

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

8 November 2023

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **WEDNESDAY, 15 NOVEMBER 2023** at **12:30 PM**, 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) New Information (agreed at LRB on 5 October 2023 to be included in process) (Pages 3 - 4)
 - (b) Comment from Planning on New Information (Pages 5 - 8)
 - (c) Further Information requested from Applicant (Pages 9 - 18)
 - (d) Further Information requested from Lismore Community Council (Pages 19 - 28)
 - (e) Further Information requested from Planning (Pages 29 - 34)

Argyll and Bute Local Review Body

Councillor Gordon Blair
Councillor Liz McCabe

Councillor Amanda Hampsey (Chair)

Contact: Fiona McCallum Tel: 01546 604392

This page is intentionally left blank

McCallum, Fiona

From: Point & Park Farm [REDACTED] >
Sent: 11 September 2023 08:55
To: McCallum, Fiona
Cc: [REDACTED]
Subject: Notice of Review - Reference 23/0006/LRB (Planning Ref: 22/02100/PP) - Eilean Loch Oskair, off Isle of Lismore'

Dear Fiona McCallum

I am writing in full support of the above review/application. I have known the applicant for over eight years, since I purchased a farm on Lismore and the applicant is a tenant of my farm land. I am also a near neighbour of his existing holiday let cottage and my farm is right next to his son's farm. Hence I am fully aware of how critically important it is that Mr McGillivray is supported by Argyll and Bute Council Planning Department and the Councillors, in realising his innovative but sensitive development as included in his planning application.

This new self-catering, short-term holiday let accommodation will provide Mr McGillivray with an essential additional income stream at a time when agricultural input costs have rocketed and continue to do so; and there is huge uncertainty over future Government support post-Brexit. Farming on an island brings even greater costs and pressures.

I know that Mr McGillivray has already put in place plans for transitioning his tenancies to his son (who farms the leased farm next to my property). This proposed holiday let is not only for Mr McGillivray's farm diversification, but also - and perhaps more importantly - to ensure that his son will indeed be able to stay on the island and take over the McGillivray farming business. Supporting initiatives which not only help farm businesses diversify and survive; but also that keep young people on the island, contributing to the longer term economic and social welfare of the island, is surely something at the heart of all Councillors' decisions?

My understanding and opinion is that the approval of this holiday let cottage is critical to the longer-term survival of the McGillivray farming enterprise. Mr McGillivray owns this registered crofting entity and it is actually (as I understand it) the only place/land where he could in fact create and build a property which will generate much needed additional income. He has no other options for investing in and building a property for holiday lets.

Mr McGillivray is already successfully running one short-term holiday let accommodation on Lismore, so he has a strong track record in making such enterprises work. However one property is not enough income given the financial pressures on farming today. He has, in my mind, rightly then taken the initiative by investing in and developing these proposals in an environmentally- and scenic-sensitive way, on the only land in his ownership where he is able to do this. If he is denied this opportunity by the Council, then my understanding is that he has no other options available; and hence a negative decision by the Council, as I understand it, will put his entire farming enterprise at risk and potentially jeopardise the future on the island for his son.

My understanding is that there were no objections from any of the bodies consulted. I whole-heartedly write in support of his application review and indeed commend his initiative in fighting for the survival of his farm and for his son's future in farming.

Ron Livingstone
Point and Park Farm
Isle of Lismore

**RESPONSE TO REQUEST FOR COMMENT ON NEW
EVIDENCE**

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

COMMENT ON NEW EVIDENCE

The application site is located on an isolated, remote, uninhabited and undeveloped island within the Lynn of Lorn National Scenic Area.

At the time of the submission of the application, and during the planning application process, neither the applicant nor the agent put forward any case to suggest that the proposed development would relate to, or support, any existing agricultural business.

The application site is on a greenfield site, designated within the adopted Local Development Plan as 'Very Sensitive Countryside'. Within the Very Sensitive Countryside areas, the relevant policies of the adopted Local Development Plan provide support for only specific categories of development. These comprise

- i) Renewable energy related development
- ii) Telecommunication related development
- iii) Development directly supporting agricultural, aquaculture, nature conservation or other established activity
- iv) Small scale development related to outdoor sport and recreation.

With regard to the proposed Local Development Plan 2, the application site is located within the 'Remote Countryside Area'. Within the Remote Countryside Areas, only specific categories of development on appropriate sites will be considered. These comprise:

- i) Renewable energy related development;
- ii) Telecommunications / digital or other existing infrastructure where a specific locational requirement has been demonstrated
- iii) Development directly supporting agriculture, aquaculture or other recognised countryside activity.

The development proposed does not relate to renewable energy or telecommunication related development. Whilst the representation received claims that the proposed development would support an existing agricultural business, the proposed dwellinghouse to be used for holiday accommodation purposes would not relate directly to agricultural activity. The proposed development does not relate to aquaculture, nature conservation, and there is no other established activity at the site, nor would the proposed development relate to outdoor sport or recreation.

The application site comprises a remote and undeveloped area, valued and designated for these qualities. The development management zone of 'Very Sensitive Countryside' has extremely limited capacity to successfully absorb development, such that only the aforementioned limited categories of natural resource based development is supported in these areas. Therefore, notwithstanding the claim that the proposed development would support an agricultural business, the proposed development would be in direct conflict with the relevant policies of the National Planning Framework 4, the adopted Argyll and Bute Local Development Plan 2015, and the proposed Local Development Plan 2.

The proposed development, relating to the provision of holiday letting accommodation, does not directly relate to any existing agricultural activity. The application seeks to develop a remote, undeveloped and uninhabited island. There is no support for this type of development in this location within either the adopted or the proposed Local Development Plan and the proposed development is therefore contrary to NPF4 Policy 9 as underpinned by LDP Policies LDP STRAT 1 and LDP DM 1 and LDP2 Policy 02. The proposed development would

undermine the key aims of the settlement strategy which acts to deliver sustainable levels of growth in appropriate locations and to safeguard the more sensitive and vulnerable areas from inappropriate development. Permitting development of this type within this safeguarded location would compromise the purpose of the 'Very Sensitive Countryside' and 'Remote Countryside Area' designations, which are there to protect areas that are wild, remote and undeveloped from inappropriate types and scales of development, such as that proposed within this application.

This page is intentionally left blank

The Planning Department
Argyll & Bute Council
Albany Street
Oban
PA34 4AW

PN/MP/MCGillivray
9 October 2023

Dear Sirs

Local Review Reference 23/0006/RB
Planning Application Reference 22/02100/PP

We have been passed a copy of your letter dated 5th October in respect of the above.

We have been asked to firstly confirm the status of Eilean Loch Oskair and secondly to provide our opinion as to the financial viability of the proposal.

I have managed the Fell Trust Lismore Estate since 1998 and throughout that time Mr McGillivray has been not only an agricultural, but also a crofting tenant of the Estate.

In July 2013 he approached us to exercise his statutory right to acquire the croft of Eilean Loch Oskair and completed the purchase in September of that year.

The Estate undertook due diligence at that time, and it was confirmed by the Crofters Commission that Eilean Loch Oskair was a stand alone croft and had never been part of a wider holding.

Under the Crofting legislation, Mr McGillivray therefore exercised his statutory right to acquire the croft and has been farming it as part of his wider agricultural holding on Lismore since that time.

If I could now turn to the financial viability of the proposal and the special case for considering this application.

Mr McGillivray has been a tenant of the Fell Trust for most of his life and currently holds Achuaran Farm on a full agricultural tenancy which gives him security of tenure. He also rents additional ground at Clachan from the Estate under a fixed term tenancy.

In addition, his son Calum has recently taken over the farm of Stronacroibh on a fixed term tenancy.

The agricultural sector is at present in flux and investing capital in rented land, particularly if held under a fixed term, is not financially viable and farmers need to consider diversification.

Agriculture in Argyll is currently at a crossroads.

Landlords find the return on capital to be unsustainable and letting the land to tenants brings with it a number of obligations on landlords, such as maintenance of fencing and provision of infrastructure that are uneconomic and therefore landlords now seriously consider not letting the land. This being exacerbated by the Green Agenda, where landlords see possible financial benefits from leaving land vacant.

Tenants are therefore faced with a situation where there is serious uncertainty as to whether tenancies will be renewed and also whether they will be able to farm in a manner that the landlord would find acceptable.

As such, farm tenants need to broaden their businesses and take advantage of certainties going forward.

Prior to Mr McGillivray submitting this application, he asked us to suggest options for his farm and the croft of Eilean Loch Oskair.

As Mr McGillivray owns the Island in its entirety, this was an opportunity to broaden the scope of his business and provide some financial certainty going forward.

We looked at various agricultural and non-agricultural opportunities for the Island and felt that Mr McGillivray's current business was too heavily reliant upon agriculture and the uncertainties set out above.

We researched various opportunities, both within agricultural and commercial sectors.

It was felt that a non-agriculture use would be more sustainable and help broaden the base of Mr McGillivray's business.

To that end, we looked at the self-catering sector which had experienced a boom post Covid.

We were of the opinion that the boom is unsustainable and many of the properties that were being offered to the market would not comply with the new Short Term Licensing legislation and this would force many operators to either move out of the sector, let the properties on a long-term basis or actually sell them.

We felt after much research, that the sector of the market that was sustainable would be the unusual and ultra-high quality offerings.

Eilean Loch Oskair provided this opportunity and to that end, we employed an architect who only works on sustainable green projects which we felt was a further added selling point.

We feel that the proposal that has been put forward is one that is in high demand and will be sustainable.

A local example of such a development is Storm Houses (www.stormhouse.uk) adjacent to Castle Stalker Café in Appin.

There are two more properties available which each let at £2,750 per week and enjoy high occupancy rates.

We looked beyond the aforementioned and could find nothing of similar quality in the Argyll area and we feel that the opportunity that presents itself to Mr McGillivray at Eilean Loch Oisair is something that should be encouraged.

In terms of the practicalities, Mr McGillivray owns the pier at Port Ramsay, and he can service the Island from that pier.

In summary, the application will allow Mr McGillivray to invest capital in a business that will be sustainable and help support the other parts of his business which face uncertainty and allow him and his family to remain on Lismore and also to provide an example of how rural Argyll can lead the way in providing high quality holiday accommodation.

Yours faithfully

Paul Nicoll MRICS
RICS Registered Valuer

This page is intentionally left blank



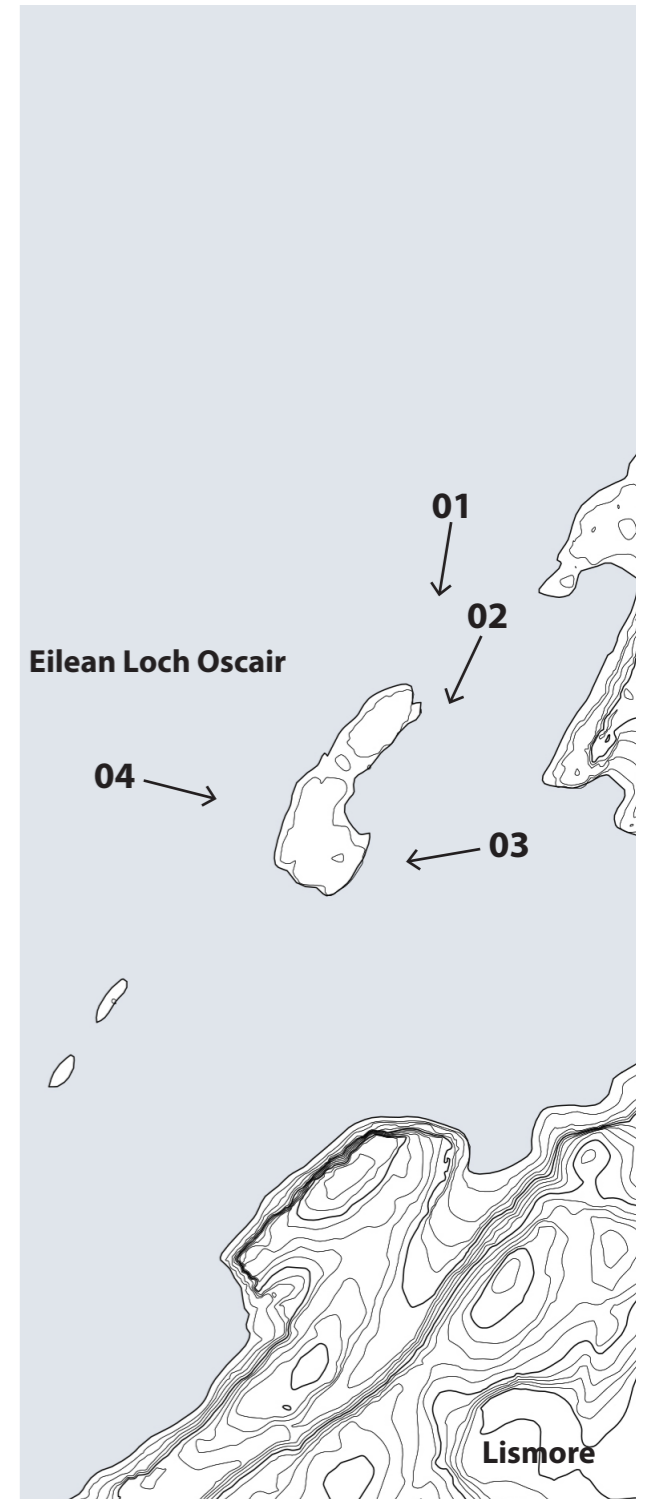
Eilean Loch Oisair
Loch Linnhe

Selected Site Photographs

October 2023
Original A3, Photos taken on site March 2022

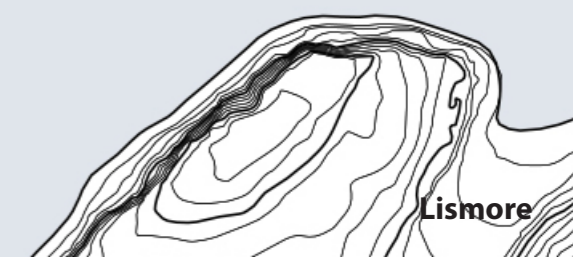
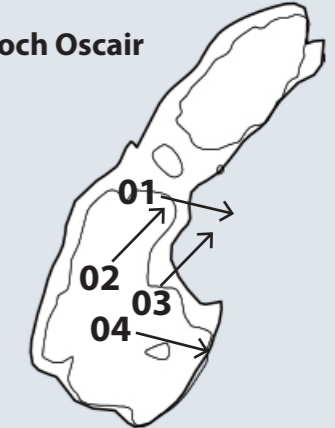
**Moving
Still
Architecture**





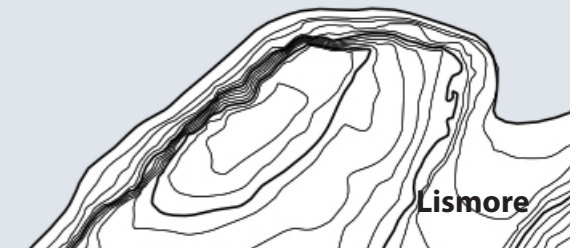
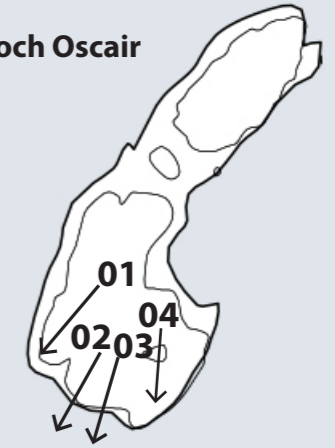


Eilean Loch Oskair





Eilean Loch Oskair



Selected Site Photos (October 2023)

www.movingstillarchitecture.com

jamie@movingstillarchitecture.com

**Moving
Still
Architecture**

McCallum, Fiona

From: Mark Willis <
Sent: 12 October 2023 11:17
To: mandielismore
Subject: Planning Application - Eilean Loch Oskair

To whom it may concern,

The planning application for Eilean Loch Oskair was outlined in the LCC meeting of 26/01/2023, a quorate decision could not be made so it was agreed that myself, Donald MacColl and Clare Haworth would be e-mailed the details so that we could make a decision. This approach was required because there was insufficient time to organise a further meeting before the planning deadline.

I agreed that a letter of support from LCC should be sent. The process taken was further clarified in the LCC meeting held on 09/03/2023

Yours Sincerely

Mark Willis



This page is intentionally left blank

McCallum, Fiona

From: clare haworth
Sent: 12 October 2023 18:16
To: Mandie Currie
Subject: Fwd: FW: Planning Application - Eilean Loch Oscair

To whom it may concern,

The planning application for Eilean Loch Oscair was brought to the LCC meeting of 26/01/2023.

However, a quorate decision could not be made so it was agreed that myself, Donald MacColl and Mark Willis would be e-mailed the details so that we could consider the application. There was insufficient time to organise a meeting before the planning deadline.

After consideration it was agreed that a letter of support from LCC should be sent. This was endorsed in the LCC meeting held on 09/03/2023

Yours Sincerely,

Susan Haworth



This page is intentionally left blank

Lismore Community Council

Minutes of the meeting held on January 26th 2023 at Lismore Public Hall

1. Present and apologies

Archie McGillivray (AM) Convener, Mandie Currie (MC) Secretary, Mark Willis (MW) and Clare Howarth (CH).

Cllr Kieron Green (KG) Argyll & Bute Council; Rosemary Barry (RB) minute taker and 5 members of the public. Apologies: Luna Martin A&B Councillor.

2. Declarations of interest

MC and AM declared potential interests on an item towards the end of the agenda.

3. Minutes of meetings held on 08/09/2022 and 15/12/2022

These had been circulated and were proposed by MC and seconded by MW. The minutes of the inaugural meeting of the new Council were proposed by AM and seconded by CH. Both sets of minutes were adopted as a true and accurate record.

4. Matters arising

There were no matters arising not already on the agenda.

5. Scottish Government reaching 100% Broadband

Julian Wormleighton (JW) reported that he understood that every existing property would now be covered by the roll out of this with completion anticipated by the end of the year. He did propose to ask for updates but not on a monthly basis, MC queried the sorting out of wayleaves and how they were expecting to go about the work. **Action – MC to query this.**

6. Health and Social care

MC stated that she had nothing to add with respect to health issues. She had been going to get back to the council about the new model for social care but had yet managed to chase this up. CH expressed her concern re training and police disclosures. MC explained the situation to date. There followed a discussion about the lack of care workers on the island for the numbers requiring care and the difficulty of recruiting people because of the low rate of pay. CH added that she had been to a meeting on the current situation and that there were now some other carers available but she stressed the need for training and supervision and a proper system to be put in place. The model utilising direct payments appeared to work in many circumstances. She felt that the emphasis was on us as a community. KG explained that there were various options including self-directed care where the money was paid directly to the person after assessment of need in which case a police check would not be required as it was down to the person or their representative. If the care was provided through the Council then training and a police check would have taken place. He added that the pay rate had been going up with payment of the living wage plus travel time. KG emphasised that the Council has a duty of care and if there was no viable alternative then residential care would be put in place. He added that money was tight everywhere with payment for care needs reduced to a minimum. **Action – CH to follow up – to investigate various possibilities.**

MC mentioned the need to revisit the Emergency Plan and update this regarding resilience and proposed to convene a resilience sub group. Also to decide on what we meant by resilience.

Action - MC to add this to the agenda for the next meeting..

7. Ferries

MC reported that she had gone back to Calmac again to request alternative ferry sailings rather than cancellations due to tidal restrictions. She also queried when the improvements would be made so that fuel could be carried after dark. JW added that he had been assured that the matter was being attended to and as there were substitute vessels used there should be a standard for the route. MW queried whether we needed to have another meeting with Calmac. He also queried the possible use of a linkspan but KG replied that there was a technical issue with this. **Action – MC to write to Calmac Area Manager and CEO and also the relevant MSPs.** JW said that he would forward to MC the assurances that he had received so she could pass these on.

MC queried the replacement of the Lady of Lismore for the Point/Port Appin crossing and KG replied that there was no date given for the repairs to be completed. He understood that some of the cost of repairs was being met by the manufacturer but he wasn't sure about the cost of hiring the replacement.

8. Boreholes

It was reported that Robert Smith had agreed to do the site checks for the boreholes but he needed help. MC requested that information on any site checks already undertaken to be passed to Robert. **Action – AM offered to help.**

There were 35 requests for boreholes but it was reiterated that not all sites were suitable. There was a query as to whether people would know if a borehole wasn't suitable for them and it was affirmed that the situation was being discussed with them during site checks. MC stated that it was hoped to get the drilling done during this summer.

9. Church and graveyard

MC advised that there was a consultation event on the future of the Church buildings and land on February 18th from 2-4pm. MW queried the graveyard extension and MC replied that although the Church of Scotland had agreed to release space from glebe land, discussions were still in process. MC said she had spoken to the Council and the Church of Scotland in the autumn and that they were in contact but that she would follow up on this.

11. LCT funding

LCC had previously agreed to help towards costs of hiring the hall for Lismore Community Trust meetings for a year (a defined number of meetings). This period has ended and it was agreed that a decision on any further funding contributions would not be taken until decisions had been taken on other necessary expenditure but that it should be kept on the agenda.

12. New correspondence

There was no new correspondence.

13. AOCB

Future meetings were provisionally booked for 23rd February, 18th May, 6th July, 7th September, 2nd November, 7th December.

10. Planning

This item was moved to the end of the agenda as MC and AM wanted to register an interest in the second of the items to be discussed.

Fish farms – Loch Long Salmon wanted to build a much bigger off- shore development just north of Appin, close to the Lynn of Lorn National Scenic Area. The application was just at the scoping stage, so comments might be required if a full planning application is submitted. MW felt that it was not good environmentally but it might also produce jobs which was a good thing. It was emphasised at this point of the need to be objective and keep personal opinions out of the considerations. KG emphasised that salmon was a valuable export. MC felt that there may not be enough tidal movement in Loch Linnhe and that the farm might not synchronise with neighbouring fish farms. AM suggested that it was a scenic area and the associated shore side buildings would be large. MC said she would circulate the details. KG emphasised that a response could be made that covered all views. MC agreed that a balanced response would be made that highlighted the relevant issues. **Action – MC to liaise with Appin and Duror CCs.** She emphasised that although we weren't a statutory consultee the island would be affected.

Planning application. AM and MC declared an interest. AM explained that he was seeking planning consent for a building but Donald McColl needed to be involved in the discussion as without AM and MC it wouldn't be quorate. It was agreed that CH, MW and DC would be emailed the details so that they could make a decision but it was mentioned that they were also on the Council website. There was a query as to the date for letters. KG replied that 23rd February was the official consultation date deadline with determination on 16th March.

LISMORE COMMUNITY COUNCIL

Minutes of the meeting held on 9th March 2023 at Lismore Public Hall

Present

Archie MacGillivray (AM) Convener, Mandie Currie (MC) Secretary, Donald Mc Coll (DM), Clare Howarth (CH), Mark Willis (MW)

Attending

Cllr Luna Martin (LM) A&B Council and Rosemary Barry (RB) note taker.
Three members of the public.

1. Apologies

Cllr Kieron Green A&B Council

2. Declarations of interest

DM declared an interest in agenda item 7 – ferries (work role).

3. Minutes of meeting of 26.01.23

There was a query concerning the declarations of interests. MC explained that LCC had adopted the A&B terms of interest at its inaugural meeting and that LCC would consider the need to review the matter. She emphasised that although members of the public could make comments on the minutes and on agenda items, and this could be noted, CC members made decisions on the issues raised. The minutes were proposed by MW and seconded by AM.

4. Matters arising

There were no matters arising not covered on the agenda.

5. Scottish Government reaching 100% Broadband

Scottish Government (SG) had been in touch regarding a community meeting with SG and BT Openreach on Wednesday 29th March. SG are keen to improve community engagement on the programme, with more communication with communities and more information made available about the project. Concerns have been raised by community members about some sections of line that will be left unburied where there are still existing poles. The response from SG so far has been that State Aid rules dictate that existing infrastructure must be used, so the fibre will be buried where the existing line is buried. There was a query about the remaining poles that are not in use and MC replied that this was a question that could be asked at the meeting. Further concerns have been raised about digging on private ground without permission.

6. Health and Social Care

CH reported that there was no responsibility for A&B to provide care if people wanted to move to directly employed care. All responsibility therefore rests with the cared-for person or their relatives etc. She had raised this at the Social Services meeting that she had attended and also the risks of lack of training and police checks. LM mentioned that it was possible to change options. CH mentioned with respect to this, the difficulty of obtaining night care. LM queried whether the carers were registered as this could be done easily on line. CH replied that there were carers who had been registered before. LH explained that if anyone was left without care then A&B could be responsible. MC concluded that it needed to be made clear that the LCC had looked at this and that good practice would involve a PVG disclosure and relevant training but that the LCC has no responsibility or powers in these matters. CH mentioned that there was a training session coming up in April which she anticipated being free. **Action – Importance of Health and Safety and Well-being to be highlighted in the minutes**

7. Ferries

MC had written to the Calmac Chief Executive regarding alternative sailings when there were tidal restrictions and the issue of carriage of fuel tankers during darkness hours; also enquiring about improvements to the Oban slip but she was waiting for a reply. She explained that she had copied her letter to our MSP, MP and relevant local Councillors. Julian Wormleighton (JW) reiterated that

he had been assured by Calmac that improvements to the vessel running lights, to allow carriage of fuel tankers in darkness, would be done.

There was a query about the problems with the north end ferry. CH queried the cost of the temporary replacement and the problems for those with disabilities and she described a difficult situation with trying to get a patient off the island by stretcher.

8. Boreholes

Robert Smith is now doing the necessary site checks, with MW and AM assisting. MC said that she had copies of the necessary disclaimer forms. There was a query about the Church being on a reserve list for a borehole. MC replied that someone from the Church could fill in a form concerning this but that the Council Roads Dept might have concerns if a borehole was too close to the road. **Sebastian Tombs (ST) agreed to pursue completion of a form.**

9. Church and Graveyard

MC explained that she was still preparing the report on the latest consultation and the next steps for the future of the Church.

MC also reported the Council were still talking to the Church of Scotland about the graveyard extension and there was still a need for soil for backfilling.

10. Planning Applications

MC gave an update on the fish farm scoping exercise which had now finished. If a planning application was submitted then LCC would make comments. She had not spoken to Appin as yet but would do so if the need arose.

There was a query about the consideration of the planning application described at the last meeting. It was made clear that as the meeting was no longer quorate, no discussion took place at the meeting other than to outline the application. CH, MW and DM considered the matter outwith the meeting and a letter was sent in support of the proposal. **LM said that for future reference, she would check the requirements for community councillors who had declared an interest to leave the meeting while discussions on the item took place.**

11. LCT funding

MC explained that there had been an agreement to fund meeting costs for a defined period that had now lapsed. As agreed in previous LCC meetings, there is a need to review various upcoming spend commitments before any decision could be made on further funding for LCT but it had been agreed that the item would be retained on the agenda for future consideration. The LCT representative present stated that there had been a request for the CC to fund the hall hire costs for 10 meetings each year. MC replied that the agreement was for a year but that it would be kept on the agenda and looked at again when there was a clearer idea of the demands to be made on LCC funds. DM stated that the General Fund covered general LCC expenses such as secretarial costs, hall hire and the minutes.

12. Resilience/Emergency Plans

MC explained that there was a need for a separate meeting to discuss this. She suggested a date in early May before the next LCC meeting. **MC to put a notice on the island Facebook page to advertise this.**

13. New Correspondence

Bute Community Council has emailed all CCs concerning the lack of community engagement by A&B Council within the Budget planning process, with a request to send a joint letter. This had been taken up by Luing CC and MC asked if LCC wanted to be involved in this. There was a general concern that there was a lack of community involvement in the budget process and MC suggested LCC might consider the letter depending on the wording. **MC to email Bute Community Council.**

14. AOCB

DM mentioned that there was a need for new signatories on the bank account. It was also agreed that there was a need to formalise the positions held on the CC since the last election. Office bearers could have been chosen at the inaugural meeting but the LCC members attending had decided to wait until all members are present. ***This would be actioned at the next LCC meeting in May.***

There was a query about the lateness of dissemination of the minutes of the previous meeting. RB apologised for this. There was a query about the absence of minutes of the December meeting on the website. MC explained that this had been the inaugural CC meeting, which had not been a public meeting, but that the minutes had been posted on the shop noticeboard.

This page is intentionally left blank

**RESPONSE TO REQUEST FOR FURTHER
INFORMATION**

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

INFORMATION REQUIRED

Appropriate conditions and reasons to attach to any consent in the event that Members of the LRB were minded to approve the application.

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/02100/PP																																											
1.	PP - Approved Details & Standard Notes – Non EIA Development																																										
	<p>The development shall be implemented in accordance with the details specified on the application form dated 18.10.2022, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.</p>																																										
	<table border="1"> <thead> <tr> <th>Plan Title.</th> <th>Plan Ref. No.</th> <th>Version</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Proposed Site Plan (1:500)</td> <td>PL_008</td> <td>A</td> <td>21.12.2022</td> </tr> <tr> <td>Proposed Site Plan</td> <td>PL_002</td> <td>B</td> <td>21.12.2022</td> </tr> <tr> <td>Proposed Location Plan</td> <td>PL_001</td> <td>B</td> <td>21.12.2022</td> </tr> <tr> <td>Proposed Elevations (+ Outbuilding Elevations)</td> <td>PL_005</td> <td>A</td> <td>07.11.2022</td> </tr> <tr> <td>Proposed Sections (+ Outbuilding Sections)</td> <td>PL_004</td> <td>A</td> <td>07.11.2022</td> </tr> <tr> <td>Proposed Plan</td> <td>PL_003</td> <td></td> <td>19.10.2022</td> </tr> <tr> <td>Proposed Pontoon Drawings</td> <td>PL_006</td> <td></td> <td>19.10.2022</td> </tr> <tr> <td>Design Statement Part 1 (Pages 1-8)</td> <td></td> <td></td> <td>19.10.2022</td> </tr> <tr> <td>Design Statement Part 2 (Pages 1-8)</td> <td></td> <td></td> <td>19.10.2022</td> </tr> </tbody> </table>	Plan Title.	Plan Ref. No.	Version	Date Received	Proposed Site Plan (1:500)	PL_008	A	21.12.2022	Proposed Site Plan	PL_002	B	21.12.2022	Proposed Location Plan	PL_001	B	21.12.2022	Proposed Elevations (+ Outbuilding Elevations)	PL_005	A	07.11.2022	Proposed Sections (+ Outbuilding Sections)	PL_004	A	07.11.2022	Proposed Plan	PL_003		19.10.2022	Proposed Pontoon Drawings	PL_006		19.10.2022	Design Statement Part 1 (Pages 1-8)			19.10.2022	Design Statement Part 2 (Pages 1-8)			19.10.2022		
Plan Title.	Plan Ref. No.	Version	Date Received																																								
Proposed Site Plan (1:500)	PL_008	A	21.12.2022																																								
Proposed Site Plan	PL_002	B	21.12.2022																																								
Proposed Location Plan	PL_001	B	21.12.2022																																								
Proposed Elevations (+ Outbuilding Elevations)	PL_005	A	07.11.2022																																								
Proposed Sections (+ Outbuilding Sections)	PL_004	A	07.11.2022																																								
Proposed Plan	PL_003		19.10.2022																																								
Proposed Pontoon Drawings	PL_006		19.10.2022																																								
Design Statement Part 1 (Pages 1-8)			19.10.2022																																								
Design Statement Part 2 (Pages 1-8)			19.10.2022																																								
	<p>Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.</p>																																										
2.	Sustainable Drainage System																																										
	<p>Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.</p>																																										

	<p>Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.</p> <p>Note to Applicant:</p> <ul style="list-style-type: none"> • Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk.
3.	<p>Landscaping</p> <p>No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall include details of:</p> <ol style="list-style-type: none"> Location, design and materials of proposed walls, fences and gates; Surface treatment of proposed means of access and hardstanding areas; Any proposed re-contouring of the site by means of existing and proposed ground levels; Proposed hard and soft landscape works; and A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development. <p>The development shall not be occupied until such time as the physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc), the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.</p> <p>All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.</p> <p>All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.</p> <p>The biodiversity statement should refer to Developing with Nature guidance NatureScot as appropriate.</p> <p>Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.</p>

4.	<p>PP – General Restriction of Use</p> <p>Notwithstanding the provisions of Condition 1, the outbuilding hereby approved shall be used solely for purposes incidental to the enjoyment of the residential accommodation and shall not be used for any business or commercial purposes.</p> <p>Reason: To define the scope of the permission and protect the amenity of the area.</p>
5.	<p>PP – Short Term Residential Accommodation</p> <p>Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 the residential accommodation hereby approved shall be used for short term holiday occupancy only and not as a main residence and shall not be occupied by any family, group or individual for a cumulative period of more than three calendar months in any one year. A register showing dates of arrivals and departures shall be maintained at the premises and shall be available at all reasonable times for inspection by the Planning Authority.</p> <p>Reason: In order to define the permitted occupancy having regard to the fact that the premises are unsuitable for occupation as a permanent dwelling.</p> <p>Note to Applicant:</p> <ul style="list-style-type: none"> • For the avoidance of doubt this permission only provides for the occupation of the premises on a short term basis on the grounds that the development is unsuited to full time residential occupation. Specifically the occupation of the premises as a dwelling shall require the benefit of a separate planning permission.
6.	<p>PP – Submission of Details of Materials</p> <p>Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of the external walls and roof coverings have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.</p> <p>Reason: In order to integrate the development into its surroundings.</p>
7.	<p>PP – Compliance with FRA recommendations</p> <p>Notwithstanding the provisions of Condition 1, the development shall be sited on existing ground levels above 5.78m AOD. The development shall be implemented wholly in accordance with the recommendations set out in the Flood Risk Assessment submitted in support of the development.</p> <p>Reason: In order to ensure appropriate mitigation for flood risk.</p>
8.	<p>PP – Private Water Supply</p>

	<p>No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved in writing by the Planning Authority.</p> <p>The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.</p> <p>The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.</p> <p>Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.</p> <p>Note to Applicant:</p> <ul style="list-style-type: none"> Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.
<p>9.</p>	<p>PP – Implement/Operate Development in Accordance with Identified Mitigation Measures</p> <p>Notwithstanding the provisions of Condition 1, the development shall be undertaken in accordance with the mitigation measures set out in the document titled 'P23099 Eilean Loch Osgair Development: Review of Construction Notes for Harbour Seal Mitigation'.</p> <p>Reason: In order to protect natural heritage assets in the interest of nature conservation.</p> <p>Note to Applicant:</p> <ul style="list-style-type: none"> Regard should be had to NatureScot's consultation comments in relation to the proposed development which provide further detail in respect of species/habitats which may be affected and the developer's responsibilities and obligations under nature conservation legislation.
<p>10.</p>	<p>PP – Waste Management Plan – Operational Phase</p> <p>The development hereby approved shall not be brought into use until a Waste Management Plan for the development has been submitted to and approved in writing by the Planning Authority. This shall provide details of the proposed arrangements for</p>

	<p>the storage, segregation, collection and recycling of waste arising within the site, including the location, access and maintenance for on-site storage facilities. The requirements of the plan shall be implemented during the life of the development other than in the event of any revision thereof being approved in writing by the Planning Authority.</p> <p>Reason: In order to accord with the principles of sustainable waste management.</p>