short-term holiday letting purposes, an associated outbuilding and pontoon, and the installation of a sewage treatment plant, at the site of Eilean Loch Oscair, off the Isle of Lismore.

The application site, Eilean Loch Oscair, is a small island located approximately 250 metres off the northwest coast of Lismore within Loch Linnhe. The application site comprises an area of land towards the southern end of the island, extending from the west coast to the east coast of the island. The application site, and the wider surroundings, form an uninhabited and undeveloped island comprising rough grassland with a rocky foreshore.

This application seeks planning permission for the erection of a dwellinghouse for short-term holiday letting purposes, and an associated outbuilding and pontoon. The proposed dwellinghouse would be set back from the coast, sited relatively centrally within the plot. The dwelling would be single storey and would be formed of three main blocks; a narrow linear block at the rear would facilitate two bedrooms which would be connected to a circulation block which would facilitate the access within the dwelling and would connect to the larger living and dining block which would be set at an angle around an adjacent rocky outcrop. The total external footprint of the dwellinghouse would be approximately 188 square metres. The flat roof of the dwelling would predominantly have a height of 3.2 metres, with the circulation block being set slightly lower than this at a height of 3 metres. The dwelling would include contemporary glazing arrangements within each elevation which would feature

timber shutters. The facing material of the dwellinghouse would comprise vertically aligned natural timber cladding.

The proposed outbuilding would be sited immediately adjacent to the proposed dwellinghouse and would comprise a rectangular building covering a footprint of approximately 7.3 square metres. The building would be similar in design to the dwelling, having a flat roof at a height of 3.2 metres and clad in vertically aligned timber.

The proposed pontoon would be sited at the eastern shore of the island, extending approximately 38 metres from the shoreline to provide the access to the island and the application site.

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 Policy LDP DM 1 of the LDP 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.

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

The application site is located within close proximity to the Eileanan agus Sgeiran Lios mor Special Area of Conservation, protected for its harbour seals. As a result of the designation, comments were sought from NatureScot who, after the submission of additional information from the applicant, advised that the proposal is likely to have a significant effect on the harbour seal qualifying interests of the Special Area of Conservation. However, the response from NatureScot concluded that whilst there are natural heritage interest of international importance at the site, their advice is that these would not be adversely affected. The status of the site means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently NatureScot advised that the Council is required to consider the effect of the proposal on the Special Area of Conservation. NatureScot advised that, in their view, the proposal is likely to have a significant effect on the harbour seal qualifying interests and accordingly, the Council, as competent Authority, is required to carry out an Appropriate Assessment (AA) in view of the site's conservation objectives for its qualifying interests.

An Appropriate Assessment has been undertaken which identifies that, subject to conditions being imposed were planning permission to be granted, to ensure that the development would be undertaken in accordance with the mitigation set out within Environmental Statement accompanying the application, any disturbance would be minimised. Based on the likely short time period for construction, and the proposed mitigation measures, there would be no adverse effect on the integrity of the Special Area of Conservation.

Whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection could be delivered by planning condition in the event that planning permission were to be granted. The proposed development is therefore considered to be in compliance with NPF4 Policy 3 as underpinned by LDP Policy LDP 3, supplementary guidance SG LDP ENV 1, and Policies 73 and 74 of the proposed Local Development Plan 2.

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

The site lies within the Lynn of Lorn National Scenic Area. The Lynn of Lorn is an island-studded waterway at the confluence of the Sound of Mull with Loch Etive and Loch Linnhe, from which it is separated by the island of Lismore. The Lynn follows the north-westerly alignment of the prevailing relief in the area, which, set in the wider context of sea lochs and mountains, is a small scale region of parallel limestone ridges. The proposed development would introduce built development in an area of undeveloped land, in an open and exposed location, and would therefore disturb the unsettled character of the landscape and have an adverse effect on the integrity of the area. In this regard, the development would fail to respect the existing character and quality of the site and its surroundings.

NPF Policy 4 c) states that development proposals that will affect a National Scenic Area will only be supported where:

- i. The objectives of designation and the overall integrity of the area will not be compromised; or
- ii. 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.

In this case, it is the considered opinion of the planning authority that the proposed development will be materially harmful to the designated qualities of the area and its overall integrity and that this harm is not clearly outweighed by any social, environmental or economic benefit, and certainly not of 'national importance'.

The proposed development is therefore considered to be in conflict with NPF4 Policy 4 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 14, and Policies 04 and 70 of the proposed Local Development Plan 2.

NPF4 Policy 5 seeks to protect carbon-rich soils, to restore peatlands and to minimise disturbance to soils from development.

The development proposed by the current planning application seeks to develop an area of rough ground. The site has no agricultural land classification and is not within an identified area of peatland, carbon-rich soils or priority peatland habitat. The development proposed is therefore considered to be in accordance with NPF4 Policy 5 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 11 and SG LDP SERV 9, and Policies 79 and 83 of the proposed Local Development Plan 2.

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The development proposed by this planning application is on a greenfield site. The site is located within the Very Sensitive Countryside Zone as defined within the Local Development Plan, where LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement only to specific categories of development on appropriate sites. These comprise renewable energy related development; telecommunication related development; and development which would directly support agricultural, aquaculture, nature conservation or other established activity. The proposed short-term holiday letting dwellinghouse would not relate to any of the above categories of development. There is no established activity on the undeveloped and uninhabited island and no case has been presented to suggest otherwise.

The proposed development, on a greenfield site, would therefore be contrary to NPF4 Policy 9b, which requires development proposals on greenfield sites to be explicitly supported by policies in the Local Development Plan. The development would thereby fail to achieve the policy outcome aims which require development to be sited within an appropriate location to maximise the use of existing assets and minimise additional land take.

With regard to the proposed Local Development Plan 2, the application site is located within the Remote Countryside. This development management zone comprises countryside and isolated coast which has extremely limited capacity to successfully absorb development. Only limited categories of natural resource based development is supported in these areas, limited to renewable energy related development, telecommunications or other associated digital infrastructure, or development directly supporting existing agricultural units, aquaculture, or other recognised countryside activity. The proposed development would not relate to any of these categories of development and in this regard would be contrary to Policy 02 of the proposed Local Development Plan 2.

NPF4 Policy 10 seeks to protect coastal communities and assets and support resilience to the impacts of climate change.

The proposed development is considered to be a form of coastal development by virtue of the development relying on the use of the coast to access and facilitate the development. NPF4 Policy 10b states that development proposals in undeveloped coastal areas will only be supported where they:

- i. are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site;
- ii. do not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and
- iii. are anticipated to be supportable in the long-term, taking into account projected climate change; or
- iv. are designed to have a very short lifespan

The proposed development would fail to meet the above criteria as it would not relate to support of the blue economy or achieving net zero emissions, and neither would the development contribute to the economy or wellbeing of a community dependent on marine or coastal activities. Additionally, the development does not relate to the provision of essential infrastructure.

The isolated nature of the coastline within this area, designated as Very Sensitive Countryside Zone, is unable to successfully absorb the proposed development. The scale of the development, comprising a dwellinghouse with a large footprint, and the associated outbuilding and pontoon would be of a scale that is inappropriate to the characteristics of the undeveloped and isolated location and would therefore fail to safeguard areas identified as being sensitive and vulnerable to development impacts.

The proposed development would therefore represent an unsustainable form of coastal development that would conflict with the requirements of NPF4 Policy 10 as underpinned by Local Development Plan Policies LDP DM1, LDP 8 and LDP 10, and supplementary guidance SG LDP CST 1.

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks permission for the erection of a dwellinghouse for short-term letting purposes. This is a development likely to generate waste when operational. Whilst no details have been provided regarding the proposed management of waste from the site, such details could be secured via condition in the event that planning permission were to be granted. In this regard, the proposed development is considered to be in compliance with NPF 4 Policy 12(c) as underpinned by LDP Policy LDP 10, supplementary guidance SG LDP SERV 5(b), and Policy 63 of the proposed Local Development Plan 2.

NPF4 Policy 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

This policy aims to provide more opportunities for improved and more inclusive active and sustainable travel opportunities whilst ensuring that developments are in locations which support sustainable travel.

Due to the isolated and remote location of the site, access would be required to be by boat, assisted by the proposed pontoon. This small scale development is not considered to be a significant travel generating use or a proposal where it is considered important to monitor travel patterns resulting from the development.

Notwithstanding the small scale nature of the development, it is not considered that the proposal adequately addresses the requirements of NPF4 Policy 13b, which requires development proposals to demonstrate consideration of the transport requirements generated and their adherence to sustainable travel and investment hierarchies. There would be no direct or easy access to the site via sustainable transport methods or public transport and no apparent consideration has been given to the transport needs of different user groups, such as those with limited mobility. Whilst the development would be small scale and access to the site could be facilitated, it is not considered that the proposal would adhere to the requirements of NPF4 Policy 13, which specifically requires development to be in a location that supports sustainable travel.

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

NPF4 Policy 14c states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful place will not be supported. Whilst it is acknowledged that the design of the dwelling has been given significant consideration, the siting of the development within the exposed and sensitive landscape would fail to adhere to the requirements of NPF4 Policy 14 by virtue of being inappropriately sited. The development would not be well connected to any existing established settlement, development or infrastructure, nor would the development safeguard the isolated and undeveloped nature of the immediate and wider landscape surroundings.

New development in this location would not be cohesive with the landscape or settlement pattern and would not integrate with the character of the surrounding area. The introduction of built development to an undeveloped island is considered inappropriate and the development would have a significant adverse impact upon the setting, and would unacceptably alter the character and appearance of the surrounding landscape and seascape.

In addition to the above, however, it is important to note that the impact of the proposed development upon the landscape and character of the surrounding area is not the sole determining factor in the consideration of this application. Regardless of any interpretation of the impact of the proposed development upon the landscape, the development does not meet the fundamental key planning policy test for the Council's established and adopted settlement strategy for the planned growth of Argyll and Bute as set out within Policy LDP DM 1. Neither, therefore, does the proposed development accord with the sustainable development aims of the Council as established within adopted key planning Policy LDP STRAT 1 which underpins NPF4 Policy 14.

The proposed development fails to pay regard to the wider surroundings of the site in terms of infrastructure, land uses, available facilities, connectivity, the existing

character, scale and density, and views. The site is isolated and the proposed development would be incompatible with the existing character of the area, and is therefore contrary to Policies 05, 08, 09 and 10 of the proposed Local Development Plan 2.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

The development the subject of this planning application is located within a defined 'remote rural area' where Policy 17(c) offers support only where such proposals:

- i. Support and sustain existing fragile communities;
- ii. Support identified local housing outcomes; and
- iii. Are suitable in terms of location, access and environmental impact.

The proposed development seeks consent for a dwellinghouse for use for short-term holiday letting purposes. The proposed development would not therefore offer an opportunity for occupation by persons within the local community. No supporting evidence has been submitted to suggest that the development proposed would provide support to an established fragile community. In addition, as outlined above, the siting of the development is considered unsustainable due to its inaccessibility and impact upon the sensitive and vulnerable isolated landscape and seascape. The proposed development would therefore be contrary to the aims of NPF4 Policy 17 as underpinned by Local Development Plan Policy LDP DM 1.

NPF4 Policy 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning.

The development the subject of this planning application proposes a private drainage system comprising a sewage treatment plant, with water supply via connection to a private water supply. The Council's Building Standards Service would apply suitable control over the detailed arrangements of the proposed sewage treatment plant at Building Warrant stage in the event that planning permission were to be granted.

The proposed water and drainage infrastructure to serve the proposed development is considered to be consistent with the broad aims of NPF4 Policy 18 as underpinned by LDP Policy LDP 11, supplementary guidance SG LDP SERV 1, and Policy 60 of the proposed Local Development Plan 2.

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

The development the subject of this planning application proposes connection to a private water supply. In the event that planning permission were to be granted, a condition would be required to secure an appraisal of the wholesomeness and sufficiency of the intended water supply.

The application site is situated adjacent to the coastal functional floodplain, as indicated on the SEPA Flood Maps. Given the proposed siting for the development on a small undeveloped island, the proposed development falls within the Most Vulnerable land use class. SEPA have been consulted on the application and have

stated that, based upon the Flood Risk Assessment submitted with the application, there are no objections subject to a condition relating to development being sited above 5.8mAOD. Should planning permission be granted and the relevant condition attached, the proposed development would be compliant with NPF4 Policy 22 as underpinned by Local Development Plan Policies LDP 10 and LDP 11, supplementary guidance SG LDP SERV 7, and Policies 55 and 58 of the proposed Local Development Plan 2.

NPF4 Policy 29 seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

NPF4 Policy 29a offers support to development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy. No information has been submitted with the application to suggest that the proposal for a holiday let dwellinghouse on an otherwise uninhabited island would provide any support to an existing rural community and its economy.

With regard to NPF4 Policy 29c, development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact

The proposed development would not relate to supporting local employment opportunities and neither would it provide support to an existing community. As previously outlined, the site is unsuitable for development in terms of location and access due to its isolated and undeveloped nature and its sensitivity to inappropriate development that would fail to protect or conserve the important landscape characteristics of the wider area. The proposed development would not therefore adhere to the requirements of NPF4 Policy 29 as underpinned by Local Development Plan Policies LDP 3, LDP 5, LDP 8 and LDP 9, and supplementary guidance SG LDP BUS 5.

NPF4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

The site the subject of the application is not in a location identified within the adopted Local Development Plan as being appropriate for tourist facilities or accommodation, and in this way fails to comply with the provisions of NPF4 Policy 30a.

As stipulated by NPF4 Policy 30b, proposals for tourism related development must take into account a number of factors, including the contribution made to the local economy; compatibility with the surrounding area; impacts on communities; opportunities for sustainable travel; accessibility for disabled people; measures taken

to minimise carbon emissions; and opportunities to provide access to the natural environment.

No information has been submitted with the application to suggest that the proposal would be a diversification opportunity or such a related scheme to support the local economy. The development would fail to be compatible with the surrounding area by virtue of introducing significant built development that would lead to a significant increase in activity level at an isolated and undeveloped location. Due to its isolated location, the development would present very limited opportunities in terms of sustainable travel options and, as outlined within the representation received by the Oban District Access Panel, adaptations would be required to take into account accessibility for disabled people.

The proposed development is not considered to represent an appropriately sited tourism development. The proposal would fail to contribute to the community economically, socially and culturally. In this way, the proposed development would fail to meet the needs of the community, visitors and the environment, and would therefore be contrary to NPF4 Policy 30 as underpinned by Local Development Plan Policies LDP 3, LDP 5, LDP 8 and LDP 9, supplementary guidance SG LDP TOUR 1, and Policy 23 of the proposed Local Development Plan 2.

Notwithstanding the above requirements of NPF4 Policy 30, the development of the site with the erection of a dwellinghouse and associate services would represent an inappropriate form of development within the Very Sensitive Countryside Zone designation which would be detrimental to the character and appearance of the wider landscape and contrary to the policies set out within the National Planning Framework 4 and the adopted Local Development Plan and associated supplementary guidance.

There is sufficient alignment in the assessment of the proposal against both provisions of the current Local Development Plan and the Proposed Local Development Plan 2 (as modified) that a decision can be made under the current development plan without giving rise to fundamental conflict with PLDP2 (as modified).

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

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

See reasons for refusal set out below.

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

N/A

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

Yes No

Author of Report: Emma Shaw

Date: 17.07.2023

Reviewing Officer: Tim Williams

Date: 18.07.2023

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Location Plan Relative to 23/0006/LRB



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Received from Oban Access Panel on 29 August 2023

Good Morning,

Thank you for notifying the Access Panel that this planning application, which was refused on policy grounds, is now the subject of a Notice of Review.

The Panel is appreciative that the Case Officer took cognisance in her report of the potential difficulties of transport to the island, including boarding and disembarking from a small boat. We had recognised this issue, but, had concluded that, if a wheelchair user or other visitor with mobility difficulties was holidaying on the island, special arrangements would be made for transport.

We support the provisions of the Scottish Government's NPF4 Policy 30v that proposals for tourism related developments should take into account accessibility for disabled people. In addition, Quality 1 of the 6 "Qualities of Successful Places" in Annex D of the NPF4 advises that developments should be designed having regard to "accessibility and inclusion for everyone regardless of gender, sexual orientation, age, ability and culture"

Ken Johnston

Access Auditor

Oban District Access Panel

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LOCAL REVIEW STATEMENT - ADDENDUM**Reference No: 22/02100/PP****Applicant: Mr A McGillivray****Proposal: Erection of short-term holiday let accommodation, outbuilding and pontoon and installation of sewage treatment plant****Site Address: Eilean Loch Oscair, off Isle of Lismore**

Eilean Oscair is a working croft, owned by a Liosach farmer/crofter whose family have lived and farmed on Lismore for generations. The croft is part of a farming enterprise on Lismore that produces high quality sheep and cattle that win prizes at agricultural shows and command good prices at market. The proposed house development will support farm diversification, thus increasing sustainability of the business. This is also an important element in successional planning, which will enable the applicant's son to remain on Lismore and continue the farm enterprise into the future, raising his own family here and providing a rare continuity in people and place that is increasingly fragile in today's society. Securing a sustainable future for his son and grandson on Lismore will help address population decline and the aging demographic – contributing to delivery of national policies, for example as outlined in the National Plan for Scotland's Islands.

The building is a low impact, sustainable design that will fit in the landscape as a modern reflection of the countless buildings that once existed on Lismore and its scatter of islands, in days when the local population was much larger. Development, of its time, is nothing new to this environment and in fact arguably, the building will have a positive impact in contrast to the backdrop of the Glensanda quarry and the local fish farms. Although scenic, it is important to remember that this is a working environment. The presence of summer residents and the related site management will help to maintain the island's environment, for example through beach/shore cleaning and vegetation management. Studies commissioned for the application have demonstrated no negative impact on designated features or protected species, for example the seal colonies in the locality. Use of the island will bring much needed income to the community, not only the direct income from the property but also through guests who stay longer, and do and spend more, which will benefit local businesses, such as shops, restaurants, cafes, island taxi etc. as well as the wider Argyll economy.

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