

Public Document Pack

Argyll and Bute Council **Comhairle Earra Ghaidheal agus Bhoid**

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12 September 2012

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 19 SEPTEMBER 2012 at 10:30 AM**, or at the conclusion of the Planning, Protective Services and Licensing Committee at 10.00 am, whichever is the later, which you are requested to attend.

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. MINUTES**
 - (a) Planning, Protective Services and Licensing Committee 15 August 2012 (Pages 1 - 14)
 - (b) Planning, Protective Services and Licensing Committee 16 August 2012 (10.00 am) (Pages 15 - 18)
 - (c) Planning, Protective Services and Licensing Committee 16 August 2012 (10.20 am) (Pages 19 - 22)
 - (d) Planning, Protective Services and Licensing Committee 16 August 2012 (10.40 am) (Pages 23 - 26)
 - (e) Planning, Protective Services and Licensing Committee 16 August 2012 (11.00 am) (Pages 27 - 30)
 - (f) Planning, Protective Services and Licensing Committee 16 August 2012 (11.20 am) (Pages 31 - 36)

- (g) Planning, Protective Services and Licensing Committee 16 August 2012 (11.40 am) (Pages 37 - 40)
- (h) Planning, Protective Services and Licensing Committee 16 August 2012 (12 noon) (Pages 41 - 46)
- (i) Planning, Protective Services and Licensing Committee 16 August 2012 (12.20 pm) (Pages 47 - 50)
- (j) Planning, Protective Services and Licensing Committee 27 August 2012 (Pages 51 - 72)

4. PROTECTION OF CHILDREN AT WORK - EMPLOYMENT OF CHILDREN BYELAWS

Report by Head of Governance and Law (Pages 73 - 76)

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

Report by Head of Governance and Law (Pages 77 - 78)

6. MR RORY YOUNG: WINDFARM COMPRISING 9 WIND TURBINES (77 METRES TO BLADE TIP), CONSTRUCTION COMPOUND, SUBSTATION, FORMATION OF ACCESS TRACKS AND ANCILLARY WORKS: CLACHAN SEIL, ARGYLL (REF: 11/02447/PP)

Report by Head of Planning and Regulatory Services (Pages 79 - 154)

7. TOBERMORY ENDEAVOUR: USE OF LAND AS COMMUNITY ALLOTMENTS INCLUDING FORMATION OF ACCESS, CAR PARK, PROVISION OF PASSING PLACES, ON SITE ACCESS, ERECTION OF STORAGE BUILDING, POLYTUNNELS AND ANCILLARY STRUCTURES: LAND NORTH EAST OF CASTLE CROFT, TOBERMORY, ISLE OF MULL (REF: 12/00599/PP)

Report by Head of Planning and Regulatory Services (Pages 155 - 180)

8. MRS KATHARINE RONA DYKES: INSTALLATION OF 10 SOLAR ROOF PANELS (RETROSPECTIVE): 1 MAIN STREET, PORT CHARLOTTE, ISLAY, PA48 7TX (REF: 12/00970/PP)

Report by Head of Planning and Regulatory Services (Pages 181 - 192)

9. THE SCOTTISH SALMON COMPANY: FORMATION OF 14 CAGE FISH FARM AND INSTALLATION OF FEED BARGE: DUN BHUIRG, LOCH SCRIDAN, ISLE OF MULL (REF: 12/00904/MFF)

Report by Head of Planning and Regulatory Services (Pages 193 - 228)

10. THE SCOTTISH SALMON COMPANY: FORMATION OF 16 CAGE FISH FARM AND INSTALLATION OF FEED BARGE: NORTH GOMETRA, LOCH TUATH, ISLE OF MULL (REF: 12/01176/MFF)

Report by Head of Planning and Regulatory Services (Pages 229 - 270)

11. MR MICHAEL FORSTER: ERECTION OF DWELLINGHOUSE: LAND NORTH OF ARDCHIAVAIG HOUSE, UISKEN, BUNESSAN, ISLE OF MULL (REF: 12/01249/PP)

Report by Head of Planning and Regulatory Services (Pages 271 - 286)

12. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISIONS

Report by Head of Planning and Regulatory Services (Pages 287 - 288)

13. STRATEGY FOR RURAL SIGNAGE, SIGNAGE IN TOWNS AND OBSTRUCTIONS ON FOOTWAYS

Report by Head of Planning and Regulatory Services (Pages 289 - 290)

14. PLANNING AND REGULATORY SERVICES CUSTOMER SERVICE CHARTER

Report by Head of Planning and Regulatory Services (Pages 291 - 294)

E1 15. ENFORCEMENT REPORT: 12/00081/ENFHS

Report by Head of Planning and Regulatory Services (Pages 295 - 298)

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an "E" on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

E1 Paragraph 13 Information which, if disclosed to the public, would reveal that the authority proposes-

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

Councillor Gordon Blair

Councillor Robin Currie

Councillor George Freeman

Councillor David Kinniburgh

Councillor Robert Graham MacIntyre

Councillor Alex McNaughton

Councillor Sandy Taylor

Councillor Rory Colville

Councillor Mary-Jean Devon

Councillor Fred Hall

Councillor Alistair MacDougall

Councillor Donald MacMillan

Councillor James McQueen

Councillor Richard Trail

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 15 AUGUST 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor David Kinniburgh	Councillor Richard Trail
Councillor Alistair MacDougall	

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Principal Planning Officer
Sheila MacFadyen, Senior Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Mary-Jean Devon and Fred Hall.

2. DECLARATIONS OF INTEREST

Councillor James McQueen declared a non financial interest in planning application ref: 12/01248/PP which is dealt with at item 14 of this Minute as he is the applicant. He left the room and took no part in the discussion of this item.

Councillor Kinniburgh advised members that he had previously declared an interest in an application which had a limited connection with item 6 of this Minute and exercised his belief that he had no interest nor had he made any comment on that application to be considered today.

3. MINUTES

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 18 June 2012 were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee at 27 June 2012 (9.30 am) were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 27 June 2012 (10.00 am) were approved as a correct record.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: LATE HOURS CATERING LICENCES

Members were advised on 15 December 2010 that the Criminal Justice and Licensing (Scotland) Act 2010 amended the provisions of the Civic Government

(Scotland) Act 1982 in relation to late hours catering licences. A report updating Members of the position in relation to the changes to Late Hours Catering licensing which will come into force on 1 October 2012 was considered.

Decision

Noted the contents of the report.

(Reference: Report by Head of Governance and Law, submitted)

5. GALLANACH GREEN GENERATION LTD: CONSTRUCTION OF 1 X 750KW WIND TURBINE (77M TO BLADE TIP), CRANE HARDSTANDING, CONTROL BUILDING, TEMPORARY CONSTRUCTION COMPOUND AND FORMATION OF VEHICULAR ACCESS: GALLANACH, ISLE OF COLL (REF: 11/01915/PP)

The Principal Planning Officer spoke to the terms of the report advising that this proposal was for the erection of 1 x 77m (to tip) wind turbine with an output generating capacity of 750kw located on land at Gallanach Farm, Isle of Coll. It is recommended that due to the significant number of representations received and complex issues raised in relation to this application a discretionary hearing be held in advance of determining the application.

Decision

Agreed to hold a discretionary planning hearing on the Island of Coll.

(Reference: Report by Head of Planning and Regulatory Services dated 1 August 2012, submitted)

6. OSBORNE INTERIORS: REFURBISHMENT OF EXISTING BANDSTAND: KIDSTON PARK, RHU ROAD LOWER, HELENSBURGH (REF: 12/00094/PP)

At the PPSL Committee meeting on 27 June 2012 Members agreed to continue consideration of this application in order to obtain clarity on maintenance of the bandstand and to receive further advice on the sustainability of the building materials and sustainability of the site. The Principal Planning Officer spoke to the terms of the report and to Supplementary Planning Report number 1 which provided information on the long term maintenance arrangements for the bandstand and the materials that will be used to erect the bandstand. It is recommended that the application be approved subject to conditions 1 to 3 detailed in the original report and subject to the conclusion of a Section 75 legal agreement to provide that the Applicants are responsible for the maintenance of the bandstand for an initial period of ten years and the Council would be responsible for the on-going maintenance of the bandstand beyond year ten. In the event that this application is granted the strategic management and resource allocation (post year ten) shall need to be considered by the Area Committee and Council before Council commitment is given to the project as a landowner.

Decision

Agreed to grant planning permission subject to the conclusion of a Section 75 legal agreement to provide that the applicants are responsible for the maintenance of the bandstand for an initial period of ten years and subject to the

Agreement of the Council as landowner to accept this obligation that the Council would be responsible for the on-going maintenance of the bandstand beyond year ten and subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 10/01/12 and the approved drawing reference 2139..104, 2139..101, 2139..102 and 2139..103 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Details of the type and colour of the proposed materials to be used on the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

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

3. Notwithstanding the details on the docquetted plans and Condition 2 above, the cupola of the refurbished bandstand hereby approved will be finished in zinc.

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

(Reference: Report by Head of Planning and Regulatory Services dated 12 June 2012, submitted and Supplementary Planning Report No 1 dated 7 August 2012, submitted)

7. RSM TENON: DISCHARGE OF A SECTION 50 AGREEMENT RELATIVE TO PLANNING APPLICATION REFERENCE 91/00418/DET: GLENORCHY LODGE, DALMALLY (REF: 12/00201/PP)

The Principal Planning Officer spoke to the terms of the report advising that this application seeks planning permission to discharge an existing Section 50 Legal Agreement relative to planning permission 91/00418/DET001 which prevents the separate sale of the existing dwellinghouse from Glenorchy Lodge, requiring that they are retained in the same ownership in all time coming. The applicant wishes to remove the restriction because the occupancy restriction is no longer required. Given that current policy allocates the site as suitable for general market housing, and because the house is not physically dependant on the Lodge or inter-connected with it to such a degree as to be indivisible from it, the proposal for an unrestricted house is acceptable.

Decision

Agreed that planning permission be granted and the Section 50 Agreement (now termed a Section 75 Agreement) be discharged.

(Reference: Report by Head of Planning and Regulatory Services dated 7

August 2012, submitted)

8. MR AND MRS JOHNSTON: FORMATION OF TIMBER HAULAGE CONTRACTOR'S YARD TO INCLUDE ERECTION OF MAINTENANCE BAY/OFFICE BUILDING, WASH BAY, INSTALLATION OF SEPTIC TANK AND 42000 LITRE BUNDED OIL TANK: SITE 1 (COILLE HAULAGE), LAND AT TOMDOW HALF A KM EAST OF BALLIEBEG, CASTLETON (REF: 12/00319/PP)

The Head of Planning and Regulatory Services spoke to the terms of the report advising, firstly, of 2 errors within the report. He confirmed that the spelling of the site name should be "Coille Haulage" and not "Collie Haulage" and that the dimensions of the proposed building are 22 x 19 metres and not 57 x 50 metres as detailed in the report. This proposal seeks consent to erect a building within the site at an intended 446 sq. metres contained within a 'Rural Opportunity Area' where policy STRAT DC 4 applies along with policy LP BUS 2 in respect of commercial buildings which normally restrict development proposals to 'small scale' which is specified within the Local Plan as a building up to 200 sq. metres. However, both policies allow for larger buildings where the applicant can demonstrate a clear locational need for the specific location and that the development proposed can integrate sympathetically with the landscape following an ACE (Landscape Capacity Evaluation) having been carried out; economic justification also being a potential criteria. Prior to assessing this application Members were asked to consider the separate ACE evaluation for Tomdow, near Balliebeg/Castleton. Having due regard to the siting, size, form and design of the building and the other operational features of this development, linked to the locational justification for it and an assessment of the carrying capacity of the landscape through an ACE evaluation, the proposal is recommended for approval subject to conditions 1, 2, 4, 5 and 6 detailed in the report and an amendment to condition 3.

Decision

Agreed that the Area Capacity Evaluation (ACE) appended to the report be adopted as a material consideration in the determination of this application and any future application within the defined area of common landscape character and to grant planning permission subject to the following conditions and reasons:-

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 18.02.2012 and the approved drawings numbered 1 to 9 to 9 of 9 inclusive unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

2. Development shall not be commenced until the junction with the A83 (T) has been improved to the satisfaction of the Trunk Roads Authority in accordance with the requirements of conditions 2 and 3 of planning permission 11/00991/PP (refer to the advice note below) and the two lorry

lay-by passing places on the access road have been completed in accordance with the requirements of condition 4 of that consent.

Reason: In the interest of highway safety.

3. Within 3 months of this consent full details of the proposed boundary fence / gates shall be submitted for the prior written approval of the Planning Authority. Upon approval of the boundary fence / gate details the approved scheme shall be implemented to the satisfaction of the Planning Authority prior to the building hereby approved becoming operational.

Reason: In the interests of the amenity of the area.

4. Within the first planting season following the commencement of the development, the landscaping proposals specified in respect of the south-western corner of the site as shown on the approved plans shall be implemented to the satisfaction of the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason or are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping and treatment to help assimilate the building into its landscape setting.

5. The building shall be completed in accordance with the materials specified in the application details, unless any variation thereof is agreed in writing in advance with the planning Authority. .

Reason: In the interest of the amenity of the area.

6. Notwithstanding the provisions of Classes 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any equivalent provisions following the revocation and re-enactment thereof, with or without modifications) the building shall be occupied solely as a civil engineering / haulage contractor's workshop, provided that the primary business of the occupier is associated with forestry operations and/or timber haulage.

Reason: To safeguard the site for its intended purpose as accepted in connection with the granting of planning permissions 10/00915/PP and 11/00991/PP and in recognition of the locational need underpinning this consent.

(Reference: Report by Head of Planning and Regulatory Services dated 20 July 2012, submitted)

9. TOBERMORY ENDEAVOUR: USE OF LAND AS COMMUNITY ALLOTMENTS INCLUDING FORMATION OF ACCESS, CAR PARK, PROVISION OF PASSING PLACES, ON SITE ACCESS, ERECTION OF STORAGE BUILDING, POLYTUNNELS AND ANCILLARY STRUCTURES: LAND NORTH EAST OF CASTLE CROFT, TOBERMORY, ISLE OF MULL (REF: 12/00599/PP)

The Head of Planning and Regulatory Services spoke to the terms of the report advising that this proposal was for the use of land as community allotments including the formation of access, car park provision of passing places on site access, erection of a communal shed, poly tunnels and potting sheds and glasshouses at land north east of Castle Croft, Tobermory, Isle of Mull. He also referred to supplementary planning report number 1 advising that following further consideration as to the merits of this application, the matter of on-going management and maintenance of the site, and restoration in the event that the venture proves not to be successful and the use becomes abandoned, have been raised with the Applicants. It is recommended therefore that the application be continued to the September meeting of the Committee to provide sufficient opportunity for management, maintenance and reinstatement considerations to be addressed by the Applicant.

Decision

Agreed to continue consideration of this application to the September PPSL Committee meeting.

(Reference: Report by Head of Planning and Regulatory Services dated 26 July 2012 and Supplementary Planning Report No 1 dated 13 August 2012, submitted)

10. DUNBRITTON HOUSING ASSOCIATION: ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING OF 49 UNITS FOR AFFORDABLE HOUSING (2 THREE STOREY FLATS - BLOCKS INCORPORATING 36 UNITS AND 12 TWO STOREY SEMI-DETACHED HOUSES AND ONE BUNGALOW): FORMER HERMITAGE ACADEMY, CAMPBELL DRIVE, HELENSBURGH (REF: 12/00833/PP)

The Principal Planning Officer spoke to the terms of the report advising that this application is for the erection of a residential development comprising 36 flatted units within 2 no. 3 storey blocks and 13 no houses located in the south east part of the former Hermitage Academy site. The application site forms part of a Housing Allocation (H-AL 3/1) identified within the adopted Local Plan for 160 units, including a minimum of 25% affordability. The site also forms part of an area covered by an approved Masterplan covering the whole of the former Hermitage site. Given the substantial number of objections received in connection with this application it is recommended that a discretionary hearing be conducted prior to the determination of the planning application.

Decision

Agreed to hold a discretionary hearing in Helensburgh at the earliest opportunity.

(Reference: Report by Head of Planning and Regulatory Services dated 20 July 2012, submitted)

11. MISS KYLE MORRIS: CHANGE OF USE AND ALTERATIONS FROM PUBLIC CONVENIENCE TO CLASS 1 SHOP: PUBLIC TOILETS, MAIN STREET, TOBERMORY, ISLE OF MULL (REF: 12/01112/PP)

The Head of Planning and Regulatory Services spoke to the terms of the report advising that this application was before the Committee as the Council were owners of the building. This proposal is for a change of use and alterations from public convenience to Class 1 shop at the former public toilet building, Main Street, Tobermory, Isle of Mull. The building lies within the main settlement of Tobermory and within a designated Conservation Area. The proposed development is considered acceptable at this location without causing any unacceptable impact on the wider area and there are no infrastructural constraints which would preclude the proposed development at the site. The proposal accords within Policy STRAT DC 1 of the adopted Argyll and Bute Structure Plan 2002, Policies LP ENV 1, ENV 14, ENV 19, TRAN 4, TRAN 6, RET 1 and Appendix 1 of the adopted Argyll and Bute Local Plan 2009. There are no other material considerations, including issues raised by third parties, which are considered to have decisive weight that would warrant anything other than the application being determined positively in accordance with the provisions of the development plan.

Decision

Agreed to grant planning permission subject to the following condition and reason:-

The development shall be implemented in accordance with the details specified on the application form dated 20th of April 2012 and the approved drawing reference numbers:

- Plan 1 of 10 (Cover Sheet)
- Plan 2 of 10 (Site Proposed)
- Plan 3 of 10 (Existing)
- Plan 4 of 10 (Elevations as proposed)
- Plan 5 of 10 (Elevations as proposed)
- Plan 6 of 10 (Floor plan as proposed)
- Plan 7 of 10 (Cross sections as proposed)
- Plan 8 of 10 (Long sections as proposed)
- Plan 9 of 10 (Signage details as proposed)
- Plan 10 of 10 (3D images as proposed)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

(Reference: Report by Head of Planning and Regulatory Services dated 25 July 2012, submitted)

12. ARGYLL AND BUTE COUNCIL: CHANGE OF USE AND ALTERATIONS FROM RESTAURANT/BAR TO MULTI-FUNCTION AREA INCLUDING USE FOR LICENSED FUNCTIONS, FITNESS SUITE, OFFICES AND MEETING ROOM (RETROSPECTIVE): THE VIEW, QUEEN'S HALL, ARGYLL STREET, DUNOON (REF: 12/01113/PP)

The Principal Planning Officer spoke to the terms of the report advising that this planning application by Argyll and Bute Council is for the conversion of a restaurant/bar to a multi function area as part of the Queen's Hall complex located in the main town settlement of Dunoon within the Main Town Centre. The restaurant/bar was previously separated from the Queen's Hall around 1991 but has been vacant recently and now to be used for a number of functions within Queen's Hall. The proposal involves only minor internal alterations in respect of creating a locked door link from the first floor of the main building. The bar and backroom area will remain as existing. The proposal is now retrospective as part of the former restaurant area is now being used for leisure purposes and the new door has been formed. The proposal to reunite this part of the building with the main Queen's Hall building is considered acceptable and consistent with policies LP ENV 19, LP REC 1 and LP TRAN 6 of the Argyll and Bute Local Plan and is recommended for approval subject to conditions and reasons.

Decision

Agreed to grant planning permission subject to the following condition and reason:-

The development shall be implemented in accordance with the details specified on the application form dated 16 May 2012 and the approved drawing reference numbers: Location Plan and Site Plan AL (00)001 and AL (00)001 Proposed Plan Accompanying Licence Application, 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.

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

(Reference: Report by Head of Planning and Regulatory Services dated 9 July 2012, submitted)

13. MR PETER HARDY: RENEWAL OF PLANNING PERMISSION 06/01710/DET - ERECTION OF 8 FLATS AND 2 DETACHED DWELLINGS; FORMATION OF VEHICULAR ACCESS AND PARKING; INSTALLATION OF PRIVATE FOUL DRAINAGE SYSTEM: LAND SOUTH OF SOUTHPARK, ASCOG, ISLE OF BUTE (REF: 12/01189/PP)

The Principal Planning Officer spoke to the terms of the report advising that this was an application for the renewal of planning permission ref 06/1710/DET granted on 26 June 2007. Since the previous permission was granted the Argyll and Bute Local Plan 2009 has been adopted. Whilst this has not significantly changed the policy context for this site, Policy LP HOU 2 was introduced by the plan and which provides for a 25% affordability obligation upon developments of 8 units or more. Reference was also made to other factors that should be taken

into account in this case. The proposal accords with policy STRAT DC 1 and STRAT DC 9 of the Argyll and Bute Structure Plan 2002, and policies LP ENV 10, LP ENV 14, LP ENV 19, LP HOU 1 and LP TRAN 4 of the Argyll and Bute Local Plan 2009. It can be justified as a 'minor departure' from the affordability obligations stemming from LP HOU 2 of the adopted local plan given the over provision of low cost accommodation on the Isle of Bute and the consequent lack of demand for additional affordable accommodation within the market area associated with the site. Notwithstanding the views expressed by third parties, the proposal raises no other new material considerations beyond those considered at the time of the previous granting of planning permission and there is no justifiable reason for withholding a renewal of that consent. Although a significant number of persons have made representations, this application is for renewal of a previous consent granted by Members of Bute and Cowal Area Committee following a PAN 41 hearing. Reference was made to representations tabled at the meeting from Councillor Robert E Macintyre and Councillor Isobel Strong and also to late representations received from the owners of Southpark and Hawkstone Lodge, neighbouring properties to the proposed development. As the vast majority of the same issues apply now and in the absence of any significant change in circumstances since the granting of the original permission, there would be no added value in convening a further hearing in this case.

Decision

Agreed to grant planning permission as a 'minor departure' to the provisions of the Development Plan, subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the approved drawings: Drawing Number 0553/P1; Drawing Number 0553/P2A; Drawing Number 0553/P3A; Drawing Number 0553/P4; and Drawing Number 10976/SK2 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.

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

2. The development hereby permitted shall not commence until final details of foul and surface water drainage systems, including the position of the final outfall, and a scheme for the maintenance in perpetuity of the approved systems have been completed and approved in writing by the Planning Authority.

Reason: To ensure that adequate and timeous drainage arrangements are made and to ensure the on-going maintenance of the method of sewage treatment in the interests of the residential amenity and public health of existing and future occupiers in the area.

3. None of the dwellings hereby approved shall be occupied until the sewage disposal/drainage works have been completed in accordance with the approved plans.

Reason: In the interests of public health and in order to ensure that adequate and timeous drainage arrangements are made.

4. The proposed access shall be formed in accordance with fig 10.16 of the Council's Development Guidelines and shall have visibility splays of 215.0m x 2.5m metres in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height.

Reason: In the interests of road safety.

5. *The access serving this site shall be a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984, and shall be constructed in consultation with the Council's Roads and Amenity Services Department, including provision of a 2m service strip and a street name plate.*

Reason: In order to ensure that provision is made for a service "road" commensurate with the scale of the overall development and having regard to the status of the proposed access as a residential service road.

6. Prior to work starting on site full details of the proposed external render shall be submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the duly approved details

Reason: In order to protect the character and appearance of the locality.

7. Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
 - i) existing and finished ground levels in relation to an identified fixed datum
 - ii) existing landscaping features and vegetation to be retained
 - iii) location and design, including materials, of walls, fences and gates
 - iv) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
 - v) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping.

8. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit the erection of any buildings, walls, fences or other structures within the land to the west of the land shaded blue on approved drawing number 0553/P2A, without the prior consent of the Planning Authority.

Reason: In order to confine any ancillary structures associated with the development hereby permitted to the confines of the 'settlement' boundary delineated by the 'Argyll & Bute Local Plan' 2012.

(Reference: Report by Head of Planning and Regulatory Services dated 18 July 2012, submitted)

14. MR JAMES CHISHOLM: DISCHARGE OF PLANNING OBLIGATION IN RELATION TO PLANNING PERMISSION 01/94/1089: DUNAMUCK FARM, BY LOCHGILPHEAD (REF: 12/01248/PP)

The Principal Planning Officer spoke to the terms of the report advising that this application seeks planning permission to discharge an existing Section 50 Legal Agreement (now Section 75) relative to planning permission 01/94/1089 which tied the ownership of the permitted dwellinghouse to the farm and all of its land holding in order to comply with the provisions of the Council's development plan Settlement Strategy which was applicable at that time. In view of the revised policy provisions of the Argyll and Bute Local Plan 2009 a request has been submitted by the owners of Dunamuck Farm to have the Section 50 amended, in order to remove the tie between the ownership of the dwelling and the farm. It is now considered that the Section 50 Agreement in relation to this dwelling is no longer required in light of both the reduced labour requirements of the holding and the change to Development Plan policy which would now support development of the site in questions without any operational justification. In the event that the agreement is removed the applicant should be made aware that the decision to do so would be a material consideration in the event of any future case being advanced for a further dwelling on the basis of agricultural need.

Agreed

1. Agreed that planning permission be granted and the Section 50 Agreement (now termed a Section 75 Agreement) be discharged; and
2. Noted that the Applicant is aware of the need to apply to seek to vary the conditions attached to the planning permission for the house to remove the occupancy restriction.

(Reference: Report by Head of Planning and Regulatory Services, submitted)

Having previously declared an interest in the following item Councillor James McQueen left the room and took no part in the discussion of this item.

15. MR JAMES MCQUEEN: ERECTION OF BOXING CLUB SPORTS BUILDING (CLASS 11):DUNOON STADIUM, ARGYLL STREET, DUNOON (REF: 12/01306/PP)

The Principal Planning Officer spoke to the terms of the report advising that this was a Council Interest application as it has been submitted on behalf of Dunoon Boxing Club by Councillor James McQueen. The proposal is for the erection of a single storey building to provide a new facility for Dunoon Amateur Boxing Club. In terms of the Argyll and Bute Local Plan the application site is located in the main town settlement of Dunoon at Dunoon Stadium. The proposal to provide a dedicated boxing club is considered acceptable and consistent with policies LP ENV 19, LP REC 1 and LP TRAN 6 of the Argyll and Bute Local Plan and there are no grounds which would warrant the withholding of consent.

Decision

Agreed to grant planning permission subject to the following condition and reason:-

The development shall be implemented in accordance with the details specified on the application form dated 8 June 2010 and the approved drawing reference numbers:

- 1:1250 Location Plan
- 1:500 Site Plan
- 1:50 Layout as Proposed
- 1:100 Elevations and Section

dated June 2012, 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.

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

(Reference: Report by Head of Planning and Regulatory Services dated 9 July 2012, submitted)

Councillor James McQueen returned to the meeting.

16. DEVELOPMENT MANAGEMENT ENFORCEMENT AND MONITORING CHARTER

Consideration was given to a new Monitoring and Enforcement Charter giving information on the procedures and powers available to the Council to ensure the planning laws are upheld and the standards of service our customers can expect from the Development Management service. The purpose of the Charter is to increase the public's awareness of planning enforcement, explain what enforcement means, advise what the Council can do and explain how the Council carried out the enforcement service. It also explains how the public have an important role as part of the planning enforcement process and how the Council often relies on the public to draw its attention to breaches of planning control.

Decision

1. Noted the contents of the report;

2. Endorsed the Charter as technical guidance for Officers to follow;
3. Supported the content of the Monitoring and Enforcement Charter; and
4. Agreed that a copy of the Charter be submitted to the Scottish Government for their information and that the Charter be reviewed in 2 years time.

(Reference: Report by Head of Planning and Regulatory Services dated 10 August 2012, submitted)

17. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISIONS

Consideration was given to a report advising of recent appeal decisions by the Scottish Government Directorate in relative to the erection of dwellinghouse and detached garage and formation of new vehicular access at 7 Laggary Park, Rhu and to the erection of a class 1 retail store and associated development at land at the site of the former gas works, Argyll Street/Hamilton Street, Dunoon.

Decision

Noted the contents of the report.

(Reference: Report by Head of Planning and Regulatory Services dated 1 August 2012, submitted)

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

Councillor Donald MacMillan left the meeting at 12.40 pm.

18. PROPOSED WOODLAND TREE PRESERVATION ORDER

A report recommending confirmation, with modifications, of a Tree Preservation Order (TPO) on an area of woodland south of Argyll Road, Kilcreggan, Helensburgh was considered.

Decision

Agreed that the TPO should be confirmed as a modified Order, excluding the entirety of the garden ground in the ownership of the Objector.

(Reference: Report by Head of Planning and Regulatory Services, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Robin Currie
Councillor George Freeman
Councillor Fred Hall
Councillor Alistair MacDougall

Councillor Donald MacMillan
Councillor Alex McNaughton
Councillor James McQueen

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Solicitor
Brian Cassells, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rory Colville, Councillor Mary Jean Devon, Councillor David Kinniburgh and Councillor Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF STREET TRADER'S LICENCE (B. CASSELLS, OBAN)

The Chair welcomed all those present to the meeting. He advised that due to the disclosure of spent convictions by the applicant, the spent convictions procedure would need to be carried out before the hearing could take place.

Mr Reppke explained that because the applicant had disclosed spent convictions which had not been disclosed by the Police, the Committee would need to carry out the spent convictions procedure to determine whether or not the applicant was comfortable receiving enquiries from the Committee on these convictions.

The Chair asked Mr Cassells, the applicant, if he would be happy to receive enquiries from Members on the convictions he had disclosed.

Mr Cassells confirmed that he was happy to receive enquiries.

Mr Reppke then advised that the Committee should make a decision on whether or not they wished to take these convictions into account when determining the application.

The Committee advised that they wished to take the convictions into account when determining the application.

The Chair invited Mr Cassells to speak in support of his application.

Mr Cassells began by making reference to the offences he'd declared, advising that he deeply regretted them. They had been 23 years ago and he had since changed his ways. He advised that he had originally worked in the building trade and had become unemployed and had been on benefits. When the opportunity to manage the van had arisen he had applied for his licence and had been under the impression from the licensing section that the licence would be issued without a problem. He had ordered £400 of stock to begin trading and had then been informed that there was a problem with the licence due to the convictions that he had disclosed. It would be a further two months before it was determined. He advised that this delay was damaging to the business, as it was a business which sold ice cream, and he had missed the summer months.

Councillor Currie told the Committee he was disturbed to learn that Mr Cassells had to wait two months for determination of his licence and asked why this was the case.

Mr Reppke advised that this was due to the Members recess in July and apologised to Mr Cassells if he had been given the wrong impression that the licence would be approved as a delegated matter.

The Chair asked Members if they had any questions they wished to put to Mr Cassells. To which they replied they did not.

Mr Cassells advised that he had 2 references in support of his application.

Mr Reppke advised that it was at the Committees discretion whether or not they wished to consider these.

The Committee agreed to consider the references and the Chair read them to Members.

The Chair asked Mr Cassells if he considered that he had had a fair hearing, to which he confirmed that he had.

Sheila MacFadyen advised Mr Reppke that there was an intimation that Mr Cassells did not wish to include the sale of cigarettes and tobacco in his licence.

Mr Reppke asked Mr Cassells to confirm that he did not wish to include the sale of cigarettes and tobacco on his licence.

Mr Cassells said that he had received advice from Health and Safety that it would be beneficial to his application not to include the sale of cigarettes and tobacco in his application due to the nature of the sale of ice cream/sweets to children. He confirmed he did not wish to include it as part of his application.

Decision

The Committee unanimously agreed to grant Mr Cassells with a Street Traders Licence. Mr Cassells would receive notice of this in writing within 7 days.

(Reference: Report by Head of Governance and Law dated August 2012, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor James McQueen
Councillor Alistair MacDougall	

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Solicitor
Inspector Tom Harper, Strathclyde Police
John Stewart, Applicant
Jane Thomson, Applicant's Agent

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rory Colville, Councillor Mary-Jean Devon, Councillor David Kinniburgh and Councillor Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF LATE HOURS CATERING LICENCE (GEORGE STREET FISH AND CHIP SHOP, OBAN)

The Chair welcomed all those present to the meeting and introductions were made. The Chair advised that he believed there was an amendment to the application and Sheila MacFadyen advised that the original application had been for an extension of opening hours until 3am. Jane Thomson confirmed that her client wished to apply for late night catering for Friday to Sunday until 2am and Monday to Thursday until 11pm.

The Chair invited Jane Thomson to speak in support of her client's application.

Ms Thomson advised that her client's premises were centred in Oban surrounded by bars and one night club, which were licensed until 2am. She advised that the Police objection was due to noise and commented that her client believed that noise would more likely come from the licensed premises surrounding his fish and chip shop. She added that when licensed premises closed at 2am a lot of people hang around the street, having the fish and chip shop open may encourage folk to buy food and then move on. Ms Thomson advised that her client was a very responsible person, he had been known in the past to put someone who had been drunk into a taxi to get them home. She advised that he intended to work the late hours shift himself. In terms of the

issue of mess from litter, she advised that the packaging used in the shop was recognisable and that there would be a wheelie bin provided at the door of the premises. With regard to the request for a door steward she advised that that the premises were very small and her client would be happy to carry out this task himself. Ms Thomson advised that there were no residential properties above the premises and that the flats were on the other side of the street. She advised that her client was very happy to please Members and had already changed his application from 3am to 2am and that he himself would be working in the premises until 2am. Finally she suggested that her client be awarded a probationary period of perhaps a month where any issues could be reviewed and the licence re-looked at.

The Chair invited Inspector Tom Harper, Objector, to pose any questions he may have regarding anything the applicant's agent had just said. Inspector Harper confirmed that he had no questions and the Chair then invited him to speak in support of his objection.

Inspector Harper advised that he was not based in the Oban area but the applicant's premises were similar to that of another premises in Oban which had a licence until 1.30am with the provision of a door steward. He advised that the objection was due to the possible increase in antisocial behaviour and noise disturbance. He advised that reduction of anti social behaviour was part of the policing plan for that area. He advised that any place left open extended the time that folk were in the street after having consumed alcohol and the extended opening hours of the applicant's premises would undoubtedly increase the time of folk hanging around in the street and around the premises.

The Chair invited Ms Thomson to pose any questions she may have on what Inspector Harper had just said.

Ms Thomson asked Mr Harper is he thought that having a food premises open would encourage folk to get some food and then move on. He replied by saying no, that it would encourage folk to hang around the street and the premises would become a gathering place.

Ms Thomson asked Mr Harper if there were similar premises in other towns that he knew of and when they were open until. He advised that there was a premises in Campbeltown licensed until 2am.

The Chair invited Members to pose any questions they had to Ms Thomson or Inspector Harper.

Councillor Blair asked Inspector Harper if it was normal Saturday night procedure for the area surrounding the premises to be policed at that time? Inspector Harper advised that yes, gathering points would be policed to prevent antisocial behaviour. He added that another late night catering outlet is another potential area needing policed and a need for increased Police resources.

Councillor Blair asked Ms Thomson what surrounded the premises. She advised that it was in the centre of a number of licensed premises.

Councillor McNaughton asked Ms Thomson what the closing times were of the licensed premises, if it was 2am? She advised that one premises was open until

1am and the rest until 2am.

Councillor Freeman advised that he was very surprised to learn of the need for door stewards in food premises and asked Inspector Harper if he was aware of the need for door stewards in other towns. He replied by saying that he knew of none in Lochgilphead or Campbeltown but was not sure of whether there were any in Rothesay or Dunoon.

Councillor Hall asked Ms Thomson if there was a hotel to the left of the premises. She replied yes. Councillor Hall asked Inspector Harper if it was a fact that folk would gather around a takeaway and if the Police had any figures of disturbances to back up this fact. Inspector Harper confirmed that it was fact but there were no figures available. Ms Thomson commented that she was not sure whether the extra congregation would occur as suggested as the premises would be closing at 2am, the same time as the surrounding licensed premises.

Sheila MacFadyen advised that the other similar premises in Oban had a licence for late catering 11pm to 12am Monday to Thursday and 11pm to 1.30am Friday to Sunday with the provision of a door steward.

Councillor McNaughton asked who had imposed the condition of a door steward and why. Mr Reppke advised that he was unsure of the reasoning but that it would have been decided as a condition as part of the determination of that application.

Councillor Blair commented that he would expect a good proprietor to steward the premises themselves and asked for confirmation that the applicant would be stewarding the premises himself and be working the shift from 11pm to 2am himself, as had been suggested earlier? Ms Thomson confirmed this.

The Chair invited Inspector Harper to sum up.

Inspector Harper advised that the Police objection was due to the concern of the increase in antisocial behaviour, disorder and violence due to the food outlet extending its opening hours until 2am. He added that this may set precedence for other food outlets and therefore an increased need for Police resources.

The Chair invited Ms Thomson to sum up on behalf of her client.

Ms Thomson advised that she understood the Police Objection. She advised that her client would be happy to accept a probationary period and to have his licence reviewed after this period, to see if it worked. She advised that her client had applied for the licence to increase opening hours in an attempt to keep his business going due to recent economic down turn.

Mr Reppke advised that Members would now need to decide the opening hours of the premises. He advised that they would not be in a position to grant the licence on a probationary period and if so minded, that they would need to grant the licence following normal procedure then review this at a later date should there be any complaints of disturbances.

The Chair asked both the applicant and the objector if they considered that they had been given a fair hearing. They both confirmed that they had received a fair

hearing.

The Chair invited Members to debate the application.

Councillor Currie advised that as a regular visitor to Oban he found it annoying that there was no where to get something to eat after 9pm. He advised that the surrounding premises were licensed until 2am and a lot of the time folk leaving these premises would be looking for something to eat. He added that the grant of the licence would satisfy a need for late night catering in Oban.

Councillor Blair advised that he agreed with Councillor Currie but felt that there was a responsibility to review this in 6 months time should the licence be granted.

Councillor Freeman advised that he had sympathy with the Police as they are the ones that are on the street seeing what is happening. He advised that he thought the licence should be granted until 1.30am but without the need for a steward. He asked if it would be possible to review the need for a steward in the future.

Mr Reppke advised that it would be possible to review this element if complaints were made.

Councillor Hall advised that he disagreed with the need for a steward and that the licence should be granted until 1.30am. He asked Mr Reppke if it would be possible for him to request figures of disturbances from the Police, should there be any.

Mr Reppke advised him that it could be arranged, if that is what Members wanted.

Motion

To grant the licence until 1.30am, with no requirement for a steward, but with appropriate litter management conditions.

Moved Councillor Taylor, seconded Councillor Hall.

Amendment

To grant the licence until 2am, as stated on the application, without the requirement for a door steward, but with appropriate litter management conditions.

Moved Councillor Currie, seconded Councillor Blair.

Decision

The amendment was carried by 6 votes to 4 and the Committee resolved accordingly.

(Reference: Report by Head of Governance and Law dated August 2012, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor James McQueen
Councillor Alistair MacDougall	

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Solicitor
Inspector Tom Harper, Strathclyde Police
Duncan Durbin, Solicitor, Applicant's Agent

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rory Colville, Councillor Mary Jean Devon, Councillor David Kinniburgh and Councillor Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR RENEWAL OF STREET TRADER'S LICENCE (G. MACGILLIVRAY, OBAN)

The Chair welcomed all those present to the meeting and introductions were made. He invited the applicant's agent to speak in support of his client's application.

Mr Durbin advised that Mr McGillivray had submitted his application for renewal on 8 June 2012 after 12 years of trading. He advised that the application was for a 12 foot trailer which specialised in the sale of seafood but also sold ice cream and juice with a number of trestle tables and chairs situated in front of the trailer for use by the public. Mr Durbin advised that his concern was the representation that had been submitted by the Police following 2 road traffic convictions dated 21 June 2012, which were after the submission date of the application.

The Chair advised that in terms of deliberation of the licence, the convictions must be taken into account, even although the application predated them.

Mr Durbin continued by telling the Committee that his applicant had responded with a guilty plea to the convictions and had received 6 penalty points. He advised that in 12 years of trading his client had received his licence with no objection and added that the nature of the convictions did not impinge on his trading.

The Chair invited Inspector Harper to pose any questions he may have to Mr Durbin. Inspector Harper confirmed that he had no questions. The Chair then invited Inspector Harper to speak on behalf of the representation made by the Police.

Inspector Harper advised that the representation was due to two road traffic offences, a speeding offence and an offence for driving without insurance.

The Chair invited Mr Durbin to pose any questions he had to Inspector Harper. Mr Durbin confirmed he had no questions.

The Chair invited Members to pose any questions they had to Mr Durbin or Inspector Harper.

Councillor Currie commented that he could not understand why two road traffic offences would be taken into account when considering a street traders licence. Mr Reppke replied by saying that the conviction for no insurance was considered relevant as a street trader could also be mobile.

Councillor Freeman asked Mr Durbin if the van would be required to be towed from the pier. Mr Durbin confirmed that yes, it did require to be towed from time to time.

Mr Durbin offered to provide background information on the convictions should it be required.

Councillor Taylor agreed and advised that it may support the application if further information was provided.

Mr Durbin advised that his client was formerly from the Isle of Lismore and currently resided in Oban. At the time of the conviction he was staying on Lismore to assist his father in the running of his farm. During his stay on Lismore he had not been keeping an eye on his bank account and insufficient funds had resulted in the non payment of his insurance policy, which had been cancelled as a result of this. As his client had been on Lismore and not accessing his mail he did not realise this had happened. It had been a mistake and would not happen again.

Councillor Blair asked if the applicant had third party indemnity insurance in place and Sheila MacFadyen confirmed that he did have this.

The Chair invited Inspector Harper to sum up.

Inspector Harper advised that the representation was due to the gentleman having no insurance.

The Chair invited Mr Durbin to sum up.

Mr Durbin advised that he had nothing further to say.

The Chair asked the applicants agent and the objector to confirm if they had received a fair hearing. Both confirmed that they had received a fair hearing.

The Chair invited the Committee to debate the application.

Councillor Freeman advised that he had no problem with granting the application but asked if a condition could be put in place to ensure the applicant had the relevant insurance.

Councillor MacDougall commented that he could not see why a further condition would be needed as it was a national requirement to have insurance and there were already procedures in place to deal with this.

The Chair advised that he agreed with Councillor MacDougall, that there was no need for further conditions.

Councillor McQueen advised that he was in support of the application.

Decision

The Committee unanimously agreed to grant Mr McGillivray a street traders licence. Mr McGillivray would be notified of this in writing within 7 days.

(Reference: Report by Head of Governance and Law dated August 2012, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2012**

Present:

Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor James McQueen
Councillor Alistair MacDougall	

Attending:

Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Solicitor
Mr Rennie, Applicant
Mr Graham, Taxi Firm Owner, Applicant's Supporter
Inspector Tom Harper, Stathclyde Police

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rory Colville, Councillor Mary Jean Devon, Councillor David Kinniburgh and Councillor Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (M. RENNIE, CAMPBELTOWN)

The Chair welcomed all those present to the meeting and introductions were made.

The Chair invited the applicant to speak in support of his application and Mr Graham advised that he would speak on the applicants' behalf.

Mr Graham advised that he owns a taxi firm and that all his workers are put on a probationary period before they are employed as taxi drivers. He advised that Mr Rennie had been employed by him, carrying out small gardening jobs, for the past year and had been very hardworking. He advised that the incident in question had taken place on 4 May 2010 which was over two years ago and advised that the applicant felt he was on probation and was still being penalised for an incident that had taken place two years earlier.

Inspector Harper was asked by the Chair if he wished to ask Mr Graham any questions to which he replied he did not. Inspector Harper was then invited to speak in support of the objection made by the Police.

Inspector Harper advised that the Police objection was due to convictions, as detailed in papers, particularly the incident that had taken place on 20 March

2010, which had shown the applicant was willing to carry out threats and to carry a weapon.

The Chair invited Mr Rennie to question anything that had been said by Inspector Harper.

Mr Rennie advised that the broken pool cue had come from the licensed premises that he had been in that night and that he had been assaulted that night, which had not been mentioned. He advised that he had been intoxicated that night and added that he had been clean since and that he did not go out any more.

Inspector Harper advised that he was unaware of the circumstances but it was likely the assault had been taken into account by the court at the time of conviction.

Members were then invited to pose questions to both the applicant and the objector.

Councillor Hall asked what the Section 127(2) of the Communications Act conviction was related to. Inspector Harper told him that it was persistent use of a communications device to cause harassment.

The Chair, Councillor Taylor, asked Mr Rennie what had led to the charge. He responded by telling the Committee that he has a daughter with his ex girlfriend who he is not allowed to see. He had been trying to make contact with her, had received no response and had left messages that had been taken the wrong way and as a result, he had been charged.

Councillor Freeman asked if the conviction on 6 January and the conviction on 15 January were separate or related. Mr Rennie advised that they had been separate offences.

Councillor Blair asked the applicant how long he had held his driving licence to which he replied 2 years and 2 months. Councillor Blair then asked Mr Graham how long he had run his taxi firm for to which he replied 15 years.

Councillor Currie asked what the printout with further convictions was that had been included in the papers. Mr Reppke advised that they were fiscal's fines that had been submitted by the applicant himself.

Councillor Blair commented that he had been delighted to hear of Mr Graham's standards for his staff. He asked what Mr Rennie had done to prove himself during the past year. Mr Rennie advised that he had just had a new baby and all he wanted to do was get some work and to look after his family. Mr Graham advised that he has very high standards for his staff, he was hard on them and that they must behave in a certain manner in his cabs. He added that he had never received any complaints.

The Chair invited Inspector Harper to sum up.

Inspector Harper summed up by saying that the applicant, had in the recent past, demonstrated the ability to use threats, violence and weapons and there was a

question over his suitability as a taxi driver.

The Chair invited Mr Graham to sum up.

Mr Graham advised that Mr Rennie deserved a second chance and that the offence had been 2 years ago. He questioned whether the offence would hang over his head with every job Mr Rennie tried to get. He advised that over the past year Mr Rennie had been honest and clean living, that the event had been a one off and that he was willing to take the chance with him.

The Chair asked both the applicant and objector if they considered they had received a fair hearing. They both confirmed that this was the case. The Chair then invited Members to debate the application.

Councillor Currie advised that he had no problem with granting Mr Rennie the licence after hearing his representation. He added that he believed that folk should be given a second chance once receiving a penalty and that he was willing to give the applicant the opportunity.

Councillor McNaughton advised that he agreed with Councillor Currie about giving the applicant a second chance and asked if it would be possible to grant the licence for one year to allow for review.

Councillor MacMillan advised that he thought Mr Rennie should be given a second chance.

Councillor Blair commented that everyone was under scrutiny in Argyll and Bute and that everyone knew everyone else. He added that it would be Mr Graham's reputation that would be at risk should Mr Rennie let him down.

Councillor Hall advised that while everyone deserved a second chance; the last offence had been in 2011 and he did not consider this long enough for the applicant to prove himself.

Councillor Freeman advised that he agreed with Councillor Hall; that it had been a serious offence and if the Police did not feel he was fit and proper to receive the licence then he was of the opinion that his application should be refused.

Councillor McQueen advised that Mr Rennie should be given a second chance.

Motion

To grant Mr Rennie with a taxi drivers licence for the period of one year.

Moved Councillor McNaughton. Seconded Councillor McQueen.

Amendment

To refuse the application for a taxi drivers licence on the grounds of the objection made by the Police.

Moved Councillor Freeman. Seconded Councillor Hall.

Decision

The Motion was carried by 7 votes to 2 and the Committee resolved accordingly.

(Reference: Report by Head of Governance and Law dated August 2012, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor George Freeman	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Alex McNaughton
Councillor Alistair MacDougall	Councillor James McQueen

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
Mr Islam, Applicant
Mr Ferguson, Applicant's Agent
Andrew Hill, Environmental Health Officer
Inspector Tom Harper, Strathclyde Police

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Rory Colville, Robin Currie, Mary-Jean Devon, David Kinniburgh and Richard Trail.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR AMENDMENT OF A LATE HOURS CATERING LICENCE (THE CREW, CAMPBELTOWN)

The Chair welcomed everyone to the Hearing and asked that participants introduce themselves. Thereafter he outlined the procedure that would be followed.

The Chair then invited the Applicant's Agent to speak in support of the Application.

Applicant

Mr Ferguson advised that Mr Islam is the owner and trader of The Crew carry out and chip shop premises and that he has traded here for nearly 3 years. He currently holds a late hours catering licence for The Crew until 2 am 7 days per week and wishes to amend this in order to trade for an extra 30 minutes until 2.30 am on Fridays and Saturdays. He advised that this application was similar to the one submitted in February this year when the Committee refused the application. He advised that Mr Islam believes there has been a change in circumstances and would wish to submit this further application for amendment to his late hours catering licence in the same terms as before. He advised that Mr Islam has found over the last 6 months that there continues to be a demand

for an extension to his opening hours and that people continue to visit his shop at 2 am when the pubs close looking to be served food and he feels it would be appropriate for the premises to be opened for an extra 30 minutes after the pubs close. He advised that over recent weeks Mr Islam has been in discussions with his customers and he referred to a petition he had with 21 names all signed on the premises supporting the later opening time and that no customer refused to sign the petition. Mr Ferguson also referred to there being no other fast food outlets opening after 2 am at the weekend as the Indian restaurant which used to have a licence until 2 am was now closed and that the mobile chip van has now changed ownership and was no longer operating late in the evenings and therefore there was no issue of there being too many premises being opened at that time to police. Mr Ferguson referred to other towns in Argyll and Bute where the opening times of late hours catering premises were beyond 2 am. He referred to there previously being premises in Campbeltown opening beyond 2.00 am and that this was not a situation that would be completely new to the area. He advised that in view of customer demands it was necessary to seek an extension to The Crew's opening hours. He referred to customers being annoyed at not being served food after 2 am and that an extension of another 30 minutes would fix this problem completely. He advised that Mr Islam served food to his customers quickly and people left his shop quietly. He referred to the objection from Environmental Health and stated that it was his opinion that even after the mobile chip van stopped operating large numbers of people still congregated in that area of Main Street into the early hours of the morning. It was his opinion that patrons coming into get food were keen to get home to eat it and that to allow The Crew to open later in order to serve customers would be an enticement for them to go home more quickly. Mr Ferguson advised that Mr Islam has ran a successful business over the last few years till 2 am with no issues or trouble. He advised that CCTV cameras overlooked the premises so that if there were any incidents they would be spotted quickly and dealt with promptly. He advised that the Police regularly visit the premises just to check how things are and not to address any specific problems. Mr Ferguson referred to the Police observation that there was a potential for an increase in anti social behaviour and stated that there was always the potential for something to go wrong and if complaints started to occur there was always the opportunity to review the opening hours at a future date. He referred again to the quick, well run and efficient business operated by Mr Islam and urged the Committee to consider granting the application.

The Chair invited the Police to ask the Applicant questions and Inspector Harper confirmed he had no questions.

The Chair invited the Environmental Health Officer to ask questions.

Questions from Objector

Mr Hill, Environmental Health Officer asked if any of the local residents were asked to sign the petition. Mr Islam confirmed that only customers who came into his shop were invited to sign the petition.

The Chair invited the Environmental Health Officer to speak in support of his objection.

Objector

Mr Hill advised that he recommended that the request to extend the opening hours of The Crew to 2.30 am on Fridays and Saturday be refused. He referred to the mobile chip van previously being open to this time on Main Street and that this had led to complaints about associated noise from nearby residents as it had been a focal point for people to congregate after the pubs had closed and attracted both people and vehicles. He advised that since the mobile chip van had stopped trading there had been a marked reduction in the level of noise in Main Street and there had been no complaint received since then. Mr Hill advised that if The Crew were granted the extra 30 minutes trading this could possibly lead to this venue acting as a new focal point for people to congregate which would have an impact on residents in the area. He also referred to there being noise associated with the premises closing down for the night due to the use of extractor fans and the removal of waste. If the premises was allowed to trade until 2.30 am this could mean there would still be noise from the premises until after 3.00 am.

The Chair invited the Applicant to ask the Objector questions and Mr Ferguson confirmed that he had none.

The Chair invited Inspector Harper to speak in support of his representation.

Police

Inspector Harper referred to the location of the premises being a mix of retail and residential properties with the potential of noise from people congregating in this area. He acknowledged that the Police had not received any calls regarding disturbance at Main Street since the mobile chip van had ceased trading and that The Crew was the only establishment currently selling food at this time.

The Chair invited Members to ask the Applicant, Objector and Police questions.

Members' Questions

Councillor Hall asked Mr Ferguson if he accepted that it was an arguable point that people getting food at a carry out premises was an enticement to go home. Mr Ferguson advised that he believed this to be the case.

Councillor Hall referred to Mr Ferguson's suggestion that the purpose of Mr Islam's business was to keep his customers happy and asked Mr Ferguson was it not the case that the purpose of Mr Islam's business was to make money and Mr Ferguson replied yes but also to keep his customers happy.

Councillor Hall asked Mr Ferguson was it not the case that residents would be kept awake with longer opening hours and Mr Ferguson advised that he could not agree with this and that there had been no objections made by nearby residents.

Councillor Hall referred to customers coming from the pub to purchase food and asked would they not be louder than normal. Mr Ferguson advised that there may be the odd patron that will be louder but the majority are quiet and well behaved and that his client has had no bother.

Councillor Freeman asked the Police if the situation at Main Street had improved

since the mobile chip van going and Inspector Harper advised that over the years people still tended to hang about the Main Street regardless of whether they wanted food or not.

Councillor McNaughton asked Mr Hill to clarify if he stayed in close proximity to the Main Street and Mr Hill replied no.

Councillor Blair asked Mr Islam when his opening times were and Mr Islam replied 5 pm.

Councillor Blair asked how many staff were employed and Mr Islam replied 3 including himself.

Councillor Taylor referred to the suggestion that if food was only available at an earlier time people would leave the pub early to get it and asked the Police if there would be benefit in getting people out of the pubs earlier. Inspector Harper advised it would just depend on the individual and there may be crowds at both the Main Street and The Crew. He advised that the main concern at Main Street when the chip van traded was damage to property and litter and that there was the potential for residents near The Crew to suffer the same if it were open for another 30 minutes. He advised that the Police had not been called out to any disturbances at The Crew over the last 3 years and that he did not think that the focal point at Main Street would change.

Councillor Hall asked if the Police would agree that if you have people leaving the pub with nowhere to go they will disperse and if they had a place to go they would go there and then some will hang about no matter. Inspector Harper agreed.

Councillor Hall asked Mr Hill if he agreed that if the premises was open till 2.00 am and someone was served at 1.59 am they would leave the premises just after 2.00 am and there would noise and Mr Hill replied yes. Councillor Hall then asked if the opening hours were extended by 30 minutes this would lead to the noise being there 30 minutes later and Mr Hill replied yes.

The Chair then invited the Objector, Police and Applicant to sum up.

Summing Up

Objector

Mr Hill advised that it was his concern if the Committee were to agree to an extension of trading hours to 2.30 am this would set a precedent for the future.

Police

Inspector Harper advised that he had nothing further to add.

Applicant

Mr Ferguson referred to Mr Hill's last comment regarding setting a precedent and asked the Committee to disregard this and that it was irrelevant and that this application should be considered on its own merits. He referred to there being

an element of disagreement between Mr Hill and the Police regarding the Main Street and that it was his view that the Main Street will remain a focal point for people to congregate and that The Crew was about 100 metres away. He referred to Mr Hill's comment that The Crew may become the new focal point and Inspector's Harper's comment that there was the potential for disorder and advised that this was all conjecture. He advised that he was grateful to the Police acknowledging that there has been no bother at his client's premises over the last 3 years. He advised that there were no residential properties above The Crew and that no objections had been received from residents in the area and no trouble associated with the premises.

The Chair asked the Applicant, Objector and Police to confirm that they had received a fair hearing and they all confirmed this to be the case.

Debate

Councillor Freeman advised that the application to amend the late hours catering should be refused and that it would be retrograde step to go to 2.30 am.

Councillor Hall seconded that and that if people were feeling hungry they would leave the pub early to get food before the premises shut.

Decision

It was unanimously agreed to refuse the application for amendment of Late hours Catering Licence at The Crew on the basis of the objections from Environmental Health and the likelihood of increased noise and loss of amenity for residents in the area and that the Applicant would be notified of this decision in writing within 7 days.

(Reference: Report by Head of Governance and Law, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor George Freeman	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Alex McNaughton
Councillor Alistair MacDougall	Councillor James McQueen

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
Mr Andrejevs, Applicant
Inspector Tom Harper, Strathclyde Police

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Rory Colville, Robin Currie, Mary-Jean Devon, David Kinniburgh and Richard Trail.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (A. ANDREJEVS, DUNOON)

The Chair welcomed everyone to the Hearing and asked that participants introduce themselves. Thereafter he outlined the procedure that would be followed.

The Chair then invited the Applicant to speak in support of his Application.

Applicant

Mr Andrejevs advised that he had applied for a taxi driver's licence to enable him to work for Clyde Taxis, Dunoon. He confirmed that he used to drive taxis when he lived in Latvia.

The Chair invited the Police to ask questions and Inspector Harper confirmed he had none.

The Chair invited Inspector Harper to speak in support of his objection.

Police

Inspector Harper advised that the Chief Constable had made the observation that the Applicant was convicted for assault to injury in June 2007 and that the Police had been unable to confirm the existence of any foreign offence in respect

of the Applicant and that a certificate of good conduct from the Applicant's embassy was not available.

The Chair invited the Applicant to ask the Police questions and Mr Andrejevs confirmed he had none.

The Chair invited Members to ask the Applicant and the Police questions.

Members' Questions

Councillor Taylor asked Mr Andrejevs what the nature of the assault to injury was and Mr Andrejevs replied that it had been an accident.

Councillor Taylor asked the same question to the Police and Inspector Harper read out the details of the assault which had occurred in Dunoon and involved one other Latvian man and a local youth.

Councillor Taylor asked if the Applicant had pleaded guilty or been found guilty and Mr Andrejevs confirmed he had been found guilty at a trial.

Councillor Hall asked if there was a time bar for convictions and Mrs MacFadyen advised that it depended on the licence being applied for.

Councillor Hall asked if the application could be held back until information in respect of any possible convictions the Applicant may have in Latvia was established and Mrs MacFadyen advised that it would not be possible as the application had to be dealt with within specific timescales.

Councillor Taylor referred to the certificate of good conduct and asked Mr Andrejevs why he did not have one and if he had pursued the lack of response from his embassy. Mr Andrejevs replied he had given up on it.

The Chair invited the Applicant and Police to sum up.

Summing Up

Applicant

Mr Andrejevs advised that it had been a difficult process to apply for the taxi driver's licence and that he had heard nothing from the embassy over the last 6 months.

Police

Inspector Harper advised of concerns of the Applicant's previous history in his own country not being known and that it was not possible to know whether he had any other previous convictions.

The Chair asked the Applicant and Police to confirm they had received a fair hearing and they both confirmed this to be the case.

Councillor Blair asked on a point of order would it not be just straight forward to ask the Applicant if he had any previous convictions in his own country and Mr

Reppke advised that the Committee would require a certificate from the Latvian Embassy in this respect as independent evidence of the position.

Councillor Freeman advised that without this information from the Embassy the Committee had no option but to continue consideration at this time. The Committee were advised that they would have to make a decision today as if they did not the licence would be automatically granted.

Decision

It was unanimously agreed to refuse Mr Andrejevs' application for grant of a taxi driver's licence on the basis that the Committee were not satisfied that he was a fit and proper person to hold a licence given the absence of further information on his character and that he would be notified of this decision in writing within 7 days.

(Reference: Report by Head of Governance and Law, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor George Freeman	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Alex McNaughton
Councillor Alistair MacDougall	Councillor James McQueen

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
Mr Mohammed Hassan-Zadeh, Applicant
Mr McIver, Applicant's Agent
Jo Rains, Environmental Health Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Rory Colville, Robin Currie, David Kinniburgh and Richard Trail.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR RENEWAL OF A LATE HOURS CATERING LICENCE (THREE IN ONE, DUNOON)

The Chair welcomed everyone to the Hearing and asked that participants introduce themselves. Thereafter he outlined the procedure that would be followed.

Mr Reppke advised that a late representation had been received from Environmental Health Services outwith the 28 day period allowed for objections and representations to be made and that the Environmental Health Officer was in attendance and would be able to advise of the reason why the objection was submitted late. It was for the Committee to decide whether or not they would wish to take this late objection into consideration. The Chair invited submissions from the Objector and from the Applicant.

Ms Rains advised that this matter had been raised at an Anti Social Behaviour meeting and that further information was requested from the Police to assist with her report to this Committee. She advised that once the information was submitted by the Police she had lodged her objection 2 days after the deadline date.

The Applicant's Agent, Mr McIver accepted that it was a matter for the Committee to decide whether or not to consider this late objection but

commented on how long it had taken the Environmental Health Officer to make her representation and that the reason for it being late was to await information from the Police who were not even objecting to the Application.

Motion

That the late objection should be considered as it would be difficult for the Committee to come to a decision without knowing the views of the Environmental Health Officer.

Moved by Councillor Freeman, seconded by Councillor McQueen.

Amendment

That the late objection should not be considered from the Environmental Health Officer.

Moved by Councillor Hall, seconded by Councillor MacDougall.

The Motion was carried by 5 votes to 4 and the Committee agreed to accept the late objection from the Environmental Health Officer.

The Chair then invited the Applicant to speak in support of his Application.

Applicant

Mr McIver, on behalf of the Applicant, advised that the premises Three in One would be known to some Members and that the Applicant had been operating successfully here for over 11 years and that his business was well patronised. He confirmed that the Applicant had adhered to the present conditions attached to his licence and that no complaints had been made about his business which employed a mix of 20 part time and full time staff. He advised that the premises was situated in the centre of Dunoon close to a number of liquor licensed establishments. He referred to the objections made by the Environmental Health Officer which were predicated upon observations undertaken on 15 /16 October 2010 nearly 2 years ago and made reference to a number of points raised by the Environmental Health Officer in her representation in respect of Ferry Brae and Argyll Gardens. Mr McIver advised it was his understanding that these 2 locations have been a place where people have congregated for some time even before Mr Zadeh's business was in operation and that some people will hang around for no particular reason. He noted that there were no complaints recorded against the Three and One for noise disturbances. Mr McIver also referred to the police incidents recorded over a period of 3 years. He stated that there were 33 incidents over a period of 36 months and of these 33 only 7 related directly to the Three and One and that each of these incidents related to staff just doing their job. He advised that there was always the potential for noise to rise when patrons were leaving liquor licensed premises and asked how blame for this can be lain at the door of the takeaway premises. He advised that there has not been a single complaint about the operation of the Three in One premises and that this business contributed hugely to the economy of Dunoon. He referred to the Bombay restaurant trading until 3 am. He advised that it would be unfair not to grant the renewal of the late hours catering licence based on out of date evidence from the Environmental Health Officer and that the noise

reports were 2 years old. Mr McIver advised that no complaints or objections had been made by local residents and that there was nothing to connect the noise disturbance directly to the Three and One premises. He advised that the business has operated successfully for a number of years and that the application deserved to be renewed.

The Chair invited the Environmental Health Officer to ask the Applicant questions and Ms Rains confirmed she had no questions.

The Chair invited Ms Rains to speak in support of her objection.

Objector

Ms Rains referred to the contents of her representation and advised that the basis of her objection was to protect the local residents and community of Dunoon from noise disturbance in the late hours of the morning and the report dated 2010 was made at the request of the Anti Social Behaviour Officer. She referred to Argyll Gardens being a focal point where people congregated and where noise can happen. She advised that the Three in One operating a late hours catering also acted as a focal point for people to congregate. She acknowledged that she had received no complaints from residents in the area and that it would be the Police that would receive any complaints. She advised that the premises was run well and the issue was with the people outside the premises. She recommended that late hours catering establishments should close 30 minutes before liquor licensed premises.

The Chair invited the Applicant to ask the Environmental Health Officer questions.

Questions to Objector

Mr McIver asked if a similar monitoring exercise had been undertaken prior to 2000 and Ms Rain replied that a similar exercise was conducted 6 years ago and did not know of any before 2000.

The Chair invited Members to ask the Applicant and Objector questions.

Members' Questions

Councillor MacDougall asked why no complaints were received during the Christmas, New Year and Cowal Gathering period and Ms Rains advised she could not offer an explanation other than there may have been a greater Police presence during these times.

Councillor Hall referred to residents and guests in the hotel having as many rights as the business proprietor and customers to which Mr McIver agreed.

Councillor Hall referred to the customers in restaurants sitting inside leading to noise being limited to inside restaurants as opposed to takeaway establishments where the noise would be outside when customers leave with their food and Mr McIver agreed with this and advised that the Bombay restaurant also provided a takeaway service.

Councillor Hall referred to the British Crime survey advising that many incidents go unreported. Mr McIver agreed but it was only possible to comment on those that were reported.

Councillor Hall asked if Mr McIver agreed that the impact of noise was from the customers leaving the premises and not from the premises. Mr McIver advised that there was a need to have persuasive evidence that the problem was connected to the premises in question.

Councillor Freeman referred to the number of incidents reported and asked if this was more or less what would be expected and if less than one per month was reasonable. Ms Rains advised that it was unreasonable and that there should be no complaints.

Councillor Blair referred to the delivery service provided by the premises and Mr Zaheh confirmed this was only up until midnight.

Councillor McNaughton asked Ms Rains if she accepted that the incidents and noise could relate to other premises and not the Three in One. Ms Rains advised that more people gathered in the street where premises were still open and the noise would not be from the premises but from the people.

Councillor MacIntyre commented that surely the noise could be attributed to the whole area and not just the Three in One.

Councillor Hall asked Ms Rains if she agreed humans had a need to eat and sleep and Ms Rains replied yes.

Councillor Hall asked Ms Rains if she agreed that residents and householders can't control when they might be disturbed by noise and Ms Rains replied yes.

Councillor Hall asked Ms Rains if she agreed that if customers were hungry and the food premises shut earlier than the pub then they could leave the pub early to obtain food and Ms Rains replied yes.

Councillor Freeman asked what the current opening times were. Mrs MacFadyen confirmed they were 11 pm – 1 am Sunday – Thursday and 11 pm – 3 am Friday and Saturday.

The Chair invited the Objector and Applicant to sum up.

Summing Up

Objector

Ms Rains advised she had nothing further to add.

Applicant

Mr McIver advised that the existing business had operated successfully for 11 years and that no objections had been received from local residents or the Police.

The Chair asked the Applicant and Objector to confirm they had received a fair hearing and both confirmed this to be the case.

Mrs MacFadyen advised for information that the amendment in respect of the clocks going forward was not part of the application.

Motion

That the application for renewal of late hours catering licence be granted.

Moved by Councillor Freeman, seconded by Councillor MacIntyre

Amendment

That the late hours catering licence be restricted to 2.00 am for Fridays and Saturdays.

Moved by Councillor Hall, seconded by Councillor Taylor.

The Motion was carried by 7 votes to 2 and the Committee ruled accordingly.

Decision

Agreed to grant the renewal of the late hours catering licence on the existing basis for the Three in One premises.

(Reference: Report by Head of Governance and Law, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor George Freeman	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Alex McNaughton
Councillor Alistair MacDougall	Councillor James McQueen

Attending: Iain Jackson, Governance Officer
Sheila MacFadyen, Senior Solicitor
Mr Gharib, Applicant
Mr Gilmour, Applicant's Agent
Mrs Mary Watt, Environmental Health Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Rory Colville, Robin Currie, Mary-Jean Devon, David Kinniburgh and Richard Trail.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR RENEWAL OF LATE HOURS CATERING LICENCE (MR KEBAB, HELENSBURGH)

The Chair welcomed everyone to the Hearing and asked that participants introduce themselves. Thereafter he outlined the procedure that would be followed.

The Chair then invited the Applicant to speak in support of his Application.

Applicant

The Applicant's Agent, Mr Gilmour, advised that Mr Gharib was a 46 years old married man with 2 children and that he operated 2 fast food establishments in Helensburgh, The Kebab, which is the subject of this application and the other being The Flamingo. He advised that Mr Gharib currently operates his business until 2.30 am and has received no complaints from the Police, Environmental Health or any residents in the area during this time and would like to renew this application on the same basis. Mr Gilmour circulated some photographs which showed the different types of property near to the Mr Kebab premises. He advised that Mr Kebab's main asset was the lamb kebab which was not offered anywhere else in Helensburgh. He referred to the neighbouring local authority area, West Dunbartonshire, which granted late hours catering licences to 3 and 4 am for establishments in Dumbarton allowing up to 1 hour after pubs closed for

patrons to obtain food. He advised that if the Committee were to support the Environmental Health Officer's recommendation that Mr Kebab should only open till 1.30 am then this would mean the business would have to shut as the business was most profitable between 1.30 and 2.30 am. Shutting the business would lead to staff being made redundant and another empty building in Helensburgh. The Council would also lose rates of £1,500 per annum. He advised that the Environmental Health representation was not an objection, just a comment and that he did not agree with the statement that noise nuisance was related to Mr Kebab's. He advised that the only comment that the Environmental Health Officer makes in her representation that could be related to Mr Kebab's is the two complaints of noise specifically regarding patrons congregating at catering establishments. He advised that Mr Kebab is not located in the town centre. Mr Gilmour advised that he was surprised that the Environmental Health Officer was suggesting a closing time of 1.30 am based on just two complaints over 3 years. Mr Gilmour referred to the 9 calls made to the Police in a 6 month period which related to 1 complaint every 3 weeks. He advised that the Environmental Health representation was not specific and that he was wholly confident the Committee could agree to grant the application with no restrictions.

The Chair invited the Environmental Health Officer to ask the Applicant questions.

Questions from Objector

Mrs Watt referred to Mr Gilmour's comment about West Dunbartonshire granting late hours catering licences beyond 3 am and asked Mr Gilmour would he not agree that the dynamics of Dumbarton town centre were different from Helensburgh town centre. Mr Gilmour advised there was a fairly definite high street with residential properties above commercial properties like Helensburgh.

Mrs Watt asked Mr Gilmour if he agreed that Mr Kebab's was within walking distance of Helensburgh town centre and he replied yes if you liked a good walk.

The Chair invited the Environmental Health Officer to speak in support of her representation.

Objector

Mrs Watt referred to the contents of her representation and advised that the reason for submitting and recommending that the late hours catering licence only be granted until 1.30 am was in relation to protecting the public and the impact of sleep disturbance as there were quite a lot of residential properties near by. She referred to the monitoring undertaken over the last 3 years and advised that complaints have been more prevalent in the last year and the department were trying to actively address these complaints with the Police. She referred to the statistics in her representation and stated people will gather where there is a focal point and where there are establishments open and that Clyde street was a focal point for people to congregate when pubs closed because as well as catering establishments there were areas where people could sit and eat their food. She acknowledged that there were some flats nearby to Mr Kebab's and that she had received no complaints from residents in these flats.

The Chair invited the Applicant to ask questions.

Questions to Objector

Mr Gilmour referred to the incidents in the last year not being specified and Mrs Watt advised no but they did show that complaints were more prevalent in the last year.

The Chair invited Members to ask questions.

Members' Questions

Councillor Freeman referred to East Sinclair street, West Sinclair Street and John Street in Helensburgh and asked Mrs Watt would she not agree that the area where most people came out of pubs was not near to Mr Kebab's. Ms Watt advised that Mr Kebab's was within easy walking distance from these other parts of Helensburgh.

The Chair invited the Environmental Health Officer and Applicant to sum up.

Summing Up

Environmental Health Officer

Mrs Watt advised she did not have anything against the premises but that the department have been working with the Police to address concerns regarding anti-social noise within Helensburgh town centre area at these times of the night. She reiterated that although the monitoring of complaints was over a period of 3 years they have been more prevalent in the last year.

Applicant

Mr Gilmour referred to there being more complaints in the last year but that they were not specific. He advised that Mr Kebab's had a lot of customers that take their carry outs home and that the location of the premises was not in the main thoroughfare of Helensburgh and asked that the application be granted without conditions.

The Chair asked all parties to confirm they had received a fair hearing and they confirmed this to be the case.

Debate

Motion

That the application for renewal of late hours catering licence be granted.

Moved by Councillor Freeman, seconded by Councillor MacIntyre.

Amendment

That the late hours catering licence is restricted to opening until 2.00 am and not 2.30 am as requested in the application.

Moved by Councillor Hall, seconded by Councillor Taylor.

The Motion was carried by 7 votes to 2 and the Committee resolved accordingly.

Decision

Agreed to grant the application for renewal of late hours catering licence.

(Reference: Report by Head of Governance and Law, submitted)

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the MAIN HALL, VICTORIA HALL, HELENSBURGH
on MONDAY, 27 AUGUST 2012

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor David Kinniburgh
Councillor Rory Colville	Councillor Alistair MacDougall
Councillor Robin Currie	Councillor Robert G MacIntyre
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor Richard Trail

Attending: Iain Jackson, Governance Officer
 Richard Kerr, Principal Planning Officer
 Sandra Davies, Planning Officer
 Anne-Marie McCann, Dunbritton Housing Association (Applicant)
 Michael Jarvis, MAST Architects (Applicant's Agent)
 Gregor Cameron, Consultee for Applicant
 Campbell Divertie, Roads Engineer
 Councillor James Robb, Supporter
 Robbie Don, Objector
 Iain Cameron, Objector
 Frank Hart, Objector
 Richard Dickson, Objector
 Councillor Ellen Morton, Objector
 Councillor Vivien Dance, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Mary-Jean Devon, Donald MacMillan and James McQueen.

2. DECLARATIONS OF INTEREST

None declared.

3. DUNBRITTON HOUSING ASSOCIATION: ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING OF 49 UNITS FOR AFFORDABLE HOUSING (2 THREE STOREY FLATS - BLOCKS INCORPORATING 36 UNITS AND 12 TWO STOREY SEMI-DETACHED HOUSES AND ONE BUNGALOW): FORMER HERMITAGE ACADEMY, CAMPBELL DRIVE, HELENSBURGH (REF: 12/00833/PP)

The Chair welcomed everyone to the meeting and introductions were made.

Iain Jackson, Governance Officer, outlined the hearing procedure and the Chair invited anyone who wished to speak at the meeting to identify themselves. Once that process had been completed the Chair invited the Planning Department to set out their recommendations.

PLANNING AUTHORITY

Sandra Davies, Senior Planning Officer, spoke to the terms of the report, referring to a number of presentation slides. She advised that the application was for the erection of 49 affordable housing units at the site of the former Hermitage Academy in Helensburgh. The make-up of the development is 2 blocks of three storey flats providing 36 units, 12 two storey semi-detached houses and one single storey wheelchair accessible bungalow.

This application follows on from a planning application approved in May 2008 for a housing proposal for the whole redevelopment of the site. This scheme comprised 166 dwellings including 43 affordable homes but was never implemented because the developer went into liquidation and the sale of the ground did not proceed. In that application the affordable housing was spread more evenly across the site although there was a concentration surrounding the children's play area.

The application site is at the eastern end of the town within the settlement boundary and forms part of Housing Allocation 3/4. The Local Plan notes that this allocation has the capacity for 160 units with a minimum requirement of 25% affordability. Dunbritton Housing Association is a Registered Social Landlord (RSL) and housing provided by RSLs fall within the definition of affordable housing in terms of Planning Policy. The principle of having affordable housing on the site is therefore considered to be acceptable in terms of Local Plan Policy.

The site fronts on the main A814 and permission has already been granted for a roundabout which would open up the access to the site.

In addition to the supportive Local Plan Policy, there is also a Masterplan for the site which was approved by the Council's Executive in February 2012 following public consultation and this represents a material consideration in the determination of this application. While the Masterplan is an indicative document, the location and layout of the affordable housing element closely resembles that of the current planning application, the main difference being that the open space area is now adjacent to the flats.

Reference was made to a slide showing the layout proposed by Dunbritton. The link road is included within the proposal because this is an outstanding requirement from the time when the school relocated to its current edge of town site. When the school was developed on its new site there were a number of alterations to residential roads in the vicinity of the school in the interests of road and pedestrian safety. In particular part of Drumfork Road next to the school was stopped up which gave those from the north eastern end of the residential area a much more protracted route to get to the main road. A condition was therefore placed on the school planning permission to address this connectivity problem by requiring a new link through the former school site. This was set to be provided as part of the Dickie development, however, they went into liquidation and the development did not proceed. It is therefore considered important to ensure that this link is retained in any development proposed for the site.

The proposal has been supported by a landscape plan and reference was made to a slide showing all the planting and grassed areas proposed for the

development. Reference was also made to a series of photographs of the site which showed views of the surrounding area.

As already mentioned the site is within a housing allocation and that the principle of 49 housing units would be acceptable in terms of development plan policy. All other policies within the plan which are relevant to the proposal also require consideration along with any points of representation made and other material considerations. The design is now considered to be acceptable and the three storey flats are considered to be appropriate in the location proposed. They will cause no overshadowing or privacy problems and sit within their own landscape setting. At the front of the site they will address the roundabout and dual carriageway and add visual interest to the streetscape. Housing greenspace and children's play areas will be provided in accordance with Local Plan policy and drainage and roads issues have received no objections from statutory consultees. Just over 200 objections have been received in connection with the application and one letter of support has also been received. The main points of objection were highlighted but notwithstanding these it is considered that the proposal would accord with the development plan and there are no material considerations of sufficient weight which would indicate otherwise and it is therefore recommended that the proposal be approved subject to conditions.

Reference was made to Supplementary Planning Report number 1 which detailed a couple of late representations and also recommended that condition 10 be deleted from the list of conditions contained within the main Report of Handling should Members be minded to approve this application as this is a repeat condition and duplicated in error.

APPLICANT

Michael Jarvis of MAST Architects, presented his case on behalf of the Applicant. He advised that Dunbritton Housing Association secured funding for the affordable housing at the former hermitage Academy site bordering Cardross Road in Helensburgh through a successful bid to the Scottish Government investment fund, for which Dunbritton Housing Association submitted their application in May 2011. The full funding grant of £2 m was awarded in September 2011.

The application was submitted by Dunbritton Housing Association to secure funding to deliver affordable housing in the Helensburgh area in order to address the high demand for affordable housing in the area. Currently there are 491 applications on the HOME Argyll register (Argyll and Bute's common housing register for all local housing associations) who are seeking affordable rented accommodation in Helensburgh. Dunbritton Housing Association's current housing stock lists 177 units within the Helensburgh area which are all fully occupied.

The development of the affordable housing on the Hermitage site will help Dunbritton Housing Association and Argyll and Bute Council to address the high demand for affordable housing in the area. Currently Dunbritton Housing Association and Argyll and Bute Council are working together on projects within the area to deliver good quality affordable properties for local residents.

Reference was made to the Council's Executive Committee report of 15

December 2011 regarding the proposed Masterplan for the former Hermitage Academy site when it was agreed that the Masterplan go forward for consultation. Reference was made to the site plan showing the Masterplan proposals and that following consultation no objections were made to the Masterplan proposals and the Masterplan was subsequently approved by the Council's Executive in February 2012.

Reference was made to a meeting Dunbritton Housing Association had with Helensburgh Community Council and local residents regarding their proposal to build 49 homes on the site. Reference was made at that meeting to Dunbritton Housing Association's earlier application which was subsequently withdrawn and which would be resubmitted with amendments to the design. The feeling gauged from that meeting was the people liked the proposed buildings. A request was made to have the proposed high vegetation in front of the flats changed to low vegetation to allow for better views and this was taken on board. Following the meeting with the Community Council and discussions with Argyll and Bute Council planning further inspiration from the local architectural language was taken and Architects worked up the full application taking into consideration the proposals in the Masterplan.

Reference was made to the previous John Dickie homes scheme along with slides showing the location of affordable housing on the site and the elevations of the buildings and these were compared with the Dunbritton Housing Association proposal.

Pictures were shown of other developments across Helensburgh to demonstrate precedents for the types of properties being built.

Pictures of 3D images were also shown to highlight shadowing of the flats at different times of the day and at different times of the year – none of which would affect neighbouring properties to the site.

STATUTORY CONSULTEES

Campbell Divertie, Roads Engineer, advised that the challenge for Roads was that there were three objectives required. There was the requirement for a road to serve the development, the opportunity not to restrict future development of the site and the need to take forward the link road. Campbell advised that the proposal achieved all of these objectives. He also referred to the condition advising that construction of the roundabout required to be complete prior to occupants moving into the houses.

SUPPORTERS

Councillor James Robb advised that he has seen a powerful case to approve this development which will meet the needs of affordable housing within the local housing strategy. He advised that 1,500 affordable houses would be required over the next 10 years. He referred to the Masterplan approved by the Executive in February 2012 and advised that Councillor Ellen Morton had supported the Masterplan. He advised that Councillor Dance had declared an interest at that time. He referred to the development of the link road for improved access and integration and that it would improve the gateway into Helensburgh. He advised that all the plans and planning considerations were all

being met. He referred to there being over 200 objectors and stated that $\frac{3}{4}$ of these objections were submitted on pro forma letters but acknowledged that this, however, did not diminish these objections. He referred to opposition to change being natural. Some people may not like the design of the proposal and some may not wish affordable housing near them. He advised that 49 families will benefit from these new houses and will be able to leave unsuitable accommodation. He advised that he was here to speak on behalf of these 49 families. He advised that this development would serve a need that has to be met. He advised that the site was ideal for housing and the provision of the affordable element in terms of social housing. He advised that some people may prefer the affordable housing on another site. He referred to the PAN 2/2010 document stating that affordable housing should, as far as possible, be indistinguishable from the general mix of other houses and that it should be integrated into scheme. He advised that this document was not applicable and that if the Committee wished they could consider asking for some of the rented accommodation to be subsidised purchase units and he hoped that the Committee would agree with the planners' recommendation to approve the application.

OBJECTORS

Robbie Don

Mr Don advised that he lived at 2 Kenilworth Avenue and that he was concerned about the impact the development would have on a small community which had a lot of 1920s and 1930s style housing with a mix of young and old retired people. He advised that the site was not in keeping with the current architecture of Colgrain and that 49 units on an isolated place would have an impact on the community. He advised that he had no problem with the Dickie Homes proposal or affordable housing. He advised that the units in the current proposal will be isolated on one part of the site and no one had any idea how the rest of the site would be developed. He referred to the site being a key entry point into Helensburgh and that the flats would impact on the skyline view. He advised that it was his opinion that the proposal should not be considered.

Iain Cameron

Mr Cameron advised that he lived at 28 Cardross Road and that his house was next door to the development. He advised that the Dickie Homes proposal was acceptable as it was for development of the total site with a mix of housing and that the affordable housing would have been integrated. He advised that the blocks of flats in the current proposal were too intrusive and that the houses would all be lumped together at the one corner of the overall site creating an imbalance. He advised that there was no guarantee what would happen to the rest of the site. Mr Cameron referred to the PAN 2/2010 document regarding affordable housing and advised that the proposed design of the houses was at odds with anything else in the area. He advised that the design of the houses should blend in and reflect more with the existing properties. He advised that the road passing the site was one of three routes into Helensburgh and that this was the main one. He advised we should be getting it right not just getting it. He advised that the impact on this community was not just for now but for decades to come and that it was important we got the development right. He advised that Colgrain was a small community like a small village. He advised he had no

problem with affordable housing and felt for the 49 people, however, these houses should not be situated all in the one position on the site.

Frank Hart

Mr Hart advised that he lived at 7 Ashton Drive and that the proposed development of 2 storey houses did not tie in with existing bungalows in terms of design. He referred to other sites across Helensburgh which were sympathetic to the surrounding area. He advised that single storey units would tie into the area better. He also referred to the height of the land at the former playing fields being higher than Ashton Drive which would lead to overlooking.

Richard Dickson

Mr Dickson advised that Colgrain's aspirations and fears were no different from Port Ellen, Port Charlotte, Bunessan or other smaller Argyll communities, we want to enjoy where we live and have a pride in our surroundings. The removal of the old and unsightly Hermitage Academy has enhanced and improved the approach to the town of Helensburgh not just for us but for visitors and also the residents of the immediate area. Colgrain has houses which are totally integrated and designs which are sympathetic with the area. We are not against developments within Colgrain or the needs of the wider community. The proof of this is the new Hermitage Academy and in the near future the building of a supermarket. We are not against integrated social housing. We want to encourage affordable housing in line with the Council's planning advice note pepper potting of affordable housing throughout the development. Social housing clients deserve good quality housing throughout a well planned and developed site. We want a constructed and balanced development which will enhance and improve our area, a fully integrated and well designed housing site where everyone feels a pride in being a part of the community of Colgrain. What we don't want is a block of flats out of keeping with the surrounding area. We don't want a development that is not fully integrated, we don't want a development of random and ad hoc buildings when part funding becomes available.

Councillor Ellen Morton

Councillor Morton advised that the residents of Colgrain had spoken well today and hoped that Members would listen to them. She advised that this was not about resistance to change, that the residents had no objections to the new Academy, had no objections to the Waitrose supermarket and had no objections to the local plan which designates this site for housing. They had no objections to the Masterplan and had very few objections to the John Dickie Homes application.

She advised that this was a community that values its community and that Colgrain was a discreet community separated from Helensburgh by the railway. It has its own community assets, own primary school and own play areas. She advised the community were not resistant to change.

Councillor Morton advised that the proper process had not been applied and that residents had not received 7 days notice of the hearing but despite that residents had turned up today in force. She asked that Members consider the needs of

the community, that they were not being awkward and were not resistant of affordable housing. She advised there was a need for good quality, affordable and social housing integrated well into the community.

She referred to other social houses and flats not far from here and that it would take 8 or 9 offers before people would take them. She advised that you need the right kind of social housing and that it was critical that it integrated well into the community that that we should not go wrong with this as was the case in the 1960s. She advised that this proposal would have a considerable impact on Helensburgh. The site bordered the main road into Helensburgh from Dumbarton and would have an adverse impact on this key entry point. She advised that the application was materially different from the Local Plan, the Masterplan and the Dickie Homes application. Members have been told that it is in line with these but it is not, it is difference in two significant ways. All of these envisaged affordable or social housing as 25% of the whole site in an integrated fashion. This application is for 100% social housing all in one corner with no knowledge of what will happen on the remainder of the site. The possibility of a new swimming pool and/or supermarket still remains. The proposal is also significantly different in that these plans all envisaged symmetrical, balanced blocks of flats on either side of the approach into the site creating a sense of place and a presence. Not what we have here – lopsided, unbalanced with a real risk that what will later go on the other side of the approach road will either not match this design or will create an even more dominating impact on the main approach into Helensburgh.

Councillor Morton advised that the planning condition for the new road did not meet the six tests that the Government says should be met in that it is neither proportionate nor enforceable. The Council are in breach of its own consent attached to the new Academy approval in 2005. Now all the houses will be built before the road is started and option to have even this changed/removed is there in wording of condition. She asked how the Council will enforce the condition once the houses are built. Her understanding was that the Applicant here today was not particularly keen to commit to building this road so there was no guarantee that this condition would be met.

She advised that yes we want affordable housing but that this was not the way to deliver it. She advised that Colgrain was not a community of objectors. She advised that this was a premature application for a tiny part of the site and asked that it be refused.

Councillor Vivien Dance

Councillor Dance advised that she had never before been opposed to housing or development of housing and like Councillor Robb spoke on behalf of the 49 families that wished to live in Helensburgh and that she was here to defend their right to an integrated approach to housing.

She advised that development of the site had been mishandled by the Council and referred to the problems which had occurred in demolishing the Academy. She referred to the approved Masterplan and referred to the community not being opposed to it and that it all depended on the question asked which she read out. She advised there was no question of agreeing that part of the site would be given to social housing and not be integrated. She advised that she

was on the PPSL Committee when the John Dickie Homes application was approved and that it was important to look at the history of the site and that there has been a lack of consistency applied to it. Councillor Dance referred to the contents of the planning report for the John Dickie Homes application and that a lot of emphasis was on the design of the site. She advised that planning were using the same policies today to say that they can now put housing on part of the site and the rest at a later date. She advised that at that time Helensburgh Community Council had opposed the development and that she was surprised that they now supported this development. She advised that nothing has changed since the John Dickie Homes application and that planning policies had not changed. She referred to PAN 74 which refers to affordable housing. She advised that affordable housing should be indistinguishable from other housing. She advised that planning were not applying consistency to their approach. She referred to community reservations and concerns and that the planning system should engage all interested parties as early as possible. She referred to people living in the community and that planning policies were not being delivered to them. She advised that the only thing driving this development was finance. She advised that the Council carry a great deal of responsibility for what can happen here. As of this morning the Council has not marketed this site and that there were interested developers out there. She advised that this premature application was being driven by finance. She referred to comments on the planning report that *"in terms of the current proposal it was unfortunate that the entire brownfield site was not up for consideration as a single unit, as then the potential for distributing the affordable housing in pockets across the site could be investigated. The desire to pursue the affordable element of the development as an initial phase is prompted by funding considerations and the short term availability of government funding for the development"*. She referred to the new PPSL finding its feet and that it would be easy to go with the planning recommendation rather than find a competent motion to refuse. She advised that there were grounds for refusing advising that there was a lack of consistency of approach, lack of real community engagement and that the proposal did not satisfy national planning guidance and that there must be another way to ensure the RSL secure this funding.

MEMBERS' QUESTIONS

Questions to Planners

Cllr Kinniburgh asked if this proposal had come forward as an application for the whole site would the Masterplan need to be followed. Sandra Davies advised that the Masterplan was an indicative document.

Councillor Trail asked whether the Masterplan and current application coincided. Sandra Davies advised that the Masterplan did not carry the same weight as the Development Plan and that the Masterplan supported the Development Plan.

Councillor McNaughton referred to the PAN 2/2010 document where it states that affordable housing ought to be, as far as possible, indistinguishable from the general mix of other houses etc. and asked if they agreed that in this development the affordable homes would be indistinguishable. Richard Kerr advised that part of the affordability element was in constructing low cost buildings which doesn't afford the luxury of providing every occupant with a large garden and that it was inevitable that there would be some element of flatted

property within a scheme of this sort and that indeed the John Dickie Homes proposal included flatted properties.

Councillor McNaughton asked if the development was driven by finance. Richard Kerr advised that there was a mix of types of units in this development. In terms of affordable housing provision as a single phase in advance of the development of the remainder of the site, we are where we are. In the normal course of events, the whole site would have been acquired by a private developer with part of the site providing affordable housing. But we are not in that position as there is no private developer. He advised that the first developer to come along has been an RSL dictated by the short-term availability of government funding. That is why this development is being considered in isolation as a first phase and why the affordable housing is not spread across the whole site and the development is therefore to a degree is led by funding availability.

Councillor Colville referred to supporting information and asked why an environmental statement was not required as he seemed to remember bats being a problem when the Academy was being demolished. Richard Kerr advised that bats were associated with trees and buildings and that there were currently neither on the site, so protected species was not an issue in this case.

Councillor Colville referred to there being a flood risk and drainage impact assessment report being done and asked why there was no other assessments such as retail impact assessments or traffic management plan. Richard Kerr advised that traffic analysis was carried out along with the flood risk and drainage impact assessment report.

Councillor Colville referred to there being a lot of attention paid to the design but felt that the semi-detached houses were 'bog standard'. He asked why lead was being used in the design of the flats instead of, for example, zinc, and also referred to the wheelchair access bungalow and asked whether all new housing required to be wheelchair accessible. Richard Kerr referred to the design of the houses and that over the years housing associations tended to develop bespoke schemes to fit the requirements of individual sites and that they tended to be cutting edge in terms of design including, for example, mobility houses and energy efficiency measures. He referred to the significant cuts in funding for housing associations and that for this reason there was likely to be less flair in design in future. He referred to much criticism of the original design of the flats and that the Applicant had been asked to spend more time looking at the design to have something aesthetically more pleasing. He advised he did not know why lead was being chosen over zinc for the roof but perhaps the applicants could explain their reasons for this. He advised that in terms of mobility access planning did not control the layout of interiors and that this was covered separately by the Building Regulations.

Michael Jarvis referred to the Government Document – Housing of Various Needs and in terms of housing there were 3 types, standard housing, ambulant housing and full wheelchair access housing. He confirmed that all the units, apart from the wheelchair access bungalow, would be ambulant housing. He referred to the material on the roofs and advised that lead was just a suggestion at this time.

Councillor Hall referred to comments that the flats were not consistent with other housing in the area and also to the suggestion that the Council's Estates department had not marketed the site fully which has now limited options for the site. Richard Kerr advised there was a lot of situations where flats have been mixed with single and 2 storey properties and referred to others areas in Helensburgh and that this was not uncommon. Richard advised that he could not comment on the actions of the Estates Department in marketing the remainder of the site. No doubt if times were different we would be looking at an application from a private developer. Currently there is no proposal for development of the rest of the site and Members have to consider this application as a stand alone proposal.

Councillor Freeman referred to wheelchair access not being an issue for planning and that it would be for building standards to determine and assumed that the application was complying with the regulations and asked if the buildings complied with the Council's design guidelines. Richard Kerr advised that in terms of room sizes, entrance door widths, ramps and access points these were all dealt with by the Building Regulations and did not form part of planning considerations. The only planning considerations were external matters e.g. disabled car parking which still overlapped with Building Regulations in some cases.

Councillor Kinniburgh referred to condition 8 in respect of completion of the link road and that he had concerns with this. He asked how enforceable this condition was. Sandra Davies advised that the link road was necessary and was a condition of the John Dickie Homes proposal which did not go ahead. She advised that the timescale of 12 months was to allow for some flexibility as a mainstream developer may have emerged for the remainder of the site by then and that this would ensure that construction of the road could take into consideration development of future phases. If push came to shove and no mainstream developer came forward, the link road would still be a requirement of this application and would be provided.

Councillor Kinniburgh asked if a mainstream developer came in after 11 months and had a proposal which did not see fruition for a further 6 months then this road would not be constructed 12 months after completion of the current development. Sandra Davies replied yes but explained that it was a more sensible approach in order to accommodate the layout of any other developer that may come along.

Councillor Taylor asked how enforceable the condition was. Sandra Davies advised that enforcing this condition would be an issue as the Council owned the land. She advised that timescales for development of the road could be part of condition of sale of land to Dunbritton.

Councillor Colville advised that what was being said about the road was confusing and couldn't a section 75 agreement be used to secure the link road. Richard Kerr advised that a section 75 legal agreement was not appropriate as the land owner as well as the applicant has to agree to it and as the Council is the landowner we cannot enter into a tripartite legal agreement with ourselves.

Councillor Kinniburgh referred to the 3 and 4 storey units in the previous application and asked Planners if it was their view that these buildings would

have been a focal point at the entrance to the development. Sandra Davies replied yes that was the rationale for the John Dick Homes development.

The Chair ruled and the Committee agreed to adjourn the meeting at 1.00 pm for 30 minutes.

The Committee reconvened at 1.30 pm.

Questions to Applicant

Councillor Kinniburgh sought and received clarification on the location of the various photographs of buildings in Helensburgh which were part of the Applicant's presentation.

Councillor Colville asked how the Applicant had arrived at the breakdown of different types and sizes of units. He asked if the development was being driven by cost and also referred to policy LP ENV 19. He asked if the Applicant could justify that the design met with development setting and development layout and design. Gregor Cameron, Consultant for the Applicant, advised that Dunbritton Housing Association worked closely with Argyll and Bute Council to ascertain the housing demand for an area and from that a balance of the types of houses are decided on within the parameters of funding available.

Michael Jarvis referred to the Masterplan and that this was the footprint he was advised to work to and that the layout of the site was adhering to the Masterplan. He referred to the John Dickie Homes development. He advised that the original scheme, which had been rejected, looked at the Architecture in the area. He referred to consultation with Helensburgh Community Council and local residents.

Councillor Trail referred to there being large areas of green space and that it was important to keep these well tended and asked how these will be maintained. Anne Marie McCann advised that Housing Association common ground was maintained by common ground contractors.

Councillor Currie asked would the Applicant's agree that if the whole site was under one developer there would be nothing to stop that developer just building 30 or 40 houses now and leaving the rest of the site for development for another 20 years. Gregor Cameron replied yes – in the current climate if a developer was interested in the whole of the site affordable housing was likely to be put in place first.

Councillor Freeman referred to the allocation of £2m from the Scottish Government towards the development and asked what the total value of the development was. Gregor Cameron advised that the total would be in the region of £4.6m.

Councillor Freeman asked what would happen to the Scottish Government funding if the development did not go ahead. Gregor Cameron advised that the funding would be used to fund slippages in other projects elsewhere in Scotland.

Councillor Freeman referred to comments about 'bog standard' units and asked if the Applicant knew what a 'bog standard' unit was. Gregor Cameron advised

he could not comment. He advised that the design element on the site was higher than on other sites. He advised that there were funding constraints but the development was anything but 'bog standard'.

Councillor Freeman referred to numbers on the housing waiting list. Gregor Cameron advised that the figure of 491 given in their presentation referred specifically to the waiting list for Helensburgh.

Councillor Freeman referred to Councillor Morton referring to people moving to Helensburgh and asked was it not the case that the majority of the units would be allocated to people already living in Helensburgh. Anne Marie McCann referred to RSL legislation and that waiting lists were open and that anyone can apply for a house unless there are any local allocation restraints put in place. RSLs allocate properties to those in need off the housing waiting lists.

Councillor Freeman advised he was aware of the legislation and policies but stated that the norm, as far as he could see, would be that people in the area normally take most of the allocation in new developments. Anne Marie McCann agreed that the vast majority of allocations went to local people.

Councillor Freeman referred to the size of the properties being in line with housing demands and housing needs assessment and asked if the development reflected the housing need within the area. Anne Marie McCann replied yes.

Questions to Consultees, Supporter and Objectors

Councillor Trail referred to Councillor Dance making great play of us being unable to assess the quality of this site against the quality of the rest of the site and asked surely this applied to Councillor Dance too and asked what evidence she had that this development would be inferior to the rest of the site. Councillor Dance advised that she was quoting current planning policy and in respect of the John Dickie Homes development it was virtually impossible to differentiate between the affordable homes and the private homes. She advised that the debate in 2008 focussed on that. The main ethos of that meeting was that there should be no discernible difference between affordable and private housing. She advised that during the lunch break she had received a phone call from a developer stating that no one had tested him and no one has given him a chance to buy the site.

Councillor Freeman advised that if this application was approved today could Planning take this on board when another application came forward for the rest of the site to ensure that the second phase was likely to achieve as far as possible development that was indistinguishable. Richard Kerr replied yes and that it was not uncommon to deal with a phased development in which case the design of the first phase would usually set the tone for the remainder of the development.

Councillor Kinniburgh asked was Richard saying that if this development was approved would it become a material consideration for development of the rest of the site. Richard Kerr advised that he was not saying that further development had to replicate first phase but would take it into account. There was a need to be careful in terms of design and uniformity unless you were looking to achieve a completely uniformed environment, which is generally

undesirable.

Councillor Colville referred to the Masterplan for the site and that the original plan had an attractive gateway and asked if Planners could give him confidence this will be reflected in future development. Richard Kerr advised that before the entire site was being developed by one developer. We have no idea which sort of development a future private developer may want to put on the site or the type and mix of properties they may want to provide. At the end of the day subsequent phases would require planning permission and Members would have the opportunity to be part of that process.

SUMMING UP

Planning Authority

Richard Kerr referred to planning legislation and the need to determine applications in accordance with provisions of the development plan unless material considerations indicate otherwise. The Local Plan is clear that this allocation has the capacity for 160 dwellings with a minimum of 25% affordability and that this proposal for 49 dwellings was compliant with policy and the assumption is that it should be granted planning permission. There was the need to focus on the following material planning considerations if Members were minded to refuse on the basis that it is felt that the development was so insensitive and so incompatible with surroundings as to warrant refusal:-

- Planning permission was granted for the whole of the school site similar to this proposal which is a material consideration.
- The Council Executive approved the Masterplan following public consultation.
- The views of consultees raising no objections
- Design and layout of development – planning's view is it meets Council's normal standards
- Views expressed by third parties – the numbers of which had prompted this hearing today. Much discussion has been around design and the aesthetic of the development.

The Officers' view was that the proposal did accord with policy, that the design and layout reflected the Council's Masterplan for the site and that the details were in all other respects acceptable, including their relationship with existing properties..

He referred to the issue of the affordable housing in single phase and in single location. He advised we sit today faced with an application for initial development with funding in place, no private element and no realistic opportunity to have affordable housing spread across the site.

He referred to the 3 and 4 storey flats in the John Dickie Homes proposal and advised that the relationship between those flats and adjoining houses approved as part of the Dickie scheme would be no different to the relationship between the three storey flats proposed today and the existing properties adjoining the site. He recommended granting the application having regard to the residential allocation of the land and the previous planning permission.

Applicant

Gregor Cameron advised that Dunbritton Housing Association feel in regards to the design that detailed consultation was undertaken with the Council, Roads and SEPA; that the quality of the design was high within a constrained budget; and that it conforms with the Masterplan. He advised that the development of 49 affordable units will meet demands in the area. He referred to the location of the homes and advised that Dunbritton Housing Association had been in discussion with John Dickie Homes at the time of their proposal and that their plan was for the affordable housing to be sited in the one area and not pepper potted about. He referred to Dunbritton making a bid for investment funding and the high housing demand for affordable housing and advised if they had waited for a private developer they would not have been able to develop the affordable housing. He referred to the meeting with Helensburgh Community Council and local residents who accepted the design after consultation.

Statutory Consultee

Campbell Divertie referred to the need for the roundabout and the link road which would be covered by conditions and that it would not be in interests of the Applicant to breach these conditions. He advised that the link road would be able to be provided in a reasonable timescale if another developer came along.

Supporter

Councillor Robb advised that the PPSL Committee were required to deal with the application before them today. He referred to various red herrings brought up by the objectors. He referred to the design of the social housing which did not look like social housing to him and that you would not be able to tell the difference between it and luxury properties. He referred to the word "indistinguishable" and asked indistinguishable from what? He also referred to comments about development of the rest of the site and the commercial market.

He advised that if the application was refused 49 families would have to wait at least another year before housing became available. He referred to the objections and commented that the last time there was an affordable housing development was the Logie Baird development at Kirkmichael when there were no objections. He referred to the reality of providing social housing and that bungalows were expensive to produce. He advised that no one has mentioned employment. He referred to 491 people being on the waiting list which was the immediate figure and that the local authority had to plan beyond that and this was the first significant step to address this problem. He advised that Helensburgh was a very welcoming place. He referred to talk of a competent motion to refuse the application. He advised he has been told there is a competent motion to refuse but no credible competent motion to refuse which could lead to it being overturned on appeal. He advised Members to ignore red herrings and hoped they would not deprive 49 families of a decent place to live.

Objectors

Robbie Don

Mr Don advised that the main point is that right now the fact that funding is

available is the main driver. If the proposal goes ahead now it would be much more difficult to get a mainstream builder to complete the rest of the site and asked would he be able to sell homes on the rest of the site and stated this was a big issue.

Iain Cameron

Mr Cameron advised that Colgrain was always part of Helensburgh but apart from Helensburgh. He advised he had heard nothing said that can't get away from that simple fact that the proposal does not sit well with what is already there. He advised he was at the meeting Michael Jarvis referred to advising that we agreed. Mr Cameron advised this was not the case and what was said at the meeting was that the new design was better than what was previously proposed but it had not been accepted. He advised there was a need for the affordable housing to be spread across the area and that the people who live in the social housing have as much right. He advised this proposal will create a natural barrier and make it difficult for people to integrate and be part of the community.

Frank Hart

Mr Hart advised he had nothing further to add.

Richard Dickson

Mr Dickson asked Members to look at the main approach to Helensburgh. He advised this was a standalone project and not integrated. He referred to the Hermitage Academy and Waitrose developments being sympathetic in approach and that it was unknown what was going to happen to the site as a whole.

Councillor Morton

Councillor Morton referred to Councillor Freeman stating that she had referred to people moving into Helensburgh and advised that she did not say that and that it doesn't matter where people came from. The issue is the right sort of housing development. Councillor Robb referred to getting families out of bed and breakfast accommodation and advised that the last time she checked there were no families in bed and breakfast accommodation and that the Council had got away from this. She referred to a lot of talk of speculation. She advised that what we want is good affordable housing and what goes on the site will be there for 50 years. She referred to the housing built in the 1960s and those houses being demolished 20 years later. She advised we must not make the same mistakes. People who live in these houses will have to live with the mistakes. She advised that the proposal was driven by funding. The Council could have marketed the site and made it cheap enough for a developer to afford. She advised that the issue of flats in the Masterplan was misrepresented. The Masterplan flats were balanced with flats on both sides of the site and the flats in the Masterplan were not in isolation. This current proposal was for 2 blocks of flats on one side and nothing on the other. Members should also consider lack of certainty around provision of the link road and there was a need for the link road to be tied in to the development as the Community have already waited 7 years for the link road. She asked Councillors to consider what impact this proposal would have on the community and asked that the application be refused.

Councillor Dance

Councillor Dance referred to Helensburgh Community Council and the suggestion that the Applicant had had discussions with Helensburgh Community Council and stated that they only had a discussion with a small group of Helensburgh Community Council (the planning group). She advised that objectors did not agree with the minutes of that meeting. She referred to the contents of Helensburgh Community Council's representation in respect of the John Dickie Homes application. She advised that not enough emphasis had been placed on the strategic importance of this site. She noted that Richard Kerr had stated we were looking at an isolated development. Members can only look at the application before them on its own merits. She referred to the Masterplan which is for the whole site and an indicative layout. The Masterplan does not support this development as the Masterplan is for the whole site. She referred to the site being held over as Planners had visions of a swimming pool being sited there. There are developers who may have an interest but have not been given the opportunity to purchase or enter into discussion with Council. Council have an absolute vested interest in the site. It was a great pity Dunbritton have entered into conversation with the Council but other developers have been not been afforded this opportunity.

Members should be mindful of what we could have had based on the previous application. She advised that Planning was not about families, planning was about land use and building buildings on that land. She asked was this an appropriate use of the land. She advised that negotiations could be undertaken with the Scottish Government and RSL for continuation until debate opened up with a local or national developer. The affordable element for the developer has been removed and they could come forward with a joint project. Councillor Dance asked that the application be continued to allow these discussions to take place.

The Chair asked all parties to confirm if they had received a fair hearing and they all confirmed this to be the case.

Councillor Morton confirmed she had no issue with the conduct of the hearing but did raise the issue of number of days notice of the Hearing given to interested parties and also advised that there had been an error with the web link on the letter sent.

Councilor Dance advised that it would have been helpful if it had been made more clear to objectors that they needed to advise at the start of meeting if they wished to speak.

DEBATE

Councillor Kinniburgh stated he had concerns about the application - the phasing of the development and development of the link road. He also had concerns about the use of the Masterplan which was indicative and was concerned that the application was driven by funding. He referred to the flatted development and that the flats in the Dickie Homes development formed a gateway into the site. He also advised he had concerns about the design being incompatible with the surrounding area and stated that he would be putting forward a motion for

refusal.

Councillor Freeman acknowledged that it was Councillor Dance who had referred to people wishing to move into Helensburgh and not Councillor Morton. He referred to Councillor Dance's comments about Helensburgh Community Council's submission in respect of the previous application and advised that this was a different application before Members for consideration and that it was not competent to consider previous Community Council comments today. He referred to the comments about the Masterplan relating to the whole site. He advised Members were only looking at the affordable element of that phase. He referred to concerns raised about Dunbritton Housing Association having spoken to Argyll and Bute Councillors and advised that all RSLs speak to the Council to ensure compliance with the housing needs assessment and other policies. He advised it has been made clear the proposal is compliant with the Development Plan and the Masterplan which was approved by Councillors. He referred to Dunbritton Housing Association consulting with Helensburgh Community Council and local residents. He referred to the greatest housing need being in the Oban, Lorn and the Isles and Helensburgh and Lomond areas of Argyll and Bute and that this site was the biggest zone site for housing in the Helensburgh and Lomond area. He advised that if the application were approved 49 families would have access to high quality rental accommodation and that £2m will go elsewhere in the country and not stay in Argyll if the application was refused. He advised of there being no reference made to the local economy and stated that this development would benefit the local economy, as it would bring jobs into the area during the development phase which has got to be welcomed. He advised that it has been stated by Officers that the application must be considered against policies in the Local Plan. He advised there was no reason to depart from the Local Plan. He advised that he had no doubt if the application was refused it would go to appeal and that the Scottish Government would uphold appeal as it complies with the provisions of the Local Plan. He advised that the Council would be shifting the decision on this development to another and that there was no material reason to ignore the Local Plan. He advised that it has been stated that everyone supports affordable housing and that he agrees with them. He advised that Councillor Robb confirmed he didn't think it would be possible to bring a competent motion that would not be thrown out by the Scottish Government. He advised of moving away from the previous application and the reduction of 4 storey to 3 storey flats being a major improvement. He referred to comments about a 'bog standard' development and stated that he didn't know of any development by a RSL that use the same designs and didn't agree with reference to a 'bog standard' application. He advised that at the appropriate time he would move the Officer's recommendation.

Councillor Trail advised that Councillor Dance was right about planning being about land use. He advised that the site was suitable for housing and that, personally, the design was fair and that he respected that other people may chose not to like it. Personally, he advised that he didn't like the Hermitage Academy design. He referred to comments about the development being driven by funding and advised that for any development funding would be a key issue and that this was no different. He advised that the development was driven by social need and that this addressed the local need and so he would be supporting the planner's recommendation.

Councillor Currie advised we were not here to be popular but were here to judge

an application on planning terms. He advised that this application was consistent with the Local Plan and was supported by the Masterplan and there was no way we could go against that. He advised that a lot has been said and that people were talking about people who would be going into those houses. He stated that there was no difference between people in rental accommodation and those who were able to purchase their homes. He advised that he was annoyed when it was implied that people in rental accommodation were different when they were not. He advised that if this site had been bought by one developer they could still develop 49 homes and then leave the rest of the site for another 20 years. He advised that the proposal was consistent with the Local Plan, supported the Masterplan and that he would not hesitate to support the application.

Councillor Blair advised that he had listened intensely to the discussion. He advised that he liked the design and that this was an exciting design. He advised that it was a great opportunity for people in Helensburgh that need accommodation and that he supported the application.

Councillor Colville advised that this was a hard decision and that there were two key issues. He stated that Helensburgh had a vision for this area and that this was not an ordinary housing allocation. He advised that he would like to hear Councillor Kinniburgh's motion before making a final decision.

Councillor McNaughton drew attention to the assessment that affordable housing should be indistinguishable and of a mixed development. He advised he was disappointed with the set up, but could not see a way for it to be refused so he would need to support the application.

Councillor Kinniburgh advised that Councillor Freeman was making an assumption that any Appeal would be unsuccessful.

Motion

The proposal is for the erection of 49 units for affordable housing consisting of 2 three storey flatted blocks incorporating 36 units, 12 two storey semi-detached houses and one bungalow. Although within an established residential area the site is at a prominent location adjoining the A814, one of the two key access roads into Helensburgh. The adjacent residential properties are modest in character primarily comprising detached and semi-detached houses with pitched roofs some 4.5 metres high and, immediately to the west, set back some 20 to 30 metres from the A814. The proposed flats have a mix of finishes, an irregular pattern of fenestration and a mix of different roof styles and pitches. Block 1 (Plots 1-15) is 10.5 metres high, 38 metres long and set back 16 to 18 metres from the A814. Block 2 (Plots 16 to 36) is 10.5 metres high, 55 metres long and sits some 50 to 87 metres back from the A814. As such, with their greater massing and scale in comparison with existing housing, mix of finishes, an irregular pattern of fenestration and a mix of roof styles and pitches, they will be overbearing in the street scene and will unacceptably dominate and poorly integrate with the existing wider residential fabric. Given their prominent location, particularly in relation to Block 1's proximity to the A814 at the front of the site, they will be visually intrusive, visually discordant and will not be compatible with development in the surrounding area. The proposal is therefore contrary to the Policies LP ENV 1, LP ENV 19 and Appendix A of the Argyll and

Bute Local Plan which require that new development be of a high standard of design that integrates and is compatible with development in the surrounding area.

The Proposal is also against PAN 2/2010 paragraph 32, part of which states that affordable housing ought to be, as far as possible, indistinguishable from the general mix of other houses on a site in terms of style and layout, use of materials, architectural quality and detail and, therefore, does not accord with Policy LP ENV 1 (H) of the Argyll and Bute Local Plan 2009 and therefore planning permission should be refused for the foregoing reasons.

Moved by Councillor David Kinniburgh, seconded by Councillor Fred Hall.

Amendment

To agree to grant planning permission subject to conditions and reasons (1 – 9) detailed in report of handling.

Moved by Councillor George Freeman, seconded by Councillor Richard Trail.

The Amendment was carried by 7 votes to 4 and the Committee ruled accordingly.

Decision

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 13/4/12 and the approved drawing reference numbers L(20)002, L(20)004A, L(20)006C, L(20)0011, L(20)0012, L(20)0014, L(20)0015A, L(20)0016A, L(20)0020, L(20)0021, L(20)0023, L(20)0024, L(20)0025, L(20)0026, L(20)0030, L(20)0031, L(20)0033, L(20)0034, L(20)0035, L(20)0040, L(20)0041, L(20)0043, L(20)0045 and C1213.001A unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Prior to development commencing, details for the provision and maintenance of areas of communal open space and equipped play area(s) identified on the approved plans, shall be submitted to and approved by the Planning Authority. The details shall comprise:
 - i) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
 - ii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent

- Installation Outdoors);
- iii) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development;
 - iv) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects.
 - v) the communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

Reason: In order to secure provision of communal open space and equipped play areas within the development in accordance with the minimum standards set out in the Development Plan.

- 3. Prior to the commencement of development, a Method Statement detailing how surface water is to be contained during the construction phase on the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved details.

Reason: In the interests of flood prevention.

- 4. The dwellings hereby approved shall not be occupied until such time as the access roundabout approved under planning application reference 12/00417/PP has been completed and brought into to use as part of the public road network to the satisfaction of the Planning Authority in consultation with the Road Network Manager.

Reason: In the interest of road safety.

- 5. Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
 - i) Existing and proposed ground levels in relation to an identified fixed datum;
 - ii) Existing landscaping features and vegetation to be retained;
 - iii) Location design and materials of proposed walls, fences and gates;
 - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
 - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

6. Notwithstanding the effect of Condition 1, no development shall commence until samples of materials to be used in the construction of external walls, roof coverings and boundary walls 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.

Reason: In order to integrate the development into its surroundings.

7. No works in connection with the development hereby approved shall take place until a Waste Management Plan for the site has been submitted to and approved in writing by the Planning Authority. This plan shall include details of the arrangements for the storage, separation and collection of waste from the site or roadside collection points, including provisions for safe pick up by refuse collection vehicles. The approved waste management proposals shall be carried out in complete accordance with the approved scheme.

Reason: To ensure that the waste from the proposal is dealt with in a sustainable and safe manner in accordance with the requirement of Local Plan policy LP SERV 5.

8. The proposed link road connection to Collins Road as shown on the approved plans shall be completed to the satisfaction of the Planning Authority no later than 12 months following the occupation of the first residential unit unless otherwise agreed in writing with the Planning Authority.

Reason: In order to achieve an acceptable phasing for the completion of the link road.

9. The development hereby permitted shall only be implemented by a Registered Social Landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification) and shall not enure for the benefit of any other person, company or organisation.

Reason: To ensure the provision of affordable housing to the standard required by the development plan in the absence of any other agreed means of securing such provision.

(Report by Head of Planning and Regulatory Services dated 20 July 2012 and Supplementary Report Number 1 dated 20 August 2012, submitted)

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ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE****GOVERNANCE AND LAW****19TH SEPTEMBER 2012**

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

1.0 SUMMARY

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

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

A copy of the current byelaws and the application forms have been placed on the website to raise public awareness for the need for a permit.

2.0 RECOMMENDATIONS

2.1 It is recommended that a review of the existing byelaws is progressed by initially consulting with Strathclyde Police and the Procurator Fiscal with a further report being placed before members advising on what actions could or should be taken in relation to the review of the byelaws.

3.0 BACKGROUND

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

Section 28 of that Act sets out the basic restrictions and allows the Council as an education authority to make byelaws containing further restrictions. In terms of Section 28 of the 1937 Act as amended, the minimum age at which a child may be employed is 14. Children aged 14

to 16 are only permitted to be employed in light work. Children aged 14 to 16 are **not** permitted to work during the following periods:

- during school hours;
- before 7 o'clock in the morning or after 7 o'clock in the evening;
- for more than 2 hours on any school day;
- for more than 2 hours on any Sunday;
- for more than 4 hours in any day without a rest break of 1 hour;
- in a school week for not more than 12 hours shall be worked; the daily limits in respect of term time are –
2 hours per school day;
2 hours on a Sunday
8 hours over 15 years and 5 hours under 15 years on a Saturday;
- at any time in the year unless they have had two consecutive weeks without employment during the school holidays;
- if aged under 15 for more than 5 hours on any day which is not a school day or a Sunday or for more than 25 hours in any week not required to attend school;
- if aged 15 for more than 8 hours on any day which is not a school day or a Sunday or for more than 35 hours in any week when not required to attend school.

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

- Byelaw 3 lists employment which is not permitted for a child of **any age**.
- Byelaw 6 states that children can only be employed for a maximum of 1 hour after 7 o'clock in the morning before the start of the school day on any day in which they are required to attend school.

- Byelaw 7 states that no child may be employed in any work out-of-doors unless wearing suitable clothes and shoes.
- Byelaws 16 to 19 regulate street trading and state that children over 14 are only able to be employed in street trade if they are in the employment of and supervised by their parents. Children over 14 are not permitted to take part in street trading on Sunday and require to obtain a street trader's licence from a local authority.

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

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

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

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

3.2 The Scottish government has been contacted to check if they intend to recommend any amendments to the model byelaws upon which the Council's current byelaws are closely based. They have advised that there are no plans at the moment to recommend any amendments.

Policy: No changes are proposed at this stage

Financial: None

Personnel: None

Equal Opportunity: None

Legal: There is a requirement to review byelaws every 10 years in terms of the legislation as detailed in the report.

Executive Director of Customer Services
February 2012

For further information contact: Sheila MacFadyen – telephone 01546 604279

ARGYLL AND BUTE COUNCIL**Planning, Protective Services &
Licensing Committee****CUSTOMER SERVICES****19 September 2012**

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

1. SUMMARY

1.1. In terms of the Civic Government (Scotland) Act 1982, Section 17, the Local Authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis.

1.2. The Committee at their meeting on 21st March 2012 considered the responses received and agreed to confirm their proposal on 18th January 2012 that no fare increase will take place and that a review will be undertaken in 18 months time;

and

Agreed that a report should come back to the PPSL Committee in January 2013 advising of the economic situation at that time so that the Committee can determine whether or not a review of the taxi fares should be undertaken sooner than previously determined.

An appeal was made against the decision to the Scottish Traffic Commissioner and a hearing took place on 13th June 2012. The Scottish Traffic Commissioner confirmed the fees fixed by the licensing authority.

2. RECOMMENDATIONS

The Committee are asked to:-

- (1) Proceed in accordance with the Scottish Traffic Commissioners recommendation and commence a review of the fares;
- (2) Agree that as a first step informal meetings take place with the representatives of the taxi trade in order to discuss the position;
- (3) If members agree to proceed with a review at this time agree that thereafter letters be issued to all taxi operators asking for representations from all organisations and individuals and report back to members at their meeting.

3. DETAIL

- 3.1. Following the decision of the Committee on 21st March 2012 correspondence was received from the Office of the Traffic Commissioner dated 2nd April 2012 advising that an appeal against the un-amended tariff had been lodged.
- 3.2. Appeals may be made by any person who operators a taxi in an area for which scales have been fixed and any person or organisation appearing to the traffic commissioner to be representative of taxi operators in an area.
- 3.3. A Taxi Fare Scale Hearing took place in the Queen's Hall in Dunoon on Wednesday 13th June 2012. The Traffic Commissioner's decision in respect of the appeal was that she confirmed the taxi fares scales of the Argyll and Bute Council area as set at the meeting of this committee on 21st March 2012 but she has suggested that the Council review the current fares sooner than the 18 months provided in Section 17 of the Act. The fares have been advertised and came into force on the 6th August 2012

4. CONCLUSION

- 4.1 Carrying out a review at this time would be in accordance with the Traffic Commissioners suggestion.
- 4.2 Informal discussion would enable officials to get feedback from representatives of the taxi trade prior to the formal consultation.

5. IMPLICATIONS

- 5.1 Policy - None
- 5.2 Financial - costs will be incurred in issuing letters and advertising any proposed review of fares
- 5.3 Legal - The Council require to review taxi fares at least every 18 months in terms of the Civic Government (Scotland) Act 1982
- 5.4 HR - None
- 5.5 Equalities – None
- 5.6 Risk - None
- 5.7 Customer Services – Meetings will require to take place and letters issued to all operators of taxis

Executive Director of Customer Services
August 2012

For further information contact: Sheila MacFadyen Ext: 4264

**Argyll and Bute Council
Development & Infrastructure**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/02447/PP

Planning Hierarchy: Local

Applicant: Mr Rory Young

Proposal: Wind farm comprising 9 turbines (77 metres high to blade tip), construction compound, substation, formation of access tracks and ancillary works.

Site Address: Clachan Seil, Argyll & Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

Development Requiring Express Planning Permission

- Erection of 9 wind turbines, hub height 55m and rotor diameter of 44m (77m to blade tip);
- Formation of new access tracks and upgrading of existing tracks;
- Formation of hardstanding area;
- Erection of control building;
- Formation of car parking area.

Other specified operations

- Borrow working to provide the aggregate required during construction (to be subject of separate planning application).
-

(B) RECOMMENDATION: This proposal is recommended for refusal for the reasons stated in this report subject to a Discretionary Hearing being held in view of the number of representations which have been received.

- (C) **HISTORY:** 10/01943/PP - Temporary erection of 15 metre high Anemometer Mast for period of 2 years on land at Clachan-Seil, South of Beinn Mhor, Oban, Argyll & Bute – application approved 31st December 2010.
-

(D) **CONSULTATIONS:**

The Scottish Government (Air Quality & Noise) (12th March 2012) – no objection. For information highlights 2 research reports: the Hayes McKenzie report on wind turbine noise and the Wind Farm Noise Statutory Nuisance Complaint Methodology report.

Transport Scotland (20th February 2012) – no objection.

Area Roads Manager (25th July 2012) – decision to be deferred to enable a Traffic Impact Analysis (TIA) to be undertaken including: detailed tonnages, lengths of plant and material deliveries, proposed routes and proposals to mitigate damage to the public road.

Area Roads Manager (17th August 2012) – recommends refusal due to the adverse impact the abnormal loads and increase in HGV traffic would have on the structural integrity of Kilninver Bridge, and the retaining wall at Barnacarry. Although the proposal doesn't involve access from the south, the Area Roads Manager has also raised concern about the Atlantic Bridge should the applicant decide to consider this as an alternative route.

Scottish Natural Heritage (SNH) (25th May 2012) – the proposal will have significant adverse landscape and visual impacts on an area of Argyll's coastal landscape which is distinct, recognised as being a resource of regional importance (within an Area of Panoramic Quality); the proposal would erode the existing quality of the "Craggy Coast and Island" Landscape Character Type (LWECS) setting a precedent for further development of this type and scale in this sensitive landscape setting; SNH have not been able to identify any mitigation which would reduce or remove the negative impacts the proposal would have on the distinctive character and sense of place of this regionally important landscape setting. SNH also have concerns about other aspects of natural heritage, in particular white tailed eagles and marsh fritillary butterfly.

SNH (31st August 2012) - have considered the applicant's comments on the landscape content of their original response. They note the content; however, confirm that their position and advice remains the same as stated in their consultation response of 25th May 2012.

Historic Scotland (HS) (15th March 2012) – do not object because they consider that the high impact the proposal will have on Duachy, Standing Stones could be mitigated by the removal or relocation of turbines closest to the monument (turbines 1, 3, and 6). HS are content that the level of impact on Losgann Larnach, Fort is not of such significance to warrant an objection and, although it is unclear how the ES has reached this conclusion, no impact on the setting of Loch Seil crannog is anticipated. A number of other features will be theoretically visible with the turbines and are assessed in the ES including: Clachan Bridge; Clachan Bridge, cairn; Ardfad Castle; Dun Bhlaran; and

Gylen Castle, castle and associated settlement, HS is content that impacts on these features are unlikely to be significant.

Historic Scotland (HS) (28th August 2012) – have responded further following submission of comments from the agent on their original response. They advise that their previous comments on the potential impact of the proposal on the setting of Duachy standing stones remain unaffected by the agent's letter. Their position remains that whilst they have not objected to the application, without mitigation the impact of the proposal on the setting of Duachy standing stones remains significant. Their advice remains that the impact could be mitigated by the removal or relocation of those turbines closest to the monument (i.e. turbines 1, 3 and 6). HS do not consider improvements to the monument's condition to be appropriate mitigation as such measures would be compensatory in nature. Whilst they would welcome any improvements to the condition of the monument, they would wish to have additional time to consider the full implications of this and intend to provide Development Management with a final response by the 13th September 2012.

West of Scotland Archaeologist Service (WoSAS) (16th May 2012) – recommend refusal. The proposal would have a high magnitude, high significance impact on the setting of the scheduled monument, Duachy standing stones. The illustrative material suggests that it would also result in a noticeable alteration to the setting of several others, including: the cairn at Clachan Bridge, Ardfad Castle, and the crannog in Loch Seil. Although they would not represent such dominant features in the landscape turbines would also be visible from the chapel and burial ground at Kilbrandon House, the Campbell of Lerags' Cross, Ardencaple House and Ballycastle Dun. This advice relates solely to indirect effects on the settings of scheduled monuments, and does not address the potential direct impacts on unscheduled material identified that would result from construction. Should the Council determine to grant planning permission, WoSAS have requested they are contacted so that they can recommend a suitable condition to secure a programme of archaeological fieldwork during construction of the wind farm.

WoSAS (15th August 2012) - have responded further following submission of comments from the agent on their original response. Given that it is acknowledged by the ES, HS and WoSAS that the level of impact on the setting of the standing stones at Duachy is likely to be high, WoSAS would reiterate their previous recommendation that in accordance with policy the proposal should be refused. WoSAS are cognisant of the general tone of SHEP, that: change to the historic environment should be accommodated and managed, however, this does not mean that any change should be accepted in every circumstance, particularly where this change conflicts strongly with other policies. Notwithstanding the foregoing comments, WoSAS reiterate that should the Council determine to grant planning permission, they request they are contacted so that they can recommend a suitable condition to secure a programme of archaeological fieldwork during construction of the wind farm.

The Royal Society for the Protection of Birds (RSPB) (17th April 2012) – concerned about the quality of the ES and find it hard to base an assessment of the proposal on the information submitted. RSPB note a number of areas where information is missing: clear map of the redline boundary; National Vegetation (NVC) survey of habitats on site; information on the status of habitats on site; quantification of habitats lost and mitigation,

especially in regards to Marsh Fritillary; information on designated sites within 20km; peat probing information; information on cumulative impacts; viewsheds for Vantage Point (VP) locations; detailed maps including the boundaries of the survey work; maps indicating flight-lines for all survey work; and, details of nest sites; and survey area boundaries.

Scottish Environmental Protection Agency (SEPA) (29th February 2012) – object on the grounds of incomplete information relating to: watercourse crossings and ecology. SEPA will remove this objection if these issues are addressed. SEPA also recommend planning conditions relating to: flood risk; surface water drainage should the Council determine to grant planning permission.

SEPA (30th August 2012) – maintain their objection on the grounds of inadequate information and assessment of Ground Water Dependent Terrestrial Ecosystem's at the site. SEPA will remove this objection if this issue is adequately addressed.

Scottish Water (SW) (6th June 2012) – no objection.

Ministry Of Defence (MoD) (28th February 2012) – no objection, however, in the interests of air safety the turbines are required to be fitted with aviation lighting, which should be secured by condition should the Council determine to grant planning permission.

Public Protection (12th March 2012) – no objection, however, conditions to control the emission of noise from the development will be required should the Council determine to grant planning permission. Public Protection have also confirmed that shadow-flicker will not present a problem.

National Air Traffic Services (NATS) (13th February 2012) – no objection.

Civil Aviation Authority (CAA) (10th May 2012) – no objection, however, point out that: it may be a requirement for the turbines to be lit, and cumulative aviation effects of turbines may lead to unacceptable impacts in certain areas.

Oban Airport Manager (26th July 2012) – no objection

Joint Radio Company (JRC) (10th February 2012) – no objection

Ofcom (22nd May 2012) – no objection.

Kilninver & Kilmelford Community Council (KKCC) (7th March 2012) – object on the following grounds: separation distances; adverse impact on wildlife; precedent; 2020 targets; adverse impact on Area of Panoramic Quality; site designated sensitive and very sensitive area in local plan; famous beauty spot; height of turbines; adverse visual impact; aviation lighting; adverse impact on tourist facilities, attractions or routes; adverse impact on road infrastructure; wind regime; adverse impact on amenity from noise; adverse impact on health; and adverse impact on property values.

Kilninver & Kilmelford Community Council (KKCC) (6th July 2012) - responded further to a letter questioning Community Council procedure, specifically in regard to: the content of a flyer produced by KKCC; advice provided by KKCC in regard to the provision of responses; time frames; meetings; and, notification of meetings.

Seil & Easedale Community Council (SECC) (11th April 2012) – object on the following grounds: significant adverse impact on national scenic area; site designated ‘sensitive countryside’ in the local plan; height of turbines; adverse landscape impact; separation distances; adverse impact of noise; adverse impact of aviation lighting; adverse impact on archaeological sites; adverse impact on rare species; adverse impact on road infrastructure; and planning policy.

Mull Community Council (28th February 2012) – no objection

Luing Community Council – no response

Kilmore Community Council – no response

CSS Spectrum Management – no response

Forestry Commission Scotland – no response

(E) PUBLICITY:

EIA Regulations Advert – expiry date 15th March 2012

Regulation 20 Advert (Local Application) – expiry date 8th March 2012

(F) REPRESENTATIONS:

At time of writing, a total of 956 representations have been received – 94 in support (including a supporting letter and analysis of representations from the applicant), 858 against, and 4 general representations. Full details of representees are given at Appendix B. Due to the large amount of correspondence received, the key issues raised are summarised below and are addressed in the assessment at Appendix A

The applicant has submitted an analysis of the letters of representation in support of his application. This analysis is based on a total of 908 public comments, examines the objections and representations by type (standard letter or individual letter), breaks them down into geographical areas and provides percentage calculations on this basis (the full analysis is available on the Council’s website).

IN SUPPORT OF THE PROPOSAL

Location, Siting, Design & Layout

- The proposal will be located in an area that is not highly populated.
- Viable sites for wind farms are few and far between.
- Architecturally wind farms are a triumph - they are elegant and dynamic additions to the landscape.
- The turbines are 77m not 78m tall

Scale of Development

- The proposal is modest in size

Visual & Landscape Impact

- Wind farms have a very small footprint and a minuscule impact on the surrounding environment. Although they are large they blend well with the existing landscape and provide an interesting local feature.
- A lot has been done to reduce the visual impact of the proposal and the chosen site is quite isolated and will lead to very little disturbance for the local community.
- A small visual impact is irrelevant in the context of melting icecaps, rising oil prices, supplies dependent on unstable countries and atmospheric pollution.
- The modern landscape has always been influenced by manmade creations.
- The Zone of Theoretical Visibility (ZTV) shows limited visibility from the mainland
- The ZTV shows extremely limited visibility from the A816 and Kilninver, consequently it was agreed with SNH that there was no requirement for a photomontage from Kilninver
- The ZTV shows very limited visibility from Kilmartin Glen (the most visited place on the west coast).
- Barochreal is close to an area with partial views of the tips of the turbines 4-9 but its proximity to the road, local topography and its limited elevation suggests that a view of the turbines will be unlikely (the scale of the ZTV does not allow for this to be concluded with any certainty)..
- The applicant has always been clear that first and foremost the proposal must be commercially viable but has never claimed to have no interest in the visual impact, CO₂ savings, green energy or saving the planet. Throughout the planning process the applicant has worked to minimise the visual impacts whilst retaining the commercial viability of the venture. The applicant has worked in consultation with SNH and an independent landscape architect which has resulted in a well-documented site evolution, including a reduction in the number of turbines proposed for the purpose of minimising visual impact.

Separation Distances

- The closest turbine is 880m from the nearest dwelling not 750m and there is no formal recommendation within the Scottish Planning System for a 2km distance between wind farms and properties.

Ecology

- Objectors give emotive objections regarding the effect that the turbines will have on wildlife without any hard evidence to back these up.
- David Attenborough, one of our foremost wildlife experts, is an active promoter of wind generation.
- The wildlife study was conducted in line with SNH guidance

Built Heritage

- The proposal will not be seen from Clachan Bridge.

Noise & Light

- The proposal is located downwind from local dwellings and, in any case, is distant such that aural intrusion will be negligible and likely to be < 30 dB, even when dwellings are downwind.
- The Council's Public Protection Officers have indicated they do not anticipate any significant problems in this regard.
- Any lights required for aviation should be as unobtrusive as possible

Climate Change

- The proposal will contribute to reducing the amount of carbon released into the atmosphere
- Climate change presents the greatest challenge to all of us and wind farms and indeed all forms of renewable energy are needed wherever possible to mitigate its worst effects.
- The proposal will demonstrate a commitment to help prevent climate change

Future Energy Supplies

- Long term energy supplies need to be secured - nuclear power stations will not replace all power generation using gas and coal and will take time to build.
- Wind is a 'renewable' abundantly available in West and NW Scotland and can replace a modest but significant fraction of carbon-based power generation. Important, given a prospective energy deficit, is that wind power technology is available now.
- Reliance on fossil fuels needs to be decreased
- No one is saying that wind alone can supply all our energy needs, but it can certainly be part of the provision. And since it is clean, safe and leaves no polluting legacy for future generations, it is a technology which should be exploited and developed.

Sustainability

- We owe it to future generations to develop green energy sources.
- Objectors claim that wind farms ruin our landscape for us and for future generations to come. Whether or not one believes that turbines are a scar on the landscape, the permission for the wind farm would be limited to 25 years and, at that point, it would have to be decommissioned (with a bond in place at the start for the owner to carry out decommissioning) or a fresh application submitted. This seems to me to be an ideal situation, if technology has moved on by then, and there are better alternatives, the landscape will be returned to its present state. If however, the turbines have proved to make a positive contribution, a further application can be submitted and considered. This is not, therefore a long term legacy.

Economic & Social Benefit

- There are significant economic benefits to this proposal as well as environmental ones.
- The potential of wind farms to generate income in our communities is of vital importance.
- Constructing a wind farm would boost the local economy, creating jobs for local people and contracts for local businesses.

Community

- Considerable benefit will accrue to the community and to the nation in harnessing renewable energy that this proposal will achieve.
- The proposal has the potential to be one of the largest community owned sites in Scotland, generating hundreds of thousands of pounds of local wealth annually.
- A major benefit of the proposal would be the community fund and the improvements it could make to the local economy providing jobs and investment as well as contracts for local businesses.
- The community benefit represents more than twice the industry standard. I am not aware of any other scheme offering as much. It should also be pointed out that the annual income referred to is not the same thing as profit and would therefore provide no means of measuring the relative value of the community benefit being offered.
- Each community would have its own pre-determined fund so there would be no need to 'fight it out'.

Tourism

- Arguments against wind farms on the basis of tourism are alarmist and unfounded.
- Tourism and alternative energy development are not mutually exclusive. There is no reason why turbines cannot co-exist with a thriving tourism sector.
- There are many wind farms which are in themselves a draw to tourists. This application will not damage the tourism industry in the way many people seem to expect.
- The MORI survey 'Tourist attitude towards wind farms' 2002 showed that, when asked whether or not the presence of wind farms in Argyll has made tourists more likely to visit 4% of visitors said they were more likely to return and 2% said they would be less likely to return.

Wind Regime

- The area itself should be exposed to quite a lot of wind.
- A great advantage of wind power is that the available wind resource is much greater during the colder months of the year, when energy demand is at its highest.

- The UK is the windiest country in Europe, so we have a massive resource waiting to be used day after day and free of charge.

Decommissioning

- Wind Farms are temporary in nature and sites can be returned to their original state after they have been decommissioned.

Technology

- A wind farm is certainly nicer to look at than a power station and it would be easier to dismantle if better, cleaner power sources become available in the future.
- There will always be sun, wind and tides in the UK and therefore generation from these can help the UK's fuel security. The only way forward is to ensure a mix of methods of generating electricity and, Argyll & Bute should play its part in this policy.
- The guaranteed maintenance of the turbines for a period of ten years is actually with the manufacturer of the turbines. This ten year guarantee is exceptional in the industry and offers unequalled security of income. If maintenance costs were to be elevated following this ten year period it would have no effect on the value of the community benefit payment as it is based on turn-over, not profit.
- Danish Prime Minister Helle Thorning-Schmidt announced in October 2011 that Denmark has raised its wind energy target and now aims to produce 50% of electricity from wind power by 2020. This equates to a planned increase in generation capacity of 60% - they have not admitted that wind farms have 'been an unmitigated disaster'
- Efficiency is a measure of how effectively a turbine can convert available wind energy into electrical energy. Modern turbines compare very favourably to other methods by being able to convert 50% to electrical energy. By comparison, world-wide average efficiency of coal fired power plants to convert thermal energy to electricity is 31% and nuclear efficiency is slightly higher between 33-37%. A petrol car has a maximum efficiency of 25-30%.
- Based on actual figures from similar sites in Argyll, This proposal is expected to have a capacity factor in excess of 35% which is significantly above the national average.
- Generally speaking, the wind power industry has correctly observed that a wind turbine pays back the energy consumption of its construction and the accompanying co2 emission within a few months
- Myths of our own making...it is often said that wind turbines fail to pay back the energy and co2 cost of their manufacture and erection, or even that the co2 emission from the cement manufacture alone is enough to offset the lifetime saving of the CO2 by a turbine. All these assertions are untrue.

Road Traffic Impact

- The nearest turbine would be approximately 650m from the Kilninver to Seil Road.

Community Council

- The Kilninver and Kilmelford Community Council has a record of submitting objections to almost any proposal that might have even a minor impact, regardless of any benefits it may bring.

People Against Clachan Turbines (PACT)

- Four topics of complaint have been raised about the information contained on the PACT website regarding: inaccurate photographic representations; inaccurate facts about efficiency; inaccurate information about Grid Connection, and misleading information about the effect on tourism. Concern has been raised that this information has been instrumental in informing the views of both local people and visitors about the proposal.

Scottish Government Renewable Energy Targets & Argyll & Bute's contribution

- The Government renewable energy target is to produce 100% of Scotland's electricity from renewable sources by 2020. The Scottish Government has not formally identified a target specific to Argyll & Bute. As the current renewable capacity in Scotland is less than 30% of the gross electricity consumption there is still a considerable deficit.

AGAINST THE PROPOSAL

Settlement Strategy & Wind Farm Proposals Map

- *Although under 20 MW the Argyll & Bute Wind Farm Policy Map shows the proposal to be located within a 'Potentially Constrained Area' which is considered incompatible with commercial wind farm development.*
- *It is an Area of Panoramic Quality and categorised in the Argyll & Bute Local Plan as 'Sensitive Countryside' (contrary to Policy LP CST 2) which should be protected from inappropriate industrial development.*
- *This proposal would have a major impact on a Regional Scenic Area.*
- *The proposal is adjacent to a coast described as Very Sensitive Countryside.*
- *This site is in an Area of Outstanding Natural Beauty which should be protected from inappropriate development.*

Location, Siting, Design & Layout

- *This proposed location is inappropriate and ill-conceived and could hardly be in a worse location from a visual point of view*
- *The siting of the proposal would have a most detrimental effect on what is one of the most scenic spots on the west coast of Scotland.*
- *The height of the turbines is excessive to the area and the quantity is excessive for the site.*

Landscape Character & Landscape Impact

- *The site is an open, elevated, unspoilt coastal location and does not have the capacity to absorb this large-scale industrial development, which would dominate the surroundings and be alien to the landscape character and small-scale nature of settlement.*
- *This proposal would harm the landscape and scenic qualities of the area which are of such importance as to outweigh any perceived benefits.*
- *The proposal would be visible from both the land and sea for miles around and would be a scar on the landscape.*
- *The formation of the access roads, power lines and poles will scar the landscape.*
- *People looking at the beautiful gardens here want to enjoy the beauty of the craggy upland landscape as a back drop, not have turbines towering over them a few hundred metres away.*
- *Although only classified in industrial terms as turbines of medium size, they are still considerably higher than those at Ben Ghlas. Should they be erected they would be so near to the road that goes from Kilninver to Seil literally few hundred metres away that they would appear proportionately larger in the landscape than their 77m and certainly would be dominating.*
- *The area is relatively remote in character and inaccessible, where development and its associated infrastructure would diminish the sense of remoteness and introduce visual clutter into a relatively and sparse simple landscape.*
- *The proposal will have an adverse impact on the Toad of Lorn area itself which is an important and recognisable part of the coastal landscape.*
- *The landscape and views of the surrounding hills and seascapes are some of the best in Scotland*
- *The advice contained in the Argyll & Bute Landscape Wind Energy Capacity Study should be taken most seriously in the planning decision process.*

Visual impact

- *Scenic designations including, Scarba, Lunga and the Garvellachs National Scenic Area would be affected by the presence of the proposal, which would be clearly visible from Mull and throughout the Firth of Lorn.*
- *The proposal would be seen from many mainland areas as well as being very visible from many of the islands, namely Luìng, Mull, Seil, Scarba, the Garvellachs etc. and of course the coast line would be spoilt by them for many miles.*
- *The proposal will intrude on extensive panoramas, iconic vistas and important views when encountered along public roads, access tracks, settled areas, and over a vast area of maritime landscape extending from Colonsay to Lismore - a 45 mile stretch of iconic panorama, where no other development of any kind is visible.*
- *The proposal will be visible from land and sea from a wide range of directions and would dominate and desecrate a scenic panorama*

- *The visual impact of the turbines will be overwhelming as the site is too close to existing houses and roads and will be clearly visible from the sea.*
- *The views from the site are outstandingly beautiful, consequently, the proposal would be irreparably damaging.*
- *The proposal will be seen from the water thus interrupting and spoiling the magnificent views along the whole stretch of coast along the Firth of Lorn.*
- *The proposal is to be built on Kilninver land and on the A816 for some considerable distance it would be visible, yet no photomontages were taken from Kilninver?*
- *The photomontages at the 'drop in session' were in the majority of cases unrealistic and sorely misrepresented the visual impact.*
- *The open outlook facing south and west ensures that the turbines will effectively be brightly sun-lit in bright weather, due to the prevailing aspect. The flicker of the turbine blades in sunlight will greatly increase the visual impact*
- *The views from the air looking down the sound of Seil and the Atlantic bridge are stunning and will be severely compromised.*
- *The proposal would have significant visual impact in the local area both on the B844 approach to Seil (Seil Loch) and from the immediate area around Clachan Bridge.*
- *The proposal would be clearly visible throughout the highly scenic Firth of Lorn which is an area of significant landscape value and importance. From the Firth of Lorn there are no other visible turbines or settlements.*
- *The red flashing lights required on each turbine will have a significant and detrimental visual effect.*
- *On a clear day it would be visible from most of the Firth of Lorn, from Loch Buie on Mull to Morven and the Isle of Lismore. It would also be seen from the Garvellachs to the island of Kerrera and the approaches to the famous anchorage of Phuilladobhrain on the Isle of Seil.*
- *It would form a backdrop to any views of the famous bridge over the Atlantic Ocean, from most points South down Clachan Sound to the isles of Torsa, Shuna, Luing and the Sound of Jura.*
- *Due to the size, height and positioning of the turbines this wind farm would create a considerable and detrimental visual impact on this constrained area as it would be seen from almost all points of the compass.*
- *The visuals, montages are poor and do not give a true account of the impact the turbines would have. One obvious example is the siting of a tree right in front of a turbine then taking a photograph, this does not appear a realistic way to approach such a task.*

Cumulative impact

- *The proposal will have a negative cumulative impact on the area.*

- *The cumulative impact of wind farms within the Argyll & Bute will have a huge detrimental effect on the attractiveness of the area to tourists*

Separation Distance

- *SPP suggests a separation distance of 2km from dwellings. This is advisory, not legislation. However it should be noted that 60 to 70 houses will be within 2km of the nearest turbine, which is far too many people to harm in this way.*
- *The proposal would be only about 700 metres from the nearest home and most of the village of Clachan Seil would be within 2km of the site. As a result, the proposal would unacceptably affect amenities and living conditions in the area. It would be unpleasantly overwhelming and it is not in the public interest.*
- *A separation distance of up to 2km between areas of search and dwellings even individual ones - is recommended for reasons of health and to reduce visual impact.*

Natural Heritage & Ecological impact

- *There are habitats and species in the area which would be adversely affected by the proposal. Once they are destroyed they will be gone forever.*
- *This is a unique special part of Scotland, and the home of so much of Scotland's precious flora and fauna. The flora and fauna enjoyed locally on a regular basis may at best, be disrupted and at worst, dispersed.*
- *The proposal will have an adverse impact on bats which are known to be destroyed by air pulses.*
- *The area is of natural conservation interest and there are countless examples of wildlife which would be disturbed or affected by either the construction or the existence of turbines.*
- *A thorough enough study of wildlife in the area has not been undertaken*
- *The risk to local wildlife is a significant concern particularly bats, eagles and other rare species, of which there are 22 LBAP's in this area.*
- *There are bats, probably Daubenton's or Pipistrelle in this area. Research in America has found as many as 32 dead bats per turbine per annum. Bats can avoid the blades easily, but in passing through the slipstream behind the blades, there is a violent pressure change which ruptures their lungs. All bats are protected species.*

Ornithological impact

- *In 2008 an SNH report found that the conservation status of Scotland's golden eagle population was unfavourable with a major factor after illegal killing being wind farm development in Argyll and Caithness.*
- *Although not seen during a survey carried out for the developer, Sea Eagles have been seen on a number of occasions flying over the area. They are also believed to be nesting in the area and the disruption caused by the proposal may evacuate them.*

- *Eagles of various types have been recorded over the past few months living and breeding in the area where the proposal is to be sited. Concern has been raised that they will be killed should they fly into the blade of a turbine.*
- *The proposal could have an adverse impact not only eagles, but also sea eagles, hen harriers, buzzards, merlins, ravens, herons, whooper swans, mute swans, guillemots, greylag geese, Canada geese, osprey (osprey have been seen in Loch Seil) and song birds.*

Health & Safety and Ice Throw

- *Wind farms don't have a good safety record with the renewable energy industry admitting to 1,500 incidents in the last five years including 4 deaths, 300 injuries, turbines shearing, going on fire and ice throw.*
- *When ice forms on the turbine blades it can shear off and "fly" for some considerable distance.*
- *In recent months Scotland witnessed very strong winds which resulted in turbines exploding. A turbine shedding large pieces of flaming material and being in such close proximity to not only wildlife but to residential property poses a great risk*

Sustainability

- *We have a duty to future generations to preserve the heritage of natural beauty which is becoming so rare in the modern world.*

Built Heritage & Archaeological Impact

- *The proposal will adversely affect the setting of the listed and scheduled Ancient Monument of Clachan Bridge, and scheduled Monuments located on the Toad of Lorn.*
- *The proposal is within 1km of the Atlantic Bridge, an iconic Grade A listed national monument (visited from around the world), 1km from the C listed Tigh an Truish Inn, and just over 1km from C listed Old Clachan Farmhouse. It would be unacceptable for the setting of Old Clachan Farmhouse (and the other listed properties) to be destroyed in this way.*
- *Views from all over would be affected with the movement of the turbines when working being very distracting when taking in the splendour of the Bridge over the Atlantic and enjoying sitting outside the Tigh na Truish.*
- *The 'Bridge over the Atlantic' is famous and known to many people around Scotland, the UK and the world. It also has a very significant part in Scottish history. A wind farm that is both visible and potentially audible would destroy 200 years of Scottish history.*
- *There are archaeological sites in the area which have never been excavated; it will never be known whether the necessary construction roads and turbine foundations have destroyed ancient settlements.*

- *The proposal will impact on archaeological sites principally the stone carved seat known as Brendan's Seat and the dun remains at the summit of the Hill of the same name, which has one of the finest views in Scotland.*

Tourism, Recreation & Access to the Countryside Impact

- *As a local sailor I would personally avoid any anchorages, moorings or marinas which would have a view of the site, this would include many key local businesses such as Kerrera marina, the pub close to Phuilladobhrain, potentially Loch Spelve, Loch Aline and Lismore.*
- *The proposal would permanently damage the views of the area for miles, dissuading yachts, walkers, bird watchers, photographers, artists, and the list goes on, from visiting our area.*
- *At all times of the year there are literally coachloads of tourists all day long which stop at the Bridge over the Atlantic to take photographs and move on to buy souvenirs at Highland Arts in Ellenabeich, take sea-life whale watching trips and visit the conservation island of Easdale. Seil Island is almost totally dependent on tourism.*
- *Many tourists come especially to enjoy our panoramic views and they bring with them much needed revenue. It would be nothing short of crazy to put up nine enormous structures that will destroy this natural unspoilt beauty at a stroke.*
- *Oban and North Argyll is trying to increase its tourist appeal and visitor numbers so high value unspoilt countryside will be very important to that ambition.*
- *The proposal is totally incompatible with this area which is so reliant on tourism. Tourists are attracted to the area simply because it is of outstanding natural beauty and a wind farm will change that.*
- *Research into effects on tourism by the Scottish Government is now out of date as when it was done there was relatively few wind farms, mainly off the beaten track and they had a bit of novelty value. This means current data available to planning is out of date and a new study is desperately needed to enable decisions to be made following widespread penetration of wind farms around the country.*
- *Puilladobhrain is well known in the yachting world as one of the most picturesque moorings on the West Coast.*
- *This is an area of exceptional natural beauty, enjoyed from land and sea, island and mainland. As a shareholder in the immediate areas tourism industry I am greatly concerned by the detrimental effects of developments of this type about which my visitors/ clients pointedly express their concerns.*
- *Clachan is an area of outstanding natural beauty and this proposal would undoubtedly spoil the area and discourage the tourists on which the businesses of Clachan heavily rely on.*
- *The site is above a 1790's Thomas Telford Bridge, one of the best examples of his work, the bridge has an enormous tourist pull. The last thing the passengers on the open top bus would want to see is a wind farm as a back drop to this famous icon.*

- *It is within an area of natural beauty and will mar the landscape for miles around many local people rely heavily on the tourist industry which this proposal will put at risk.*
- *The route from the turn off on the A816 to Easedale is one of the most famous tourist routes in this area of Lorn and the Isles. It is advertised as one of the great places of tourist interest, not only the bridge over the Atlantic but on to Easedale and the slate islands.*
- *Not only would the entire route from Kilninver to Clachan Seil pass by these industrial towers in a rural landscape, but the majority of tourist spots on route would also be keenly aware of the intrusion of these machines, such would be their visual impact. Many thousands of tourists take this route to Easedale every year, by the coach and car load, probably with Kilmartin Glen, the most visited place on this part of the west coast.*
- *Tourists come for the natural beauty of the area not to be treated to a tour of a wind farm, despite the developer suggesting it could be made a tourist attraction. We are not whitelee wind farm and our area is totally dissimilar so any comparison as the developers leaflet suggests is nonsensical.*
- *This area depends heavily on tourism & the famous "Bridge over the Atlantic" brings thousands of visitors to the area a year, the revenue they generate is important to the local economy. A wind farm in the background of the visitor's photographs will not enhance their experience or encourage their friends to visit.*
- *The turbines will be 800m from the sea in one of the top 40 sailing areas in Europe and clearly visible and detrimental to the very popular anchorage of Puilladobhrain adjacent to the exit of Seil Sound.*
- *The proposal would dominate the setting of the Bridge over the Atlantic and the Tigh an Truish, which are the first image visitors get of our historic slate islands, also the anchorage at Phuilladobhrain, which is on all the guide books for sailing visitors and usually the first stop for those attempting their first visit to the west coast and currently presents a remote appearance, despite being safe and in easy reach of local facilities and Oban.*
- *Phuilladobhrain is one of the most visited anchorages in the area and from miles out to sea you will be able to see these monstrosities.*
- *Tourism is our mainstay and this was the reason Raera wind farm was rejected and therefore it should follow that this proposal is not acceptable either.*
- *The area where the proposal is to be sited is one that is currently advertised by Companies for organised walks to appreciate the natural unspoilt landscape, take in the flora and fauna, and look at all the sites, including the "Toad of Lorn". With the proposal the whole area will be spoilt for such nature and historical walks.*

Noise, Air Quality, Vibration, Lighting & Adverse Health Impacts

- *Those that chose to live in the area have done so for the peace and tranquillity which is likely to be ruined by the noise created by this proposal.*
- *For the many walkers using this road, the noise would also be intrusive, when the turbines are working, in this present peaceful area which has very little unpleasant ambient sound.*

- *The small substation by Kilninver bus stop and school is to be where the electricity is apparently fed into the grid - not the healthiest solution so near a school.*
- *There are serious concerns that the rhythmical pulsing could have an adverse effect on health, in particular, affecting sleep.*
- *The proposal may have a long term effect on the health and wellbeing of local residents in particular with regard to noise pollution.*
- *This is an intrinsically dark landscape, and the aviation lighting recommended by the MoD would be intrusive.*

Ice Throw

- *Concern has been raised about the potential for ice shards flying off turbine blades (projectile will land at a speed in excess of 100 mph).*

Shadow Flicker

- *The flicker of blade tips is generally accepted to be an aggravating visual effect of turbine installations in any setting, and will be conspicuous in this wild landscape where no other movement such as this is present.*
- *There are long term health issues attached to living close to turbines from shadow flicker.*

Aviation interests

- *The proposal is in an area used for low flying exercises with aircraft flying past on their way up and down Loch Feochan and there are a lot of leisure flyers passing by on their way to/from Connel airport.*
- *Military aircraft fly very low though this area during exercises. Some clearly fly below the height of the proposed turbines. Unless this is now forbidden, a major incident could occur.*

Road Traffic Impact

- *Site traffic will almost certainly cause damage to the recently repaired B844. Specifically the bridge at Kilninver that already has structural defects and might require rebuilding. The B844 that ascends the side of Meall Ailein might also require extensive repair at considerable cost to the Argyll & Bute Council Tax payers.*
- *The Kilninver Bridge is the only connection to and from Easedale, Seil, Luing and mainland areas of Ardmaddy, Cuan and Clachan. This bridge is in very poor condition and currently being surveyed monthly. It appears unlikely that it would be able to cope with the required increase in passing weight and size of vehicles associated with such a proposal.*
- *Kilninver Bridge is the lifeline for Seil and Luing. The contractor would use this despite any assurances. If this bridge were to fail there is no backup plan for access to the islands.*

- *Should Kilninver Bridge or the 'wavy wall' fail, the disruption to residents of Ardmaddy, Seil, Luing and Easdale would be horrendous, not only in inconvenience for normal life, but loss of earnings due to not being able to get to work.*
- *The access to the site is via Kilninver Bridge, which is in such a fragile state that the Council's Roads Department find it necessary to keep very regular checks on it. The construction traffic required buy a proposal such as this bound to damage the bridge even further and the bridge is the only road link for the communities of Kilninver, Isles of Seil and Luing. Any damage to the bridge would have a catastrophic effect on these communities.*
- *The extra heavy vehicles that will inevitably chew up our small and overcrowded road will have an enormous and negative impact for months while the proposal is developed.*
- *The proposal would be visually intrusive while driving the 5 km from Kilbrandon church being almost in front of a driver's sightline. This would be distracting and potentially dangerous on the single track road.*
- *The single track route over the hill and along Loch Seil is a hazardous route at the best of times, damage to this road and possible accidents are more than probable.*
- *The extra heavy traffic necessary to bring materials into the area will impact heavily on the local roads, and, especially, on Clachan Bridge, a local historic monument.*
- *Construction of this proposal would seem likely to interfere with local road transport, adversely affecting local businesses and residents traveling to work*

Wind regime

- *Having monitored the wind in the area over the last two years it has been discerned that there are many days of high winds and increased risk of hurricanes which will prevent the turbines from being turned on. It seems a very expensive and inefficient means of creating green energy.*
- *There appears to be no proper wind data apart from wind speed database which as the website quotes is only a guesstimate! So why would we want to waste these resources here when they could be constructed on more efficient sites than here at Kilninver.*

Property Value

- *There are serious concerns that the proposal will result in loss of property value*

Profit/Community Benefit

- *Who is going to profit from this environmental vandalism - landowners? Multinational power companies? Certainly not the people of the area or Scotland in general.*
- *The owner of the site is not a local - he lives in southern Scotland - and so he is asking the community to tolerate a noisy eyesore while not living with it himself.*

- *The owners of open land above Clachan Seil are clearly just intent on increasing their financial returns and maximising their drain on public subsidies beyond those already being paid to them for non-viable hill farming*
- *The local community has rejected the developer's attempts to bribe them with the offer of a turbine. The community has spoken strongly against it, surely you should listen to these people whose homes you would destroy with these monstrosities.*
- *The change in name of the proposal by the developer from 'Clachan Wind Farm' to 'Clachan Community Energy Wind Farm' is confusing and suggests a link with the 'Community Council'.*

Grid Connection

- *There is no indication as to how the power generated will be transmitted to the Kilninver substation.*

Decommissioning

- *On decommissioning, the area would be left scarred by the access tracks and massive concrete turbine foundations*

Technology & Efficiency

- *The efficiency and expediency of such renewable energy is already in serious doubt.*
- *The proposal's output is minimal compared to the harm that it will cause to the area.*
- *Wind farms are uneconomic as they only run for approximately 30% of time and require back up capacity when unable to generate electricity.*
- *There are better alternatives to harvest the wind, better on-shore locations, and wind farms offshore where there are no houses, and if far enough from the shoreline, (in fact not very far), minimal visual impact.*

Precedent

- *If approved this proposal would set a dangerous precedent*

Decision-making

- *Argyll & Bute Council must make a decision that is consistent with other planning permission granted in the area. 2 examples; firstly the small wind farm on the southern end of the Isle of Luing (a far less intrusive site) was granted permission for wind turbine blade tips to a height of only 45 m, compared to the proposed 77 m at Clachan Seil. Secondly, the proposed wind farm above Raera forest only a few miles away, which again would have been far less intrusive than the proposal on Clachan Seil has, been denied planning permission outright.*
- *Like the recent application at Raera, this plan is both inappropriate and out of scale for the region. It should be rejected for the same reason given by all Councillors for rejecting Raera that is that it would be an industrial development in the wrong place. Indeed the reasons for refusing the Raera Wind Farm apply more in the case of Clachan wind farm. Clachan is more visible from local housing on Seil and the immediate coast line.*

- *The applicant is resorting to long drawn out delays in submission of their information, professionally minded applicants who wish to demonstrate their ability to construct and run a business would have been better able and prepared to submit at the outset of planning application with all appropriate support documentation. The apparent piecemeal efforts associated with this application do not give any confidence that the applicants know what they are about. As they certainly do not demonstrate, the ability to co-ordinate their information to obtain planning permission, I do not have any confidence in their ability to deliver should planning permission be granted.*

Planning Policy

- *It would entail significant deviation from policies of both the Argyll & Bute Local Plan and SPP.*

Scottish Government Policy & Advice

- *The environmental damage, both visually and by noise pollution in the middle of this countryside would be an absurd negation of the Government's policy of land protection.*
- *SPP requires the planning authority to consider likely impacts on communities, including long term and significant impact on amenity.*

Scottish Government Renewable Energy Targets & Argyll & Bute's contribution

- *There is little justifiable need regarding CO₂ emissions since Argyll & Bute seems to have already reached the 2020 Government Renewable Energy Targets with existing wind farms, those approved and those in scoping.*

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in this report, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement (ES):** Yes
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) A design or design/access statement:** No
- (iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes –

Environmental Statement; Supporting Planning Statement; and a Non-Technical Summary

(H) PLANNING OBLIGATIONS

Is a Section 75 (S75) agreement required: Due to the recommendation of refusal a S75 is not required.

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No Direction has been issued by Scottish Ministers in this case, in terms of Regulations 30, 31 or 32 of the Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008

(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.

Argyll & Bute Structure Plan

Policy STRAT SI 1: Sustainable Development
Policy STRAT DC 4: Development in Rural Opportunity Areas
Policy STRAT DC 5: Development in Sensitive Countryside
Policy STRAT DC 6: Development in Very Sensitive Countryside
Policy STRAT DC 7: Nature Conservation & Development Control
Policy STRAT DC 8: Landscape & Development Control
Policy STRAT DC 9: Historic Environment & Development Control
Policy STRAT DC 10: Flooding & Land Erosion
Policy STRAT RE 1: Wind Farm/Wind Turbine Development

Argyll & Bute Local Plan

Policy LP ENV 1: Development Impact on the General Environment
Policy LP ENV 2: Development Impact on Biodiversity
Policy LP ENV 6: Development Impact on Habitats and Species
Policy LP ENV 9: Development Impact on National Scenic Areas (NSAs)
Policy LP ENV 10: Development Impact on Areas of Panoramic Quality
Policy LP ENV 12: Water Quality and Environment
Policy LP ENV 13a: Development Impact on Listed Buildings
Policy LP ENV 16: Development Impact on Scheduled Ancient Monuments
Policy LP ENV 17: Development Impact on Sites of Archaeological Importance
Policy LP ENV 19: Development Setting, Layout and Design
Policy LP BAD 1: Bad Neighbour Development
Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development
Policy LP SERV 4: Water Supply

Policy LP SERV 6: Waste Related Development and Waste Management in Developments

Policy LP SERV 9: Flooding and Land Erosion

Policy LP TRAN 4: New and Existing, Public Roads and Private Access Regimes

Policy LP TRAN 7: Safeguarding of Airports

Note: The Full Policies are available to view on the Council's Web Site at

www.argyll-bute.gov.uk

(ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

- EU, UK Government and Scottish Government policy,
- National Planning Framework
- Scottish Planning Policy (SPP), Advice and Circulars
- National Waste Management Plan
- Environmental Impact of the proposal
- Design of the proposal and its relationship to its surroundings
- Access and Infrastructure
- Planning History
- Views of Statutory and Other Consultees
- Legitimate Public Concern and Support expressed on 'Material' Planning Issues

(K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment (EIA):** This proposal is a Schedule 2 EIA Development; it was considered that EIA was necessary, due to the potential for significant environmental impact.

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

(M) **Has a sustainability check list been submitted:** No, separate consideration of the proposal's degree of sustainability has been required as the concept is implicit within the EIA process.

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

(O) **Requirement for a Hearing:** There is a requirement to hold a Discretionary Hearing given the extent of representation received.

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

- The proposal seeks the construction of wind farm comprising nine turbines, crane hard standings, access tracks onto site and between turbines, temporary

construction compound and laydown area, borrow pits (required to be subject of separate planning application), and an electrical sub-station incorporating a site office.

- 956 parties have made representations, comprising 858 objections, 94 letters of support and 4 general comments.
- No formal objection to the proposal have been lodged by Scottish Government, Transport Scotland, Scottish Water, Ministry of Defence, Public Protection, National Air Traffic Services, the Civil Aviation Authority, Oban Airport Manager, the Joint Radio Company, Ofcom, or from Mull Community Council. Scottish Natural Heritage, the Royal Society for the Protection of Birds and Historic Scotland have raised a number of detailed concerns which are considered below.
- Formal objections to the proposal have been lodged by the Council's Area Roads Manager; the West of Scotland Archaeology Service, the Scottish Environment Protection Agency, Kilninver & Kilmelford Community Council, and Seil & Easedale Community Council which are considered below.
- No Consultee responses were received from: Luing Community Council, Kilmore Community Council, CSS Spectrum Management or the Forestry Commission Scotland.
- The principal issues in this case are the consequence of the presence of the development on: the landscape character of the site and for adjoining landscape character areas; visual impact; tourism impact; ecological impact; ornithological impact; built heritage and archaeological impact; and road infrastructure impact. It has been concluded that the proposal is unacceptable due to its impact upon landscape character, the wider sensitivities of the coast, on views from the key approach to Seil by road, from the vicinity of the Atlantic Bridge, from the Duachy Standing Stones (SAM) and other built heritage receptors, and from the coastline itself and from the sea. There are also unresolved issues concerning wetland ecology, and the inadequacy of road access for construction purposes, which have prompted formal objections by SEPA and the Council's roads engineers.
- Should Members determine to grant planning permission some technical details raised by relevant Consultees could, if required, be dealt with by planning condition or Section 75 Legal Agreement (with the exception of the West of Scotland Archaeology Service who have requested that they are contacted to enable them to provide further advice on conditions in the event of approval).
- The proposal can be considered consistent with the requirements of: Policy STRAT DC 10: Flooding & Land Erosion of the 'Argyll & Bute Structure Plan' and Policies LP ENV 9: Development Impact on National Scenic Areas (NSAs); LP SERV 1: Private Sewage Treatment Plants and Wastewater (i.e. Drainage) Systems, LP SERV 2: Incorporation of Natural Features/Sustainable Drainage Systems; LP SERV 4: Water Supply; LP SERV 6: Waste Related Development and Waste Management in Developments; LP TRAN 6: Vehicle Parking Provision; LP TRAN 7: Safeguarding of Airports; and, LP SERV 9: Flooding and Land Erosion of the 'Argyll & Bute Local Plan'.
- The proposal is considered contrary to: SPP; Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT RE 1: Wind Farm/Wind Turbine Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; STRAT DC 7: Nature Conservation & Development Control; and STRAT DC 9:

Historic Environment & Development; of the 'Argyll & Bute Structure Plan' (2002); Policies Policy LP ENV 1: Development Impact on the General Environment; LP ENV 2: Development Impact on Biodiversity; LP ENV 6: Development Impact on Habitats and Species; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP ENV 12: Water Quality and Environment; LP ENV 13a: Development Impact on Listed Buildings; LP ENV 16: Development Impact on Scheduled Ancient Monuments; LP ENV 17: Development Impact on Sites of Archaeological Importance; Policy LP ENV 19: Development Setting, Layout and Design; LP TRAN 4: New and Existing, Public Roads and Private Access Regimes; LP TRAN 5: Off-Site Highway Improvements and LP REN 1: Commercial Wind Farm and Wind Turbine Development; of the 'Argyll & Bute Local Plan' (2009).

- Notwithstanding the contribution that this proposal could make towards combating climate change, development giving rise to inappropriate environmental consequences cannot be viewed as being sustainable; consequently, the proposal is recommended for refusal.

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

(R) Reasons why planning permission should be refused: This proposal is inconsistent with the provisions of the Development Plan due to its impact upon landscape character, upon the wider sensitivities of the coast, on views from the key approach to Seil by road, from the vicinity of the Atlantic Bridge, from the Duachy Standing Stones (SAM) and other built heritage receptors, and from the coastline itself and from the sea. There are also unresolved issues concerning wetland ecology, and the inadequacy of road access for construction purposes, which have prompted formal objections by SEPA and the Council's roads engineers. All other material issues have been taken into account but these are not of such weight as to overcome the adverse landscape impact, visual impact, ecological impact, built heritage and archaeological impact and road infrastructure impact of the development, which cannot be overcome by the imposition of planning conditions or by way of a S75 legal agreement.

(S) Reasoned justification for a departure to the provisions of the Development Plan: There is no justifiable reason for a departure to be made from the provisions of the Development Plan in this case.

(T) Need for notification to Scottish Ministers or Historic Scotland: There is no requirement for notification to Scottish Ministers, other than in the event of Members determining to grant planning permission, which would be contrary to the views of SEPA as a statutory consultee, which would prompt the need for Scottish Ministers to have opportunity to consider 'calling-in' the application for determination.

Author of Report: Arlene H Knox

Date: 4th September 2012

Reviewing Officer: Richard Kerr

Date: 6th September 2012

Angus Gilmour
Head of Planning and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 11/02447/PP

1. The proposal lies close to the south-west of Loch Feochan, located on the coastal edge within the 'Craggy Coast and Islands' Landscape Character Type (ref 'Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012' - SNH/Argyll & Bute Council) which is intended to guide SNH and the Council on the strategic implications of further wind farm developments in the landscape. The proposal lies within a sensitive and highly valued landscape character type where it occupies a prominent coastal location where it would be viewed from ferry and recreational boat traffic and other islands as well as from mainland roads, and in particular the nearest road which links Seil to the mainland via the 'Bridge over the Atlantic'. The value of the landscape surrounding the application been accorded regional status by being designated as an Area of Panoramic Quality by the Council's approved local plan.

The scale of development proposed in this sensitive coastal location is contrary to the recommendations of the LWECS, which states: "*there is no scope to site the larger (80-130 M) and the small – medium (35m – 80m) within this character sub-type due to the significant adverse impacts that would be likely to occur on a wide range of landscape and visual sensitivities*". At present the 'Craggy Coast and Islands' landscape character type,

and other coastal landscape character types in Argyll, are free of wind farm developments of the scale proposed. If approved, this development would establish a precedent for large-medium scale coastal edge wind farm developments in circumstances where the LWECS considers that sensitive coastal landscapes do not have the capacity to absorb developments on this scale satisfactorily. The proposal would introduce an inappropriately located wind farm into the sensitive and valued coastal landscapes of the Firth of Lorn, the lochs and islands around West Argyll, and the Atlantic islands coastal edge which constitutes an exceptional scenic resource, derived from the interplay between the land and the sea with its associated islands and skerries. The site therefore constitutes part of Argyll's prime landscape resource, valued for its inherent character and qualities and for the role which it plays in the local tourism economy. The introduction of a development of the scale proposed would impose itself upon its landscape setting to the detriment of landscape character. Approval of the proposal would represent an unwelcome move away from the established location of approved wind farm developments in upland areas inland, where they do not exert such a degree of influence over the appreciation of the coast and those landscapes which are characterised by the contrast between the land and the sea.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected benefits which a development of this scale would make to the achievement of climate change related commitments.

Having due regard to the above, it is considered that this proposal would have a significant adverse impact on Landscape Character, would adversely affect a number of key views and would degrade designated scenic assets including the 'Area of Panoramic Quality' in which the site is situated. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside, Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2009) and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

2. The Zone of Theoretical Visibility maps indicate fairly widespread visibility across the settled eastern coasts of Seil, within the Firth of Lorn and the Mull coast but with more limited visibility inland to the east. Of the representative viewpoints selected for detailed assessment, the applicant's Landscape and Visual Impact Assessment concludes that there would be 'significant' impacts on: Viewpoint 1: B844 Clachan Seil; Viewpoint 5: Whinbank; Viewpoint 14: Puilladobhrain Anchorage; and Viewpoint 18: Duachy Standing Stones. It is, however, considered that the assessment underestimates the magnitude of effect from some of the closer viewpoints to the proposal including: Viewpoints 2: from the Tigh-an-Truish Pub (this view includes the iconic "Atlantic Bridge"); Viewpoint 7: B844 at Meall Ailein and Viewpoint 10: from the Colonsay-Oban ferry. From the cluster viewpoints at locations 1 - 5, and other shorter range viewpoints 7 (on the approach to Seil and an essential part of the initial experience of visiting this intricate and highly scenic locality), 10 (from the Colonsay ferry), 14 (anchorage and coastal walk) and 18 (scheduled ancient monument), the proposal secures a poor fit with the landscape in terms of its domination of scale, coupled with the effect of blade rotation which will exacerbate the visual intrusion on sensitive skylines above Clachan Sound. It would also appear discordant when seen

from the Firth of Lorn, which is valued as a sailing destination from which coastal landscapes are experienced, in a context where no other development of this scale and character is visible. From the ferry route and from other offshore locations, development on the scale proposed would compete with and diminish the scale of the flattopped Beinn Mhor with its pronounced cliff edge, which forms a key focal feature in views towards the mainland coast.

The development is out of scale with the receiving coastal environment and intrudes upon views within and the appreciation of this relatively small scale landscape to the detriment landscape character and sensitive visual receptors. The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected benefits which a development of this scale would make to the achievement of climate change related commitments.

Having due regard to the above, the proposal conflicts with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside; Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2009) and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality and LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

3. The development is situated with the nearest turbine being approximately 560m from Duachy Standing Stones Scheduled Ancient Monument, where 7 turbine towers and rotors will be visible. This would represent a significant adverse impact on this important historic environment asset and its setting. The proposal would also have an adverse impact on the setting of the Category A listed Clachan Bridge. It is considered that the visibility of the development within the landscape backdrop of the bridge, which is a key tourism asset and a widely photographed structure, in the context of both the wider setting and the appreciation of the bridge, would be unacceptable. The proposal would also have an adverse impact on the setting of the category B listed Ardencaple House with all 9 turbines theoretically visible. Although there is intervening vegetation this cannot be regarded as providing a permanent screen and the proposal would represent a highly visible modern intrusion in the setting of Ardencaple House which would be unacceptable.

The introduction of structures of the scale proposed and their attendant motion in the landscape would impinge upon the setting of the Duachy Standing Stones in particular, and other historic environment assets in general, to the detriment of the legibility of the historic landscape context of these historical and archaeological assets.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected benefits which a development of this scale would make to the achievement of climate change related commitments.

The proposal will have an adverse impact on the historic environment of Argyll and is therefore inconsistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 9: Historic Environment & Development Control of

the 'Argyll & Bute Structure Plan' (adopted 2009) and LP ENV 13a: Development Impact on Listed Buildings LP ENV 14; LP ENV 16: Development Impact on Scheduled Ancient Monuments; LP ENV 17: Development Impact on Sites of Archaeological Importance of the 'Argyll & Bute Local Plan' (adopted 2009).

4. Insufficient information has been submitted in regards to the likely ecological impact of the proposal. The Phase 1 Habitat Survey is not considered to be adequate, as the Environmental Impact Assessment has failed to identify the presence or absence of Ground Water Dependent Terrestrial Ecosystems within 100m of all roads track and trenches, or within 250m of foundations and borrow pits, contrary to the advice of the Scottish Environmental Protection Agency. It is not therefore possible to conclude that the development is capable of being implemented without significant adverse consequences for the water dependant ecology within and adjacent to the application site.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected benefits which a development of this scale would make to the achievement of climate change related commitments.

Consequently, it is considered that ecological impact of the proposal is uncertain, and therefore the proposal is inconsistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 7: Nature Conservation & Development Control of the 'Argyll & Bute Structure Plan' (Adopted 2009) and Policies LP REN 1 – Wind Farms and Wind Turbines, LP ENV 2: Development Impact on Biodiversity and LP ENV 6: Development Impact on Habitats and Species of the 'Argyll & Bute Local Plan' (adopted 2009).

5. The proposal will involve an unusually large number of construction vehicle movements and the conveyance of abnormal loads along the B844 a route which is sub-standard in width and alignment. The road infrastructure along this route is also subject to known deficiencies, including structural condition of the Kilninver Bridge and the road retaining wall at Barnacarry, and it does not lend itself to intensive construction activities involving movements of heavy goods vehicles and abnormal loads. In view of the geometry of the road, which does not lend itself to the swept path of large vehicles, there is the prospect of serious damage to these structures occasioned by collision as a result of the transportation of abnormal loads or the weight of construction vehicles, which would present a serious threat to continued accessibility by road, as the failure of either of these structures would be likely to precipitate closure of the route with the consequent isolation of Seil, Easdale and Luing.

In the absence of any satisfactory mitigation being advanced for the risk presented to the route by the type of traffic associated with the proposal, the development does not benefit from an identified satisfactory means of access for either construction or for decommissioning purposes, contrary to the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 5: Off-Site Highway Improvements of the Argyll & Bute Local Plan.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/02447/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. SETTLEMENT STRATEGY & WIND FARM PROPOSALS MAP

The site is not subject to any spatial zoning for windfarm development by local plan Wind Farm Proposals Map, as this is restricted to proposals over 20MW whereas this scheme is 8.1MW. Consideration is thereby by way of a criteria based approach established by local plan Policy LP REN1.

The turbines, internal access tracks and crane hardstandings are all to be located within Sensitive Countryside (subject to the effect of Structure Plan Policy STRAT DC 5: Development in Sensitive Countryside), and the substation building, construction compound, primary access road (from public road to internal tracks) and parking area will be located within a Rural Opportunity Area (subject to the effect of Structure Plan Policy STRAT DC 4: Development in Rural Opportunity Areas) as designated by the Local Plan Proposals Maps.

In special cases both Policy STRAT DC 4 and STRAT DC 5 state that development in the open countryside and medium or large scale development may be supported if it accords with an area capacity evaluation (ACE). The proposal constitutes large scale development in the open countryside. However, it is not normal practice for an ACE to be undertaken for a wind farm which has been subject to EIA (where consideration of alternative sites is required). In this case, it has not been demonstrated that the scale and location of the proposal will integrate sympathetically with the landscape, without giving rise to adverse consequences for landscape character.

Policies STRAT DC 4 and STRAT DC 5 also require proposals to be consistent with all other Development Plan Policies. For the reasons detailed below in this report, it is considered that

this proposal would have significant adverse Landscape, Visual, Ecological, Historical, and Road Infrastructure Impacts

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of the SPP (2009); Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; and STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan.

B. LOCATION, NATURE & DESIGN OF PROPOSED DEVELOPMENT

The proposal is for the erection of a 9 turbine wind farm and ancillary development on farmland approximately 9km south-west of Oban. Each wind turbine would have a capacity of up to 0.9MW, providing a total maximum generating capacity of 8.1MW. The maximum height to blade tip would be 77m and the maximum hub height 55m, giving a rotor diameter of 44m.

The following elements are included in the planning application: 9 wind turbines; crane hardstandings adjacent to each turbine; permanent access tracks onto the site and between turbines (upgrading of existing and formation of new); temporary construction compound and laydown area; borrow pit (required to be the subject of a separate planning application); control building and car parking area.

Should the proposal be successful, notwithstanding the requirement for a separate mineral planning application for the borrow pit, notification would also be required for an overhead line from Kilninver sub-station to the site (details of this grid connection do not form part of this planning application). Objectors have raised concern about the visual impact and safety implications of the power line. However, it should be noted that the grid connection/power line will not require planning permission as it will constitute 'permitted development' as it involves work carried out by a statutory undertaker in terms of the General Permitted Development (Scotland) Order 1992.

The general design of the turbines and ancillary structures follows current wind energy practice. The 'portacabin' flat roofed design of the substation building is considered unsympathetic in the landscape were permission to be granted. As it is only an ancillary aspect of the wider proposal, it is not considered that it is appropriate to be included in the reasons for refusal as design could be controlled by means of a condition in the event of an approval.

Whilst the design of the proposal is appropriate for a wind farm of this scale, its intended location is not due to the adverse impacts upon the receiving environment detailed in this report and therefore in terms of the overall sustainability of the proposal, it is considered that it would have adverse Landscape, Visual, Ecological, Historical, and Road Infrastructure Impacts.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policy STRAT SI 1: Sustainable Development of the Argyll & Bute Structure Plan; and, Policies LP ENV 1: Development Impact on the General Environment and LP ENV 19: Development Setting, Layout & Design of the Argyll & Bute Local Plan.

C. LANDSCAPE CHARACTER & LANDSCAPE IMPACT

SNH advise that this proposal will have significant adverse landscape and visual impacts on an area of Argyll's coastal landscape which is distinct, recognised as being a resource of regional importance within a local plan designated Area of Panoramic Quality (APQ); the proposal would erode the existing quality of the "Craggy Coast and Island" Landscape Character Type (LCT)(LWECS) setting a precedent for further development of this type and scale in this sensitive landscape setting; and SNH have been unable to identify any mitigation which would reduce or remove the negative impacts on the distinctive character and sense of place of this regionally important landscape setting. SNH has not objected to the proposal as they would only do so in the event of European or national interests being compromised, which is not the case here. They have, however, expressed serious concerns on landscape and visual grounds which they wish the Planning Authority to take into account in reaching a decision.

The proposal lies close to the south-west of Loch Feochan, located on the coastal edge within the "Craggy Coast and Islands" LCT (ref "Argyll and Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012 – SNH/Argyll & Bute Council). The LWECS is intended to guide SNH and the Council on the strategic implications of further wind farm developments in sensitive locations such as on the sensitive and highly valued coastal edge where this proposal would be located.

The landscapes of Argyll's coastal edge are made up of intricate features including numerous sea lochs and impressive tidal and geomorphologic features, rising sharply to the coastal ridge and the start of craggy uplands. Highland landforms can be glimpsed behind the craggy uplands in the shape of mountains such as Ben Cruachan. It is the inter-relationship of these landscape features that makes Argyll's coastal landscapes distinct and a resource of regional importance. The value of this landscape is also statutorily recognised by Argyll & Bute Council and has been designated as an Area of Panoramic Quality (APQ).

The scale of development proposed in this sensitive coastal location is contrary to the recommendations of the LWECS, which states: *"there is no scope to site the larger (80-130 M) and the small – medium (35m – 80m) within this character sub-type due to the significant adverse impacts that would be likely to occur on a wide range of landscape and visual sensitivities"*. A key constraint of the area where Clachan Seil is located is *"the scenic contribution made by Craggy Coast and Islands to the wider seascape context . . . the intricate coastal edge cut by narrow sea lochs and the distinctive coastal geological features a strong sense of remoteness and naturalness"*.

This is supported by the "Landscape Assessment of Argyll and Firth of Clyde" no 78 SNH review series regional LCA. *"This landscape (Craggy Upland) and other parts of the coastline cannot easily accommodate further development. The cliffs, rocky moorland, deeply indented coastline and off shore islands are a stunning combination of landscape features. Such areas have a distinctive identity and wild, natural character which make them extremely sensitive to change."*

At present the "Craggy Coast and Islands" LCT in Argyll is free of wind farms of the scale proposed. If approved, this development would establish a precedent for large-medium scale coastal edge wind farms in an area cited in the LWECS as not having capacity for this type of

development. Avoiding setting such a precedent is important given the known current and likely increasing pressure for a number of large single turbine applications, which will also affect the sensitive coastal edge and could result in significant adverse cumulative landscape impacts.

SPP on Coastal Planning recognises that the coast of Scotland is of national and in some parts international significance, containing many areas of special landscape value. The SPP on Coastal planning states that *“areas subject to significant constraints on new development may include areas where the conservation or enhancement of the natural and historic heritage requires development to be limited in locations of value for recreational users. Areas which are unsuitable for development will include isolated coast, which lacks obvious signs of development and is of very significant environmental, cultural and economic value. The special characteristics of the isolated coast should be protected and there is a presumption against development in these areas”*.

The proposal would impact on and be visible from areas of coast and islands valued for their natural unspoilt and secluded character, and their special qualities of peace, tranquillity and contemplation. This area is known as the “Ancient Kingdom” and “Scotland’s Sea Kingdom” (Visit Scotland) recognised for its important cultural and heritage value, where *“few places have their stories so eloquently inscribed across the landscape as Scotland’s Sea Kingdom”*. In such a sensitive location the presence of large-medium scale turbines such as those proposed will be incongruous and detract from the special qualities, heritage value and experience of the remote coastal landscape.

SNH advise that the proposal would introduce an inappropriately located wind farm onto the sensitive and valued coastal landscapes of the Firth of Lorn, the lochs and islands around West Argyll, and the Atlantic islands coastal edge. The Lorn coastal area around the proposal is striking for its variety, relatively small-scale coastal landforms, and the interplay of coast and sea with a range of islands and skerries. The draft summary sentence from the description of the area from the Landscapes of Scotland project is: *“The coastline is very diverse, with sea lochs, low-lying islands and stunning coastal views”*. The contrast between land and water has long been recognised as an attractive combination. This can occur in various ways, all of which are valued, but in Argyll, occurs as a variety of coastal types and scales, including the Firth and Lynn of Lorn.

Some formal recognition of this importance comes from the high proportion of National Scenic Areas (NSA’s) that occur along Scotland’s west coast. Clachan Seil is located between two stretches of the coast and islands that are designated as NSAs (Lynn of Lorn (about 20km away) and Scarba, Lunga and the Garvellachs (about 15km away). It is also within a local landscape designation – an Area of Panoramic Quality (APQ).

The LVIA within the ES states that it is not possible to avoid the APQ, reducing the scale of the project and locating it within ‘a...landscape which would not have any significant features’ would reduce the overall impact on this designated area. The LVIA considers the APQ designated areas of the Argyll Coast, Seil Island, Luing and Shuna, Kerrera, Mull, Jura and Loch Awe. It concludes that the proposal would not significantly detract from the character of these areas with overall significance of effects ranging from negligible to low. APQs are regional landscape designations originally identified in the Strathclyde Structure Plan. SNH consider that the LVIA under-estimates the likely effects of this proposal on the Seil Island and Argyll Coast APQs.

Although there is no citation for these APQs, the key qualities of the Argyll Coast and Seil Island APQs include the diversity of form of islands, sea and coast which produces highly scenic

seascapes evident in panoramic views from sea and land. This site and its immediate context have a number of significant features, contrary to the statement made within the LVIA these include the distinctive form of Beinn Mhor (acknowledged elsewhere in the LVIA) which forms a landmark feature, the fragmented coastline of great variety which is largely unmodified and the intimately scaled narrow channel of Clachan Sound with its steep wooded sides.

There would be visibility of the turbines across Seil Island, particularly on the eastern coast but also from the Firth of Lorn. Turbines of this size would detract from the diverse scenery and predominantly small scale of the landscape; they would also intrude upon key views within and to these APQs. If this proposal went ahead it would set a precedent for other developments to occur throughout these sensitive coastal landscapes, even within local landscape designations.

The applicant's Landscape Architect has responded to SNH's consultation response and notes that it offers advice to Development Management and that SNH have not objected to the proposal. The Landscape Architects response covers in detail the relevant content of the SNH Argyll and Firth of Clyde Landscape Character Assessment (LCA)(1996) and the new Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) (January 2012) in relation to the site. The response also comments on the status of the LWECS - that it is a technical report produced by Landscape Architects commissioned by Argyll & Bute Council and that it is not part of the Development Plan or any other Adopted planning policy. Other issues covered in the response also include precedent; SNH guidance (2009) Siting and Designing wind farms in the Landscape; the turbines located on Land East of Camas Nan Gall, Toberonochy, Isle of Luing; reference to the LDP; the APQ; and NSA's. The response concludes that overall the Clachan Seil wind farm is a compact, discreet and well-designed development with only minimal and therefore acceptable effects identified on both the nationally protected landscapes and the most sensitive areas of the newly identified Craggy Coast and Islands LCT (A full copy of this response is available on the Council's website).

SNH have considered the applicant's comments on the landscape content of their original response. They note the content; however, confirm that their position and advice remains the same as stated in their original consultation response. The conclusions expressed by SNH in respect of landscape impacts are endorsed by officers. The application site constitutes part of Argyll's prime landscape resource, valued for its inherent character and qualities and also for the role which it plays in the local tourism economy. The introduction of a development of the scale proposed would be disproportionate to the landscape in which it is situated and would impose itself on the vulnerable coastal edge of Argyll to the detriment of landscape character and the scenic qualities and associated tourism value of the area. Approval of the proposal would represent an unwelcome move away from the established location of approved wind farms in upland areas inland, where they do not exert such a degree of influence over the appreciation of the coast and those landscapes which are characterised by the interplay between the land and the sea. This proposal would introduce an inappropriately located wind farm onto the sensitive and valued coastal landscapes of the Firth of Lorn, the lochs and islands around West Argyll, and the Atlantic islands coastal edge. As indicated in the recently approved LWECS, in such sensitive locations the presence of large-medium scale turbines such as those proposed will be incongruous and detract from the special qualities, heritage value and experience of this remote coastal landscape.

Having due regard to the above it is considered that this proposal is inconsistent with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development

in Sensitive Countryside, Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality and LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

D. VISUAL IMPACT

SNH advise that the applicant's Zone of Theoretical Visibility (ZTV) maps indicate fairly widespread visibility across the settled eastern coasts of Seil, within the Firth of Lorn and the Mull coast but with more limited visibility inland to the east. 20 representative viewpoints have been selected for more detailed assessment and the LVIA concludes that there would be significant impacts on the following: Viewpoint 1: B844 Clachan Seil; Viewpoint 5: Whinbank; Viewpoint 14: Puilladobhrain Anchorage; and, Viewpoint 18: Duachy Standing Stones. SNH agree that there would be significant and adverse effects on views from these locations. However, they also consider that the assessment from some of the closer viewpoints to the proposal under-estimates the magnitude of effect. These include: Viewpoint 2: from the Tigh-an-Truish Pub (this view includes the iconic "Atlantic Bridge"); Viewpoint 7: B844 at Meall Ailein and Viewpoint 10: from the Colonsay-Oban ferry.

The complexity and often small scale of the landscape is really appreciated in close views and it is from viewpoints 1 - 5, 7, 10, 14 and 18 where the poor fit of the proposal in terms of its domination of scale and detractive effect can be seen. The detailed assessment from VPs in the Clachan Sound area notes the effect of turbines, but fails to consider the movement of blades which will be obvious at these close distances and will exacerbate the visual intrusion on sensitive skylines above Clachan Sound.

VP 7: B844 at Meall Ailean is important as it is on the approach to Seil and therefore forms an essential part of the initial experience of visiting this intricate and highly scenic section of the Argyll coast. The dominance of the turbines on the small scale knolly landform and their detractive effect on the hill of Beinn Mhor (which forms a focus in views from the road at this point) is evident in the visualisation generated for this VP.

Views from the sea, as represented by VP10: Colonsay to Oban Ferry would be widespread and with close views possible from ferries and recreational watercraft. In these views the proposal would detract from the complex fragmented coastal scenery and particularly the flattopped Beinn Mhor with its pronounced cliff edge which forms a key focal feature in these views. The integrity of these coastal views, where no visible signs of large scale development are evident, would be significantly and adversely affected.

The compact form of the turbine grouping minimises its effect in more distant and panoramic views and SNH are in agreement with the significance of effect accorded to these VPs. It is recognised that: "The landscape is a sensitive coastal area which is designated as an APQ and getting the right scale of development is key to creating a successful scheme". (ES) However, it is in close views that the visual dominance of turbines of this size is appreciated in relation to the size of the landform and to settlement. Moving turbines would have a significant effect seen

on the skyline above the Sound of Clachan and would appear discordant when seen from the Firth of Lorn in a context where no other development of this scale and character is visible.

The views expressed by SNH in respect of visual impacts are endorsed by officers. Officers consider that the impact of the development on key views would be particularly detrimental, given the disproportionate scale of the turbines relative to their landscape setting and the overall sensitivity and scenic value of the receiving environment.

Having due regard to the above, it is considered that the proposal conflicts with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 9: Development Impact on National Scenic Areas; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

E. CUMULATIVE IMPACT

No concerns have been raised by any of the Consultees in respect to the proposal having any adverse cumulative impact. It is therefore concluded that the proposal is acceptable in this regard.

Having due regard to the above it is considered that in terms of cumulative effects the proposal is consistent with the provisions of the SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside Policy; STRAT DC 6: Development in Very Sensitive Countryside; STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

F. ECOLOGICAL IMPACT

SNH consider that there to be information missing from the natural heritage chapters in the ES, which affects the quality of the document. No designated sites within the 20km are identified. The National Vegetation Classification (NVC) data is poor and further information on the status of habitats recorded at the site is missing. More information on the quality of the bog on site would have been desirable, along with peat probing data. Despite this SNH were able to determine the significance of the impacts on natural heritage and have not raised objections on nature conservation grounds. SNH further advise that should Members determine to grant planning permission micro siting of access roads and turbine bases to conserve habitat for marsh fritillary and the continuation of current management/grazing regime for its ongoing maintenance would be suitable mitigation in respect of this species. This would need to be secured by means of S75 Legal Agreement and/or a relevant planning condition. Further consultation with SNH would be advisable in the event that Members are minded to grant planning permission.

SEPA advised in their original consultee response that the phase 1 habitat survey was not adequate, as the EIA has not identified the presence or absence of Ground Water Dependent Terrestrial Ecosystems (GWDTEs) within 100m of all roads track and trenches, or within 250m of foundations and borrow pits as requested in their standard wind farm scoping response. Consequently, SEPA objected on the grounds of lack of information.

Further information was submitted by the agent to try and alleviate SEPA's concerns in this regard. Having considered the additional information on GWDTEs, SEPA have confirmed that they are maintaining their objection on the grounds of inadequate information and assessment of GWDTEs at the development site. A Phase 1 habitat survey should be carried out for the whole site. National Vegetation Classification should be completed for any wetlands identified. Results of these findings should be submitted, including a map with the entire proposed infrastructure overlain on the vegetation maps to clearly show which areas will be impacted and avoided.

Having due regard to the above, it is considered that the proposal is inconsistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 7: Nature Conservation & Development Control of the Argyll & Bute Structure Plan and Policies LP REN 1 – Wind Farms and Wind Turbines, LP ENV 2: Development Impact on Biodiversity and LP ENV 6: Development Impact on Habitats and Species of the Argyll & Bute Local Plan.

G. ORNITHOLOGICAL IMPACT

The RSPB have advised they are concerned about the quality of the ES and find it hard to undertake an assessment of the proposal based on the information submitted. They consider the standard of the ES to be disappointing and note a number of areas where information is missing. RSPB advise that they have little specific information on Annex 1 bird species using this area since it is not one of their reserves or a designated site or identified as an important bird area. This does not mean that birds of conservation concern do not occur within the area and they are aware of sightings of white-tailed eagles within this area focusing along the coastal fringe.

RSPB further advise that much of the general vantage point (VP) observation work relies heavily upon VP's of 6 hours in length which does not follow established guidelines and may mean fatigue reduces sighting frequency. In regards to usage by geese during the winter VP's, most of the VP watches occur when the Loch is frozen meaning that any usage of the site by roosting geese is liable to be curtailed within that period; watches should be carried out within the winter when the loch remains ice free. In relation to migratory geese/swan passage, the survey periods are not frequent enough to capture such movements; timing these with known arrival/departure of birds from the islands, although more onerous may have resulted in better data. In regards to the winter diver survey these species are unlikely to use the loch during winter, but the surveys provide information in regards to general usage by wildfowl.

The VP length and the fact that work was undertaken when the loch was frozen mean that the usefulness of much of the survey work remains debatable. In regard to the assessment of bird impacts the RSPB provides the following advice: from information within the ES and wider records RSPB accept that divers do not breed; it is apparent that wildfowl use the loch in

variable numbers establishing that flight lines used by them would be useful to inform the ES; the site should be checked for roosting geese when the lochs not frozen or other information is used to show this; and activity over the site seems limited to kestrel and buzzard, however, the scheme may have a local impact on kestrel. RSPB are aware that records of white-tailed eagle from this area were becoming increasingly regular in the period prior to scoping and birds are still being reported within the area. Since white tailed eagles continue to use the area and have the potential to become a breeding species within the area RSPB would advise that before this application is assessed that more recent survey work is undertaken to establish current usage

SNH also consider that the ornithological survey work does not follow best practice and does not appear to fully capture all of the data on bird species in the area. There is a lack of detailed flight lines, there are no details on local nesting sites and the survey areas are unclear. Upon receipt of the ES, SNH had residual concerns about the ornithological surveys and the reports it contained as these conflicted with reports and sightings from members of the public, especially in relation to a breeding pair of white tailed eagles. As a result SNH and RSPB made a site visit and determined that there were no breeding pairs of eagles on or within the near vicinity of the site. As such SNH have no concerns regarding ornithological interest for the time being. SNH has received further information on the increasing presence of white tailed eagles in the general vicinity of the site. Bearing this in mind, there is a possibility that, should permission be granted, eagles may start breeding/using the site before works begin in which case the presence of a protected species could have implications for the timing of construction work or the ability to implement the consent.

Taking on board the advice of SNH and the RSPB it is considered that whilst there are shortcomings in the ornithological information supplied by the applicants, the residual concerns are not so significant as to warrant refusal on the grounds of lack of information or on a precautionary basis. In the event of permission being granted there were be a requirement for a pre-commencement bird survey to be carried out to SNH's satisfaction in order that the presence of any bird species of nature conservation importance could be established and appropriate mitigation identified and implemented.

Having due regard to the above it is considered that the proposal is consistent, from the point of view of ornithological interests, with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 7: Nature Conservation & Development Control of the Argyll & Bute Structure Plan and Policies LP ENV 2: Development Impact on Biodiversity, LP ENV 6: Development Impact on Habitats and Species and LP REN 1 – Wind Farms and Wind Turbines of the Argyll & Bute Local Plan.

H. HYDROLOGICAL & HYDROGEOLOGICAL IMPACT

One of SEPA's original grounds for objection was incomplete information relating to the water environment – hydrology and watercourse crossings. Additional information was submitted by the agent in response to SEPA's concerns, who have now confirmed that they are satisfied with the proposal in this regard.

Having due regard to the above, it is considered that in terms of hydrology the proposal is consistent with the provisions of: Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1 – Wind Farms and Wind Turbines of the Argyll & Bute Local Plan.

I. MANAGEMENT OF PEAT/SOIL

The ES states that the site has been identified as being characterised by a layer of peat of varying depth and that a site specific peat assessment is proposed and will be carried out in line with the relevant guidance, and a peat stability report will be submitted separately. SEPA have not raised any concerns regarding the stability of peat deposits. Policy LP REN 1 requires that the issue of stability of peat deposits to be satisfactorily addressed. Consequently, it is recommended peat survey work and the submission of the peat stability report are secured to by planning condition in the event that Members determine to grant planning permission.

Having due regard to the above it is considered that in terms of ground conditions the proposal is consistent with the requirements of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1 – Wind Farms and Wind Turbines of the Argyll and Bute Local Plan.

J. BORROW PITS

The ES states that: *'further ground investigation is required to confirm the feasibility for an onsite borrow pit, which would be the subject to a separate planning application'*. SEPA has noted this and has no comments on this aspect are proposed at this time.

K. HISTORIC ENVIRONMENT IMPACTS

Historic Scotland (HS) advise that there will be a high impact on Duachy Standing Stones, as illustrated by Viewpoint 18: Duachy Standing Stones, which is a wireframe and photomontage showing all 9 turbines visible at a distance of c. 560m north-east from the nearest turbine. They note disappointment that the applicant did not discuss this high impact with them further prior to submission of the application. HS advise that the high impact could be lessened by the removal or relocation of those turbines closest to the monument (i.e. turbines 1, 3 and 6). They have not objected to the proposal as they consider that the removal or relocation of turbines 1, 3, and 6 would offer an appropriate level of mitigation. HS have also given consideration to other scheduled monuments including: Losgann Larnach, Fort; Loch Seil, Crannog; Clachan Bridge; Clachan Bridge, cairn; Ardfad Castle; Dun Bhlaran; and Gylen Castle and associated settlement and they are content that the impacts on these features are unlikely to be significant.

The West of Scotland Archaeology Service (WoSAS) advise that the proposal would have a significant adverse impact on the setting of the scheduled monument, Duachy Standing Stones (around 500m from nearest turbine) and it would result in highly visible modern intrusions into the settings of several others, including: the cairn at Clachan Bridge, Ardfad Castle, and the Crannog in Loch Seil. They further advise that turbines will also be visible from the chapel and burial ground at Kilbrandon House, the Campbell of Lerags' Cross, Ardencaple House and Ballycastle Dun, though they would not represent such dominant features in the landscape from these sites. WoSAS advise that due to the adverse impact the proposal will have on the Scheduled Ancient Monument, Duachy Standing Stones that the planning application should be refused, in line with both National and Local Planning Policies. Their response relates solely to the indirect effects of the proposal on the settings of scheduled monuments, and does not address the potential direct impacts on unscheduled material identified within the boundaries of the application area that would result from construction of the proposal. Should Members be minded to grant planning permission, WoSAS would require to be consulted to enable them to recommend appropriate archaeological conditions.

The agent submitted a letter in response to the advice of Historic Scotland and the West of Scotland Archaeology Service which takes issue with the following subjects: Policy Context – SHEP, Argyll & Bute Local Plan, SPP; Duachy Standing Stones (confirm that they have an agreement 'in principle' with HS to re-erect the central standing stone); reduction in number of turbines (interpretation of the letter suggests that this is not something being considered by the applicant as a form of mitigation); Crannog at Loch Seil; Ardfad Castle and cairn by Clachan Bridge. The letter concludes that Historic Scotland's response fully recognises the impacts of the proposal and, while recognising that there will be change, sets these against the full range of policy tests and deems the proposal acceptable and they therefore do not object. West of Scotland Archaeology Service takes a far more conservative approach, seemingly requiring no change, which is not the intent of policy. Sterilising the historic environment from all change is not in the long term interests of the historic environment itself as recognised by SHEP. Change which, at worst, has no direct impacts and no significant indirect impacts on the integrity of the setting of the monuments should be supported. The further mitigation offered, in restoring and protecting the Duachy stones, is a material consideration in favour of the proposal (This is a summary - the full copy of this letter is available on the Council's website).

WoSAS have responded to the letter from the agent to their original comments. Given that it is acknowledged by the agent, Historic Scotland and WoSAS that the level of impact on the setting of the standing stones at Duachy is likely to be high, WoSAS would reiterate their previous recommendation that the application as currently proposed should be refused, in line with the various policies referred to in their previous consultee response. While WoSAS are cognisant of the general tone of SHEP, that change to the historic environment should be accommodated and managed; this does not mean that any change should be accepted in every circumstance, particularly where this change conflicts strongly with other policies. WoSAS, continue to request that should Members determine to grant planning permission that they are consulted further to enable them to provide suitable archaeological conditions.

Historic Scotland have provided further advice following the submission of the agent's reply to their previous consultation response. For the avoidance of doubt, they wish it to be noted that their previous comments on the potential impact of the proposal on the setting of Duachy standing stones remain unaffected by the agent's letter. Their position remains that whilst they have not objected to the planning application, without mitigation the impact of the proposal on the setting of Duachy standing stones remains significant. Their advice remains that the impact could be mitigated by the removal or relocation of those turbines closest to the monument (i.e. turbines 1, 3 and 6). Historic Scotland do not consider improvements to the monument's condition to be appropriate mitigation as such measures would be compensatory in nature. Whilst they would welcome any improvements to the condition of the monument, as suggested by the developer, they wish to have additional time to consider the full implications of and have advised that they will provide a final response by the 13th September 2012.

Having considered the responses from Historic Scotland, WoSAS and letter from the agent it is considered that the proposal will have a significant adverse impact on the setting of the important Scheduled Ancient Monument, Duachy Standing Stones. In addition, to the advice of Historic Scotland and WoSAS, it is considered by Development & Infrastructure that the proposal will have an adverse impact on the setting of the category A listed Clachan Bridge. It is considered that the visibility of the project from the bridge as well as its inclusion as a backdrop in the context of the wider setting of the bridge would be unacceptable. Furthermore,

it is also considered that the proposal will have an adverse impact on the setting of the category B listed Ardencaple House. All 9 turbines will be theoretically visible. The ES states that main views from the house are in a south-eastern direction and mature woodland screens the house in the direction of the project. Although there is intervening vegetation this should not be regarded as providing a 'permanent screen'. It is considered that the proposal would represent a highly visible modern intrusion, thus significantly altering the setting of the Ardencaple House and the impact is therefore considered unacceptable.

Having due regard to the above, it is considered that the proposal is inconsistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 9: Historic Environment & Development Control of the Argyll & Bute Structure Plan and LP ENV 13a: Development Impact on Listed Buildings LP ENV 14; LP ENV 16: Development Impact on Scheduled Ancient Monuments; LP ENV 17: Development Impact on Sites of Archaeological Importance of the Argyll & Bute Local Plan.

L. TOURISM IMPACT

The value of this landscape is statutorily recognised and has been designated as an Area of Panoramic Quality. The proposal will impact on and be visible from areas of coast and islands valued for their natural unspoilt and secluded character, and their special qualities of peace, tranquillity and contemplation. This area is known as the "Ancient Kingdom" and "Scotland's Sea Kingdom" (Visit Scotland) recognised for its important cultural and heritage value, "*few places have their stories so eloquently inscribed across the landscape as Scotland's Sea Kingdom*". It is also located between two stretches of the coast and islands that are designated as NSAs (Lynn of Lorn (about 20km away) and Scarba, Lunga and The Garvellachs (about 15km away).

Examples of historic environment assets which will be adversely affected by the proposal include: Duachy Standing Stones; the Bridge over the Atlantic; Cairn at Clachan Bridge; and the crannog on Loch Seil. Examples of the types of tourist attractions/businesses within the area include: the Tigh an Truish Pub; An Cala Garden (open under Scotland's Gardens); Phuilladobhrain Anchorage; B&B's; holiday cottages; Highland Arts in Ellenabeich; Sea-life whale watching trips; and the historic slate islands to name but a few. Furthermore, the route from the turn off on the A816 to Easedale is a key tourist route, travelling over the Bridge over the Atlantic, through Clachan and onwards towards Easedale and the Slate Islands. Tourists also specifically visit the area to appreciate landscape, seascape, and panoramic views which are particularly sensitive receptors as a consequence.

The proposal is frequently in close proximity and clearly visible to sensitive receptors. The image of the wind farm will vary from full turbines visible along the length of the coastline, reducing to rotors and blades moving on the ridge; varying between backclothed and skylined. This will adversely impact on the views and recreational experience of the landscape and settings of important historical features. In light of this proposal's potential adverse impacts, it must be concluded that its presence would be likely to have an adverse impact on tourism within Argyll & Bute.

Scottish Government published research entitled 'The Economic Impact of Wind Farms on Scottish Tourism' in May 2008. This report concludes that: "*The evidence is overwhelming that wind farms reduce the value of the scenery (although not as significantly as pylons). The*

evidence from the Internet Survey suggests that a few very large farms concentrated in an area might have less impact on the Tourist Industry than a large number of small farms scattered throughout Scotland. However the evidence, not only in this research but also in research by Moran commissioned by the Scottish Government, is that Landscape has a measurable value that is reduced by the introduction of a wind farm”.

It should be noted that in recent Scottish Ministers appeal decisions, in both cases, the Reporters accorded weight to the extent of the importance of tourism on the local economy in Argyll & Bute (14 turbines Corlarach Hill, east of Glen Fyne, Bullwood Road, Dunoon, PPA-130-209 dismissed 27th May 2009 and 16 turbines Black Craig to Blar Buidhe, Glenfyne, Cowal, PPA-130-214 dismissed 22nd September 2009).

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP and Policies STRAT SI 1: Sustainable Development; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

M. NOISE & AIR QUALITY

Technically, there are two quite distinct types of noise sources within a wind turbine – the mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air. Concern has been raised by objectors regarding the issue of noise and also its impact on health.

The Report, *“The Assessment and Rating of Noise from Wind Farms”* (Final Report, Sept 1996, DTI), (ETSU-R-97) describes a framework for the measurement of wind farm noise, which should be followed to assess and rate noise from wind energy developments, until such time as an update is available. This gives indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable burdens on wind farm developers, and suggests appropriate noise conditions.

A further report produced by Hayes McKenzie for DECC entitled *“An Analysis of How Noise Impacts are Considered in the Determination of Wind Farm Planning Applications”* suggested that best practice guidance is required to confirm and, where necessary, clarify and add to the way ETSU-R-97 should be implemented in practice. This report also concludes that there is no evidence of health affects arising from infrasound or low frequency noise generated by turbines.

The most conclusive summary of the implications of low frequency wind farm noise for planning policy following on from the Hayes McKenzie report is given by the UK Government’s statement regarding the finding of the Salford University Report into Aerodynamic Modulation of Wind Turbine Noise (September 2011). This study concluded that although Aerodynamic Modulation cannot be fully predicted, the incidence of Aerodynamic Modulation resulting from wind farms in the UK is low. Out of the 133 wind farms in operation at the time of the study, there were four cases where Aerodynamic Modulation appeared to be a factor. Complaints have subsided for three out of these four sites, in one case as a result of remedial treatment in the form of a wind turbine control system. In the remaining case, which is a recent installation, investigations are ongoing.

Public Protection note that a background noise survey has been undertaken at a number of properties around the proposed development area. The selection of these monitoring locations were agreed following discussions with Public Protection who have confirmed that the survey methodology and noise predictions are based upon national guidance and good practice. This said, should Members determine to grant planning permission Public Protection recommend conditions to control the emission of noise from the development. Scottish Government in relation to their responsibility for noise and air quality has made no comment.

Having due regard to the above, it is considered that in terms of noise and air quality the proposal is consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP REN 1: Wind Farms & Wind Turbines and LP BAD 1: Bad Neighbour Development of the Argyll & Bute Local Plan.

N. SHADOW FLICKER & ICE THROW (EQUIPMENT SAFETY)

Government guidance advises that if separation is provided between turbines and nearby dwellings (as general rule 10 rotor diameters), "shadow flicker" should not be a problem. The ES confirms that the separation between the wind farm and the nearest residential property is greater than 10 x rotor diameter (10 x 44m = 440 metres). Under accepted good practice and guidance, this will ensure that shadow flicker will not present a problem and Public Protection has no objection in this regard.

Concerns have been raised by objectors regarding the potential for ice throw. This is not a matter which falls under the auspices of Planning or Public Protection. This said, companies supplying products and services to the wind energy industry are required to operate to a series of international, European and British Standards.

Having due regard to the above it is considered that in terms of shadow flicker the proposal is consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP REN 1: Wind Farms & Wind Turbines and LP BAD 1: Bad Neighbour Development of the Argyll & Bute Local Plan.

O. TELEVISION RECEPTION

Television reception can be affected by the presence of turbines. Ofcom were consulted in this regard and have no objection to the proposal. In the event that reception is impaired then it is the developer's responsibility to rectify the problem. This would need to be secured by the Section 75 Legal Agreement should Members determine to grant planning permission.

Having due regard to the above it is considered that in terms of TV reception the proposal is acceptable in terms of any potential impact on television reception and is therefore consistent with the Provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan.

P. AVIATION MATTERS

The Ministry of Defence (MoD), Civil Aviation Authority, NATS En Route Plc (“NERL”); and Oban Airport were consulted in relation to any potential impacts on aviation. The MoD has no objection to the proposal, providing that in the event of Members determining to grant planning permission a condition is attached to ensure that the turbines are fitted with aviation lighting. Concern has been raised about the potential adverse visual impact this type of lighting could have on what is characteristically a ‘dark’ area, it may therefore be advisable to secure the use of infra-red lighting (if feasible) which would not be visible to the naked eye. NATS (NERL Safeguarding), the Civil Aviation Authority, and Oban Airport Manager have also confirmed that they have no objection to the proposal.

Having due regard to the above it is considered that in terms of aviation interests the proposal is consistent with the provisions of Policy STRAT RE 1: Policy STRAT RE 1: Wind Farm/Wind Turbine Development Argyll & Bute Structure Plan and Policies LP REN 1: Commercial Wind Farm and Wind Turbine Development and Policy LP TRAN 7: Safeguarding of Airports of the Argyll & Bute Local Plan.

Q. ELECTRO-MAGNETIC INTERFERENCE TO COMMUNICATION SYSTEMS

Ofcom, Orange, BT, Arqiva/National Grid Wireless, the Joint Radio Company (JRC) , T-Mobile, Scottish Water and CSS Spectrum have been consulted to determine whether their systems would be affected by electro-magnetic radiation from the turbines. Ofcom, Orange, BT, Arqiva/National Grid Wireless, T-Mobile, Scottish Water and the JRC have all confirmed that they have no objection to the proposal. At time of writing no response has been received from CSS Spectrum Management despite repeat consultation, it must therefore be concluded that they have no concerns.

Having due regard to the above it is considered that in terms of communications systems the proposal is consistent with the provisions of Policy STRAT RE 1: Policy STRAT RE 1: Wind Farm/Wind Turbine Development Argyll & Bute Structure Plan and Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

R. ROAD TRAFFIC IMPACT

The ES states that: the turbine components would be landed at a nearby port which would be confirmed by the turbine manufacturer nearer delivery time. It is envisaged that the Turbine Delivery Vehicles (TDVs) would arrive from the south using the A816 up to Kilninver. As far as transport related site works are concerned the proposal would be accessed from the B844 just beyond Loch Seil (heading towards Clachan), which would require upgrading existing tracks and construction of some new sections of track to facilitate access to the turbines, an area of hardstanding and a parking area.

Transport Scotland has no objection to the proposal (which is remote from the trunk road network). Unless some form of mitigation can be put in place, the Area Roads Manager

recommends refusal due to potential adverse impact on Kilninver Bridge, and the road at Barnacarry. It has also been highlighted that an alternative route via Clachan Bridge would not be acceptable.

Kilninver Bridge has a long history of vehicular damage, due to a combination of poor road alignment and its narrowness. The spandrel walls and parapets are generally in poor condition and, in particular, the North West spandrel is giving cause for concern, to the extent that the bridge is being monitored. It is considered that the weight of the crane and TDVs is likely to overload the structure and notwithstanding the loading issue, the Area Roads engineer has been unable to identify a viable vehicle swept path for the crane and the TDVs. If Kilninver Bridge was to suffer significant damage, it is likely to result in closure of the road and isolation of the whole Clachan, Seil and Luing area.

The area of road at Barnacarry has suffered from slip failures. The embankment has been extended to alleviate the situation but the road remains vulnerable and the adjacent masonry retaining wall is showing signs of distress. Therefore, any increase in the amount of traffic or loading intensity is inadvisable.

Although the proposal currently doesn't involve access from the south, this bridge would also be of concern to the Area Roads Manager. It is an historic, listed structure and although not as narrow as Kilninver Bridge, it has a severe "humpback". Therefore, as well as the problem of a long vehicle grounding, redistribution of loading resulting from axle lift-off would have to be carefully considered.

Another area of concern identified by objectors is the proximity of the turbines to the public road, safety implication and the potential for driver distraction. Although turbines erected in accordance with best engineering practice should be stable structures, Scottish Government's Specific Advice Sheet on Onshore Wind Farms states that it is advisable to achieve a set back from roads of at least the height of the turbine proposed to assure safety. It should be noted that all turbines will be set back more than 77m (turbine height) from the public road.

Having due regard to the above it is considered that the proposal is contrary to the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 5: Off-Site Highway Improvements of the Argyll & Bute Local Plan.

S. INFRASTRUCTURE

Private drainage arrangements are proposed for the disposal of foul waste, which shall include the use of chemical or composting toilets. Sustainable drainage arrangements are proposed for the disposal of surface water. Should Members determine to grant planning permission a condition to secure a sustainable drainage strategy for the roads, turbine hardstanding areas, and the construction yard to ensure adequate protection of the water environment from surface water run-off is recommended by SEPA. If this condition were not attached, this would be further grounds for SEPA to object.

SEPA pointed out an error in the ES in regard to water supplies to properties within 1km of the proposal. The National Grid Reference (NGR) co-ordinates did not correspond with the location

of the properties on OS maps. Further information has been submitted by the agent in this regard, which has been confirmed by SEPA to be acceptable.

Public Protection has not raised any concerns in regard to the impact of the proposal on private water supplies. The agent has advised that there is no requirement for a water supply connection at the site, and that any water required would be transported to the site via a tank. Scottish Water has no objection to this proposal as none of their assets will be affected.

Having due regard to the above it is concluded that in terms of drainage and water supply the proposal is consistent with the provisions of Policies LP SERV 1: Private Sewage Treatment Plants and Wastewater (i.e. Drainage) Systems, LP SERV 2: Incorporation of Natural Features/Sustainable Drainage Systems and LP SERV 4: Water Supply of the Argyll & Bute Local Plan.

T. WIND REGIME

The ES states that the NOABL (Numerical Objective Analysis of Boundary Layer) online wind speed database was consulted, desk based wind flow modeling for the site was undertaken, and based on the agent's general experience of wind regime on the west coast of Scotland, they are confident that the wind resource at this site is suitable for wind energy generation. Furthermore, in order to more accurately gauge the wind speed and direction, permission was sought for the erection of a 50m anemometer mast, and monitoring was to be undertaken for a period of at least 12 months. No data from the anemometer mast is included in the ES.

Having due regard to the above it is considered that the proposal is consistent with the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

U. GRID NETWORK & CABLES

Connection to the National Grid is not a matter of land use policy, however, it should be considered 'in the round' as part of the planning application process. A grid connection agreement to accommodate the generation output of this proposal has been made. The distribution connection works will involve an upgrade of a section of the 33kV line between the Tullich and Kilninver substation and the construction of an overhead line carried on wooden poles from Kilninver substation to a 'H' pole terminal close to the site. Underground cable will be laid between the 'H' pole and the wind farm substation. The turbines will be interconnected to the substation by underground cables.

Having due regard to the above it is considered that the proposal is consistent with the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

V. COMMUNITY BENEFIT

Recently the applicant has advised that action has been taken to make the proposal a 'fully fledged community energy project'. Community Benefit is not considered to be a 'material planning consideration' in the determination of this proposal. In the event that permission were

to be granted, the negotiation of any community benefit, either directly with the local community or under the auspices of the Council, would take place outside the application process.

W. DECOMMISSIONING

Should Members determine to grant planning permission for this proposal a requirement for decommissioning and site restoration should be included in the planning condition(s) and/or legal agreement, which will be triggered by either the expiry of the permission or if the project ceases to operate for a specific period. This will ensure that at the end of the proposal's operational life: the turbines would be decommissioned and principal elements removed; the site would be restored to its former use leaving little if any visible trace of the turbines; the foundations, new tracks and hardstandings would be covered over with topsoil and reseeded; the cables would be de-energised and left in place, and any cables marker signs removed; and, the electrical substation building would be demolished to ground level with the foundation covered with topsoil and reseeded.

Having due regard to the above, as decommissioning could be controlled by condition/Section 75 Legal Agreement it is considered that the proposal is acceptable in that regard in terms of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan, SPP and the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

X. ADDITIONAL INFORMATION

Officers have given consideration as to whether or not the additional information (detailed above) submitted to address the concerns of SEPA constitutes 'Additional Information' in terms of Part 6 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. It has been concluded that the information submitted only constituted further 'technical' clarification and that additional notification, publication and consultation in line with Regulations 17 to 19, 21 and 22 did not apply.

Y. SCOTTISH GOVERNMENT POLICY & ADVICE

The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth (SPP). The current target is for 100% of Scotland's electricity and 11% of heat demand to be generated from renewable sourced by 2020 (2020 Routemap for Renewable Energy in Scotland).

SPP advises that wind farms should only be supported in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Furthermore, that the criteria for determining wind farm proposals varies depending on the scale of proposal and its relationship to the characteristics of the surrounding area, but usually includes: landscape and visual impact, effects on the natural heritage and historic environment, contribution of the development to renewable energy generation targets, effect on the local and national economy and tourism and recreation interests, benefits and disbenefits for

communities, aviation and telecommunications, noise and shadow flicker, and cumulative impact. Finally, that the design and location of any wind farm should reflect the scale and character of the landscape and the location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised. This proposal will have an adverse impact in regard to: landscape and visual, historic environment, natural heritage, road infrastructure and tourism and recreation.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP and the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

Z. SCOTTISH GOVERNMENT RENEWABLE ENERGY TARGETS & ARGYLL & BUTE'S CONTRIBUTION

In assessing the acceptability of wind farm proposals, it is necessary to have regard to the macro-environmental aspects of renewable energy (reduction in reliance on fossil fuels and contribution to reduction in global warming) as well as to the micro-environmental consequences of the proposal (in terms of its impact on its receiving environment).

Nationally there are now approximately 80 operational wind farms with turbines up to 140/150m high. Onshore wind energy generation capacity on November 29, 2011 was 2784.67MW (Scottish Renewables website) and is expected to continue to grow. Planning Authorities are more frequently having to consider turbines within lower-lying more populated areas, where design elements and cumulative impacts need to be managed (Scottish Government's Specific Advice Sheet on Onshore Wind Farms).

Based on the Council's most up to date wind farm proposal map and associated information there are a total of 9 operational wind farms (more than 2 turbines) in Argyll & Bute, namely: An Suidhe (19.3MW); An Suidhe 2 (30MW); Bein Ghlas (8.4MW); Deucheren Hill (4.8MW); Beinn an Tuirc (30MW); Tangy Extension (5.9MW); Tangy (12.75MW); Cruach Mhor (29.75MW); and Clachan Flats (15.03MW). Their total capacity amounts to approximately 156 MW or 0.156 GW. These figures do not include wind farms with permission which have not been constructed yet.

Whilst the 8.1MW maximum capacity of the proposal could add to Argyll & Bute's contribution to Scotland's renewable energy commitments, it is not considered that the macro-environmental benefits of the proposal in terms of renewable generating capacity are such as to warrant the setting aside of the other development plan policy considerations identified above which have prompted the recommendation for refusal.

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Gould	1 Ardpatrik Place□Lochgilphead□Argyll And Bute□PA31 8T	19/07/2012	S
John Ord	10 Fladda□Isle Of Luing	15/03/2012	S
Donald MacKinnon	11C Tueaddale Street□Oban □Argyll□PA34 5DD	19/07/2012	S
John Baxter	13A Hill Street□Oban□PA34 5DE	15/03/2012	S
A Neill	16 Albert Place□Sandbank□Dunoon□Argyll And Bute□PA29 5D	19/07/2012	S
Nikki Rees	16 Sydney Drive□East Kilbride□G75 8DH	15/05/2012	S
Shannon MacDonald	19 Camus Road□Dunbeg□Oban□Argyll And Bute□PA37 1C	19/07/2012	S
Ms Moira Henderson	1B Church Terrace□Tarbert□Argyll□PA29 6UR	15/05/2012	S
Gordon Wilson	21 The Glebe□Kilmelford□PA34 4XF	15/03/2012	S
Julie Beliasco	22 The Glebe□Kilmelford□Oban□Argyll And Bute□PA34 4XI	20/07/2012	S
Mr Brian Khan	22 The Glebe□Kilmelford□Oban□Argyll And Bute□PA34 4XI	19/07/2012	S
Mr Alistair Stuart	25 Croft Park□Tarbert□Argyll□PA29 6SY	15/05/2012	S
Ian McNee	25 Stewart Street□Kirkcubbin□Dunoon□Argyll And Bute□PA23 8D	19/07/2012	S
I Haddow	29 Berl Avenue□Houston□PA6 7JJ	27/06/2012	S
Christopher Dugdale	3 Cnoc Mhor□Balvicar□Isle Of Seil□Argyll□PA34 4TG	15/03/2012	S
Niall Morrison	3 Ferry Cottage□Seil □By Oban□PA34 4RB	19/07/2012	S
Iain Morrison	3 Ferry Cottage□Seil□By Oban□PA34 4RB	19/07/2012	S
Kirsteen Morrison	3 Ferry Cottage□Seil□By Oban□PA34 4RB	19/07/2012	S
Darran Mellish	3 Ferry House□Cuan Ferry□Isle Of Seil□Oban□Argyll And Bute□PA34 4XJ	19/07/2012	S
Ms Elizabeth McCrank	3 Kingsway□Tarbert□Argyll□PA29 6UP	15/05/2012	S
M Farrell	36 The Glebe□Kilmelford□PA34 4XF	15/03/2012	S
Jean Jaffray	38 The Glebe□Kilmelford□Oban□Argyll And Bute□PA34 4XI	15/03/2012	S
M Garnett	4 Fladda□Isle Of Luing□PA34 4UA	15/03/2012	S
D Henderson	4 Market Place□Tarbert□Argyll□PA29 6AB	15/05/2012	S
Ms Margaret Henderson	4 Market Place□Tarbert□Argyll□PA29 6AB	15/05/2012	S
Laura Lamont	41 The Glebe□Kilmelford□By Oban□PA34 4XF	15/03/2012	S
Kay Campbell	42 The Glebe□Kilmelford□PA34 4XF	15/03/2012	S
Alison MacIntyre	44 Thrums Avenue□Bishopbriggs□Glasgow□G64 1ER	20/03/2012	S
James Gisbey	46 The Glebe□Kilmelford□Oban□Argyll And Bute□PA34 4XI	20/07/2012	S
Neil Khan	4H Scalpay Terrace□Soroba□Oban□Argyll And Bute□PA34 4XK	20/07/2012	S
Elaine Rodger	5 Cnoc Beag□Balvicar□Seil□PA34 4TH	16/03/2012	S
Marion MacLennan	5 Cuilfail Cottages□Kilmelford□PA34 4XB	15/03/2012	S
Mr Duncan MacMillan	6 Cuilfail Cottages□Kilmelford□Oban□Argyll And Bute□PA34 4XB	01/08/2012	S
Duncan MacMillan	6 Cuilfail Cottages□Kilmelford□PA34 4XB	15/03/2012	S
Wendy MacGillivray	6 Cuilfail Cottages□Kilmelford□PA34 4XB	15/03/2012	S
Mr David Simcox	60 Ellenabeich □Isle Of Seil□Nr Oban□PA34 4RX	20/07/2012	S
Helen Simcox	60 Ellenabeich□Isle Of Seil□By Oban□Argyll And Bute□PA34 4RX	20/07/2012	S
Nigel Carmichael	7 Cuilfail Cottages□Kilmelford□PA34 4XB	15/03/2012	S
William Smyth	71 Swiscot Avenue□Hamilton□ML3 8EG	19/07/2012	S
Charles Haycock	73 Highbank Park□Lochgilphead□PA31 8NN	27/06/2012	S
Colin Clark	8 Cuilfail Cottages□Kilmelford□PA34 4XB	15/03/2012	S
Jason Foundy	9A Millar Road□Oban□Argyll	19/07/2012	S
G&C McColl	ACHA Farm House□Cuary Road□Balvicar□Seil	19/07/2012	S
Ailsa MacLachlan	Acha Feur□Cullipool□Argyll□PA34 4UB	19/07/2012	S
Amanda Carmichael	Allt Na Cnoch□Kilmelford□Oban□PA34 4XD	15/03/2012	S
Hodgson	Anstruthlag□Crinan Harbour□Lochgilphead□Argyll□PA31 8SE	19/07/2012	S
Katie Donald	Argyll Cottage□Tarbert Road□Ardishaig□PA30 8EP	27/06/2012	S
Mr Cameron Mellish	Baliver Cottage□Kilberry Road □Tarbert□Argyll□PA29 GXX□	20/07/2012	S

Occupier	Baliver□Tarbert□Argyll□PA29 6XX	19/07/2012	S
Occupier	Baliver□Tarbert□Argyll□PA29 6XX	19/07/2012	S
Mr Tim McIntyre	Birch Cottage□Barcaldine□By Oban□PA37 1SG	20/03/2012	S
Mrs J Gannon	Blackmill Bay□Luining□Argyll□PA34 4TZ	12/03/2012	S
David Ritchie	Blaven□Cullipool□Isle Of Luining□Oban□Argyll And Bute□PA	26/07/2012	S
Mhairi Ritchie	Blaven□Cullipool□Isle Of Luining□Oban□Argyll And Bute□PA	24/07/2012	S
Commercial Manager Donald	Breedon Aggregates□Dunbeg□By Oban□PA34 1PX	20/07/2012	S
Mr Noel Kerrigan	C/o 4 Market Place□Tarbert□Argyll□PA29 6AB	15/05/2012	S
David Simcox	Carmelite Convent□Rockfield Road□Oban□PA34 4PP	20/07/2012	S
Joanne Campbell	Clachan Farm□Kilninver□By Oban□Argyll□PA34 4QX	27/04/2012	S
Robert Campbell	Clachan Farm□Kilninver□By Oban□Argyll□PA34 4QX	27/04/2012	S
Mr S Fletcher And Mrs Y O'She	Cuilfail Hotel□Kilmelford□Oban□Argyll And Bute□PA34 4XA	27/02/2012	S
John Orr	Daltruin□Toward□Dunoon□PA23 8UA	19/07/2012	S
Mr Willie Dawson	Dalvullin□Connel□Oban□PA37 1PA	30/03/2012	S
Professor Ian Reid	Firgrove□Ardconnel Rd□Oban□PA34 5DW	23/02/2012	S
Mr Peter McClure	Flat 2□Loch Fyne Gallery□Harbour Street□Tarbert□PA29 6U	15/05/2012	S
Janet Butowski	Gamekeepers Cottage□Ormsary□Lochgilphead□Argyll□PA3	27/06/2012	S
Mr Pascal Theze	Glenrosa□Campbeltown Road□Tarbert□Argyll□PA29 6SX	15/05/2012	S
Peter Gilbert	Heather Cottage□Taynuilt□Argyll And Bute□PA35 1HP□	19/07/2012	S
Jane R.C. MacLachlan	Jubilee Cottage□Cullipool□Isle Of Luining□Oban□Argyll And B	19/07/2012	S
Fiona Cruickshanks	Kiloran Cottage□Cullipool□Isle Of Luining□Oban□Argyll And B	26/07/2012	S
Megan Cruickshanks	Kiloran Cottage□Cullipool□Isle Of Luining□Oban□Argyll And B	24/07/2012	S
Rachel Cruickshanks	Kiloran Cottage□Cullipool□Isle Of Luining□Oban□Argyll And B	26/07/2012	S
Alasdair McCuary	Larehreild□Strathlachlan□Argyll	19/07/2012	S
Tess Donald	Lochview□Ormsary□Lochgilphead□Argyll And Bute□PA31 8	19/07/2012	S
Kirsty Young	Lochview□Ormsary□Lochgilphead□PA31 8PE	27/06/2012	S
Matt Donald	Lochview□Ormsary□Lochgilphead□PA31 8PE	27/06/2012	S
Mrs Susan McFadyen	McFadyens Transport Ltd□Glebe Street□Campbeltown□PA2	23/07/2012	S
Energy North	Morrish House□20 Davidson Drive□Invergordon	19/07/2012	S
George And Irene Fleming	Oban Seil Croft□Clachan Seil□Isle Of Seil□Argyll And Bute□	01/03/2012	S
Mr A Gannon	Rowantree Cottage□Blackmill Bay□Isle Of Luining□Oban□Arg	12/03/2012	S
Colin Campbell	School House□Kilmelford□PA34 4XA	15/03/2012	S
J P Stannard	Seall Na Mara□Arduaine□Oban□Argyll□PA34 4XQ	22/03/2012	S
Anne Moore	Sealladh Mor□Kilmichael Glassary□Lochgilphead□Argyll An	19/07/2012	S
Mr John Stannard	Seall-Na-Mara□Arduaine□Oban□PA344XQ	20/02/2012	S
Mr Donald MacDonald	Site 13A Kilmory Industrial Estate□Lochgilphead□Argyll□PA	19/05/2012	S
Karl Harder	Suite U504□Threshold House□65 Shepherds Bush Green□L	25/07/2012	S
Alistair MacMillan	The Steadings□Kilmelford	15/03/2012	S
Sir/Madam	Timblu□Oban□PA34 5EA	19/07/2012	S
Fiona Wyllie	Traighuaine Ard□Arduaine□Oban□Argyll And Bute□PA34 4	08/06/2012	S

Ms Jacqueline Cosgrove	Victoria Hotel□Barmore Road□Tarbert□Argyll□PA29 6TW	15/05/2012	S
Piet Hammick	Voert-Sek□Kilmelford	15/03/2012	S
George McNaughton and Son (Site 20 Kilmory Industrial Estate Lochgilphead Argyll PA31 8I	05/09/2012	S

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Frances Bauermeister	13 Pentland Avenue □ Edinburgh □ EH13 0HZ	19/03/2012	R
Katie Olson	15 Beechgrove Place □ Aberdeen □ AB15 5HF	24/02/2012	R
Ian Cruickshanks	Kiloran Cottage □ Cullipool □ Isle Of Luing □ Oban □ Argyll And E	24/07/2012	R
Mr Julian Bell	SAC Rural Business Unit □ Bush Estate □ Penicuik □ EH26 0PT	20/07/2012	R

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E Hoggett	1 Acomb Court□Grangetown□Sunderland□England□SR2 9S	26/03/2012	O
Mr John Hoggett	1 Acomb Court□Grangetown□Sunderland□England□SR2 9S	26/03/2012	O
Sandra MacMillan	1 Argyll Cottage□PH49 4JF	27/03/2012	O
D Nathan	1 Caoles□Ellenabeich□Easdale□By Oban□PA34 4RQ	23/02/2012	O
Mr Jim Muir	1 Corran Gardens□Oban□PA34 4JU	26/03/2012	O
Linda Leggett	1 Fladda□Cullipool□Isle Of Luing□Oban□Argyll And Bute□F	22/02/2012	O
Martin Leggett	1 Fladda□Cullipool□Isle Of Luing□Oban□Argyll And Bute□F	22/02/2012	O
Heather M Potten And Jonathan	1 Joppa Terrace□Edinburgh□EH15 2HY	12/04/2012	O
Mr Richard Wesley	1 Kilbrandon Cottages□Balvicar□Isle Of Seil□Oban□Argyll A	11/04/2012	O
Mrs Brenda Wesley	1 Kilbrandon Cottages□Balvicar□Oban□Argyll□PA34 4RA	05/03/2012	O
Mr Richard J Wesley	1 Kilbrandon Cottages□Balvicar□Oban□PA34 4RA	23/02/2012	O
Dominic Addison	1 Machell Road□London□SE15 3XQ	24/02/2012	O
AD Murison	1 Neilson Close□Chandlers Ford□SO53 14P	28/03/2012	O
Dr Fergus Duncanson	1 Robinsfield□Bardowie□Milngavie□G62 6ER	31/05/2012	O
Ms Colina MacInnes	1 Rowantree Cottages□Clachan Seil□By Oban□PA34 4TP	23/02/2012	O
Mrs M Green	1 Sheath Lane□Clarborough□Retford□Notts□DN22 9JU	24/02/2012	O
Emma Addison	1/1 St Bernards Crescent□Edinburgh□EH4 1NR	21/03/2012	O
Patrick Addison	1/1 St Bernards Crescent□Edinburgh□EH4 1NR	01/03/2012	O
Mr Gordon Dundas	1/2□68 Randolph road□Glasgow□G117JL	25/02/2012	O
S Gillie	10 Darley Close□Widves□Cheshire□WA8 4EB	24/02/2012	O
Molly Gresswell	10 Ellenabeich□Easdale□Isle Of Seil□PA34 4RQ	19/03/2012	O
A Gresswell	10 Ellenabeich□Isle Of Seil□PA34 4RQ	19/03/2012	O
Sian Harris	10 Fiver View□Dalgety Bay□KY11 9YE	27/03/2012	O
Mr Peter Jones	10 Kerrisk Drive□Dunfermline□KY11 8RG	05/03/2012	O
Margaret Jones	10 Kerrisk Drive□Dunfermline□Fife□KY11 8RG	20/03/2012	O
Meurig Jones B Sc Dip Sc G	10 Kerrisk Drive□Dunfermline□Fife□KY11 8RG	22/02/2012	O
E McKillop	10 Killearn House□Killearn□Glasgow□G63 9QH	28/03/2012	O
Mr Hugh Griffiths	10 Moylan Road□London□W6 8QB	10/02/2012	O
David MacLennan	10 Park Terrace□Glasgow□G3 6BY	14/02/2012	O
B Marks	10 Thornfield Avenue□Dishforth□Thirsk□YO7 3LX	22/03/2012	O
Charlie Milne Home	100 Portland Road□Summit NJ□USA□07901	29/03/2012	O
Hugo Milne Home	100 Portland Road□Summit NJ□USA□07901	29/03/2012	O
A Martin	102 Candlemakers Park□Edinburgh□EH17 8TL	23/03/2012	O
Ms Margaret Y Martin	102 Candlemakers Park□Edinburgh□EH17 8TL	23/03/2012	O
Sally Emmerson	102 Toftshaw Lane□Bradford□BD4 6QS	28/03/2012	O
Mrs M Macleod	105 Henderland Road□Bearsden□G61 1JD	29/03/2012	O
Miss Gillian Moody	106 Granny Hall Lane□Brighouse□HD6 2JJ	23/02/2012	O
Mr And Mrs P Hines	11 Balvicar□Isle Of Seil□By Oban□PA34 4TF	23/02/2012	O
Ms Pauline Warren	11 Cameron Close□Newport□Isle Of Wight□PO30 5RZ	26/03/2012	O
The Occupier	11 Cnoc A Challtuinn□Clachan Seil□By Oban□PA34 4TR	23/02/2012	O
J Alexander	11 Cullipool Village□Isle Of Luing□Oban□PA34 4UB	15/03/2012	O
Jean L Alexander	11 Cullipool Village□Isle Of Luing□Oban□PA34 4UB	15/03/2012	O
Mr John Collins	11 Holway House Park□Station Road□Ilminster□Somerset□	23/03/2012	O
Mr D Brooks	11 Oxtan Close□Widnes□England□WA8 4SD	26/03/2012	O
Mr Dave Forecast	11 Powder Hall R3GG□Edinburgh□EH7 4GG	26/03/2012	O
P Addison	11 St Bernards Crescent□Edinburgh□EH4 1NR	21/03/2012	O
Mr Martin Batt	114 Footshill Road□Hanham□Bristol□Avon□BS15 8HE	26/03/2012	O

Ms Christine Kilmaster	114 Footshill Road□Hanham□Bristol□Avon□BS15 8HE	26/03/2012	O
Chris McGinley	115 New Trons Road□Lesmahagow□Lanark□ML11 0ER	26/03/2012	O
Jl Richardson	115 North Sea Lane□Cleethorpes□North East Lincs□DN35 1	28/03/2012	O
Mrs M Richardson	115 North Sea Lane□Cleethorpes□North East Lincs□DN35 1	28/03/2012	O
Barbara J Smith	12 Balvicar□Isle Of Seil□By Oban□PA34 4TF	23/02/2012	O
A Ryder	12 Cardy Road East□Greyabbey□Co Down□BT22 2LR	24/02/2012	O
Karen Agnew	12 Cardy Road East□Greyabby□County Down□BT22 2LR	24/02/2012	O
Margaret Lyall	12 Easdale Island□Oban□Argyll And Bute□PA34 4TB□	27/02/2012	O
WRJ MacEachen	12 Laverndale Crescent□Edinburgh□EH13 0EY	28/03/2012	O
J Rheadle	12 The Yrltus□Glencruitton Road□Oban□PA34 4DD□	26/03/2012	O
Divina Jane Rose Fioruni	12/9 Rossiter Pole□Hamilton□Australia□4007	26/03/2012	O
Ben Naish	124 Lyndwood Drive□Wimborne□Dorset□BH21 1UQ	24/02/2012	O
Debbie Naish	124 Lynwood Drive□Wimborne□Dorset□BH21 1UQ	24/02/2012	O
Richard Naish	124 Lynwood Drive□Wimborne□Dorset□BH21 1UQ	24/02/2012	O
Chris Wallace	13 Beechgrove□Moffat□DG10 9RS	21/03/2012	O
Jonathan Ives	13 Legane Road□Aughnalley□N Ireland□	29/03/2012	O
Simon Mandelbaum	13 Mulvaney Way□London□SE1 3RG	15/02/2012	O
Ms G Maclver	13 Orchard Grove□Kincardine□FK10 4PP	23/03/2012	O
Mr William Baureister	13 Pentland Avenue□Edinburgh□EH13 0HZ	21/03/2012	O
Donatella Barbera	13 Pulpit Road□Oban□Argyll And Bute□PA34 4LF□	24/02/2012	O
Mr. Petre Withall	13/A□Easdale Island□By Oban□PA34 4TB	20/02/2012	O
Mrs M Robertson-Black	130 Stormont Road□Scone□PHZ 6PJ	24/02/2012	O
Mrs Mary Withall	13A Easdale Island□Oban□Argyll And Bute□PA34 4TB□	23/02/2012	O
Ms Mary Withall	13A Easdale Island□Oban□Argyll And Bute□PA34 4TB□	26/03/2012	O
PWF Withall	13A Easdale Island□Oban□Argyll And Bute□PA34 4TB□	26/03/2012	O
Mr T Tinney	13B Easdale Island□Oban□PA34 4TB	22/03/2012	O
Mrs R Sampson	13B Easdale Island□Oban□PA34 4TB	21/03/2012	O
Angus Thomson	14 (IFI) North West Circus Place□Edinburgh□EH3 6SX□	28/03/2012	O
M Wilson	14 Broadstone Park□Inverness□IV2 3LA	28/03/2012	O
R Wilson	14 Broadstone Park□Inverness□IV2 3LA	28/03/2012	O
Occupier	14 Cnoc A' Challtuinn□Clachan Seil□Isle Of Seil□Oban□Arg	29/02/2012	O
A Mclnally	14 Drynie Park□Muir□Oford□IV6 7RP	29/03/2012	O
Chris Mclnally	14 Drynie Park□Muir□Oford□IV6 7RP	29/03/2012	O
M James	14 Port Arthur Road□Nottingham□NG2 4GB	22/03/2012	O
Caroline Bailey	14 Stanley Crescent□Paisley□PA2 9LF	27/03/2012	O
Tim Bailey	14 Stanley Crescent□Paisley□PA2 9LF	27/03/2012	O
S Wharlon	15 Balvicar□Isle Of Seil□Oban□Argyll And Bute□PA34 4TF□	27/03/2012	O
S Olson	15 Beechgrove Place□Aberdeen□AB15 5HF	24/02/2012	O
Ms Maggie Robertson	15 Craigour Grove□Edinburgh□EH17 7PH	23/03/2012	O
Mr James P Parnell	15 Duncan Road□Gillingham □Kent□ME7 4LA	23/03/2012	O
Ms Elaine Parnell	15 Duncan Road□Gillingham□Kent□ME7 4LA	23/03/2012	O
Mrs Rachel Bridgeman	15 Portland Avenue□Hove□BN3 5NF	23/02/2012	O
Andrew Williams	15 Stanley Road□Oldbury□West Midlands□B68 0DZ	28/03/2012	O
Carol Youmans	15 Turbinia Gardens□Cochraine Park□Newcastle Upon Tyne	28/03/2012	O
Joe Youmans	15 Turbinia Gardens□Cochraine Park□Newcastle Upon Tyne	28/03/2012	O
Seonata Reid	15/1 Orchard Brae Gardens□Edinburgh□EH4 2HQ	28/03/2012	O
Ms Shona Maclver	150 Raeberry Street□Glasgow□G20 6EA	23/03/2012	O

Vicki Benson	159 High Street□Biggar□Lanarkshire□ML12 6DL	27/03/2012	○
HC Testor	16 Belsite Crescent□London□NW3 5QU	29/03/2012	○
Mr F Ainslie	16 Campbell Park Crescent□Edinburgh□EH13 0HT	21/03/2012	○
Merri Bos	1625 Old Eagle Lk Road□Bartow□FL□ USA	27/03/2012	○
Mr Michael Colston	166 Geoffrey Road□Chittaway Point□NSW 2261 Australia	20/02/2012	○
Tony Lees	17 Banton Road□Congleton□CW12 3HD	27/03/2012	○
Ms Katherine Ainsworth	17 De Tracey Park□Bovey Tracey□Newton Abbot□Devon□T	23/03/2012	○
Frances A Brechin	17 Grant Avenue□Edinburgh□EH13 0De	21/02/2012	○
David RC Brechin	17 Grant Avenue□Edinburgh□EH13 0DW	28/03/2012	○
Mrs Frances A Brechin	17 Grant Avenue□Edinburgh□EH13 0DW	28/03/2012	○
Rachel Small	17 Lea Farm Drive□Kirkstall□Leeds□LS5 3QG	27/03/2012	○
Colin Swallow	17 The Avenue□New Han□Addlestone□Surrey□KT15 3NL	28/03/2012	○
K G Skipper	18 Elder Crescent□Bowmore□Islay□PA43 7HU	15/02/2012	○
Mr Guy Knight	18 Ellenabeich□Isle of Seil□PA34 4RQ	20/02/2012	○
G Knight	18 Ellenabeich□Easdale□By Oban □PA34 4RQ	19/03/2012	○
Sally Knight	18 Ellenabeich□Easdale□By Oban□PA34 4RQ	19/03/2012	○
Mrs Sally Knight	18 Ellenabeich□Easdale□PA34 4RQ□	29/02/2012	○
Rosemary Bower	18 Milton Avenue□Glasgow□Cambuslang□G72 8BQ	29/03/2012	○
WJ Bower	18 Milton Avenue□Glasgow□Cambuslang□G72 8BQ	29/03/2012	○
Graham Garton	180 Front Street□Niagara On The Lake□Canada□LO5 1JO	24/02/2012	○
Nancy Garton	180 Front Street□Niagara On The Lake□Canada□LO5 1JO	24/02/2012	○
Pegot Marc	186 Quai De Stapingrad□92130□Issy Les Moulineau□Franc	28/03/2012	○
Mr Oliver Hartley	1880 Farm□Cambs□pe140lh	09/02/2012	○
Patricia McDicken	19 Albany Apartments□Oban□Argyll And Bute□PA34 4AL	29/03/2012	○
Mrs Jennifer Cusiter	19 Corstorphine Park Gardens□Edinburgh□EH12 7HJ	12/03/2012	○
Mr John D F Martin	19 King Alfred Terrace□Winchester□Hants□SO23 7DE	23/03/2012	○
Gina MacDonald	1946 Liverpool Road□Pickering	19/03/2012	○
Jane Archer	197 Boundary Road□Woking□GU21 5BW	24/02/2012	○
Calvin Manning	197 Boundary Road□Woking□Surrey□GU21 5BU	24/02/2012	○
C J Meadows	19A Abbey Road□Lowton□Nr Warrington□Lancashire	24/02/2012	○
James Michael Low	2 Ardgate□Shandon□Helensburgh□G84 8NW	15/03/2012	○
Ms Catherine Burton	2 Ashbank Terrace□East Calder□EH53 0DU	23/03/2012	○
A Hemsworth	2 Birchwood Close□Settle□North Yorkshire	19/03/2012	○
Mr And Mrs DJ Scott	2 Eastmill House Gardens□Brechin□DD(7LZ□	28/03/2012	○
Mary Batchelor	2 Edengrove□Rhu Helensburgh□G84 8NJ	28/03/2012	○
Martin Waddell	2 Kilbrandon Cottages□Balvicar□Isle Of Seil□Oban□Argyll A	23/02/2012	○
Nyra Waddell	2 Kilbrandon Cottages□Balvicar□Isle Of Seil□Oban□Argyll A	23/02/2012	○
M Stewart	2 Knockmore Park□Co Antrim□Northern Ireland	26/03/2012	○
Emma Dunseath	2 Lamb Lea□Lazenby□CA10 1BB	28/03/2012	○
Josie Dunseath	2 Lamb Lea□Lazonby□Penrith□Cumbria□CA10 1BB	28/03/2012	○
Mr Hugh Addison	2 Newton Steading□Avoch□IV9 8RD	17/02/2012	○
Mrs Janet Reid	2 Russell Sq□Hulland Ward□Ashbourne□DE6 3EA	21/02/2012	○
James Cruise	2 Slades View Close□Diggle □Oldham□Lancashire□OL3 5F	24/02/2012	○
Hazel Cruise	2 Slades View Close□Diggle□Nr Oldham□Lancashire□OL3	24/02/2012	○
Karen Phillips	2 Tunnccliffe Road□Sutton□Cheshire□SK11 0EB	19/03/2012	○
WB Dickinson	2 Victoria Terrace□Bangor□Co Down□BT20 5JB	28/03/2012	○
Mr Donald Brunner	2/2□41 Apsley Street□Glasgow□G11 7SN	15/03/2012	○
Alan Barr	2/2, 74 Marlborough Avenue□Glasgow□G11 7BH	24/02/2012	○
Jonathan Heskia	20 Brookleaze Buildings□Bath□Avon□BA1 6RA	28/03/2012	○

G Buchanan	20 Campsee Gardnes□Clarkston□Glasgow□G76 7SB	27/03/2012	O
Caroline Smith	20 Highfield Road□Rowlands Gill□Tyne And Wear□NE39 2L	28/03/2012	O
Stephen Smith	20 Highfield Road□Rowlands Gill□Tyne And Wear□NE39 2L	28/03/2012	O
Anna Wemyss	21 Claybrook Road□Hammersmith And Fulham□London□W	15/02/2012	O
Tessa Cooke	21 Claybrook Road□Hammersmith And Fulham□London□W	15/02/2012	O
C Lea	21 Cullipool□Isle Of Luing□Oban□Argyll And Bute□PA34 4L	01/03/2012	O
MR TREVOR RADFORD	21 HOME CLOSE□STOTFOLD□HITCHIN□SG54DJ	27/02/2012	O
Francis Cameron	21 Lorn Drive□Glencoe□PH49 4JF□	27/03/2012	O
RM McCafferty	21 Rosemount Crescent□Birkhill□Dundee□DD2 5PW	26/03/2012	O
Helen Paterson	21 Victoria Road□Ibstock□Leics□LE67 6AA	22/03/2012	O
Holly Paterson	21 Victoria Road□Ibstock□Leics□LE67 6AA	22/03/2012	O
Iain Paterson	21 Victoria Road□Ibstock□Leics□LE67 6AA	22/03/2012	O
Walter Livingstone	210 New Street□Fisherrow□Midlothian□Scotland□EH21 6D	24/02/2012	O
DM Zamoyski	22 Castle Drive□Bakewell□Derby□DE45 1AS	29/03/2012	O
Julia Zamoyski	22 Castle Drive□Bakewell□Derby□DE45 1AS	29/03/2012	O
Ian MacKenzie	22 Clifford Close□Penrith□Cumbria□CA18 8QD	24/02/2012	O
Mr David Knox	22 Easdale Island□By Oban□PA34 4TB	23/02/2012	O
The Occupier	22 Easdale Island□By Oban□PA34 4TB	23/02/2012	O
T Roberts	22 Kivock Street□Whitehills□AB45 2NW	24/02/2012	O
Fiona Murdoch	23 Balvenie Street□Duffytown□AB55 4AS	28/03/2012	O
Mr Paul Robertson	23 Clerwood View□Edinburgh□EH12 8PH	23/03/2012	O
Ms Ellie Robertson	23 Clerwood View□Edinburgh□EH12 8PH	23/03/2012	O
Ms Susan Robertson	23 Clerwood View□Edinburgh□EH12 8PH	23/03/2012	O
P Scott	23 Kennedy Road□Fort William□PH33 LHQ	26/03/2012	O
Mr Oliver Blake	23 Lindrop Street□Fulham□London□SW6 2QU	10/02/2012	O
Mrs Jenny Hill	23 Robinson Avenue□Goffs Oak□Waltham Cross□EN7 5NY	09/03/2012	O
Mr Jim Watson	24 Ellenabeich□Isle Of Seil□Oban□Argyll And Bute□PA34 4	26/03/2012	O
Timothy Van Gardings	24 Nursey Gardens□St Ives□Cambridgeshire□PE27 3NL	27/03/2012	O
Mr Andrew Fuller	24 Randolph rd□Glasgow□G11 7LG	03/03/2012	O
Mr J Smit	25 Birch Place□Inverness□IV2 7LB	23/03/2012	O
David Hay	25 Northumberland Street□Edinburgh□EH3 6LR	28/03/2012	O
Mr Mike Newton	26 Astbury Lane Ends□Congleton□Cheshire	10/03/2012	O
Mr Douglas Thomas	26 Beechwood Drive□Glasgow□G11 7EX	26/03/2012	O
Daniel Leigh	26 Greenwood Close□Moffat□DG10 9BF	27/03/2012	O
Harry Leigh	26 Greenwood Close□Moffat□DG10 9BF	27/03/2012	O
Stuart Belshaw	265 Achnacarnin Stoer□Lochinver□Sutherland□IV27 4SG	27/03/2012	O
Mr Neil Buchanan	26A Roslin Terrace□Aberdeen□AB24 5LJ	23/03/2012	O
Pat Buchanan	26A Roslina Terrace□Aberdeen□AB24 5LJ	23/03/2012	O
A Hindley	27 Hall Lane□Hindley□WN2 2SA	28/03/2012	O
R Boneham	27 Lancaster Avenue□Skegness□PE25 2PJ	26/03/2012	O
Mr Angus Thomson	28 Stafford Street□Edinburgh□EH3 7BD	14/02/2012	O
R Gilchrist	29 Castle Crescent□Inverberrie□DD10 0SD	28/03/2012	O
Irene Gilchrist	29 Castle Crescent□Lowerberrie□DD10 0S13	28/03/2012	O
Anne Dixon	29 Little Lances Hill□Southampton□SO19 4DU	21/03/2012	O
Mr Benjamin Rees	29 Norc Building□3-6 Banister Road□London□W10 4AR	23/03/2012	O
Carol A Campbell	3 Balvicar□Isle Of Seil□Oban□Argyll And Bute□PA34 4TF□	23/02/2012	O
James B Johnstone	3 Blachhouse Steading□Haddington□EH41 4HA	26/03/2012	O
Iain Brechin	3 Buckstone Drive□Edinburgh□EH10 6PD	28/03/2012	O
Julie Brechin	3 Buckstone Drive□Edinburgh□EH10 6PD	28/03/2012	O
Gary Lee	3 Craigholm Road□Ayr□KA7 3LJ	29/03/2012	O

Mrs M Snare	3 Greenfoot□Mealsgate□Wigton□CA7 1DF	19/03/2012	O
Owner/Occupier	3 Kilbrandon Cottages□Balvicar□Isle Of Seil□Oban□Argyll A	28/03/2012	O
J Dunseath	3 Lamb Lea□Lazonby□CA10 1BB	28/03/2012	O
Miss Leigh Fawcett	3 Lochside Avenue□Aberdeen□AB23 8QH	06/03/2012	O
Douglas Brown	3 Lochview Avenue□Gourock□PA19 1XN	24/02/2012	O
Mairi Brown	3 Lochview Avenue□Gourock□PA19 1XN	24/02/2012	O
Alec Ireland	3 Middleburn End□Stonehaugh□Northumberland□NE48 3D`	28/03/2012	O
Laura Wilson	3 Nungate Gardens□Haddington□East Lothian□EH41 4EE	27/03/2012	O
R Dunsmuir	3 Nungate Gardens□Haddington□East Lothian□EH41 4EE	27/03/2012	O
Neil Schofield	3 Princes Crescent North□Dollar□FK14 7BX	27/03/2012	O
Kath Schofield	3 Princes Crescent□North Dollar□EK14 7BX	27/03/2012	O
F Clifford	3 Town End Barns□Gamblesby□Cumbria□CA10 1HY	27/03/2012	O
Sandra Clifford	3 Town End Barns□Gamblesby□Cumbria□CA10 1HY	27/03/2012	O
Mrs S Clifford	3 Towns End Barns□Gamblesby□Penrith□CA10 1HY	19/04/2012	O
Anne Marie Howie	3 Tramway Cottages□Ellenabeich□Isle Of Seil□Oban□Argyll	28/03/2012	O
Mr Chris Pollard	3 Victoria Close□Derby□DE3 9JQW	26/03/2012	O
M Alexander	3/4 Northfield Square□Edinburgh□EH8 7PJ	22/03/2012	O
Ms Dorothy Ainsworth	30 Gladstone Place□Newton Abbot□Devon□TQ12 2AW	23/03/2012	O
Audrey MacBeth	30 Kippen Drive□Busby□Glasgow□G76 8JE	27/03/2012	O
Ewan MacBeth	30 Kippen Drive□Busby□Glasgow□G76 8JE	27/03/2012	O
Michael Fitzpatrick	31 Airthrey Avenue□Jordanhill□Glasgow□G14 9LJ	24/02/2012	O
Mr George W Kenning	31 Comiston Springs Avenue□Edinburgh□EH10 6LX	05/03/2012	O
Mrs G Kenning	31 Comiston Springs Avenue□Edinburgh□EH10 6LX	05/03/2012	O
Jonathan Hoare	31 Conglass Avenue□Aberdeenshire□AB51 4LE	24/02/2012	O
Lisa Hoare	31 Conglass Avenue□Inverurie□Aberdeenshire□AB51 4LE	24/02/2012	O
Calum Clayton	31 Craigmillar Avenue□Milingavie□Glasgow□G62 8AX	24/02/2012	O
George Mackenzie	31 Cullipool□Isle Of Luing□Oban□Argyll And Bute□PA34 4L	29/03/2012	O
Douglas Arthur	31 New Endrick Road□Killearn□G63 9QT	24/02/2012	O
Tilly Arthur	31 New Endrick Road□Killearn□G63 9QT	24/02/2012	O
Julie Hull	32 Arral Drive□Ayr□KA7 4AQ	28/03/2012	O
S Royds	32 Garfield Road□Aberdeen□AB10 7AR	15/02/2012	O
Phillip R Robertson	32 Toberonochy□Isle Of Luing□Oban□Argyll And Bute□PA3	24/02/2012	O
Lachian M Davifz	33 Woodend Drive□Kirriemuir□DD8 4TF	28/03/2012	O
Mr Henry Tarbatt	33A Easdale Island□By Oban□Argyll□PA34 4TB	06/03/2012	O
Ms Jenny Smith	33A Easdale Island□By Oban□Argyll□PA34 4TB	06/03/2012	O
Ms Jenifer Smith	33A Easdale Island□Oban□Argyll And Bute□PA34 4TB□	26/03/2012	O
Christina Schlauch	33C Eastdown Park□London□SE13 5HU	24/02/2012	O
Ian McEwan	34 Craigbank□Sauchie□Cracks□FK10 3EG	28/03/2012	O
Mr D MacPherson	34 Ellanabeich□Easdale□By Oban□PA34 4RG	23/02/2012	O
G Rhys-Jones	34 Hen Parc Avenue□Upper Killay□Swansea□SA2 7HA	24/02/2012	O
Robbie Hirst	34 Westbourne Gardens□Hyndland□G12 9PF	24/02/2012	O
Penelope Robinson	35 □□ Road□Elestree□London□SW6	15/02/2012	O
Ms Helen Jenkins	35c Avenell Rd□London□N5 1DN	26/02/2012	O
Mr Nicholas Colston	35c Avenell Road□London□N5 1DN	20/02/2012	O
HE Ball	36 Scriber's Drive□Upton□Northampton□NN5 4ES	24/02/2012	O
Ms Lucy Lomas	37 Newman Road□Exeter□Devon□EX4 1PJ	23/03/2012	O
Mr Gareth Lomas	37 Newman Road□Exeter□EX4 1PJ	23/03/2012	O
C L Banks	37 Smeath Lane□Clarbrough□Retford□Notts□DN22 9JU	24/02/2012	O
Angus Spence	38 Balshacray Drive□Glasgow□G11 7DD	28/03/2012	O

Mrs P Dowwes	38 Bridge Road□Colinson□EC1B 02Q	28/03/2012	O
Ms Claire Ainsworth	38 Deacons Green□Tavistock□Devon	23/03/2012	O
Mr Rob Serula	38 Deacons Green□Tavistock□Devon□PL19 8BN	23/03/2012	O
J D MacKay	38 Ellenabeich□Easdale□Isle Of Seil□PA34 4RQ	19/03/2012	O
Mr Hugh Hay	39 Cullipool Village□Isle Of Luing□PA34 4UB	23/02/2012	O
Hugh May	39 Cullipool□Isle Of Luing□Oban□Argyll And Bute□PA34 4L	29/03/2012	O
C McAteer	39 Easdale Island□By Oban□PA34 4TB	23/02/2012	O
WD Collyer	39 Ellenabeich□Isle Of Seil□Oban□Argyll And Bute□PA34 4	26/03/2012	O
Mrs P Grimes	39 Malham Way□Knaresborough□North Yorks□HG5 0HQ	28/03/2012	O
Mike Grimes	39 Malham Way□Knaresborough□North Yorkshire□HE15 0H	28/03/2012	O
Catrina Czaja	4 Birchwood□Bunchren□Inverness□JN3 8TA	28/03/2012	O
R Czaja	4 Birchwood□Bunchren□Inverness□JN3 8TA	28/03/2012	O
Mr Peter Wharton	4 Craggyknowe□Blackfell□Washington□NE37 1JY	29/02/2012	O
Mr Peter Wharton	4 Craggyknowe□Blackfell□Washington□NE37 1JY	29/02/2012	O
Mr Peter Wharton	4 Craggyknowe□Blackfell□Washington□NE37 1JY	29/02/2012	O
Mr Peter Wharton	4 Craggyknowe□Blackfell□Washington□NE37 1JY	29/02/2012	O
Mr Peter Wharton	4 Craggyknowe□Blackfell□Washington□NE37 1JY	29/02/2012	O
Mrs Alexandra Wharton	4 Craggyknowe□Blackfell□Washington□NE37 1JY	25/02/2012	O
Ivor Campbell	4 Cuilfail Cottages□Kilmelford□Oban□PA34 4XB	23/02/2012	O
Mr Ian Callaghan	4 Dalamare Way□Oxford□OX2 9HZ	16/02/2012	O
Dorothy Jess	4 Lownie Road□Carnoustie□DD7 6DW	27/03/2012	O
Mr D Jess	4 Lownie Road□Carnoustie□DD7 6DW	27/03/2012	O
Tina Avery	4 Toberonochy□Isle Of Luing□Oban□Argyll And Bute□PA34	28/03/2012	O
John S McLaren	4 Upper Woodlands□Perth□P41 1DS	29/03/2012	O
Mrs Fran Robinson	4 Westhill Road□Point Howard□Lower Hutt□5013	26/03/2012	O
Frances J Robinson	4 Westhill Road□Point Howard□Eastbourne□Lower Hutt□Ne	15/02/2012	O
A T Robinson	4 Westhill Road□Point Howard□Wellington□New Zealand□5	15/02/2012	O
Margaret Morrison	4 Whinbank□Clachan Seil□By Oban□Argyll□PA34 4TW	23/02/2012	O
Garfield D G May	40 Cullipool□Isle Of Luing□Oban□Argyll And Bute□PA34 4L	23/02/2012	O
MJ Young	40 Easdale Island□Oban□Argyll And Bute□PA34 4TB□	29/03/2012	O
Charles Connolly	40 Hillfoot Street□Garshake□Dumbarton	19/03/2012	O
Mr George Doyle	41 Ellenabeich□Easdale□By Oban□PA34 4RQ	23/02/2012	O
Rosemary Ann Wells	41 Main Street□Glemuce□Newton Stewart□Dumfries And G	19/03/2012	O
T Wells	41 Main Street□Newton Stewart□DG8 0PP	21/03/2012	O
G R Graham	41 Toberonochy Village□Toberonochy□Oban□PA34 4UE	23/02/2012	O
Mr G Denyer	42 Blandford Road□St Albans□Herts□AL1 4JR	23/03/2012	O
Ms Sara Denyer	42 Blandford Road□St Albans□Herts□AL1 4JR	23/03/2012	O
A Weston	44A Bassett Road□London□W10 6JL	23/03/2012	O
M McKillop	45 Spice Quay□32 Shad Thames□London□SE1 2XL	28/03/2012	O
Mr Colin Campbell Gibson	45 The Glebe□Kilmelford□By Oban□PA34 4XF	23/02/2012	O
Mrs Alice Clayton	46 Easdale Island□Oban□Argyll And Bute□PA34 4TB□	27/03/2012	O
Ms Alice Clayton	46 Easdale Island□Oban□Argyll And Bute□PA34 4TB□	26/03/2012	O
Mrs SE Jenkins	47 Groves Road□Newport□NP20 3SP	28/03/2012	O
Mr Jonathon Bond	47 Lansdowne Gardens□London□SW82EL	08/02/2012	O
Ms Ania Zwodzick	47 The Glebe□Kilmelford□Oban□Argyll And Bute□PA34 4XI	26/03/2012	O

Ms Sarah Hoggett	48 Sea View Street□Grangetown□Sunderland□Tyne And W	26/03/2012	O
The Occupier	49 Lincoln Road□Parkstone□Poole□Dorset□BH12 2HT	19/03/2012	O
J Ashworth	49 Park Road□Newhall□Swadlincote□Derbys□DE11 0TU	28/03/2012	O
William Bresnen	49 Southdale Road□Wavertree□Liverpool□L15 4HX	24/02/2012	O
Linda Bresnen	49 Southdale Road□Wavertree□Liverpool□L15 4HX	24/02/2012	O
Marie Kyle	49 Woodhall Road□Edinburgh□EH13 0HD	22/03/2012	O
Mrs C Small	4A High Street□Great Ayton□Middlesborough□TS9 6NJ	27/03/2012	O
Brian Marren	5 Cnoc A' Challtuinn□Clachan Seil□Isle Of Seil□Oban□Argy	28/03/2012	O
Clare Marren	5 Cnoc A' Challtuinn□Clachan Seil□Isle Of Seil□Oban□Argy	28/03/2012	O
Messrs Crocker And Mandon	5 Cnoc A Challtuinn□Clachan Seil□PA34 4TR	23/02/2012	O
Mr P Gillespie	5 Conc-a-challfuium□Clachan□Isle Of Seil□PA34 4TR	28/03/2012	O
R Flotcaon	5 Denny Lane□Easingwold□YO61 3RR	28/03/2012	O
Andrea Maclean	5 Dunglass View□Strathslane□G63 9BQ	28/03/2012	O
Henry Maclean	5 Dunglass View□Strathslane□G63 9BQ	28/03/2012	O
Rhona A Munro	5 Ellenabeich□Isle Of Seil□PA34 4RQ	23/02/2012	O
AJ Wood	5 Fullerton Road□Prestwick□Ayr□KA9 2BA	29/03/2012	O
Mrs J Wood	5 Fullerton Road□Prestwick□Ayr□KA9 2BA	29/03/2012	O
Mrs M McLean	5 Lomond Drive□Carnoustie□DD7 6DN	21/03/2012	O
Mr John MacKenzie	5 The Ness □Dollar□FK14 7EB	23/03/2012	O
Ms Anne MacKenzie	5 The Ness□Dollar□Clacks□FK14 7EB	23/03/2012	O
J Pavitt	50 Calva Park□Seaton□Cumbria□CA14 1DX	19/03/2012	O
Adrian Bussey	51 Deerpark□Sauchie□Anoa□Clackmannanshire□FK10 3LL	28/03/2012	O
Charles McNaught	52 Manse Road□Bearsden□Glasgow□G61 3PN	24/02/2012	O
George Sandys	55 Latchford Lane□Great Hasely□OX44	15/02/2012	O
M Tomison And R Tomison	55 Middlepenny Road□Langbank□Renfrewshire□PA14 6XE	28/03/2012	O
Mr Duncan Laing	55 Ravenswood□Forth□Lanarkshire□ML11 8DW	23/03/2012	O
Owner/Occupier	56 Sabre Road□London□NW2 3SL	29/03/2012	O
Alan Armstrong	57 John Street□Helensburgh□Argyll And Bute□G84 9JY□	24/02/2012	O
Fiona Armstrong	57 John Street□Helensburgh□Argyll And Bute□G84 9JY□	24/02/2012	O
Mr Stuart Smith	59 Bigefaulds Crescent□Denny□Stirlingshire□FK6 5EJ	26/03/2012	O
GR Gray	6 Calderwood Road□Glasgow□G43 2RP	27/03/2012	O
A Straker	6 Doune Gardens□Gourock□PA19 1EA	24/02/2012	O
Mrs M Straker	6 Doune Gardens□Gourock□PA19 1EA	28/03/2012	O
M Bickmore	6 Yardley Park Road□Tonbridge□Kent□TN9 1NF	28/03/2012	O
John McMenamin	60 Cannon Lane□Edinburgh□EH10 4SG	28/03/2012	O
Ms Ruth Morris	61 Ellanabeich□Easdale□Seil□By Oban□Argyll□PA34 4RQ	06/03/2012	O
C Odling	61 Ellenabeich□Easdale□By Oban□Argyll□PA34 4RQ	06/03/2012	O
Michael Armstrong	62 Easdale Island□Oban□PA34 4TB	01/03/2012	O
G Babel	64 Clive Way□Pound Hill□Crawley□West Sussex□RH10 7A	28/03/2012	O
A Buchanan	64 Conigier Road□Parsons Green□London□SW6 3TA	27/03/2012	O
Penny Cooper	64 Conigier Road□Parsons Green□London□SW6 3TA	27/03/2012	O
TD Cooper	64 Conigier Road□Parsons Green□London□SW6 3TA	27/03/2012	O
A Middleton	66 Fairfield Crescent□Newhall□Swadlincote□Derby□DE11 0	27/03/2012	O
E Dunbar	68 Alnwickhill Road□Edinburgh□EH16 6NH	19/03/2012	O
Rory Alexander	69 Candahar Road□Bettersea□London□SW11 2QA	15/02/2012	O
Chris Nicholls	69 Kyrle Road□Clapham□London□SW11 6BB	15/02/2012	O
J Pearson	7 Annaside Mews□Consett□Co Durham□DH8 6HL	24/02/2012	O

Howard De Podesta	7 Avondale Court□Upper Lattimere Road□St Albans□Hertfor	15/02/2012	O
Kevin Johnston	7 Cnoc-An-Challtuin□Clachan□Isle Of Seil□PA34 4TR	28/03/2012	O
W R Flowlett	7 Cuan Road□Isle Of Seil	23/02/2012	O
Mr RA Mellers	7 Dormy Close□Nottingham□NG12 23A	26/03/2012	O
Mrs LE Mellers	7 Dormy Close□Nottingham□NG12 2JA	26/03/2012	O
John Maitland	7 Elms Road□London□SW4 9ER	29/03/2012	O
Sharon Rutherford	7 Nailers Way□Belpar□Derbys□DE56 0HT	27/03/2012	O
R T Rutherford	7 Nailers Way□Belper□DE56 0HT	21/03/2012	O
I D M Price	7 Parkthorn View□Dundonald□KA2 9EY	22/03/2012	O
Mrs I Osborne	7 Pilrig House Close□Edinburgh□EH5 6RF	22/03/2012	O
Ms Louise Martin	7 Spruce Gardens□Cupar □Muir□Fife□KY15 5WN	23/03/2012	O
Mr Hugh Martin	7 Spruce Gardens□Cupar Muir□Fife□KY15 5NN	23/03/2012	O
Mr Stephen Martin	7 Spruce Gardens□Cupar Muir□Fife□KY15 5WN	23/03/2012	O
Mr Stephen Long	7 St Kilda Drive□Glasgow□G14 9JW	23/03/2012	O
Norma Tennant	7 West Garth Avenue□Edinburgh□EH13 0BB	22/03/2012	O
Mr Patrick Brunner	71 Highworth Road□London□N11 2SN	14/03/2012	O
Lene Binnie	71 Ravenshellach Road□Musselburgh□EH21 7PX	29/03/2012	O
Mr Alan Smith	72 Fordlands Road□Fulford□York□YO19 4QW	23/03/2012	O
Ms Fiona Smith	72 Fordlands Road□Fulford□York□YO19 4QW	23/03/2012	O
miss gillian barr	74 marlborough avenue□glasgow□g11 7bh	25/02/2012	O
Liz Small	75 Thames Avenue□Gainsborough□TS14 8AJ	27/03/2012	O
Karen Milne Home	78 Esmond Road□Chiswick□London□W4 1JF	29/03/2012	O
Nick Mike Hume	78 Esmund Road □Chiswick□London□W4 1JF	27/03/2012	O
Marei Bianie	7A Ravenshellach Road□Musselburgh□EH21 7PX	29/03/2012	O
Melissa Green	8 Baroncroft Road□Woolton□L25	22/03/2012	O
Maureen McLellan	8 Ellenabeich□Easdale□Oban□PA34 4RQ	23/02/2012	O
Mary McLellan	8 Ellenabeich□Isle Of Seil□Oban□Argyll And Bute□PA34 4F	29/03/2012	O
Mr Peter Newton	8 Mossspark Way□Dumfries□Scotland □DG1 4PQ	26/03/2012	O
Sue Craven	8 Tredgold Garth□Brawhope□Leeds□LS16 9BP	28/03/2012	O
Ms Sandra Wade	8 Wood Lane□Grassington□North Yorks□BD23 5LU	26/03/2012	O
Bekah Thorpe	8101 Campfirelin□Fredericksburg□Virginia□USA	27/03/2012	O
Mr Steven Hunter	8-1-821 Ikagakitamachi□Hirakata□Osaka, Japan□573-0036	14/04/2012	O
Jo Jackson	9 Albany Road□Sheffield□S7 1DW	28/03/2012	O
Les Wright	9 Albany Road□Sheffield□S7 1DW	28/03/2012	O
Nicolas Duncan Gilmour	9 Balvicar□Isle Of Seil□Oban□Argyll And Bute□PA34 4TF□	23/02/2012	O
The Occupier	9 Cnoc A Challtuinn□Clachan Seil□By Oban□PA34 4TR	23/02/2012	O
Ms Alison Denyer	9 Cornwell Road□Old Windsor□Berks□SL4 2RF	23/03/2012	O
N Jones	9 Ellenabeich□Isle Of Seil□Oban□Argyll And Bute□PA34 4F	27/03/2012	O
Alison J MacBeth	9 Kirkdene Crescent□Newton Mearns□Gladgow□G77 4HF	27/03/2012	O
Gregor Johnstone	9 Lorn Road□Dunbeg□Oban□Argyll And Bute□PA37 1QG□	29/03/2012	O
T Dean	9 Springfield Road□Brassington□N Yorks□BD25 5LD	29/03/2012	O
Liz Stewart	95 Broadway Avenue□Wallasey□Wirral□Merseyside□CH45	28/03/2012	O
Martyn Stewart	95 Broadway Avenue□Wallasey□Wirral□Merseyside□CH45	28/03/2012	O
Nicol Sho	96 Perry Road□Rihdge NH□USA	27/03/2012	O
David Jones	97 Castlewood Drive□Eltham□London□SE9 1NQ	24/02/2012	O
JH Biltcliffe	9A Burney Bit□Pamber Haeth□Tadley□Hants□RG26 3TJ	26/03/2012	O
Mr William Fairbairn	9A Easdale Island□By Oban□PA34 4TB	23/02/2012	O
David Croucher	Ach Na Clach□Isle Of Seil□Oban□PA34 4TL	27/03/2012	O
Pat Blunsden	Achabeag□Acha□Balvicar□Isle Of Seil□Oban□Argyll And B	21/02/2012	O

The Occupier	Achabeag□Cuan Road□Balvicar□By Oban□PA34 4RJ	23/02/2012	O
Mr George Stewart	Achnaseilach□Clachan Seil□Seil Island□Argyll□PA34 4TJ	08/02/2012	O
KW Butler	Achraich□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute	28/03/2012	O
R W Butler	Achraich□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute	27/02/2012	O
Alastair Pugh	Address Illegible	28/03/2012	O
C Gavaudan	Address Illegible	22/03/2012	O
David Binnie	Address Illegible	29/03/2012	O
DG And PA Martin	Address Illegible	28/03/2012	O
F N Shaw	Address Illegible	22/03/2012	O
H Morris	Address Illegible	24/02/2012	O
Helen Cain	Address Illegible	28/03/2012	O
J Campbell Baldwin	Address Illegible	24/02/2012	O
Keith Hull	Address Illegible	28/03/2012	O
L Bevan	Address Illegible	28/03/2012	O
L Kennedy	Address Illegible	29/03/2012	O
Liz Moulton	Address Illegible	24/02/2012	O
Millicent Reid	Address Illegible	28/03/2012	O
Mr PH Tether	Address Illegible	26/03/2012	O
Mrs R White	Address Illegible	22/03/2012	O
Occupier	Address Illegible	28/03/2012	O
Occupier	Address Illegible	28/03/2012	O
Occupier	Address Illegible	28/03/2012	O
Owner/Occupier	Address Illegible	26/03/2012	O
Owner/Occupier	Address Illegible	28/03/2012	O
Owner/Occupier	Address Illegible	29/03/2012	O
Owner/Occupier	Address Illegible	29/03/2012	O
Owner/Occupier	Address Illegible	29/03/2012	O
Owner/Occupier	Address Illegible	29/03/2012	O
Susanne Hermansen	Address Illegible	27/03/2012	O
The Occupier	Address Illegible	19/03/2012	O
The Occupier	Address Illegible	19/03/2012	O
Wendy Hogg	Address Illegible	28/03/2012	O
GB Hein	Address Illegible□	26/03/2012	O
Mr Ian Binnie	Address Illegible	26/03/2012	O
Mr And Mrs Hetherington	Address Not Given	05/03/2012	O
Miss F Morrison	Air Tir□Balvicar□Isle Of Seil□PA34 4TF	23/02/2012	O
Mr John Wilson	Aite Fois□Clachan Seil□Oban□PA34 4QZ	22/02/2012	O
Mrs AS Wilson	Aite-Fois□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute	21/02/2012	O
Mr Keith Oversby	Alltbeath, Musdale Rd□Kilmore□Oban□PA34 4XX	13/02/2012	O
Robert And May Brown	Alma Cottage□Clachan Seil□Isle Of Seil□Oban□Argyll And I	27/02/2012	O
Dr Murdoch Baxter	Ampfield□Clachan Seil□By Oban□PA34 4TL	10/02/2012	O
Mrs Janice Baxter	Ampfield□Clachan Seil□By Oban□PA34 4TL	23/02/2012	O
Mark Nichols	An Cala□Benderloch□Oban□Argyll And Bute□PA37 1QP□	24/02/2012	O
Sheila Downie	An Cala□Ellenabeich□Isle Of Seil□Oban□Argyll And Bute□F	17/02/2012	O
Sheila Downie	An Cala□Isle Of Seil□Argyll□PA34 4RF	29/03/2012	O
Mr Martin Hadlington	An- Fhuaran□Clachan Seil□Oban□PA34 4TL	11/03/2012	O
Ms Carol Collis	An Fhuaran□Clachan Seil□Oban□PA34 4TL□	17/02/2012	O
I Corbally	Anchorage Cottage□Rowardlisnnan□Glasgow□G63 0AW	27/03/2012	O
Isobel Corbally	Anchorage Cottage□Rowardlisnnan□Glasgow□G63 0AW	27/03/2012	O
Mr Kevan Judge	Apt 7 Moorland Ridge□1 Butler Lane□Baildon, Shipley□BD1	21/02/2012	O
Dr Margaret Brooks	Ar Baile□Clachan Seil□PA34 4TJ	08/03/2012	O

Mr Donald McBurnie	Ard Gorm□Kilmore□Oban□PA34 4XR	02/03/2012	O
Mrs CM Rae	Ardara□Cnoc A' Challtuinn□Clachan Seil□Isle Of Seil□Obar	22/02/2012	O
Westward Quest Ltd	Ardara□Cnoc A' Challtuinn□Clachan Seil□Isle Of Seil□Obar	22/02/2012	O
Mr Alexander Wood	Ardencaple House□Clachan Seil□Nr Oban□Pa34 4tn	15/02/2012	O
Mr Julian Taylor	Ardencaple House□Clachan Seil□Oban□PA34 4TN	15/02/2012	O
Mrs Kristina Wood	Ardencaple house□Clachan Seil□Oban□PA344TN	15/02/2012	O
Mr Carl Banner	Ardencaple Lodge□Clachan Seil□Oban□PA34 4TN	17/02/2012	O
Mrs Jennifer Banner	Ardencaple Lodge□Clachan Seil□Oban□PA34 4TN	17/02/2012	O
Mrs Jennifer Banner	Ardencaple Lodge□Clachan Seil□Oban□PA34 4TN	17/02/2012	O
Mr Jonathan Taylor	Ardencaple□Isle Of Seil□By Oban□pa34 4tn	28/02/2012	O
Jayne Brown	Ardencaple□Clachan Seil□Isle Of Seil□Oban□Argyll And Bu	29/03/2012	O
Mr Archie Cadzow	Ardlarach House□Isle of Luing□Oban□PA34 4TZ	14/02/2012	O
Miss Kate Cadzow	Ardlarach House□Toberonochy□By Oban□PA34 4TZ	13/02/2012	O
Archie Cadzow	Ardlarach House□Isle Of Luing□Argyll□PA34 4TZ	24/02/2012	O
Jack Cadzow	Ardlarach House□Isle Of Luing□By Oban□Argyll□PA34 4TZ	24/02/2012	O
Tooti Cadzow	Ardlarach□Isle Of Luing□By Oban□PA34 4TZ	16/02/2012	O
P Jones	Ardlussa□Acha□Balvicar□By Oban□Argyll□PA34 4RJ	05/03/2012	O
Charles Struthers	Ardmaddy Castle□Ardmaddy□Oban□Argyll And Bute□PA34	12/03/2012	O
M A Struthers	Ardmaddy Castle□Ardmaddy□Oban□Argyll And Bute□PA34	12/03/2012	O
Mrs M Struthers	Ardmaddy Castle□By Oban □Argyll□PA34 4QY	22/03/2012	O
Mr Archie Struthers	Ardmaddy Castle□Oban□Argyll□PA34 4QY	04/03/2012	O
Sabina Struthers	Ardmaddy Castle□Oban□Argyll□PA34 4QY	15/03/2012	O
Frances M Hill	Ardross□Clachan Seil □By Oban □PA34 4TL	21/02/2012	O
Gillian Cowan	Ards Cottage□Connel□Oban□Argyll And Bute□PA37 1PT□	24/02/2012	O
Patricia Eileen Low	Ardseileach□2 Ardgarre□Shandon□Helensburgh□G84 8NW	15/03/2012	O
Doreen Gilbert	Ardshellach Farm□Ardmaddy□Oban□Argyll And Bute□PA34	27/02/2012	O
Miss E B Haran	Ardtun□Clachan Seil□By Oban□PA34 4TL	23/02/2012	O
Occupier	Aros Ard□Croft Road□Oban□Argyll□PA34 5JN	05/03/2012	O
Occupier	Aros Ard□Croft Road□Oban□Argyll□PA34 5JN	05/03/2012	O
Tracy A Campbell	Arran Cottage□Ardmaddy□PA34 4QY	22/03/2012	O
Dr Federica Rossi PhD BSc Ho Auchnasaul Farm	Ardmaddy□Oban□Argyll And Bute□PA34	09/03/2012	O
A K Brown	Ballachuan Farmhouse□Cuan Ferry□Isle Of Seil□Oban□Arc	24/02/2012	O
Arthur Kenneth Brown	Ballachuan Farmhouse□Cuan Ferry□Isle Of Seil□Oban□Arc	23/02/2012	O
Occupier	Balvicar Stores□Isle Of Seil□Oban□Argyll□PA34 4TE	08/03/2012	O
S Yearsley	Balvicar Stores□Isle Of Seil□PA34 4TE	08/03/2012	O
Mrs Julia Ferris	Balvicar View□Clachan Seil□Oban□PA34 4TL	01/03/2012	O
Mr John Ferris	Balvicar View□Clachan Seil□Oban□Argyll□PA34 4TL	05/03/2012	O
Mr David Campbell	Barbreck House□By Lochgilphead□Argyll And Bute□PA31 8	01/03/2012	O
Carol Araham	Barfad□Ardfern□By Lochgilphead□Argyll□PA31 8QN	24/02/2012	O
W Campbell	Barn Cottage□Lagganmore□Scammadale□Kilninver□By Ob	23/02/2012	O
Mrs Margaret Scott	Barnacarry Cottage□Kilninver□Argyll□PA34 4QU	05/03/2012	O
Occupier	Barnacarry Cottage□Kilninver□Oban□Argyll□PA34 4QU	05/03/2012	O
Mr Jamie Mellor	Barndromin Farm□Knipocho□By Oban□PA34 4QS	14/02/2012	O
Mrs Morag Mellor	Barndromin Farm□Knipocho□By Oban□PA34 4QS	14/02/2012	O

Mr James Mellor	Barndromin Farm□Knipoch□Oban□Pa34 4qs	16/02/2012	O
Mr And Mrs Jamie Mellor	Barndromin Farm□Knipoch□By Oban□PA34 4QS	23/02/2012	O
Hamish Mellor	Barndromin Farm□Knipoch□Oban□Argyll And Bute□PA34 4	28/03/2012	O
Harriet Mellor	Barndromin Farm□Knipoch□Oban□Argyll And Bute□PA34 4	28/03/2012	O
Antionette N M Mitchell	Barochreal□Kilninver□By Oban□Argyll□PA34 4UT	15/02/2012	O
Nigel A Mitchell	Barochreal□Kilninver□By Oban□Argyll□PA34 4UT	15/03/2012	O
Miss Sandra Elliott	Barran Caltunn Cottage□Glencruitten□Oban□PA344QB	06/03/2012	O
AJ Adams	Bay House□Ford□Lochgilphead□Argyll And Bute□PA31 8RI	28/03/2012	O
CD Adams	Bay House□Ford□Lochgilphead□Argyll And Bute□PA31 8RI	28/03/2012	O
Felix Aitken	Blackford Cottage□Blackford□Edinburgh□EH6 7GS	29/03/2012	O
Helen Curran	Blarmachfoletich□Fort William□PH33 6SZ	29/03/2012	O
Ruth Gilmour	Boon Cottage□Kilninver□By Oban□PA34 4QU	23/02/2012	O
The Occupier	Box 109□Rongai 20108□Kenya□E Africa□20108	23/03/2012	O
Mr William Mitchell	Bracken□3 Seil Island Cottages□Clachan Seil□Oban□Argyll	05/03/2012	O
The Occupier	Braefoot Farm□Balvicar□Seil Island□By Oban□PA34 4RA	23/02/2012	O
Ms Anna P Bevis	Braefort Farm□Balvicar□Isle Of Seil□PA34 4RA□	26/03/2012	O
J Robertson	Braeview□Balvicar□Isle Of Seil□Oban□Argyll And Bute□PA	23/02/2012	O
AC Robertson	Bragleen House□Kilninver□Oban□Argyll And Bute□PA34 4L	24/02/2012	O
J Handley	Bragleenbeg□Kilninver□By Oban□PA34 4UU	23/02/2012	O
Michael Handley	Bragleenbeg□Kilninver□Oban□Argyll And Bute□PA34 4UU□	23/02/2012	O
Des Small	Breidden View□62A Red Lake□Telford□Staffs□TF1 5EH	27/03/2012	O
Rosalind Small	Breidden View□62A Red Lake□Telford□Staffs□TF1 5EH	27/03/2012	O
Gillian And Jay Devonshire	Broadmere House□Fareigh Wallop□Basingstoke□Hampshir	21/03/2012	O
Tom Hiscock	C/o Craobh Mhor□Clachan Seil□By Oban□PA34 4QZ	16/03/2012	O
Graham Ritchie	C/o Treshorn Maid□Dean Park□Edinburgh□EH4 1ET	29/03/2012	O
Mr Douglas Alexander	Cabarfeidh□4 Braeside□Arrochar□G83 7AA	26/03/2012	O
David Simcox	Caladh Cottage□60 Ellenabeich□Isle Of Seil□Oban□Argyll /	01/03/2012	O
Ms Felicity Barr	Calanish□Clachan Seil□Oban□PA34 4TN	21/08/2012	O
Mr Andrew Phillips	Callanish□Benderloch□Oban□PA37 1QS	23/02/2012	O
Mr Colin Barr	Callanish□Clachan Seil□Oban□Argyll	24/02/2012	O
Mrs Felicity Barr	Callanish□Clachan Seil□Oban□PA34 4TN	24/02/2012	O
Andrew D Phillips	Callanish□Kiel Crofts□Benderloch□Oban□Argyll And Bute□	28/03/2012	O
Occupiers	Camusbeag□Clachan Seil□By Oban□Argyll□PA34 4TJ	06/03/2012	O
Mr S C Hiscock	Carnock□Lochdon□Isle Of Mull□Argyll And Bute□PA64 6AP	30/03/2012	O
Dr David Nicol	Carraig□Clachan Seil□Oban□Argyll	20/02/2012	O
Harry D Hornby	Chaipaval□Platcock Wynd□Fortrose□Ross-shire□IV10 8SQ	16/03/2012	O
Occupier	Clach Na Sula□Clachan Seil□Isle Of Seil□Oban□Argyll And	01/03/2012	O
Mrs Lesley Addison	Clachan Beag□By Oban□Argyll□PA34 4RH	16/02/2012	O
Leonard McGeoch	Cluain Siar□Cullipool□Isle Of Luing□Oban□Argyll And Bute□	28/02/2012	O
B McLeach	Cluain Siar□Cullipool□Isle Of Luing□PA34 4TX	23/02/2012	O

Occupier Wendy Mattingley Mrs S Mitchell	Cluain□Cullipool□Isle Of Luing□Oban□Argyll And Bute□PA: Clwy House□Aberfeldy□Perthshire□PH15 2JT Cnoc Crom□Clachan Seil□By Oban□PA34 4QZ	27/02/2012 28/03/2012 23/02/2012	O O O
Mrs Sarah Brown	Coach House 1□Camis Eskan□Helensburgh□G84 7JZ	29/02/2012	O
John Hodgson Mr David Glennie	Coastley Farm□Hexham□Northumberland□NE46 2PQ Coireseileach□Clachan Seil□Oban□PA34 4QZ	28/03/2012 08/02/2012	O O
Helen Glennie	Coireseileach□Clachan Seil□Isle Of Seil□Oban□Argyll And I	24/02/2012	O
Jean And John Bisp	Coquet Lodge□Balvicar□Isle Of Seil□Oban□Argyll And Bute	28/03/2012	O
Jean Bisp	Coquet Lodge□Balvicar□Isle Of Seil□Oban□Argyll And Bute	22/02/2012	O
John Bisp	Coquet Lodge□Balvicar□Isle Of Seil□Oban□Argyll And Bute	22/02/2012	O
Louise Reed The Occupier M L Hiscock The Occupier A M Stevenson	Crake Cottage□Pennybridge□Nr Ulverston□Cumbria□LA12 Craobh Dearg□Clachan Seil□By Oban□Argyll Craobh Mor□Clachan Seil□By Oban□PA34 4QZ Craobh Mor□Clachan Seil□By Oban□PA34 4QZ Creachan Cottage□Kilniver□By Oban□PA34 4UU	24/02/2012 22/03/2012 23/02/2012 23/02/2012 23/02/2012	O O O O O
Mr David Stevenson	Creachan Cottage□Scammadale□Kilniver□Oban□PA34 4L	23/02/2012	O
Mary Norris	Creag An Roin□Clachan Seil□Isle Of Seil□Oban□Argyll And	29/03/2012	O
RJ Norris Denise Campbell Baldwin Elizabeth Munton I And M Gimblett Dr Louise Reid	Creag An Roin□Clachan Seil□Isle Of Seil□Oban□Argyll And Creag-an-Fhithick□Kilmelford□PA34 4XD Creel Cottage□64 Ellenabeich□Argyll□PA34 4RF Croft Lodge□Aberfeldy□PH15 2QS Cruach Scarba□Clachan Seil□By Oban□PA34 4TL	29/02/2012 24/02/2012 16/02/2012 28/03/2012 23/02/2012	O O O O O
Christine Wills	Cuan Ard□Cuan Ferry□Isle Of Seil□Oban□Argyll And Bute□	28/03/2012	O
Occupier Mr L G Fraser	Cuan Ard□Cuan Ferry□Isle Of Seil□Oban□Argyll And Bute□ Cucklington□Wincanton□Somerset□BA9 9PY	23/02/2012 23/03/2012	O O
Jean Bowman	Cullaloe Cottage□Kilmelford□Oban□Argyll And Bute□PA34	23/02/2012	O
John Bowman	Cullaloe Cottage□Kilmelford□Oban□Argyll And Bute□PA34	23/02/2012	O
Ms Margaret Irons	Cutterwood□13 Main Street□Ormiston□East Lothian□EH35	23/03/2012	O
Donald Campbell	Dalanasraig□Clachan Seil□Isle Of Seil□Argyll And Bute□PA:	20/02/2012	O
Jean Campbell J Hogg K Hall M E Sandilands Miss Mary MacFarlane The Occupier Ms Mary Sandilands Dr Jeremy Church	Dalanasraig□Clachan Seil□Isle Of Seil□Argyll And Bute□PA: Dale Tree House□Claygale□KK10 0JB Davaar□Barbour Road□Kilcreggan□G84 0JA Denearn□Easdale□Oban□PA34 4RF Dubh Chalet□Knipoch□Oban□PA34 4QS Dunavarty□Easdale□By Oban□PA34 4RF Dunearn□Easedale□Oban□PA34 4RF Duneil□Glen Lonan□Oban□PA34 4QE	20/02/2012 28/03/2012 24/02/2012 27/02/2012 15/02/2012 23/02/2012 26/03/2012 11/02/2012	O O O O O O O O
Tim Goodwin Mrs Fiona Gully Dr James phil Moss Mrs Sue Moss	Dunfillan□Cuan Ferry□Isle Of Seil□Oban□Argyll And Bute□ Dunmor□Easdale□By Oban□Argyll□PA34 4RF Ealachan Bhana□Clachan Seil□Oban□PA34 4TL Ealachan Bhana□Clachan Seil□Oban□PA34 4TL	01/03/2012 05/03/2012 08/03/2012 08/03/2012	O O O O

KL Barrett	Eas Mhor□Cnoc A' Challtuinn□Clachan Seil□Isle Of Seil□Oban	23/02/2012	O
R Barrett	Eas Mhor□Cnoc A' Challtuinn□Clachan Seil□Isle Of Seil□Oban	23/02/2012	O
Frances Fraser	Easan Beag□Soraba Road□Oban□PA34 4SA	28/03/2012	O
Y Lynn	Easan Beag□Soraba Road□Oban□PA34 4SA	28/03/2012	O
Alex Malley	Ellenville□Westfield Road□Inverurie□AB51 3QX	28/03/2012	O
Jason Leavey	Elmwood House□Marlston□Berkshire□RG18 9UT	27/03/2012	O
Sharon Dirkin	Ewington House□Humbie□East Lothian□EH36 5PE	15/02/2012	O
Maurice Dirkin	Ewington House□Humbie□EH36 5PE	15/02/2012	O
Jozet MacIntosh	Falkirk□Scotland	22/03/2012	O
DP Foster	Fasgadh□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute	27/02/2012	O
Diane Scaife	Fearnach House□Kilmelford□Oban□PA34 4XD	16/02/2012	O
Mrs Barbara Rennie	Feorlin□Balvicar□Oban□PA34 4TF	16/02/2012	O
John Clark	Fields Farm□Off Church□Leamington Spa□Warks□CV33 9J	28/03/2012	O
Mr Kieron Goulden	Fingal Cottage□Lochdon□Isle Of Mull□Argyll And Bute□PA6	11/03/2012	O
Julia M Hannah	Finlaggan □Clachan Seil□By Oban□Argyll□PA34 ETL	21/02/2012	O
Dr George Hannah	Finlaggan□Clacah Seil□Oban□PA34 4TL	14/02/2012	O
Mr Angus Hannah	Finlaggan□Clachan Seil□Oban□PA34 4TL	23/02/2012	O
T Davies	Fioryn□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute□P	23/02/2012	O
Yvonne Davies	Fioryn□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute□P	23/02/2012	O
Mr Robert Barr	First Floor□28 Broughton Place□Edinburgh□EH13RT	27/02/2012	O
Miss Edwina Haddon	Flat 1 □1 Lansdowne Gardens□London□SW8 2EQ	09/02/2012	O
Lee Johnston	Flat 1/3□16 Hurlerhill Court□Glasgow□G53 7TB	23/03/2012	O
Miss Catriona Henderson	Flat 10□Vincent Square Mansions□Walcott Street□London□	08/02/2012	O
Chris Wands	Flat 2/1□11 Queen Elizabeth Gardens□Glasgow□G5 0UJ	23/03/2012	O
Kaja Reiff-Musgrove	Flat 6□83 Ladbroke Grove□London□W11 2HB	15/03/2012	O
David Graham	Full Address Not Given	28/03/2012	O
Jeff Park	Full Address Not Given	28/03/2012	O
Mr Alan McIlroy	Full Address Not Given	26/03/2012	O
Ms Liz McIlroy	Full Address Not Given	26/03/2012	O
Owner/Occupier	Full Address Not Given	28/03/2012	O
Shane MacLennan	Full Address Not Provided	24/02/2012	O
Sarah Hole	Gallanach Beg□Glenshellach Road□Oban□Argyll And Bute	24/02/2012	O
E Peysson	Gautriere□Bourbon□L'Archanbault□France□03160	23/03/2012	O
Lisa Kennedy	Gillingshill House□Pittenweem □By Anstruther□Fife□KY10 2	28/03/2012	O
Mr Rory Campbell-Gibson	Glenfearnach House,□Kilmelford□Oban□PA34 4XD	15/02/2012	O
Mr T J B Sinclair	Glenshellach□Clachan Seil□Oban□PA34 4TR	23/02/2012	O
The Occupier	Glenshellach□Cnoc A Challtuinn□Clachan Seil□PA34 4TR	23/02/2012	O
Mr Rupert de Klee	Grasspoint□Lochdon□Isle of Mull□PA646AP	22/02/2012	O
Guy Sandys	Graythwaite Hall□Cumbria□LA12 8BA	15/02/2012	O
Camilla Sandys	Graythwaite Hall□Ulverston□LA12 8BA	24/02/2012	O
Edward Sandys	Graythwaite Hall□Ulverston□LA12 8BA	24/02/2012	O
Emily Sandys	Graythwaite Hall□Ulverston□LA12 8BA	24/02/2012	O
Guy Sandys	Graythwaite Hall□Ulverston□LA12 8BA	24/02/2012	O
Myles Sandys	Graythwaite Hall□Ulverston□LA12 8BA	24/02/2012	O
Elizabeth K Reid	Harbour Cottage□Ellenabeich□Easdale□By Oban□PA34 4R	23/02/2012	O
Alan Brown	Haverdell Farm Cottage□Low Row□Richmond□N Yorks□DL	29/03/2012	O

Deborah Brown	Haverdell Farm Cottage□Low Row□Richmond□N Yorks□DL	29/03/2012	O
Mr John Warlow	Hazel Cottage□Clachan Seil□By Oban□PA34 4TJ	23/02/2012	O
Judy P Janij	Hazelbank□Lochmanta□Isle Of Arran□KA27 8HL	27/03/2012	O
Mr John Harrower	Hazelwood□Rowan Road□Oban□PA34 5TQ	24/02/2012	O
Priscilla Smith	Healaugh Old Hall□Tadcaster□LS24 8DA	15/02/2012	O
Allan Livingston	Heathfield□Shore Road□Innellan□Dunoon□Argyll And Bute	28/03/2012	O
Phyllis Atherton	Heathfield□Shore Road□Innellan□Dunoon□Argyll And Bute	28/03/2012	O
Ms Angela Denyer	Hedgerley□Onslow Road□Sunningdale□Berks□SL5 0HW	23/03/2012	O
Owner/Occupier	Hegg-H-Norwich□Norfolk□NR12 1AY	28/03/2012	O
KH Collins	Holiday Cottage□Kilninver Estate□PA34 4UT	28/03/2012	O
Mrs YA Collins	Holiday Cottage□Kininver Estate□PA34 4UT	28/03/2012	O
Clive Evenden	Holly Bank Cottage□Devils Lane□Liphook□Hants□GU30 7D	27/02/2012	O
Mat Ineron	Holly Tree Cottage□Beckfoot□Barbon□LA6 2LE	26/03/2012	O
SJ Ineson	Holly Tree Cottage□Beckfoot□Barbon□LA6 2LE	26/03/2012	O
Mr Michael Ireson	Holly Tree Cottage□Beckfoot□Barbon□Lancs□IA6 2LE	26/03/2012	O
Hew Helps	Home Farm□Easson Royal□Pewsey□Wilts□SN9 5LZ	28/03/2012	O
L Hewitt	I Roxburgh Place□Fort William□PH33 6UJ	29/03/2012	O
Michael G Breslin	Innish□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute□P.	27/02/2012	O
Mr James Mellor	Innishail□Clachan Seil□Isle Of Seil□Argyll□PA34 4TJ	16/02/2012	O
Mrs Else Mellor	Innishail□Clachan Seil□Isle Of Seil□Nr Oban□PA34 4TJ	16/02/2012	O
Richard Campbell-Walter	Inshaig House□Easdale□Isle Of Seil□Oban□Argyll And Bute	24/02/2012	O
Fiona Thyssen	Inshaig House□Isle Of Seil□Argyll□PA34 4RF	15/02/2012	O
Andrew Wheeler Osman	Iris Meadow Ardshellach Farm□Armadilly□Oban□Argyll And Bute	01/03/2012	O
Helen McLauchlan	Iris Meadow Ardshellach Farm□Armadilly□Oban□Argyll And Bute	01/03/2012	O
Mrs Bette Hunter	isle of seil□oban□PA34 4TN	14/02/2012	O
Dr JA Howard	Ivy Cottage□Church Streeton□Shropshire□SY6 7DD	28/03/2012	O
RC Young	Ivy Cottage□Eadale Island□Argyll And Bute□PA34 4TB	27/02/2012	O
Occupier	Ivy Cottage□Easdale Island□Argyll And Bute□PA34 4TB	27/02/2012	O
Rhona Mackay	Ivy Cottage□Easdale□Argyll□PA34 4TB	29/03/2012	O
David E Colston MRAC	Jenny's Meadow□Treffgarne□Havefordwest□Pembrokeshire	23/02/2012	O
Lorna Hill	Kames Lodge□Kilmelford□Oban□Argyll And Bute□PA34 4X	27/02/2012	O
R Hill	Kames Lodge□Kilmelford□Oban□Argyll And Bute□PA34 4X	27/02/2012	O
Ian N Tegner	Keepers Cottage□Kilninver□Oban□Argyll And Bute□PA34 4	12/03/2012	O
Meriel H Tegner	Keepers Cottage□Kilninver□Oban□Argyll And Bute□PA34 4	12/03/2012	O
Fiona Batten	Keepers Cottage□South Cuan□Isle Of Luing□Oban□Argyll And Bute	24/02/2012	O
Mr Robert Batten	Keepers Cottage□South Cuan□Isle Of Luing□Oban□Argyll And Bute	24/02/2012	O
Ms Claire Hertley	Keno Hill□Isle Of Seil□Argyll□PA34 4TN	08/03/2012	O
Occupier	Keno Hill□Isle Of Seil□By Oban□Argyll□PA34 4TN	08/03/2012	O
DR DAVID LOVE	KERFIELD HOUSE EAST□KERFIELD HOUSE EAST□PEEE	22/02/2012	O

JM Watherston	Kil Modan□North Connel□Argyll And Bute□PA37 1RE□	28/03/2012	O
LK Watherston	Kil Modan□North Connel□Argyll And Bute□PA37 1RE□	28/03/2012	O
The Hon. Michael Shaw	Kilbrandon House□Balvicar□Isle Of Seil□Oban□Argyll And E	01/03/2012	O
Mr Torquil Shaw	Kilbrandon House□Balvicar□Oban□PA34 4RA	23/03/2012	O
Ms Catherine Shaw	Kilbrandon House□Balvicar□Oban□PA34 4RA	23/03/2012	O
Ms Tamara Shaw	Kilbrandon House□Balvicar□Oban□PA34 4RA	23/03/2012	O
DHP Keate	Kilchoan Farm□Kilmelford□Oban□Argyll And Bute□PA34 4X	21/02/2012	O
Helen Keate	Kilchoan Farm□Kilmelford□Oban□Argyll And Bute□PA34 4X	17/02/2012	O
H R Keate	Kilchoan House□Kilmelford□By Oban□Argyll□PA34 4XD	15/02/2012	O
M Brown	Kildalton Cottage□N Cuan Ferry□Isle Of Seil□By Oban□PA3	23/02/2012	O
Robin Nicholson	Kilninver House□Kilninver□Argyll And Bute□PA34 9UT	01/03/2012	O
Mr Ewan Kennedy	Kinloch□Degnish Road□Kilmelford□PA34 4XD	17/02/2012	O
Nick And Mary Whyte	Kirkside□Dunnishen□Forfar□Angus□DD8 2NX	28/03/2012	O
Mr Richard Fye	Lagganbeg House□Kilninver□Oban□PA34 4AA	23/02/2012	O
Avril Palmer Fye	Lagganbeg House□Kilninver□Oban□PA34 4UU	23/02/2012	O
Mrs Jean Kedar	Laigh House□Strathaven□ML10	17/05/2012	O
Mrs AJ Rentoul	Larogh□Kilmelford□Oban□PA34 4XA	29/02/2012	O
John Craven	Lavender House□17 New Road□Kirkby□Cumbria□LA6 2AB	28/03/2012	O
Anne Clayton	Levens House□Greenodd□Ulverston□Cumbria□LA12 7RD	24/02/2012	O
Douglas Dundonald	Lochnell Castle□Benderloch□Oban□Argyll And Bute□PA37	24/02/2012	O
May Petrie	Lodge Cottage□Kilninver□Oban□Argyll And Bute□PA34 4U	29/02/2012	O
Mr Martin Petrie	Lodge Cottage□Kilninver□Oban□PA34 4UT	16/02/2012	O
Elliott	Lower Farm□Easson Royal□SN9 5LZ	28/03/2012	O
Margaret Elliott	Lower Farm□Easton Royal□Pewsey □Wilts□SN9 5LZ	28/03/2012	O
K Smith	Luing Chalet□Balvicar□Isle Of Seil□PA34 4TE	26/03/2012	O
Richard Jones	Mansey Dunford□St Vesp□Lostwithill□Cornwall□PL22 0NS	27/03/2012	O
Mr T Dalton	Maolachy□Oban□PA35 1HJ	19/02/2012	O
Mr Anthony Dalton	Maolachy□Lochavich□Taynuilt□PA35 1HJ	19/02/2012	O
Mr Topalian	Mill House□Wildboarclough□Cheshire□SK11 0BD	19/03/2012	O
Archie Montgomery	Moncton Road Farm□Birchington□Kent	15/02/2012	O
Jane Hallett	Monydrain House□Monydrain Road□Lochgilphead□Argyll A	28/03/2012	O
David M Sutcliffe	Moonzit Hill Farm□Balhuu□St Andrews□Fife	28/03/2012	O
A MacLean	Morleen□Cnoc An Daraich□Kilninver□By Oban□PA34 4UY	23/02/2012	O
Mr John MacLean	Morleen□Cnoc An Daraich□Kilninver□By Oban□PA34 4UY	23/02/2012	O
Mr Keith Maclen	Morvargh□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute	27/02/2012	O
Mrs Heather Maclean	Morvargh□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute	27/02/2012	O
Mrs Yvonne Anderson	Mrs□Kilmelford□Oban□PA34 4XD	29/02/2012	O
Mr Roger Kirk	Muirlan□Cuan Ferry□Isle Of Seil□Oban□Argyll And Bute□P.	26/06/2012	O
E Nee	Mutiare□Clachan□Isle Of Seil□PA34 4TL	29/03/2012	O
No Name Given	Mutiora□Seil	13/03/2012	O
Mrs J M Snow	Napier House□8 Colinton Road□Edinburgh□EH10 5DS	28/03/2012	O

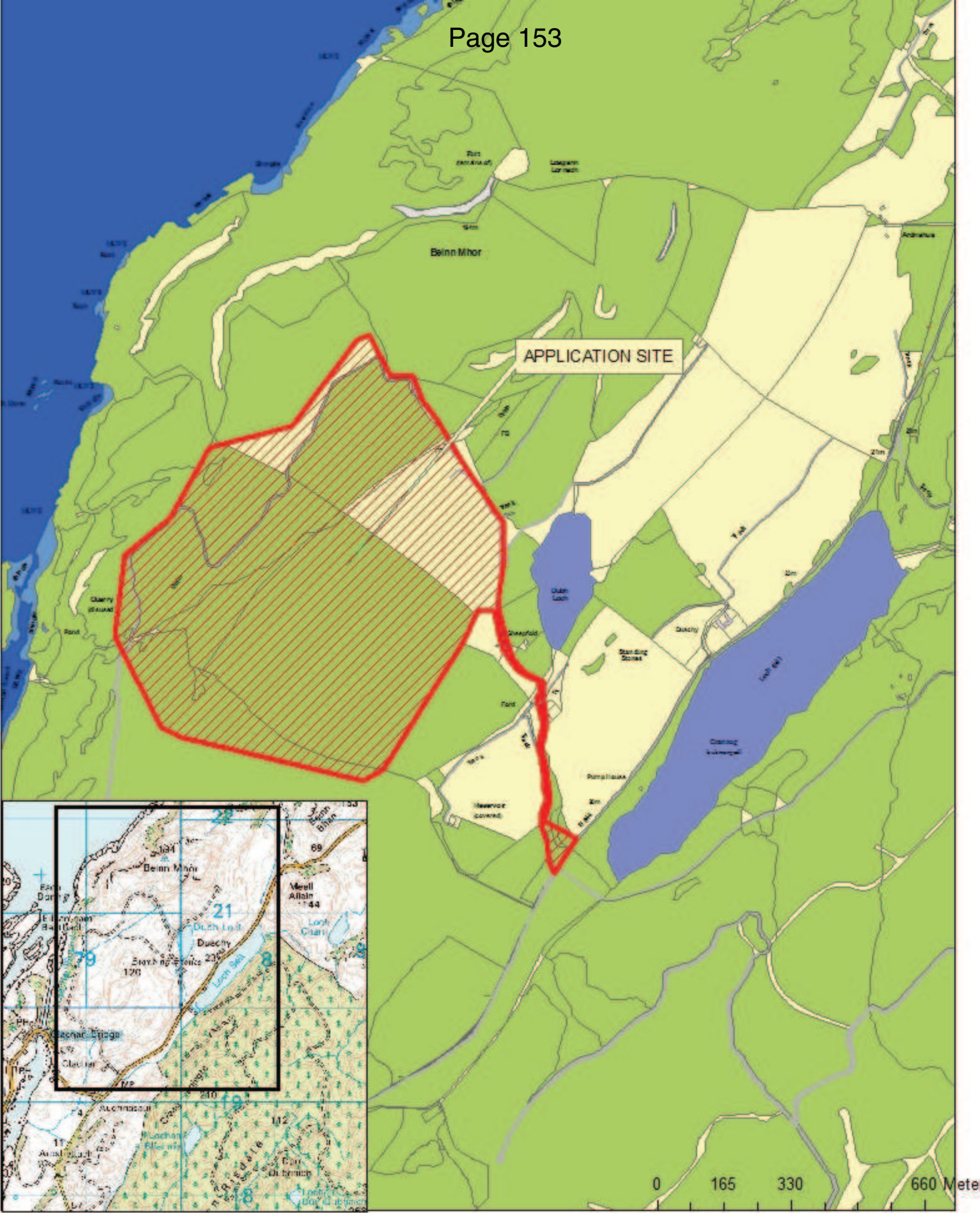
K B Smith	No 4 Luing Chalet□Balvicar Chalets□Balvicar□Isle Of Seil□F	23/02/2012	O
D Mcleod	No Address Given	27/02/2012	O
Margaret HG King	No Address Given	02/02/2012	O
Messrs Wharton And Jones	No Address Given	23/02/2012	O
Mrs A E McLeod	No Address Given	27/02/2012	O
Mrs A Wright	No Address Given	23/02/2012	O
Name Illegible	No Address Given	23/02/2012	O
Roy And Jane Stowe	No Address Given	23/02/2012	O
Ruth J Coney	No Address Given	23/02/2012	O
S A Inglis	No Address Given	27/02/2012	O
Jane Jones	No Address Provided	21/02/2012	O
Stephen Jones	No Address Provided	21/02/2012	O
Ms Eileen Martin	Noku Buildings□Banister Road□London□W10 4AR	23/03/2012	O
PM Angier	North Hill Forest Cottage□Silverbridge□Garve□Ross-shire□I	27/02/2012	O
Mary McConnell	Northern Ireland□BT39 9JU	22/03/2012	O
MJ Duncan	Oak Cottage□Ellesmere□Shropshire□SY12 9BW	27/03/2012	O
J W Shaw	Oban Marina□Isle Of Kerrera□PA34	21/03/2012	O
Occupier	Oban Seil Farm□Clachan Seil□Isle Of Seil□Oban□Argyll An	23/02/2012	O
Occupier	Oban Seil Farm□Clachan Seil□Isle Of Seil□Oban□Argyll An	23/02/2012	O
Miss Abigail Henderson	Old Clachan Farmhouse□By Oban□PA34 4RH	08/02/2012	O
Miss Rowena Henderson	Old Clachan Farmhouse□Clachan Seil□By Oban□PA34 4RH	13/02/2012	O
Mrs Sarah Henderson	Old Clachan Farmhouse□Clachan Seil□By Oban□PA34 4RH	07/02/2012	O
Dr Allan Henderson	Old Clachan Farmhouse□Oban□PA34 4RH	13/02/2012	O
Dr Allan Henderson	Old Clachan Farmhouse□Clachan Seil□Oban□Argyll And Bu	08/02/2012	O
Mr Alistair Henderson	Old Clachan Farmhouse□Oban□PA34 4RH	09/02/2012	O
Bill Thomson	Old House Of Orchill□By Braco□FH15 9LF	28/03/2012	O
Ann Durley	Olig□Clachan Seil□By Oban□PA34 4TL	23/02/2012	O
Gemma Durley	Olig□Clachan Seil□By Oban□PA34 4TL	23/02/2012	O
Lisa Durley	Olig□Clachan Seil□By Oban□PA34 4TL	23/02/2012	O
Mr Andrew J Durley	Olig□Clachan Seil□By Oban□PA34 4TL	23/02/2012	O
Susan Durley	Olig□Clachan Seil□By Oban□PA34 4TL	23/02/2012	O
Mr Hogg	Oriel House□Tetbury□Glos□GL8 8UW	28/03/2012	O
The Occupier	Pant Y Goitre House□Abergavenny□Monmouthshire □NP7 (24/02/2012	O
D R Kilpatrick	Port Beag□Kilninver□Oban□Argyll And Bute□PA34 4UT□	29/02/2012	O
Vanessa Kilpatrick	Port Beag□Kilninver□Oban□PA34 4UT	15/02/2012	O
Richard Oliver	Queensfield□28 Kings Road□Easterton□Wiltshire□SN10 4F	29/03/2012	O
Mrs JR Oliver	Queensfield□Easterton□Wiltshire□SN10 4PX	29/03/2012	O
Ruth Brittain Dodd	Rackgate□Heathersgill□CA6 6HX	28/03/2012	O
Occupier	Raera Farm Cottages□Kilninver□Oban□Argyll□PA34 4UT	08/03/2012	O
Occupier	Raera Farm□Kilninver□Oban□Argyll□PA34 4UT	08/03/2012	O
G Brittain-Dodd	Rochgate□Carlisle□CA6 6HX	28/03/2012	O
Mr Brian Ainsworth	Rock House□Maddacombe Road□Kingskerswell□Newton Al	23/03/2012	O
Ms Alison Ainsworth	Rock House□Maddacombe Road□Kingskerswell□Newton Al	23/03/2012	O
Tom Andrew	Rosewood□Tighnabruich□Argyll□PA21 2AF	29/03/2012	O
D Mealls	Rosthesne□8 North Esk Road□Edzell□Angus□DD9 7TW	27/03/2012	O
W J Sander	Rowanbank House□Ardshellach Farm□Ardmaddy□Argyll□P	15/02/2012	O

M Sander	Rowanbank House□Ardshellach Farm□Ardmaddy□PA34 4C	15/02/2012	O
Mr John Bent	Royal Hotel□Tyndrum□Stirlingshire□FK20 8RY	26/03/2012	O
D Alsop	Ryecroft□Cuan Road□Seil □Oban□PA34 4TE	23/02/2012	O
Hazel McCorrindale	Scammadale Farm□Kilninver□Argyll And Bute□PA34 4UU□	27/02/2012	O
Mr Edward Sandys	Scarba□By oban□PA34	09/02/2012	O
Ed Sandys	Scarba□PA34 4TZ	15/02/2012	O
S Sytsma	Schans 31□Staveren□NL□8715 JR	28/03/2012	O
EA Dickey	Sealladh Na Mara□Ellenabeich□Isle Of Seil□Oban□Argyll A	27/02/2012	O
Mr R Colin Millar	Seil Haven□Clachan Seil□Oban□PA34 4TL	12/02/2012	O
Mr R Colin Millar	Seil Haven□Clachan Seil□Oban□PA34 4TL	12/02/2012	O
Mr R Colin Millar	Seil Haven□Clachan Seil□Oban□PA34 4TL	12/02/2012	O
Mr Archibald Barr	Seilcreag□Clachan Seil□Oban□G63 9NZ	15/02/2012	O
Mrs Helen Barr	Seilcreag□Clachan Seil□Oban□PA34 4TL	22/02/2012	O
Colin Millar	Seilhaven□Clachan Seil□PA34 4TL	24/02/2012	O
Jean Millar	Seilhaven□Clachan Seil□PA34 4TL	24/02/2012	O
Mr Charles N Watt	Sheiling□Clachan Seil□By Oban□PA34 4QZ	23/02/2012	O
S A Rodger	Sheiling□Clachan Seil□By Oban□PA34 4QZ	23/02/2012	O
The Occupier	Sheperds Cottage□Kilninver□By Oban□PA34 4UU	23/02/2012	O
Jayne Brown	Shepherds Cottage□Kilninver□By Oban□PA34 4UU	23/02/2012	O
Peter And Olga Salmond	Shuna Cottage□18 The Glebe□Kilmelford□By Oban□PA34 4	16/02/2012	O
O M Salmond	Shuna Cottage□18 The Glebe□Kilmelford□Oban□Argyll Anc	20/02/2012	O
Craig Breslin	Sona Fardach□Clachan Seil□Isle Of Seil□Oban□Argyll And	23/02/2012	O
John Beard	Sorisdale□High Street□Innerleithers□EH44 6HA	28/03/2012	O
Julia Wales-Fairbairn	South Berrington House□TD15 2TF	15/02/2012	O
Ms H Weatherall	Stable Cottage□54, High Street□Hemingford Grey□PE28 9E	24/02/2012	O
Barbara Johnson	Stonechat□Mill Lane Well□Bedale□Nr Yorkshire	24/02/2012	O
Barry Johnson	Stonechat□Mill Lane Well□Bedale□Nr Yorkshire	24/02/2012	O
Barry Johnson	Stonechat□Mill Lane Well□Bedale□Nr Yorkshire	09/03/2012	O
Owner/Occupier	Stoppelstreat 13□Gent□Belguim	26/03/2012	O
Sheena Dodman	Strath Cottage□North Connel□Oban□Argyll And Bute□PA37	24/02/2012	O
David Green	Sunnybank□1 Pittywood Road□Wirksworth□Matlock□Derby	24/02/2012	O
Mike Barlow	Sunnybrae□South Cuan□Isle Of Luing□Oban□Argyll And Bt	28/03/2012	O
Mr And Mrs PS Mecalfe	Taigh A Luana□Lochavich□Taynuilt□Argyll And Bute□PA35	28/02/2012	O
N Donaldson	Tanderlane□EH41 4LL	15/02/2012	O
Sarah Donaldson	Tanderlane□Haddington□EH41 4LL	15/02/2012	O
Phyllis Malcolm	Tapsalteenie Cottage□Cullipool□Isle Of Luing□PA34	23/02/2012	O
J Brice	Taybrook□Bramfield□Suffolk□IP19 9HT	26/03/2012	O
Mr John Pattin	Temple Bar□Long Lane □Peterchurch□Herefordshire□HR2	21/03/2012	O
Emma Murray	The Bond□27/12 Breadalbane Street□Edinburgh□EH6 5JW	01/03/2012	O
Christopher Rose	The Bothy□Achnaclach□Oban□Argyll□PA34 4TL	28/03/2012	O
R Lewis	The Bungalow□Grove Lane□Bassworth□Pontefract□WF9 1,	24/02/2012	O
Hamish Taylor	The Byre□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute	28/03/2012	O
Mr Hamish Taylor	The Byre□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute	30/03/2012	O

Yiya Yang	The Byre □ Clachan Seil □ Isle Of Seil □ Oban □ Argyll And Bute	28/03/2012	O
Charles Cran Crombie	The Coach House □ Achintore Road □ Fort William □ PH33 6RC	13/03/2012	O
Susan Cran Crombie	The Coachhouse □ Achintore Road □ Fort William □ PH33 6RQ	13/03/2012	O
Mrs PJ Tarbuck	The Farmhouse □ Campbelbridge □ Thornhill □ Dumfries □ DG3	28/03/2012	O
Mr Colin Tarbuck	The Farmhouse □ Camplebridge □ Thornhill □ Dunfries □ DG3 5I	26/03/2012	O
Mr S Stratford	The Former Manse □ Balvicar □ Isle Of Seil □ Oban □ Argyll And	29/02/2012	O
AR Cockbain	The Grange □ Hole House Lane □ Leigh □ Nortwich □ Cheshire □	27/03/2012	O
Mrs Diana Kenning	The Grange □ Station Road □ Great Longstone	08/03/2012	O
A Curley	The Haven □ Clachan Seil □ Isle Of Seil □ Oban □ Argyll And Bui	28/03/2012	O
D Curley	The Haven □ Clachan Seil □ Isle Of Seil □ Oban □ Argyll And Bui	28/03/2012	O
Mrs Caroline Curley	The Haven □ Clachan Seil □ Isle Of Seil □ Oban □ Argyll And Bui	28/03/2012	O
Victoria Curley	The Haven □ Clachan Seil □ Isle Of Seil □ Oban □ Argyll And Bui	28/03/2012	O
Mr Gregor Fisher	The Limes □ Double St □ Spalding □ PE11 2AA	12/02/2012	O
Ms Victoria Burton	The Limes □ Double St □ Spalding □ PE11 2AA	12/02/2012	O
Miss Juliet Cadzow	The Long House □ Ardlarach □ Isle Of Luing □ PA34 4TZ	14/02/2012	O
E Topalian	The Mill House □ Wildbaraclaugh □ Macclesfield □ Cheshire □ SI	19/03/2012	O
Alan And Linda Thomson	The Old Barn □ Kilcamb Paddock □ Strontian □ Argyll □ PH36 5F	01/03/2012	O
Rose Wands	The Old House □ Clachan Seil □ Isle Of Seil □ Oban □ Argyll Anc	02/03/2012	O
Mr Hamish Munton	The Old Inn □ Easdale □ Argyll □ PA34 4RF	16/02/2012	O
Graham MacDonald	The Old Smithy □ Ancrum □ Jedburgh □ TD8 6XH	21/03/2012	O
Jenny Knox	The Pepperpot □ 43 Station Road □ Killlearn □ G63 9NZ	24/02/2012	O
A Jane Lendrum	The Schoolhouse □ Cullipool □ Isle Of Luing □ Oban □ Argyll Anc	29/02/2012	O
Bill Jackson	The Smithy □ Auchnasaul □ By Clachan Seil □ Oban □ PA34 4RI	01/03/2012	O
C Batchelor	The Studio □ Edengrove □ Rhu □ Helensburgh □ G84 8NJ	28/03/2012	O
Margaret Drew	The Tin Church □ Balvicar □ PA34 4RD	27/03/2012	O
Margaret Drew	The Tin Church □ Ellenabeich □ Isle Of Seil □ Oban □ Argyll And	27/02/2012	O
Judy Orr	The Warren □ Machrihanish □ Campbeltown □ Argyll And Bute □	28/03/2012	O
W Thyne	The Yair □ By Galashies □ TD1 3PW	28/03/2012	O
Mr P Lawson	Tigh An Duin □ Easdale □ By Oban □ PA34 4RF	23/02/2012	O
Mr Lars Brunner	Tigh an Truish Hotel □ Clachan Seil □ Oban □ PA34 4QZ	14/03/2012	O
Ms Suzanne Taylor	Tigh Innis □ Balvicar □ Isle Of Seil □ Oban □ Argyll And Bute □ PA	26/03/2012	O
Denise L Stacey	Tigh Na Craig □ Clachan Seil □ Isle Of Seil □ Oban □ Argyll And	27/02/2012	O
Ms Elizabeth Lacey	Tigh Na Faire □ Balvicar □ Isle Of Seil □ Oban □ Argyll □ PA34 4F	05/03/2012	O
Mrs Isabel Smith	Tigh Na Fuaran □ Kilmelford □ Argyll □ PA34 4XA	27/02/2012	O
Gian Bevis	Tigh Nafaire □ Acha □ Isle Of Seil □ Oban □ PA34 4RJ	29/03/2012	O
Ken Lacey	Tigh Nafaire □ Acha □ Isle Of Seil □ Oban □ PA34 4RJ	29/03/2012	O
Jennifer Smith	Tigh Uaine □ Erray Road □ Tobermory □ Isle Of Mull □ Argyll Anc	24/02/2012	O

Mr Keith Miller	Tigh-a-Ghlinne□Glenshellach Road□OBAN□PA344PP	01/03/2012	O
Hubatha Thomas	Tigh-An-Trush□Isle Of Seil□Argyll And Bute□PA34 4QE	28/03/2012	O
Mrs D Campbell Gibson	Tighnamara□Melfort□Kilmelford□Argyll□PA34 4XD	20/02/2012	O
Mrs Iris Bell	Tir Aluinn□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute	28/02/2012	O
Mr Ian Roberts	Tomel Thatch□Ebbs Lane□East Hanney□Wantage□Oxfords	24/02/2012	O
Mrs Catherine Roberts	Tomel Thatch□Ebbs Lane□East Hanney□Wantage□Oxfords	24/02/2012	O
Ann Reid	Torbeag□Clachan Seil□By Oban□PA34 4TJ	23/02/2012	O
S A Reid	Torbeag□Clachan Seil□By Oban□PA34 4TJ	23/02/2012	O
Adam Reid	Torbeag□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute□	24/02/2012	O
June Reid	Torbeag□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute□	24/02/2012	O
Luke Reid	Torbeag□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute□	24/02/2012	O
Sophie Reid	Torbeag□Clachan Seil□Isle Of Seil□Oban□Argyll And Bute□	24/02/2012	O
Mr Mark Struthers	Torsa Island□C/O Ardmaddy Estate□Oban□PA34 4QY	13/02/2012	O
EA Colston	Traigh Mhor□Clachan Seil□Isle Of Seil□Oban□Argyll And Bi	21/02/2012	O
JP Colston	Traigh Mhor□Clachan Seil□Isle Of Seil□Oban□Argyll And Bi	21/02/2012	O
Occupier	Treshnish□Glenmore□Oban□Argyll	05/03/2012	O
S Hunt	Tulach Ard□Balvicar□Isle Of Seil□Oban□Argyll And Bute□P	29/02/2012	O
Gillian Dinsmore	Tulloch Beag□Kilmelford□Oban□Argyll And Bute□PA34 4X/	23/02/2012	O
Gillian Dinsmore	Tulloch Beag□Kilmelford□Oban□Argyll And Bute□PA34 4X/	28/03/2012	O
Helen Barr	Two Oaks□Kilern□Glasgow□G63 9NL	28/03/2012	O
Mr Adam Richards	Upper Flat, Mingulay□Laurel Crescent□Oban□PA34 5ED	05/03/2012	O
Mr Michael Wade	Vendale Cottage□8 Wood Lane□Grassington□BD23 5LU	26/03/2012	O
Aurelia Secchi	Via Dell'orsa Minore 4□Cassina De' Pecchi□Milano□20060□	09/03/2012	O
Aurelia Secchi	Via Dell'Orsa Minore 4□Cassina De@ Pecchi□Milano□2006	09/03/2012	O
Mr Henry Warhurst	Walton Hill Farm□Wellesbourne□CV359HH	09/02/2012	O
Henry Warhurst	Walton Hill Farm□Warwickshire□CV35 9HH	15/02/2012	O
Pippa And Gavin Shanks	Waterside House□Carmunnock□Glasgow□G76 9HN	19/03/2012	O
Jo Quaile	Wellbank House□Camprie Glen□Glasgow□G66 7AR	28/03/2012	O
Jessie Quaile	Wellbank House□Camprie Glen□Glasgow□G66 7AR	28/03/2012	O
Polly Quaile	Wellbank House□Camprie Glen□Glasgow□G66 7AR	28/03/2012	O
Stephen Quaile	Wellbank House□Camprie Glen□Glasgow□G66 7AR	28/03/2012	O
Ms Lesley Wiseman	Wester Blairskaith House□Balmore□Torrance□Glasgow□G6	23/03/2012	O
RTM Aitken	Westerley□Shandon□Helensburgh□G84 8NW	28/03/2012	O
Mr Bob MacMahon And Mrs De	Whin Cottage□Clachan Seil□Isle Of Seil□PA34 4TS	08/03/2012	O
Bob MacMahon	Whin Cottage□Clachan Seil□PA34 4TJ	29/03/2012	O
Elizabeth Kilpatrick	White Cottage□Newbyth □East Lothian□EH40 3DU	28/03/2012	O
H Kilpatrick	White Cottage□Newbyth □East Lothian□EH40 3DU	28/03/2012	O
Miss Caragh H Bell	White Lodge□Gate Lane□Freshwater Bay□Isle Of Wight□P	27/02/2012	O
Rachael Maclean	White Lodge□Gate Lane□Freshwater Bay□Isle Of Wight□P	27/02/2012	O

Wm Graeme Knox	White Row□Kentallen□N Argyll	24/02/2012	○
Dagmar Alfter	Wiesenweg 8□Niederkassel□Germany□53859	28/03/2012	○
Peter Alfter	Wiesenweg 8□Niederkassel□Germany□53859	28/03/2012	○
Mrs Alice Wilson	Willowburn□Clachan Seil□Oban□PA34 4TJ	23/02/2012	○
Mrs Anna Brunyee	Woodlands□Myler□Falmouth□Cornwall□TR11 5LX	28/03/2012	○
Christine Trewdell	Yacht Story Line□C/o 14 Salisbury Road□Cressington Park□	28/03/2012	○
Paul Trewdell	Yacht Story Line□C/o 14 Salisbury Road□Cressington Park□	28/03/2012	○
Keith Varty	Zeelander□Glasson Dock□Lancaster□LA20 0AN	28/03/2012	○



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Argyll and Bute Council
Development Services

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/00599/PP

Planning Hierarchy: Local Development

Applicant: Tobermory Endeavour

Proposal: Use of land as community allotments including formation of access, car park, provision of passing places, on site access, erection of storage building, polytunnels and ancillary structures

Site Address: Land North East of Castle Croft, Tobermory, Isle of Mull

SUPPLEMENTARY REPORT No. 2

1 SUMMARY

The purpose of this report is to advise Members of a late representation which has been received in connection with the above planning application and also to advise of further conditions which are required to be attached to the main report of handling as previously advised to Members when the application was continued at the last meeting.

2 ADDITIONAL INFORMATION

A further additional e-mail representation and a subsequent letter of objection dated 11th September 2012 objecting to the proposed development has been submitted by Sarah Darling, Sunart View Bed & Breakfast, Eas Brae, Tobermory, Isle of Mull, PA75 6QA. Many of the issues raised in this representation have been discussed within the main report of handling. However, several new issues have been raised and are required to be addressed. The issues raised can be summarised as follows:

Poor visibility at junction from Bedoun Lane.

Comment: The Area Roads Engineer has been consulted and has raised no road safety concerns. The access currently has the required visibility splays measuring 42.0m x 2.4m in each direction at the junction. A condition would be sufficient in order to ensure that these existing visibility splays are maintained in perpetuity.

Lane is only seven feet wide with no pavement and street lighting.

Comment: The Area Roads Engineer has been consulted and raised no road safety concerns. The area is rural in nature and so there is no requirement for lighting.

Concerns with regards to distance between existing accesses and proposed access.

Comment: The Area Roads Engineer has been consulted and has raised no roads safety concerns. Distances between existing roads accesses and the proposed access to serve the proposal site have been assessed and found to be satisfactory.

Sewage from toilets is to be removed by the septic tank lorry. This lorry will not be able to reach the area where the sewage is to be taken from.

Comment: A composting toilet is proposed to serve the proposed development. No septic system is required for a composting toilet.

Planning Permission granted for 'Gramercy' on the lane previously. This permission required that the lane was not to be used by construction vehicles and that another access was required to be provided for this purpose.

Comment: Planning Permission 03/00380/DET was granted on the 7th of April 2003 for the erection of a dwellinghouse at land south east of Sunart View Guesthouse. This house has since been built and is known as 'Gramercy'. The Area Roads Engineer did not object to this proposal at the time of planning subject to conditions requiring the public road extension and turning head shown on the approved site plan be formed prior to occupation. There was no requirement for a separate access to be provided for use by construction vehicles. Disturbance caused by construction is not a material planning consideration.

Previous planning applications for housing have been refused on the basis that the road is not suitable to take any further increase in traffic.

Comment: This is noted. However, the proposal has been fully assessed against the current criteria contained within the Argyll and Bute Local Plan which was adopted by the Council in 2009. Planning Application Refs 05/00159/OUT (site for the erection of 2 self catering units and formation of access road at site south of Sunart View) and 05/00086/OUT (site for the erection of a dwellinghouse at site south west of Sunart View) were recommended for refusal by the Area Roads Engineer on the grounds that any further increase in traffic would have a detrimental effect on road safety. The original objection from the Area Roads Engineer in response to Application ref 05/00086/OUT was removed on the basis that the development would not result in any intensification of use given that the proposed dwelling house would replace an existing residential caravan. This application proposed to improve the existing vehicular access. No further roads improvements were proposed. No improvements to the road were proposed for planning application ref 05/00159/OUT. The current proposal includes the formation of two passing places on the lane leading to the allotment site. The Area Roads Engineer is satisfied that this improvement to the roads network is commensurate with the likely levels of traffic associated with proposed development.

There is no water supply for use by the fire brigade.

Comment: This is a matter which will be dealt with through Building Standards legislation.

No provisions in toilet for people to wash their hands.

Comment: Environmental Health have been consulted and have raised no concerns.

The water to be collected from butts collecting water would not be enough to keep plants on an allotment alive.

Comment: This is not a material planning consideration

Misleading statistics advanced by the applicants regarding community support for the allotments (128 questionnaires were returned out of the 548 posted - 23% of those originally asked. Of those 23% who replied, 88% were in favour of community allotments).

Comment: The applicants have stated 88% of respondents from a public survey comprising 548 postal ballots supported the allotment proposal. On the basis above the actual returns would indicate 21% support.

Misleading statement by the applicants regarding support from potential user groups

Comment: It appears that the primary school has declined to accept an allotment as sufficient land is available on the school site for their requirements.

Need for a restoration bond to be in place before work commences in the event of permission being given

Comment: The option of a bond has been considered but has been discounted in favour of reliance upon the terms of the lease to be issued by the Forestry Commission, which will address reinstatement at the end of, or the earlier termination of, the lease agreement.

Consultation for this project has been ill-conceived and badly managed, with little regard to the residents and businesses that would be directly affected. Residents, on the basis of their experience of Tobermory Endeavour to date, are very worried about how the project will proceed if the planning application is approved.

Comment: How the applicants conduct their affairs and the extent to which they choose to engage with local people is matter for them and not material to the merits of the decision at hand.

2 ADDITIONAL RECOMMENDED CONDITIONS

In light of concerns regarding the longer-term management of the site, and the possibility that a failed venture could leave an untidy site juxtaposed with the principal elevations of property on the opposite side of the access to the overall detriment of the amenity of the area, this has resulted in the requirement for further conditions to be recommended to be applied to the grant of planning permission. Additional conditions to those previously recommend are as follows:

7. The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

8. Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority. Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

9. No development shall commence on site until a detailed management and maintenance method statement has been submitted for the written approval of the Planning Authority. This plan shall include, but is not limited to, the following:

- i) Tenancy arrangements;
- ii) Maintenance obligations and consenting procedures for alterations to, replacement of or additional site structures;
- iii) Procedure in the event of vacancies, abandonments and dereliction;
- iv) Reinstatement procedures in the event of venture failure;
- v) Complaints handling and reporting procedure.

This plan shall also include full details of the routine operations necessary to maintain the site. Maintenance tasks shall be listed and the persons responsible for the carrying out the maintenance task shall be identified. Details of the frequency of each maintenance task should also be included. Thereafter the agreed management and maintenance statement shall be implemented for the duration of the life of the allotments, including any post-occupation reinstatement period.

Reason: In the interests of amenity.

Consideration has also been given to the possible imposition of a condition requiring a restoration bond. Whilst the proposal if properly occupied and managed can quite reasonably co-exist with adjoining dwellings and is an appropriate land use in a residential area, the consequences of abandonment and dereliction could be significant in terms of residential amenity. As this is a new venture with no established track record, it is not possible to speculate on either its success or its longevity as a venture, and

given relationship between the site owner and a number of allotment holders, any remedial action on the part of the Council by way of Amenity Notice could be complicated and protracted. Accordingly, it is considered that some assurance is necessary as to what would happen in the event that the project fails to thrive. This would also help to address some of the misgivings expressed by those who have objected.

The prospect of additional conditions has been raised with the applicant, Tobermory Endeavour, who have submitted a representation further to those requirements. Tobermory Endeavour have made it clear in this representation that they will be left with no alternative but to discontinue the allotment project if a restoration bond condition were to be attached to the grant of planning permission. This representation can be viewed on the Council's internet site. Mull and Iona Community Trust have also submitted a representation as they have agreed to act as guarantor for the proposed allotments. They have also asked that the Council re-consider the imposition of a condition requiring a restoration bond. They are of the view that the imposition of a restoration bond condition does not seem to be commensurate with what is proposed, nor with the financial circumstances of the project. They also have concerns with regards to the application of such a requirement in respect of for future projects.

What has become apparent is that the lease being granted to Tobermory Endeavour by the Forestry Commission is to include a reinstatement clause, which would take effect at either the expiry or the earlier surrender of the lease, requiring removal of all structures and the clearance of the site which is to be left in a tidy condition. Given the status of the Forestry Commission as a public body, this contractual obligation can be relied upon to secure reinstatement should that prove necessary, and this therefore provides sufficient assurance that the land will be restored should the venture not succeed, which in turn, obviates the need to seek to control over that eventuality by means of a planning condition requiring a reinstatement bond.

2 RECOMMENDATION

The above noted representation does not change the recommendation in the original report. Having due regard to the development plan and all other material planning considerations, it is recommended that planning permission be granted subject to the conditions and reasons listed in the original report along with those detailed in this supplementary report.

Author of Report: Lesley Cuthbertson
Reviewing Officer: Richard Kerr

Date: 31.08.12
Date: 12.09.12

Angus Gilmour
Head of Planning and Regulatory Services

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Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/00599/PP

Planning Hierarchy: Local Development

Applicant: Tobermory Endeavour

Proposal: Use of land as community allotments including formation of access, car park, provision of passing places, on site access, erection of storage building, polytunnels and ancillary structures

Site Address: Land North East of Castle Croft, Tobermory, Isle of Mull

SUPPLEMENTARY REPORT NO 1

1 ADDITIONAL INFORMATION

Following further consideration as to the merits of this application, the matter of on-going management and maintenance of the site, and restoration in the event that the venture proves not to be successful and the use becomes abandoned, have been raised with the applicants.

It is apparent that some mechanism to control the allotments when in operation would be desirable in the interests of amenity, as a site of this nature could have the potential to deteriorate over time in terms of its appearance were it not to be appropriately managed. Likewise, in the event of the allotments and the associated structures becoming abandoned they could also pose a problem in terms of their impact upon the amenity of its surroundings, particularly given that the site is overlooked by residential property.

The matter of prospective additional conditions to those recommended in the original report has been raised with the applicants, who in response have requested that they be afforded further time to consider and address this issue. Accordingly, they have asked that the application be continued to the September meeting, which would afford them time to consider their options and formulate a response. Such a continuation would be appropriate in the circumstances.

2 RECOMMENDATION

It is recommended that the application be continued to the September meeting of the PPSL committee to provide sufficient opportunity for management, maintenance and reinstatement considerations to be addressed by the applicant, in response to which a further supplementary report will be prepared for the next meeting.

Author of Report: Richard Kerr

Date: 13.08.12

Angus Gilmour
Head of Planning and Regulatory Services

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Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/00599/PP

Planning Hierarchy: Local Development

Applicant: Tobermory Endeavour

Proposal: Use of land as community allotments including formation of access, car park, provision of passing places, on site access, erection of storage building, polytunnels and ancillary structures

Site Address: Land North East of Castle Croft, Tobermory, Isle of Mull

DECISION ROUTE

(i) Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Formation of 20 allotments, each with a potting shed and glasshouse
 - Erection of timber communal shed
 - Erection of 2 polytunnels
 - Provision of 2 passing places
 - Formation of site vehicular access and 2 parking areas
 - Erection of 2 metre high boundary deer fencing
 - Erection of 1 metre high rabbit proof fencing within the site
-

(B) RECOMMENDATION:

Having due regard to the development plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

(C) HISTORY: None on application site.

(D) CONSULTATIONS:

SEPA – Letter dated 30.03.12. No objections.

Area Roads Engineer – Memo dated 26.03.12. No objections subject to conditions with regards to the provision of SD08/004a at the junction into the allotment site with the public road. Adequate passing places are required to be constructed in accordance with Roads drawing SD08/003a and locations to be agreed on site. Adequate visibility splays have to be provided and maintained in perpetuity and surface water drainage provided. Further details of proposed use of polytunnels requested.

Legal and Protective Services – Memo dated 03.04.12. No objections.

Biodiversity Officer – Original response dated 18.04.12. Concerns raised with regards to local biodiversity and potential for European Protected Species at the site. An ecological survey was therefore requested. A detailed ecological survey was submitted to the Council for consultation. The report concludes that there are no unacceptable impacts on biodiversity and no adverse impacts at all on European Protected Species. She confirms that the survey was carried out at the Optimum time of year for Bats during a period of settled weather conditions (April -June) and by an independent professional ecologist. The Biodiversity Officer is satisfied with the findings of this survey and has confirmed that the proposed development raises no biodiversity issues.

Scottish and Southern Energy – E-mail dated 19.04.12. No objections

SNH – Letter dated 15.05.12. No objections however provide advice in terms of the protection afforded European Protected Species (otters and bats), if they are found to be present.

SERAD – No response at time of writing this report.

(E) PUBLICITY:

The proposal was advertised under (Regulation 20 – Advert Local Application). The publication date was 5th of April 2012 and the closing date was 26th of April 2012

(F) REPRESENTATIONS:

18 letters of representation (and a few further comments from these parties) have been received objecting to the proposed development from the following:

Sarah Darling, Sunart View, Eas Brae, Tobermory, Isle of Mull, PA75 6QA (24.04.12)

Janet Easton Berry (e-mail address only – eastonberry@btinternet.com) (17.04.12)

Mrs Rosemary McKie, Bedoun, Eas Brae, Tobermory, Isle of Mull, (15.04.12)

Mr Alex Fletcher, Caravan A, Lee Road, Ardtun, Buinessan, Isle of Mull (18.04.12)

Mr David McKie, Bedoun, Eas Brae, Tobermory, Isle of Mull (09.04.12)

Cassie Stevens, Craigsid Flat, Gulberwick, Shetland, ZE2 9JX (24.04.12)

Juliet Antill, Braidwood, Bedoun, Tobermory, Isle of Mull, PA75 6QA (24.04.12)

Jane Stevens, Gramercy, Tobermory, Isle of Mull, PA75 6QQ (31.05.12)

Steven Stevens, 50a Blackmore Road, Kelvedon Hatch, CM5 0AZ (24.04.12)

C Warden, Caravan, Castle Croft, Tobermory, Isle of Mull, PA75 6QA (24.04.12)

Mrs I McLaughlin, Seilastier, Bedoun, Tobermory, Isle of Mull, PA75 6QA (24.04.12)

Mike Darling, Sunart View, Eas Brae, Tobermory, Isle of Mull, PA75 6QA (24.04.12)

Heather McLauchlan, Castle croft, Bedoun, Tobermory, Isle of Mull(24.04.12)

David Underwood, Gramercy, Tobermory, Isle of Mull, PA75 6QA (24.04.12)

Nic Davies, Flat 2/1, Poermore Place, Main Street, Tobermory, Isle of Mull (17.04.12)

H M Spence, 11 West Street, Tobermory, Isle of Mull (24.04.12)

J D Bankes, Torraclachan, Dervaig, Isle of Mull (30.04.12)

Archibald MacDonald, Cnoc na Sgillia, Tobermory, Isle of Mull, PA75 6QA (03.05.12)

The issues raised can be summarised as follows:

Road Safety

Concerns with regards to safety of both pedestrian and vehicle drivers.

Comment: The Area Roads Engineer has been consulted and has raised no objections to the proposed development.

Distances between existing accesses and proposed access being inadequate.

Comment: The Area Roads Engineer has been consulted and has raised no objections to the proposed development.

Are proposed passing places acceptable?

Comment: The Area Roads Engineer has raised no objections subject to a condition being attached to the grant of permission requiring passing places to be constructed in accordance with Roads drawing SD08/003a and locations to be agreed on site. This indicates that The Area Roads Engineer may require adjustment to the passing place positions shown on the accompanying plans. The site boundary allows for a degree of flexibility in this regard without going beyond the boundary.

Previous refusals on the basis that the road is not suitable to take any further increase in traffic.

Comment: The Area Roads Engineer has been consulted and has raised no objections to the current proposed development.

Construction traffic and requirement to put another access in for construction period.

Comment: The Area Roads Engineer has been consulted and has raised no objections to the proposed development.

Increase in traffic flow

Comment: The Area Roads Engineer has been consulted and has raised no objections to the proposed development.

Request for road safety survey.

Comment: The Area Roads Engineer has already considered road safety when responding to the consultation request, when he confirmed no objections to the proposed development.

Impact on Environment

Application site has previously been part of a forest edge habitat run by Forest Enterprise.

Comment: This designation has no relevance within planning legislation. The site lies within land which has been designated as 'Countryside Around Settlement' by The Argyll and Bute Local Plan 2009. The site is not a known 'sensitive area' as prescribed within Planning Circular 3/2011. The site is not the subject of any landscape, nature conservation, or historic environment designation.

Application site should be the subject of a proper survey of flora and fauna.

Comment: An ecological report has been submitted further to queries being raised by objectors and the Biodiversity Officer. The survey confirms that there are no unacceptable impacts on biodiversity and no protected species will be adversely affected. After considering the ecological report, the Biodiversity Officer has confirmed having no objections. Scottish Natural Heritage raise no objections to the application.

No demand has been made that the site undergo an environmental or habitat survey prior to planning permission being granted.

Comment: The site is not a known 'sensitive' area as mentioned above and is not the subject of any landscape or nature conservation designations. Therefore an environmental or habitat survey was not a prerequisite. In response to neighbour objections and a request from the Biodiversity Officer, an ecological survey has been completed satisfactorily. Scottish Natural Heritage raised no objections.

Requirement for proposed development to be subject of Screening Opinion, under the Environmental Impact Assessment regulations. Associated request for a formal EIA to be undertaken.

Comment: Albeit not considered to constitute 'intensive' operations, the proposal does involve the use of land for agricultural activities that is not presently in agricultural use. It was therefore determined that a screening opinion should be undertaken to assess whether the development constitutes 'Schedule 2 development' requiring an EIA. The adopted screening opinion of the Council has been carried out and concludes that a formal EIA is not necessary. The screening opinion has been placed on the public access system.

Contested that the site is known to contain protected species

Comment: The ecological survey confirms otherwise and these findings have been accepted by the Biodiversity Officer. SNH raise no objections to the development.

Concerns raised with regards to the ecological survey having been carried out too early in the season by the applicants agent

Comment: The Biodiversity Officer is satisfied that the survey was carried out at the optimum time of year for bats during a period of settled weather conditions (April-June) This survey was carried out by an independent Ecologist and not the applicants agent.

Views from adjacent properties affected.

Comment: This is not a material planning consideration

The proposed screening will not hide the site from view or reduce noise levels.

Comment: The site is a fairly open field of rough pasture which is partly contained with a tree belt to the north west and also to the north east. There are a number of deciduous trees at the north western corner of the site. The site sits in a location just beyond the developed part of Tobermory in a low lying area which is not prominent in the wider context. It is however visible to and from three neighbouring houses which utilise the existing road, proposed to serve this development. The development proposed is not considered to be of a nature that is out of character with the fairly remote peripheral area within which it is proposed to be sited. The proposed site is relatively well contained and it is considered that the proposed development will not be obtrusive at this location. The simple design ethos, low level buildings proposed, and layout submitted, along with the planting proposals submitted, means that there is no overriding need to 'hide' the development as its appearance is not considered to be overly intrusive. Legal and Protective Services have been consulted and have not raised any concerns with regards to noise.

Design

Voltaic panels and green houses are reflective and are not appropriate.

Comment: These are small elements of the overall project and are considered to be generally acceptable within a rural or town context. The concerns of objectors are not shared by the planning assessment.

Bad Neighbour concerns

Health and Safety concerns with regards to toilet facilities.

Comment: An off-grid, low impact development is proposed. A composting toilet is a suitable solution for the needs of the site users in this instance. Health and safety, as well as pollution impacts are dealt with under separate legislation.

Noise concerns

Comment: Environmental Health have been consulted and have raised no concerns.

Other concerns

Neighbour notification has been poorly done.

Comment: Neighbour notification has been carried out in accordance with the correct procedures.

Forestry Commission have taken land from an original crofter so that land is not used as agriculturally productive ground.

Comment: This is not a material planning consideration.

Majority of applicants for allotments have their own gardens.

Comment: This is not a material planning consideration

Devaluation of surrounding businesses.

Comment: This is not a material planning consideration.

Possibility of evening and weekend 'peaks' of activity.

Comment: Environmental Health Officers and the Area Roads Engineer have not raised any objections to the proposed development. Traffic impacts and noise impacts are considered by these consultees when they provide consultation responses.

Good idea in the wrong location.

Comment: These concerns are noted, but not shared by the full planning assessment, see below.

Kitchen facilities in storage shed and provision of water unknown.

Comment: No potable water supply is proposed. This has not generated any objection from Environmental Health officers.

Concerns with regards to Mull Community Council Report Statistics – information that has been circulated has not been accurate.

Comment: This is not a material planning consideration, but the clarification of responses to the independent public consultation exercise is noted.

Other suitable sites for proposed development are highlighted.

Comment: Allotment proposals do not require a 'sequential test' to identify the best possible site. Rather, the assessment may focus on whether the use is acceptable on the site applied for, taking account of relevant planning policy and other material considerations. Incidentally, the submitted supporting statement indicates there are no other alternative sites available within walking distance of the town. The option for walking and cycle access being considered integral to the proposals.

The wishes of the local community have not been considered.

Comment: This is not a prerequisite of submitting a planning application.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Statement: No

(ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No

(iii) **A design or design/access statement:** No

(iv) **A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:**

A supporting statement has been submitted, detailing the approach to the development and all factors taken into account when developing the project to this stage.

(H) PLANNING OBLIGATIONS

(i) **Is a Section 75 agreement required:** Not required

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

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

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

The Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within the Countryside Around Settlements

The Argyll and Bute Local Plan 2009

LP ENV 1 – Development Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP ENV 2 – Development Impact on Biodiversity

LP BAD 1 – Bad Neighbour Development

LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provisions

LP COM 1 – Community Facility 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 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

Scottish Planning Policy (SPP), 2010

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes,

A screening opinion has been adopted by the Council which confirms a formal EIA is not necessary. The development does not constitute 'Schedule 2 Development'.

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

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

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

(O) Requirement for a hearing (PAN 41 or other): Not required in this instance.

In deciding whether to exercise the Council's discretion to hold a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

The issues raised as objections to the development principally relate to road safety, ecology, EIA assessment, and noise and general amenity impacts. The development plan is current and no policy objections have arisen.

In this case, it is not considered that the application raises any complex or technical issues and it is not considered that a hearing would add value to the process and therefore Members should exercise their discretion and decline to undertake a hearing prior to the application being determined.

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

This is a proposal for the use of land as community allotments including the formation of access, car park, provision of passing places on site access, erection of a communal shed, polytunnels, and potting sheds and glasshouses at land north east of Castle Croft, Tobermory, Isle of Mull.

The use of land for an 'agricultural purpose' does not need planning permission. Under the 1997 Town and Country Planning (Scotland) Act 1997 'agriculture' is not defined as development and so the use of land for agriculture is largely exempt from planning control. The Act provides a definition of 'agriculture' at Section 277. The definition has been held to include the use of land as allotments.

Planning Permission is however required for the siting of structures and vehicular access and parking provision within the site, associated with the use of land for allotments.

In terms of the adopted Argyll and Bute Local Plan 2009, the site is situated within land which has been designated as 'Countryside Around Settlement' within which Policy STRAT DC 2 gives encouragement in special cases, to small scale development with a locational need.

LP Policy COM 1 sets out a presumption in favour of new community facilities provided that in the countryside development control zones, the development is of a form, location and scale consistent with policies STRAT DC 2-6. The new development must also respect the landscape character and amenity of the surrounding area and be readily accessible by public transport. These developments should be located as close to where people live and reduce the need to travel.

As an agricultural activity, it is considered that the principle of allotments within Countryside Around Settlements is acceptable within the terms of STRAT DC 2 and is therefore also supported under LP COM 1. The site is well contained in the wider context and its use for allotments will not erode the settlement edge to any unacceptable degree. The location of an allotment development for Tobermory needs to remain accessible to the community it is proposed to serve and as such, will sensibly be around the fringe of the settlement somewhere.

LP BAD 1 aims to encourage 'bad neighbour developments' where specific criteria has been satisfied. There can be no unacceptable adverse effects on the amenity of neighbouring residents. Development will only be permitted when proposals include appropriate measures to reduce the impact on amenity; where there are no significant transport, amenity or public service provision objections and where technical standards in terms of parking, traffic circulation, vehicular access are met in full.

Albeit that objectors raise concerns regarding road safety and noise, these concerns are not sustained by the relevant expert statutory consultees.

LP ENV 19 requires developers and their agents to produce and execute a high standard of appropriate design and for development to be of an appropriate layout and density and to be of suitable scale and form.

The simple form and low rise nature of the structures proposed, together with the simple layout and considered approach to reducing visual impacts all combine to mean the developments will generate very little impact beyond the site boundary. Some localised impacts will exist, but these are considered acceptable.

LP ENV 2 aims to give stronger protection to habitats and species, even when they are not associated with specifically designated nature conservation sites.

The ecological survey that has been undertaken and scrutinised, confirms that there are no unacceptable adverse impacts on biodiversity. No protected species will be affected by the development. A screening opinion has been adopted that confirms that no formal EIA is required.

The proposed development has elicited a number of local objections as detailed above and fully available via the Council's public access system. Some of these concerns have been addressed by the publication of the screening opinion, and the submission of a full ecological survey. Concerns relating to noise and road safety are not supported by the relevant statutory consultees.

The main outstanding issues of concern are the impact of the proposed structures, the impact of the vehicular access/parking areas to be provided. The potential effects on the amenity of neighbouring residents are also a key element in the determination of this planning application.

The proposed structures are considered to be of a low-rise, small scale design that will not be obtrusive within this well contained setting. The materials proposed are suitable to the site location. The overall scheme consists of small buildings that are suited for their intended agricultural use.

The internal access and parking areas also meet with the approval of the Roads Engineer. Whilst the reduction of parking or omission of parking altogether, would undoubtedly address some of the further concerns of objectors, it is not believed that the Roads Manager would accept this development with no parking provision whatsoever. Nevertheless, the proposal under consideration involves a total of 19 parking spaces and this must be determined. The parking has been arranged in two discrete blocks to reduce their urbanising influence on the site, such that they are considered acceptable as submitted.

In terms of general amenity impacts, the concerns of the immediate neighbours are entirely understandable. Those properties currently enjoy a peaceful, rural setting, where noise, activity and disturbance is generally limited to those householders and their holiday guests only. The introduction of any additional development nearby will have some impact on those properties. Whilst noting those parties concerns, the Planning Authority must also acknowledge that noise impacts have not been the subject of concern to Environmental Health Officers. Further, the use of a site for allotments is generally a low-key activity, largely enjoyed by relatively small number of responsible people during periods of good weather, which is very similar in nature to the use of private gardens for similar purposes. It is not considered that the operation of the allotments will create any unacceptable conflict with the existing residential properties and the generally high amenity levels will still remain high.

On the basis of the foregoing, the proposal is considered to be acceptable and raise no conflict with the relevant Development Plan policies. It is recommended that planning permission be granted subject to the conditions appended to this report.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission should be granted

The proposed development is considered acceptable at this location without causing any unacceptable impact on the wider area and there are no infrastructural constraints which would preclude the proposed development at the site.

The proposal accords with Policy STRAT DC 2 of the adopted Argyll and Bute Structure Plan 2002, Policies LP ENV 1, ENV19, ENV 2, BAD 1, COM 1, TRAN 4, TRAN 6 and Appendix 1 of the adopted Argyll and Bute Local Plan 2009. There are no other material considerations, including issues raised by third parties, which are considered to have

decisive weight that would warrant anything other than the application being determined positively in accordance with the provisions of the development plan.

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

No Departure

(T) Need for notification to Scottish Ministers or Historic Scotland: Not required

Author of Report: Lesley Cuthbertson

Date: 24.07.12

Reviewing Officer: Stephen Fair

Date: 26.07.12

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.12/00599/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 15th March 2012 and the approved drawing reference numbers:

- Plan 1 of 9 (Site location plan, drawing no 333-10)
- Plan 2 of 9 (Site plan, drawing no 333-11rA)
- Plan 3 of 9 (Planting details, drawing no 333-16)
- Plan 4 of 9 (Existing site, drawing no 333-01)
- Plan 5 of 9 (Typical layby details, drawing no 333-19)
- Plan 6 of 9 (Cross section, drawing no 333-17)
- Plan 7 of 9 (Polytunnel details, drawing no 333-14)
- Plan 8 of 9 (Shed and glasshouse detail, drawing no 333-12)
- Plan 9 of 9 (Communal building details, drawing no 333-18)

unless the prior written approval of the Local Planning Authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. No development shall commence on site or is hereby authorised until the vehicular access at the junction of the public road and the allotment site has been formed in accordance with the Council's Road Engineers Drawing Number SD 08/004a with visibility splays of 42.0m x 2.4m in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Planning Authority.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access and in accordance with LP TRAN 4 of The Argyll and Bute Local Plan 2009.

3. No development shall commence on site or is hereby authorised until passing place(s) have been completed in accordance with Roads Services drawing SD 08/003a at locations which shall first be agreed on site by the Planning Authority in conjunction with the Council's Area Roads Engineer.

Reason: In the interests of road safety and in accordance with LP TRAN 4 of The Argyll and Bute Local Plan 2009.

4. No development shall commence on site or is hereby authorised until details of the proposed colour finishes to the approved communal shed walls are submitted for the written approval of the Planning Authority. The development shall thereafter be completed and maintained in strict accordance with such details as are approved.

Reason: In the interests of visual amenity.

5. No development shall commence on site or is hereby authorised until full details of the method of protection for all trees to be retained are submitted to and approved in writing by the Planning Authority. All protection measures that are approved shall be fully deployed during all construction phases to the satisfaction of the Planning Authority.

Reason: In the interests of nature conservation and to maintain the established setting of the site.

6. From the date of this planning permission, no trees within the site, other than those identified in the approved plans for felling, shall be lopped, topped, felled or otherwise damaged without the prior written consent of the Planning Authority.

Reason: In the interests of nature conservation and to maintain the established setting of the site.

NOTE TO APPLICANT

- **Length of this planning permission:** The development to which this permission relates must be begun within three years from the date of this permission in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on-site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997, it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

APPENDIX B – RELATIVE TO APPLICATION NUMBER 12/00599/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

This application is seeking planning permission for the formation of access, car park, provision of passing places, on site access, erection of storage building, polytunnels and ancillary structures to facilitate the formation of an allotment scheme at Land North East of Castle Croft, Tobermory, Isle of Mull

With reference to the Argyll and Bute Development Plan 2009, the application site is situated within the development zone identified as 'Countryside Around Settlement'. With reference to the Argyll and Bute Structure Plan 2002, Policy 'STRAT DC 2' states:

Within the Countryside Around Settlements encouragement shall be given to development which accords with the settlement plan for the area. In special cases, a locational need or exceptional circumstances may justify a development.

The use of land for an 'agricultural purpose' does not need planning permission. Under the 1997 Town and Country Planning (Scotland) Act 1997 'agriculture' is not defined as development and so the use of land for agriculture is largely exempt from planning control. This Act provides a definition of 'agriculture' at Section 277. This definition has been held to include the use of land for allotments. Planning Permission is required for the siting of structures and vehicular access and parking provision within the site.

The use of the site for allotment purposes does not require the benefit of planning permission. The proposed structures and access and parking are required in order to facilitate the intended use of the site and so a locational need does exist to facilitate the agricultural use of the land. Although not currently in agricultural uses, the land is former grazing land and as such, has a history of productive agricultural use. The proposed development presents a development type with a locational need in accordance with the provisions of STRAT DC 2 of the Structure Plan.

LP Policy COM 1 sets out a presumption in favour of new community facilities provided that in the countryside development control zones, the development is of a form, location and scale consistent with policies STRAT DC 2-6. The new development must also respect the landscape character and amenity of the surrounding area and be readily accessible by public transport. These developments should be located as close to where people live and reduce the need to travel. The site is readily available by walking, cycling and public transport in this location at the periphery of Tobermory. It is a readily accessible site in a location that is well contained and not highly prominent in the wider context.

B. Location, Nature and Design of Proposed Development

The site lies to the south east of the main settlement of Tobermory, in an area that is generally undeveloped although dwellinghouses do exist to the immediate south-east. The site is a fairly open field of rough pasture which is partly contained with a tree belt to the north west and also to the north east. There are a number of deciduous trees at the north western corner of the site. This corner of the site is a wet area which is low lying. There are a small number of deciduous trees within the site. The western boundary of the site joins onto the designated Settlement area of Tobermory. The site is relatively low lying land, gently sloping from west to east towards the shore. The site is within

walking distance of Tobermory and sits in a contained location that is not visibly dominant.

Twenty allotment plots are to be formed within the site covering the majority of the application site. These allotments will be rhombus-shaped and are to be of equal size each covering approximately 150 square metres of land. These plots will have existing vegetation cut back with any ground disturbance graded out and left for future tenants to cultivate. It is proposed to site a small shed and glasshouse within each allotment. The sheds will be rectangular in form and will have a monopitched roof with a slight pitch. The roofs will be finished in green felt and the walls will be finished in tongue and groove softwood panels stained dark brown. They will measure approximately 2 metres in height and will have a floor area of approximately 3.2 square metres. The proposed glasshouses will have pitched roofs and are to be finished in horticultural glass. They will measure approximately 2.2 metres in height and will have a floor area of 3.1 square metres.

It is proposed to site 2 communal polytunnels on the northern side of the site. These polytunnels will measure approximately 21 metres in length, 5.5 metres in width and 3 metres in height. A timber communal shed is to be sited at the north western side of the site in relatively close proximity to the site entrance. This shed will measure 5 metres in length, 3 metres in width, and 4.4 metres to ridge. The roof will be finished in black onduline and the walls will be finished in timber of which the colour is unknown. A condition is necessary to control the wall colour. A small arrangement of photovoltaic cells will be installed within the south facing roof plane.

A parking area is to be formed to the north of this communal shed which will provide 12 parking spaces. This parking area will be formed using a consolidated stone surfacing and will be connected to the proposed site entrance which is to be formed at the north western corner of the site. A further parking area is to be formed to the west of the proposed site entrance and is to provide 7 parking spaces. A new vehicular access is to be formed in the north western corner of the site.

A 2 metre high deer fence is to be erected on the boundary of the site. A 1 metre high rabbit proof fence is to be erected around each allotment. An extensive landscaping scheme is shown on the accompanying plans.

It is considered that the proposed structures, vehicular access and parking areas form a coherent and sensible layout in order to facilitate the intended change of use at the site. The proposed structures are small scale and are of an agricultural nature in keeping with the intended use of the site. The proposed development will not be obtrusive at this location. Given its scale, the presence of development will not give rise to any effects of significance in terms of visual/landscape impacts upon its immediate or wider landscape settings. It is considered that the proposed development will have an appropriate layout and density and will be of a suitable scale, form and design at this location. The proposed dwellinghouse will therefore accord with the provisions of LP ENV 19 of the adopted Local Plan and the guidance contained within the adopted Sustainable Design Guide.

C. Natural Environment

A number of the letters of objection have raised concerns about the impact of the development upon plants and wildlife including European Protected Species. The site is not subject to any statutory or non-statutory nature designations. Scottish Natural Heritage raised no objections. A full ecological survey has been undertaken by a consultant, and scrutinised by the Biodiversity Officer. It confirms there are no unacceptable impacts on biodiversity. No Protected Species will be affected. The proposal does not conflict with policy LP ENV 2 of the Local Plan.

D. Road Network, Parking and Associated Transport Matters.

The proposal would involve the formation of a vehicular access onto the UC19 Bedoun Road. Parking areas are proposed to be formed supplying parking spaces for 19 cars. The Area Roads Engineer has been consulted and has raised no objections subject to conditions with regards to the provision of SD08/004a at the junction of the allotment site with the public road: additional passing place(s) to be provided; the provision and maintenance of visibility splays measuring 42 m x 2.4 m and details of the use of the polytunnels. The applicant has included details on the intended use of the polytunnels as part of the application, which makes this clear already. It is considered that the proposed development will accord with the provisions of policies LP TRAN 4 and LP TRAN 6 of the Local Plan.

E. Infrastructure

It is not proposed to make any connection to the public water network. A kitchen sink is shown on the floorplans for the proposed communal shed. A rainwater tank within this shed will supply water to be used within this sink. Legal and Protective Services have raised no objections to this proposed development. A composting wc is also shown to be provided alongside the shed. Health and safety and potential pollution controls are dealt with under separate legislation.

F. Amenity Issues

Objections have been made in response to this application and have been summarised and considered above. It is considered that these objections do not present any material planning considerations which would present grounds for refusal.



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**Argyll and Bute Council
Development & Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/00970/PP
Planning Hierarchy: Local
Applicant: Mrs Katherine Rona Dykes
Proposal: Installation of 10 solar roof panels (retrospective)
Site Address: 1 Main Street, Port Charlotte, Isle of Islay PA48 7TX

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Installation of 10 solar roof panels (retrospective)

(ii) Other specified operations

- N/a
-

(B) RECOMMENDATION:

It is recommended that retrospective planning permission be refused for the reason appended to this report.

(C) CONSULTATIONS:

Conservation Officer (04.09.12) – The special interest of 1 Main St itself has been diminished due to insensitive alterations over the years, however its place in the streetscape is significant and this group of buildings make an important contribution to the conservation area. The roof fabric of the building is not of historic value and therefore the panels physical attachment have no adverse impact on the building itself. In terms of setting, the elevation onto Main St is the principal elevation, although the rear elevation is visible from Shore St and from a distance on the approach road to Port Charlotte, the A487. If the PV panels are reflective and therefore significantly visible from the approach road or Shore St, they are likely to have a negative impact on the setting of the area.

Had this application come to me for comments through prior to installation I would have recommended investigating the potential for alternative sources of renewable technologies and the ground siting of PV panels. If neither of these proved suitable I

would have recommended an impact assessment relating to matt finished PV panels, it is unlikely I would have recommended or supported highly reflective PV panels due to the risk of the negative impact this could have on the special character of the conservation area.

(D) HISTORY:

12/00081/ENFSH – The associated on-going enforcement investigation in relation to the unauthorised installation of 10 PV panels at 1 Main Street. A report advising Members of the enforcement implications in respect of this matter appears elsewhere on the Committee agenda.

(E) PUBLICITY:

Listed Building/Conservation Advert
EXPIRY DATE: 31.05.2012

(F) REPRESENTATIONS:

- (i) Representations received from: N/A
 - (ii) Summary of issues raised: None
-

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement: No
 - (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No
 - (iii) A design or design/access statement: No
 - (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No
-

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements
STRAT DC 9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 14 – Conservation Areas and Special Built Environment Areas
LP HOU 5 – House Extensions

LP ENF 1 – Enforcement Action

LP REN 3 – Other (Non-Wind) Forms of Renewable Energy Related 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 4/2009.

- Appendix A of the Argyll and Bute Local Plan 2009
- Scottish Historic Environment Policy 2011
- Micro Renewables – Historic Scotland – October 2010

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): No

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

The proposal seeks retrospective planning permission for the unauthorised installation of ten photovoltaic panels on the rear facing roof of an unlisted property

within the Port Charlotte Conservation Area. The property upon which the panels have been installed has in the past been the subject of extensive, unsympathetic alterations which appear to include the replacement of the entire roof structure including the removal of West Highland slate, gable skewes and substantial chimney and replacement with concrete tiles and the introduction of an uncharacteristically small chimney and roof overhangs.

The installed PV panels are readily visible from a limited number of public locations within and around the Port Charlotte Conservation Area and despite its already diminished historic architectural value, the subject property in combination with adjoining buildings remains significant in terms of its streetscape contribution to the character and appearance of the Conservation Area.

The installed PV panels by virtue of their prominence, location, design and inherent reflective properties are considered to be an uncharacteristic addition to this traditional streetscape and, notwithstanding the limited architectural or historic value of the subject property, the installation neither preserves or enhances the character or appearance of the Port Charlotte Conservation Area and as such is considered to be contrary to the provisions of STRAT DC 9 of the 'Argyll and Bute Structure Plan' 2002 and LP ENV 14 of the 'Argyll and Bute Local Plan' 2009.

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

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

The installed PV panels by virtue of their prominence, location, design and inherent reflective properties are considered to be an uncharacteristic addition to this traditional streetscape and, notwithstanding the limited architectural or historic value of the subject property, the installation neither preserves nor enhances the character or appearance of the Port Charlotte Conservation Area and as such is considered to be contrary to the provisions of STRAT DC 9 of the 'Argyll and Bute Structure Plan' 2002 and LP ENV 14 of the 'Argyll and Bute Local Plan' 2009.

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

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

Author of Report: Kim MacKay **Date:** 4th September 2012

Reviewing Officer: Peter Bain **Date:** 4th September 2012

Angus Gilmour
Head of Planning & Regulatory Services

REASON FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 12/00970/PP

1. The installed PV panels by virtue of their prominence, location, design and inherent reflective properties are considered to be an uncharacteristic addition to this traditional streetscape and, notwithstanding the limited architectural or historic value of the subject property, the installation neither preserves or enhances the character or appearance of the Port Charlotte Conservation Area and as such is considered to be contrary to the provisions of STRAT DC 9 of the 'Argyll and Bute Structure Plan' 2002 and LP ENV 14 of the 'Argyll and Bute Local Plan' 2009 and to the advice on the installation of PV panels given in Historic Scotland's advice note 'Managing the Change in the Historic Environment – Micro Renewables' 2010.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/00970/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located within the 'settlement area' for Port Charlotte wherein the provisions of policy STRAT DC 1 apply and are supportive of the up to and including 'medium' scale development.

B. Location, Nature and Design of Proposed Development

The application seeks retrospective planning permission for the installation of ten photovoltaic (PV) panels mounted in two rows of five panels on a single frame attached to the rear roof slope of 1 Main Street, Port Charlotte.

The PV panels are hidden from view of Main Street, however they are partially visible looking west and south west in limited views of the rear of the property for a short distance along Shore Street and within the grounds of the Port Charlotte Hotel, although the part of the installation is entirely screened from view by 12 Shore Street and the terraced properties which sit at right angles to the rear of the subject property. The PV panels are screened from wider views from the main body of the Port Charlotte Conservation Area.

The full extent of the PV panels are only visible at distance from the A847 opposite Daal Terrace and the shore area around the Croft Kitchen, where views of the main body of the planned village are visible on the approach to and from peripheral areas of the Conservation Area, which are themselves characterised by more modern developments. In these more distant views, the PV panels are a small but none the less noticeable addition to the roofscape of the planned village, which will be all the more prominent on a bright day as a result of being more reflective than the traditional West Highland slate roof finish which predominates.

Within the application the applicant seeks to explain the retrospective nature of the application, by stating that she contacted the Planning Authority by telephone in January 2011 and was advised that planning permission was not required for the installation of PV panels. At that time she was given general advice as to the circumstances when permission would or would not be required, without any details of proposals being available at that point. She was advised either to submit the details of her intended installation in order to secure written confirmation of their exemption from the requirement to obtain planning permission, or to ensure that she satisfied herself that the area of roof on which the panels were proposed to be installed would not be visible from any location on the public road. The advice given reflected the position established by Class 6A of the Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2009, in force at that time, which conferred 'permitted development' rights to install solar PV panels within a conservation area, provided that they were not to be installed on the principal elevation of the property, or on any part of the roof which is visible from a road.

In this instance the installed PV panels are visible from a road and as such require the benefit of express planning permission. In the absence of scaled drawings being submitted it is not possible to confirm for definite, but it would also appear that the installed panels have been located within 1m of the edge of the roof, which would

also triggers a requirement for planning permission, regardless of the property's location within a conservation area.

It should be noted that Class 6A of the GPDO has subsequently been deleted by the Town and Country Planning (General Permitted Development (Scotland) Amendment Order 2011 which came into force in February 2012. This strengthens the control over development within conservation areas, so that now all solar panels in designated areas regardless of their location on a building require planning consent.

Policy LP REN 3 supports solar energy in forms, scales and locations where it will promote the aim of sustainable development where they can be accommodated acceptably having regard to all relevant material planning considerations including the historic environment.

The proposed installation involves the alteration of an existing dwelling; the provisions of policy LP HOU 5 which would support proposals which cause no significant detriment to the building, the neighbours or the immediate vicinity subject to compliance with the siting and design principles set out in Appendix A of the Local Plan.

C. Built Environment

The application site is located within the Port Charlotte Conservation Area wherein the provisions of policies STRAT DC 9 and LP ENV 14 seek to resist new development that does not preserve or enhance the character and appearance of the Conservation Area.

The Port Charlotte Conservation Area was designated in January 1974 in recognition of its special and architectural and historic interest. Its built environment comprises a key example of an early 19th Century planned settlement and is characterised by short compact streets of symmetrical two-storey houses, many of which have also been listed for their group townscape value. It is considered a unique and valued heritage for Port Charlotte's residents and visitors alike and is therefore worthy of conservation and, where possible, enhancement.

Appendix A of the Local Plan reinforces the importance of protecting the historic built environment and advises that the Council will apply the guidance contained within the Scottish Historic Environment Policy (SHEP) 2008 (note this has subsequently been updated by SHEP 2011).

The provisions of s64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets out the obligation of the Planning Authority, when exercising its powers in relation to any of its functions within a conservation area, to:

“pay special attention to the desirability of preserving or enhancing the character or appearance of that area”.

Historic Scotland's advice note 'Managing the Change in the Historic Environment – Micro Renewables, October 2010':

“sets out the principles that apply to applications for micro-renewable energy developments affecting historic buildings, monuments and places. The use of renewable energy technology is supported where the character of the historic building or place can be protected through careful siting and design.

In planning micro-renewable developments, it is important to start by identifying the significance and character of the historic building or place and its setting, as well as the appropriateness of the proposed technology. The original purpose, style, height, profile, materials and details of a building can all be factors in defining its character. These factors can play a similar role in groups of buildings or streetscapes. Whilst some buildings are designed to be seen from all directions, other buildings may have parts of lesser interest or less visible elevations.

The guidance note goes on to specifically advise that wherever possible:

“solar micro-renewable developments should be installed on inconspicuous areas of a roof, such as the inner slopes of a roof valley, or where a flat roof is obscured by a parapet. Principal elevations should always be avoided, and consideration given to the appearance of the development in views of the building from higher vantage points. For the integrity of the building it is usually desirable to mount photovoltaic panels over existing slates, rather than replace historic fabric with look-alike photovoltaic materials in the form of slates. This will also allow straightforward replacement or upgrade in the future”.

The subject property, 1 Main Street, is located prominently within the heart of the planned village of Port Charlotte, opposite the front elevation of the Port Charlotte Hotel. The property forms the northern end of a terrace of what was originally five dwellinghouses running north-south with the front elevation facing Main Street. The ends of the terrace terminate at Shore Street at the north and Pier Road at the south, both being subsidiary roads providing access from Main Street to the shoreside. The rear elevations of the terraced properties on Main Street and Shore Street, and the semi-detached buildings on Pier Road, enclose a communal backland area which can only be accessed from the back doors of each property or by narrow lanes/pend. The terrace of properties on Shore Street which runs from the rear elevation of 1 Main Street and around the corner by the shore line is category B listed and the Port Charlotte Hotel is category C listed.

The terrace within which 1 Main Street is contained is one of only two substantial terraces within the original planned village which have not been listed. It would appear that this is largely as a result of the unsympathetic alterations undertaken to the subject property which appear to pre-date the original designation of the Conservation Area in 1974. Within the context of the terrace grouping it is the subject property, 1 Main Street, which has been the subject of the most extensive and unsympathetic alteration with the replacement of traditional sliding sash and case windows with non-traditional windows, including the horizontal extension of openings to form picture windows in the gable, replacement of the entire roof structure with the resultant loss of the traditional gable skew, chimney and west highland slate which have been replaced by concrete tiles and introduction of overhanging eaves and a small chimney. It is noted that the property is actually identified in the Council's 1993 information leaflet relating to the Article 4 Direction covering the Port Charlotte Conservation Area as an example of a property which has already lost its local traditional character as a result of inappropriate exercise of householder 'permitted development rights'.

The Council's Conservation Officer has advised that the special interest of the dwelling has diminished due to insensitive alterations over the years and the roof fabric is not of historic value. However, its place in the streetscape is significant and this group of buildings make an important contribution to the conservation area where inappropriate development is likely to have a negative impact on the setting of the

area, particularly in the event of multiple such developments with the prospect of undesirable cumulative effects.

National Policy (Historic Scotland's SHEP) states:

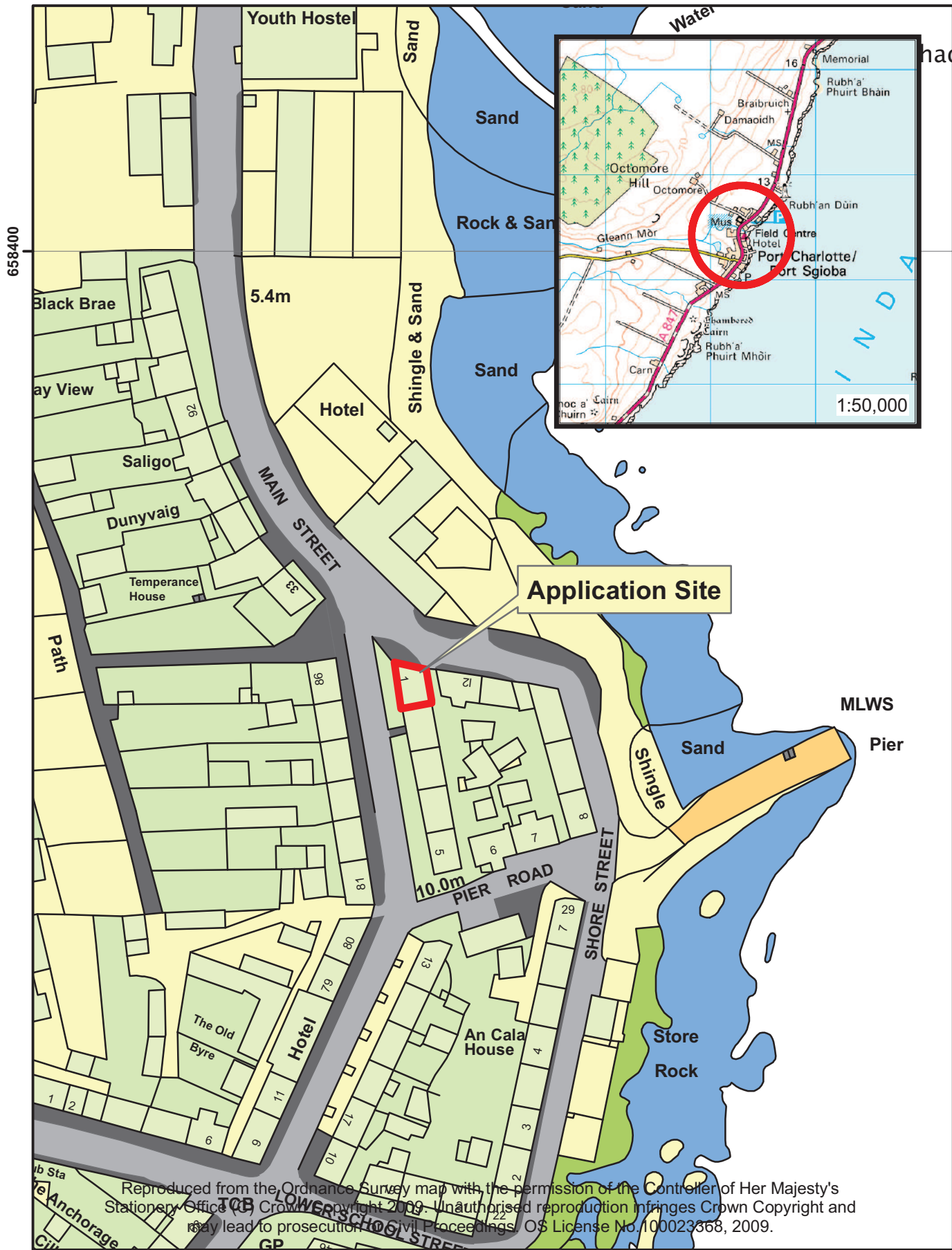
5.11 Wherever possible, solar micro-renewable developments should be installed on inconspicuous areas of a roof, such as the inner slopes of a roof valley, or where a flat roof is obscured by a parapet. Principal elevations should always be avoided, and consideration given to the appearance of the development in views of the building from higher vantage points. For the integrity of the building it is usually desirable to mount photovoltaic modules as panels over existing slates, rather than replace historic fabric with look-alike photovoltaic materials in the form of slates. This will also allow straightforward replacement or upgrade in the future.

5.13 Local authorities should consider the potential incremental and cumulative effects of micro-renewable development on the historic environment.

The roofscape within the wider Port Charlotte Conservation Area is characterised by simple, solid traditional structures with building subdivisions emphasised by skews and substantial chimneys; the use of West Highland slate predominates as the roof covering although a number of properties have been subject to replacement with alternative slate specification and concrete tiles. The installed PV panels by virtue of their prominence, location, design and inherent reflective properties are considered to be an uncharacteristic addition to this traditional streetscape and, notwithstanding the limited architectural or historic value of the subject property, the installation neither preserves or enhances the character or appearance of the Port Charlotte Conservation Area.

Development which detracts from the character of a conservation area is inappropriate in terms of the legislative obligation to have regard to the desirability of 'preserving or enhancing' a conservation area in decision-making and the development does not therefore meet the requirements of policies STRAT DC 9 of the 'Argyll and Bute Structure Plan' 2002 and LP ENV 14 of the 'Argyll and Bute Local Plan' 2009.

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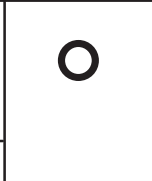
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**Location Plan relative to
Application Ref: 12/00970/PP**

Date: 30.08.12

Scale: 1:1,250



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**Argyll and Bute Council
Development Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/00904/MFF
Planning Hierarchy: Local Development
Applicant: The Scottish Salmon Co.
Proposal: Formation of 14 cage fish farm and installation of feed barge
Site Address: Dun Bhuirg, Loch Scridain, Isle of Mull

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION**(i) Development Requiring Express Planning Permission**

- Formation of Marine Salmon Fish Farm comprising 14 No. 100m circumference cages, walkways, mooring grid and associated lines,
- Installation of feed barge;
- Installation of underwater lighting

(ii) Other specified operations

- Servicing from existing shore base at Ulva Ferry
-

(B) RECOMMENDATION:

Recommend that permission be refused for the reasons stated in the report.

(C) CONSULTATIONS:

Scottish Environment Protection Agency (SEPA) – (07.06.12) no objection. No concerns of conservation interest at this site, unlikely detrimental effect upon nutrient status of the water body in view of modelling results. CAR licence application under consideration and likely to be consentable.

Scottish Natural Heritage (SNH) (26.07.12) – have no concerns re any implications for nature conservation or marine designations near the site. Given that there are no national landscape designations significantly affected by the development they do not object to the proposal on landscape grounds, but provide advice to the Council in its consideration of landscape issues. SNH agrees with the conclusions in the

applicant's Environmental Statement that the development will represent '*a noticeable deterioration in the existing landscape*' and agree that there will be 'moderate adverse' impacts on the overall landscape, the setting of the loch, the coastal footpath and the experience of historic landmarks and features. It is suggested that the Council should give consideration to implications for:

- Key views of the peninsula from the tourist route to Iona;
- The wild land experience and perceived qualities and experience of remoteness, underestimated in the applicant's Environmental statement;
- Cumulative impacts from the road, the coastal footpath and elevated vantage points give the presence of existing aquaculture in the form of established mussel farms and the associated shore base at Aird Fada.

SNH points out that the government's Scottish Planning Policy (Para 102) identifies the unsuitability of isolated coast, distant from centres of population, to support development due to its environmental, cultural and economic value. As the peninsula is one of the least developed areas on Mull development on the scale proposed challenges the carrying capacity of this wild landscape.

The burrowed mud within and adjacent to the site represents an important biotope both as a UKBAP habitat and a Priority Marine Feature and for particular species. The zone of influence of the development is likely to have consequences for this habitat and its characteristic marine species. The impacts upon benthos are concluded to be of regional rather than national importance.

The Coladoir and Bunessen river catchments host salmon and sea trout populations vulnerable to biological (genetic) and ecological (competition) from escaped farmed fish. With the implementation of the proposed measures to prevent escapes and providing contingencies in the event of escapes competition and inter-breeding with wild salmon will be low. Sea lice present a risk to wild fish which can be mitigated by adherence to industry good practice guidelines. Lice target levels in the salmon migration period should be extended to all year round to protect the interests of sea trout.

Marine Scotland Science (14.06.12) – express general satisfaction with the content and conclusions of the applicant's Environmental statement. Local salmon and sea trout catch records indicate locally declining populations. Salmon farming will result in elevated sea lice numbers in open water hence there will be adverse effects on wild fish populations in some circumstances although the extent to which population wide effects arise is not well understood. Sea lice control would be required to be practiced year round in order to protect sea trout which spend all year in coastal waters. It is suggested that the Council in decision-making should have regard to the fact that Loch Scridan is currently undeveloped for fish aquaculture and it is pointed out that the importance the Council accords to wild fish interests and the level of precaution attached to populations has to be balanced against other material considerations.

Argyll Fisheries Trust (20.07.12) – object to the proposal. Loch Scridain in the opinion of the Trust, the Association of District Salmon Fishery Boards, and the Rivers and Fisheries Trust for Scotland, is an inappropriate location for salmon farming. Prevailing westerly wind is likely to drive sea lice derived from the farm (dispersed by wind and current) towards the head of the loch which will potentially adversely affect wild fish using the Coladoir and Bunessen rivers, which already have depressed populations of sea trout and salmon according to AFT surveys conducted in 2010.

Transport Scotland (28.05.12) – No objection.

Historic Scotland (06.06.12) – no objection.

West of Scotland Archaeology (28.06.12) – no objection.

Northern Lighthouse Board – No response. The Environmental Statement includes copy correspondence from the Board (02.12.11) specifying their navigational requirements for the site proposed.

Small Isles & Mull Inshore Fisheries Group (28.05.12) – object due to the loss of existing fishing ground.

Mallaig & North West Fishermen's Association (07.06.12) – object to the loss of traditional fishing ground (sprats and prawns) particularly given the loss already experienced due to the introduction of fish farms in other coastal waters.

Clyde Fishermen's Association (12.06.12) – object to further development of the wider fish farming industry in general and this application in particular due to the adverse consequences of pollution in the marine environment and sea lice contamination of wild fish.

Mull Aquaculture and Fisheries Association (26.05.12) – object to this proposal which has been submitted despite pre-application consultation which indicated that development in this area would prejudice 4 local boats some of which would be unable to move into other areas. The economic implications of this are difficult to quantify, but as each fleet of creels averages £100 – £200 per lift and the area supports five fleets, the significance over a long period of time is evident.

West Highland Anchorages and Moorings Association (22.07.12) – no objection.

Council's Local Biodiversity Officer (04.07.12) – identifies the presence of Local Biodiversity Action Plan (LBAP) species including salmonids, cetaceans, seals and species associated with burrowed mud habitats. Recommends a Wildlife Log Book be maintained at the site to record sightings and any apparent changes in populations.

Council's Marine & Coastal Manager (20.06.12) – identifies that the proposal will be most visually prominent from the Tioran – Fossil Tree coastal walk whereas longer distance and sequential views from the road to Iona will be less significant. Careful consideration should be given to equipment colour and lighting in this location. Pre-application discussion with fishing interests failed to identify a mutually acceptable site in an area worked for prawns and seasonally sprat. There are likely to be implications for local fishing interests. The development has potential to present a risk to wild salmonids. The applicant's modelling showed a total allowable sea lice treatment quantity of 2.25 times available biomass, which is less than their standard sea lice strategy of 5 times biomass, yet has been deemed by the applicants to be adequate and Marine Scotland Science are content that available medicines should offer efficacious treatment options.

Mull Community Council (02.06.12) – object on the grounds that a development of this scale is inappropriate in the location proposed and that it conflicts with local plan policy in terms of landscape, species, recreation and water quality considerations. Existing and proposed fish farm sites in west Mull total 6,700 tonnes of polluting development. Sea farmed fish are unsustainable given feed requirements. A risk is

presented to wild fish, oyster beds and winkle picking. There would be conflict with established fishing interests, tourism, marine mammals and other wildlife and cumulative impact with existing mussel farming operations in the loch.

Iona Community Council (11.07.12) – object having conducted a public meeting on the island, on grounds of pollution, effects on the natural environment, effects on wild fish and potential seal shooting. The proposal would have particular consequences for eco and wildlife tourism including displacement of cetaceans. There would be unacceptable impact upon the landscape qualities of the national Trust for Scotland at Burg. There would also be likely adverse consequences for fishermen and existing mussel farming with the prospect of net job losses rather than any gain in employment. The area attracts visitors for its pristine environment and its wildlife and the environmental credentials and reputation of the area would be threatened by inappropriate development.

(D) HISTORY:

None relevant to this particular site. There are consented mussel sites in Loch Scridain at Aird Fada (south of the application site), Slochd Bay (east of the site) and Killiemore (further towards the head of the loch). A former 3 cage (330 tonne) fin fish site in upper Loch Scridain has not been farmed since 2002 and the equipment removed.

(E) PUBLICITY:

The proposal has been advertised in both the local press and the Edinburgh Gazette (31.05.12 and 14.06.12) with the publicity periods having expired on 21.06.12.

(F) REPRESENTATIONS:

(i) Representations received from:

Objections to the proposal have been received from 56 third parties along with 9 supporters. Names and addresses of those having submitted representations are listed in Appendix B to the report. The grounds of objection and support are summarised below.

Support for the proposal

- Fish farming is subject to tight regulation and the backing of the Scottish Government to grow sustainably and there are no valid grounds to oppose the development;
- Local job opportunities are important to the island, not only at the site but also in terms of indirect employment which is sustained in part by the fish farm industry;
- A fair proportion of objectors are not resident or only have loose association with the island and are not in need of employment themselves or for their offspring;

- Much of the opposition is ill-considered and founded on hypocrisy subjectivity and propaganda.

Objections to the proposal

Matters expressed by local businesses and landowners

- The National Trust for Scotland, a significant landowner at Burg (569ha) have objected on the following grounds:
 - the NTS land at Burg is extensively visited by people mostly wishing to experience remoteness where the site is overlooked from above from the main access route where it will have significant visual impact;
 - the applicant's assessment of benthic habitat is naive and inadequate given that deep burrowed mud habitats are a UKBAP features and a search feature for the forthcoming designation of Marine Protected Areas. The available survey data indicate that the loch is very unpolluted and that radical change to benthic fauna can be anticipated;
 - hydrographic modelling was based on current speeds near the surface and fails to take account of the adjacent 120m deep basin likely to act as a sump for particulate and dissolved waste in an area likely to be frequented by more unusual benthic species
 - No assessment has been made of the dilution of the wild gene pool of salmonids in the event of escapes nor any assessment of the current genetic status of local salmon.
- The owners of Tioran House, a small country house hotel on the route to Burg point out that most visitors come to the area to experience the landscape and wildlife. The majority of accommodation providers in the area benefit from this and it sustains far more employment than fish farming.
- Hebridian Pursuits, the occupiers of Tavool House and an organisation providing watersports for young people, object due to visual impact, amenity impact, adverse pollution consequences and affects upon wildlife.
- Celtic Sea, the operator of the mussel farms in Loch Scridain objects due to lack of consultation by the applicants, risk from accumulation of pesticides and medicines, low loch flushing rates, long term toxicity in the water from sea lice treatments, algal growth due to nutrient enrichment, potential loss of sales due to harvesting restrictions and risk of equipment being washed away into the path of the mussel lines by the fetch of storms and the heavy swell which can be experienced at the site. The proposed development poses a threat to the largest single business on the Ross of Mull.

- The Kilfinichen Estate object on the grounds that industrial scale development is inappropriate in a weakly flushed and scenic loch of nature conservation importance. As managers of the land adjacent to the site and three freshwater watercourses the express concerns in relation to:
 - impacts on wild salmonids with the Tavool Burn being only 500m from the site;
 - there is a question as to where access will be taken from in bad weather conditions when boat transit from Ulva Ferry is not possible;
 - appreciation of the basalt cliffs from the sea will be affected by the presence of equipment;
 - although not visible from the Ardmeanach summits, the site will be readily visible from the climb to those summits and other ridgelines;
 - experience of the remoteness of the Fossil Tree walk will be seriously compromised by the development;
 - the isolated experience of Tavool House outward bound centre will be compromised and recreational water quality affected;
 - pollution will be swept into the deep areas of the loch which will compromise benthic habitats and species and adversely affect natural shellfish beds and nearby mussel farms;
 - salmon and sea trout returning to freshwater use the Tavool Burn to cleanse themselves of accumulated lice as this is the first freshwater encountered. With the farm present the process will be reversed with fish being re-infested by high volumes of lice as they return to the salt water environment;
 - employment benefits will be offset by adverse consequences for the fishing and tourism sectors.

Objections founded on planning policy considerations

- The development fails to satisfy Scottish Planning Policy or development plan policy in respect of sustainability considerations in that it would not safeguard the established character or local distinctiveness of the area, would prejudice local biodiversity interests, would be harmful to a designated Area of Panoramic Quality and the setting of a scheduled ancient monument and would be detrimental to the interests of the environment as a whole.

Objections in respect of marine and nature conservation interests

- Loch Scridain should be safeguarded from further aquaculture development as it merits being a candidate for Marine Protected Area status under forthcoming legislative obligations and it is important that it

should remain free of finfish farms as one of the few lochs left free of such development;

- Loch Scridain is valuable for shellfish, is a breeding ground for herring and sprat, contains native oysters and supports other species of shellfish and finfish as well as crustaceans and seals. This biodiversity will be compromised by pollution which will remain in the loch due to low flushing rates and prevailing westerly winds;
- The development will lead to nutrient enrichment and the production of algal blooms and will deposit carbon, phosphorous, copper and zinc via faeces and waste food which will be detrimental to marine habitats and mussel farming;
- The use of Acoustic Deterrent Devices to scare predators away will also deter dolphins, porpoises, basking shark and orca which currently visit the loch;
- There are currently no artificial noise or light sources on the loch so noise and light pollution will be particularly detrimental to wildlife;
- Potential escapes and sea lice transmission will have adverse consequences for wild salmon migrating from the Colladoir and Bunessen river catchments;
- Sea trout will be particularly vulnerable to this development as they remain in coastal waters unlike salmon which are able to migrate through sea lice infested waters more quickly;
- The nationally scarce sea sponge *Axinella dissimilis* has been recorded in Loch Scridain and several other sites around Mull, these being the only records in Scotland.
- The former finfish farm on the Killunaig reef was removed because of pollution build up in a loch with poor flushing characteristics (12 tides/6 day water exchange rate);
- The development will affect seals frequenting the loch (licences will be sought to kill rogue seals) and will displace cetaceans;
- Contamination of deep loch basins will impact on rare bottom feeders such as skate;

Objections in respect of fishing interests

- The occupation of the site will conflict with traditional fishing grounds and give rise to potential loss of associated employment;
- The operator of one of the four affected fishing boats (*MFV Silver Star*) confirms that this vessel provides employment for 3 full-time fishermen plus 2 students at peak times and displacement from existing fishing grounds will place at risk jobs already threatened by factors outwith the

fishermen's control;

- A further fisherman points out that fishing ground has already been lost to the after effects of last salmon farm (since removed) and the three mussel farms in the loch, so an additional site will be a final nail in the coffin;
- It is suggested that static gear fishermen and local scallop dredgers operating over the former salmon farm off Pennyghael note that this area still remains unproductive despite not have been occupied for over ten years.

Objections in relation to landscape, visual and amenity considerations

- The unspoilt and dramatic Ardmeanach peninsula forms an imposing backdrop to the tourist route to Iona. It is also a rare and beautiful place only accessible on foot with evidence of the clearances and earlier occupation contributing to its sense of remoteness. The presence of equipment, activity, noise and lighting will be alien to this vulnerable landscape/seascape;
- The walk along the coast path through Burg to the Fossil Tree has particularly special qualities associated with its remoteness from the attributes of modern life;
- Low ambient noise levels at Burgh will be impacted upon by noise propagated from the site to the detriment of this remote and tranquil location;
- Underwater lighting plus navigation and other site lighting will be intrusive in an otherwise dark location.

Objections in relation to tourism interests

- The development will impinge on views across the loch to the dramatic Ardmeanach peninsula, which provides an iconic backdrop for most of the south of Mull, as appreciated by the many visitors down the Ross of Mull to Iona (suggested to be 200,000/annum) with likely adverse consequences for the reputation of the locality as a tourism destination.
- The development will adversely affect local tourism which is founded upon wildlife and the environmental and scenic qualities of this unspoilt area. We should not treat our assets with so little respect.
- Displacement of wildlife due to activity associated with the fish farm, pollution and the deployment of Acoustic Deterrent Devices will displace seals and cetaceans to the detriment of local tour operators many of whom rely on more environmentally sustainable businesses such as birdwatching tours and wildlife safaris which are wholly dependent upon an abundance of wildlife in a pristine environment;
- Loss of tourism related employment is not likely to be offset by the limited

new employment prospects associated with the proposal.

Objections in respect of navigation interests

- Loch Scridain is relatively narrow and the equipment and associated boat traffic will reduce sea room and access to the shelter of the coast pushing yachts and other visiting craft into deeper more exposed waters.

Objections in relation to the principle of marine salmon farming

- There is a lack of sustainability in farming salmon due to the over-exploitation of wild fish to provide fish meal and the use of chemical in order to seek to control sea lice;
- Fish farming on this scale is inappropriate and locations should be identified for smaller less intrusive forms of development;
- The environmental consequences of marine fish farming outlast the success or failure of developments as commercial ventures;
- Why should authorisation be given in Scotland to a Norwegian company which has no real interest in sustaining the fragile economic and environmental balance of Loch Scridain, for a development which the Norwegian government would not permit in its own waters, in order to produce a product largely consumed in the Far East?

In response to the objections received the applicants have submitted comments summarised as follows:

Applicant's response to objections received

Employment and economic issues

- Existing staff on the applicant's Mull sites have combined service of 74 years and three recently recruited vacancies have been filled by local people, all in their 20's. The company is committed to providing local jobs. The predicted annual turnover of the site is £6.6m. It will contribute to the support the 67 staff employed at the Cairndow processing site as well as supporting indirect service jobs. There is no evidence to suggest conflict between tourism and aquaculture so no reason to believe tourist related employment will be disadvantaged.

Scale of development

- The size of the farm reflects current industry practice and is similar to other sites operated by the applicants. SEPA accepted modelling demonstrates that a farm of this size can be operated without unacceptable nutrient enrichment or benthic deposition.

Inshore fisheries

- Alternative sites suggested by fishermen at the pre-application stage

have not proved practicable. Although creel fishing ground will be occupied this will only represent 1.67% of the loch. Even having regard to other constraints on fishing, the loss of this area will be minimal – estimated by the applicants to have a catch value of circa £17k/annum. There are likely to be minimal consequences for seasonal sprat catches.

Consequences for shellfish farming

- There are many examples across Scotland of shellfish and finfish co-existence without conflict, and shellfish farmers operate close to existing finfish site on Mull. The applicants are indeed trialling composite fin and shellfish sites. SEPA control pollution discharges and monitor sites to ensure compliance.

Consequences for wild fish

- The applicants are committed to strategic sea lice controls and to minimising consequences for wild fish, through single year class stocking, synchronous fallowing and area management agreements. The site is capable of being controlled effectively by likely consentable quantities of sea lice medicine. Sea lice dispersal is believed to be predominantly influenced by wind, local currents and tides and the applicant's considered view is that residual currents will direct sea lice away from the head of the loch.

Escapes

- Containment at the site will meet the highest industry standards. No escapes have been recorded from the company's Mull sites since 2001 when reporting to the government became mandatory.

Impacts upon cetaceans

- The applicants propose to deploy triggered rather than continuous ADD's to avoid damage to seals' hearing and to avoid disrupting non-target species. The same approach has led to regular sightings of dolphins, porpoises and basking sharks off other sites operated by the applicants.

Visual/wild land consequences

- The use of low profile equipment and recessive colours and siting parallel to the shore will limit visual impact from the road to Iona. Lighting will be restricted. The focus of the view from the Burg footpath is along the loch towards Iona on the outward journey and towards the head of the loch and Ben More on the return. Whilst the site will be visible from this footpath it will not dominate the experience of the route.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement:** Yes

The Environmental Statement sets out the details of the proposal, site selection process; identifies the main characteristics, nature and scale of the impacts of the development and includes assessment of the impact of the proposals and necessary mitigation measures in respect of:

- Benthic Impacts
- Water Column Impacts
- Interaction with Predators
- Interaction with Wild Salmonids
- Impacts Upon Species or Habitats of Conservation Importance, including Sensitive Sites
- Navigation, Anchorage, Commercial Fisheries, other Non-Recreational Maritime Uses
- Landscape and Visual Impact Assessment
- Noise
- Marine Cultural Heritage
- Waste Management (non-fish)
- Socioeconomic, Access and Recreation
- Traffic and Transport

- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** No
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 5 – Development in Sensitive Countryside

STRAT DC 7 – Nature Conservation and Development Control

STRAT DC 8 – Landscape and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 2 – Impact on Biodiversity

LP ENV 6 – Impact on Habitats and Species

LP ENV 9 – Impact on National Scenic Areas (NSAs)

LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)

LP ENV 12 – Water Quality and Environment

LP ENV 19 – Development setting, layout and design

LP BAD 1 – Bad Neighbour Development

LP CST 2 – Coastal Development on the Undeveloped Coast

LP AQUA 1 – Shell Fish and Fin Fish Farming

Expresses general support for fish farming subject to there being no significant adverse effect on a range of specified considerations; those relevant in this instance being:

1. Communities, settlements and their settings;
2. Landscape character, scenic quality and visual amenity;
4. National Scenic Areas and Areas of Panoramic Quality;
5. Statutorily protected nature conservation sites, habitats or species, including priority species and important seabird colonies along with wild fish populations;
6. Navigational interests
8. Sites of historic or archaeological interest and their settings
9. Recreational interests
11. Existing aquaculture sites
12. Water quality

In the case of marine fish farming this support is further conditional on the proposals being consistent with the other policies of the Development Plan and Scottish Executive Strategic Framework Guidelines.

Appendix A – Sustainable Siting and Design Principles

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Environmental Impact Assessment (Scotland) Regulations 2011

Scottish Planning Policy (2010)

Circular 1/2007 'Planning Controls for Marine Fish Farming'

Scottish Executive – 'Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters' (2003 and updated June 2009)

'A Fresh Start – the Renewed Strategic Framework for Scottish Aquaculture' (2009)

'Guidance on Landscape/Seascape Capacity for Aquaculture' (SNH 2008)

'Siting & Design of Marine Aquaculture Developments in the Landscape' (SNH 2011)

'Argyll & Firth Of Clyde Landscape Character Assessment' (SNH 1996)

'Mull Landscape Capacity Study' - Argyll & Bute Council 2009

Argyll & Bute Local Biodiversity Action Plan

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): No

It is recommended that in the event that Members are minded to refuse permission in line with the recommendation, the views of those consultees objecting to the proposal and the balance of third party responses, the overwhelming number of which are against the proposal, then it is not necessary to hold a discretionary hearing prior to the determination of this application. In the event that Members are minded to support the application, then it would be appropriate to hold a hearing in response to the number of objections received.

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

The proposal seeks permission for the installation of a marine finfish development of 14 (No.) 32m diameter cages and a feed/service barge to be utilised for the

production of farmed salmon.

The application site is located off the south coast of the Ardmeanach peninsula on the north coast of Loch Scridain. The site lies off an area of remote, largely uninhabited land, accessible only on foot, which is valued for its geology, its historic environment, its wildlife and its scenic qualities and which has attributes associated with remoteness which can be experienced on the well-used coastal footpath from Tioran via the National Trust for Scotland land at Burg to the McCulloch 'Fossil Tree' at the head of the peninsula. Ardmeanach also forms an imposing and dramatic backdrop to the loch as viewed from the tourist route along the length of the Ross of Mull to Iona. There are currently no finfish farms in the loch, which does however accommodate three shellfish farms.

The proposal has given rise to significant public objection with concern raised in respect of visual and landscape impact, cumulative impact of aquaculture development on the loch, additional loss of traditional inshore fishing ground, impacts upon wild fish interests, upon benthic habitats and species and marine mammals. Objectors also consider that the introduction of a fish farm on this scale will be to the detriment of tourism interests and the potential this relatively pristine area has to benefit from sustainable employment associated with wildlife tourism. The proposal has attracted limited support, largely based upon employment related considerations.

Scottish Natural Heritage has not formally objected to the proposal as it does not give rise to significant impacts upon any national designations. In such circumstance, SNH confines itself to advice to the Council, which in this case, raises concerns about landscape and visual impacts, cumulative impacts with other aquaculture in the loch, benthic impacts on burrowed mud habitat and consequences for the wild and remote character of the peninsula. Objection has been raised by the Argyll Fisheries Trust in respect of conflicts with the interests of wild salmonids, whilst sea fishing organisations have objected on grounds of pollution and loss of traditional fishing ground in the loch. Both Mull and Iona Community Councils have objected. Remaining consultees, including Marine Scotland Science and SEPA are largely satisfied with the proposal, notably in relation to its anticipated pollution consequences.

Scottish Planning Policy indicates the national importance of aquaculture in the context of rural areas and that fish farming should be supported in appropriate locations, subject to environmental considerations being assessed. Carrying capacity, landscape, natural environment, historic environment and potential for conflict with other marine users, including fishing and recreational interests, and economic factors will be material considerations in assessing acceptability. However, Planning Authorities are cautioned not to duplicate controls exercised by SEPA and Marine Scotland in their assessment of proposals.

The application has been recommended for refusal on the grounds that its presence will compromise the remote, undeveloped and isolated character of the peninsula, with secondary consequences for tourism, which is worthy of protection as landscape resource, both to safeguard the recreational value of the important coastal path above the site and to avoid cumulative impacts in terms of the presence of multiple aquaculture developments in the loch. In view of concerted opposition from commercial fishing interests concerned over addition loss of fishing ground, the application is also recommended for refusal on grounds of conflict with existing marine users. The development also poses an unquantified risk to wild salmonids in an area currently devoid of finfish farming. In the absence of any reliable scientific

position in this regard and with a precautionary stance being unjustifiable, although a legitimate concern, effects upon wild fish have not been advanced as a justifiable reason for refusal.

Given the foregoing there is justification for in seeking to maintain Loch Scridain free of additional aquaculture development on the scale proposed in the interests on the one hand of preserving landscape character, protecting the setting of historic sites and thereby safeguarding the natural environment and the important role which this plays in the tourism economy of the island, and on the other in terms of safeguarding established fishing grounds. The proposal is not considered to be a sustainable form of development within the receiving environment contrary to the requirements of Development Plan policy and is therefore recommended for refusal.

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

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

None, as the application is recommended for refusal.

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

Not applicable

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

Author of Report: Richard Kerr

Date: 24th August 2012

Angus Gilmour
Head of Planning and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION 12/00904//MFF

1. The proposal involves the installation of a series of large scale fish cages and an associated service/feed barge in a location close inshore to the southern coast of the Ardmeanach peninsula, the basalt landscape of which forms an imposing and dramatic backdrop to Loch Scridain as viewed from the waters of the loch and from the important route via the Ross of Mull to the nationally important tourist destination of Iona. It also stands below and would be experienced from successive points, and at relatively close quarters from, the important coastal footpath from Tioran via the National Trust land at Burg to the 'Fossil Tree' at the head of the peninsula, on the route of which it is also overlooked from, and impinges inappropriately upon, the setting of the scheduled monument Dun Bhurg. The footpath from Tioran to Burg is a proposed core path which has received no objections through the core path planning process and represents an important coastal route on Mull. This part of Ardmeanach is largely undeveloped and is only accessible on foot, where it is visited specifically by persons wishing to experience its scenic qualities and its natural and historic environment attributes along with the associated drama of this exceptional stretch of coastline. It is included within an 'Area of Panoramic Quality', a landscape designation of regional importance, having regard to both the views which are available across and along the length of the loch and to the islands offshore, which represent important assets to the tourism economy of Mull. The introduction of marine development on the scale proposed would, by virtue of its physical presence in the landscape and lighting and activity associated with its operation, impinge upon the very characteristics of the receiving environment which give rise to its special qualities, which are derived from a combination of its landscape character, its resident wildlife and its historic associations. Such uncharacteristic and inappropriately situated development would therefore fail to safeguard the natural environment and the important role which this plays in the tourism economy of the island, and would not represent a sustainable form of development. The proposal would also contribute to the extent of aquaculture within the loch (currently three shellfish farms plus a shore base) and would give rise to additional cumulative impact with those developments when viewed from the Ardmeanach coastal footpath, and from those locations on the Ross of Mull where the site could be seen in combination with existing mussel lines, which would contribute to the impression of aquaculture being a significant characteristic of Loch Scridain. The foregoing shortcomings would conflict with Structure Plan policy STRAT SI 1 and STRAT DC 8 and Local Plan Policies LP ENV 10 and LP AQUA 1 which seek to secure sustainable forms of development which safeguard designated landscape assets of regional importance from uncharacteristic and inappropriate forms of development.
2. Scottish Planning Policy confirms that potential conflict with other marine users is a legitimate material consideration in the assessment of aquaculture applications. The development is proposed to occupy around 40 hectares along the coastal shelf of Loch Scridain which forms part of the traditional fishing ground currently worked by a number of local commercial inshore fishing boats. Fishing organisations and boat owners consider that exclusion from this area by virtue of the presence of fish farming equipment and associated boat activity would, cumulatively in combination with existing shellfish operations elsewhere within the loch, prejudice the ongoing viability of inshore fishing in Loch Scridain, in circumstances where small vessels would not lend themselves to working alternative more distant fishing grounds. This would be to the detriment of established resource based employment in Loch Scridain and would be contrary to Local Plan Policy LP AQUA 1 which requires that consideration being given to navigational interests in the assessment of aquaculture developments in order to avoid unnecessary conflicts to the detriment of those interests.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 09/00905/MFF

PLANNING LAND USE AND POLICY ASSESSMENT

A. Location, Nature and Design of Proposed Development

The applicant in this case is the Scottish Salmon Company who currently operate finfish farming sites in west Mull at Inchkenneth (650 tonnes), Geasgil (1,330 tonnes) and Tuath (800 tonnes) and in other locations across Argyll. This application is part of their portfolio of new and extended sites and it is one of two undetermined applications for new sites off the coast of Mull, the other being at North Gometra in Loch Tuath. The existing Mull sites are not capable of expansion due to bathymetry constraints. The site has been selected as being potentially suitable for a development on the scale proposed following hydrographic survey, benthic survey, biomass modelling and having regard to the relative merits of other locations considered as part of the site assessment process.

The site is located off Dun Bhuirg off the south coast of the Ardmeanach peninsula on the north coast of Loch Scridain. This sea loch is some 14km in length and 2 to 3 km in width aligned generally east – west between Ardmeanach to the north and the Ross of Mull to the south. The character of either side of the loch is very different with the north coast being sparsely populated and relatively inaccessible with a dramatic basalt influenced coastline, whereas the Ross of Mull is more populated with an important tourist route to along the coast to the island of Iona. Loch Scridain is a 'Category 3' sea loch in terms of Marine Scotland's Locational Guidelines *'where there are better prospects of satisfying environmental requirements'*. There is currently no finfish farming in the loch, a small three cage site off Pennyghael having been removed some years ago. The nearest salmon farm lies some 12km away from the site in Loch na Keal. There are however three mussel farms in the loch, one off either shore a short distance to the east of the site at Aird Fada and Slochd Bay, and another further towards the head of the loch at Killiemore.

The proposal is to establish a marine salmon farm within a prospective seabed lease area of 42.6ha, approximately 250m offshore and aligned NE-SW parallel to the adjacent shoreline. The equipment proposed comprises 14 No. 100m circumference cages, each of which would be 32m in diameter and fitted with 12m deep nets. These would be contained within a 60m x 60m mooring grid supported by floatation buoys with cables attached to the cage floatation rings and rock anchors used to secure the position of the grid relative to the seabed, producing an overall grid extent of 50,400m². The farm would be laid out in a 7 by 2 cage group, producing a rectangular site occupying a surface area of 1.1ha. A 220 tonne service/feed barge would be located off the NE end of the cage group. This would measure 10.5m by 14m in area, its height above water level varying in accordance with the quantity of feed held. The barge will be finished in a recessive colour and comprises a landing stage, storage area, electricity generator, four food silos, a pneumatic feed system, air blowers, computer control systems, maintenance room plus staff accommodation. The barge will enable the site to be run and managed on a daily basis independently of the onshore base at Ulva Ferry. The generator will be installed within an acoustically insulated plant room intended to be barely audible above ambient sounds at sea.

The cages comprise a polyethylene flotation ring from which nets are suspended. These are fitted with false bottoms (seal blinds) to deter predator attacks from below and are held in tension, again to resist predation. Top net polythene/nylon mesh to exclude piscivorous birds is to be suspended over the cages being supported by a

horizontal 'hamster wheel' arrangement to keep it clear of the surface and to avoid conflict with automated feed distribution within the cages

The intended maximum biomass (fish tonnage) for the overall site is 1,900 tonnes. The stocking density would be 14.2kg per m³ max. The production cycle of the farm would be 22 months with 2 months left fallow to assist in benthic (sea bed) recovery. The site would be stocked synchronously with other west Mull salmon farms and it would be operated within extended Management Area 16a (Loch na Keal). Operation with other sites would enable single year class stocking, synchronous stocking, fallowing and sea lice treatment. Such an approach reflects industry best practice and this site would be operated in compliance with the Scottish Salmon Producers Organisation's 'Code of Good Practice Guidelines for Scottish Finfish Aquaculture'. This sets out more than 300 main specific compliance points which cover all aspects of finfish good practice including:

- Fish Health – good husbandry and harvesting operations;
- Protecting the environment – including sea lice management and containment standards;
- Welfare and husbandry – breeding and stocking density;
- Detailed annexes giving further technical guidance on good practice, including the National Lice Treatment Strategy, Integrated Sea Lice Management, Containment, and a Veterinary Health Plan.

The site would also be operated in accordance with the principles of the former West Mull Area Management Agreement and the proposed West Mull Farm Management Agreement.

The site would be serviced primarily by sea from the company's existing shorebase at Ulva Ferry. An alternative, as yet undetermined, local access by small boat would be required for site staff in the event of inclement weather interfering with the transit from Ulva Ferry. The site would support four full-time staff members. This would augment the nine staff currently employed by the company to service their other sites in west Mull.

The feeding of the fish would be computer controlled from silos within the feed barge, underwater camera monitored and augmented by limited hand feeding. Grading of fish would take place 2 or 3 times during the production cycle using contracted well boats, which would also be used for final harvesting. Underwater lighting would be used to control maturation and maximise growth January to June every second year with 3 No, 1,000w lights being used beneath each cage. These would be powered by the feed barge generator and would produce a surface glow only visible at close quarters or from elevated vantage points. Other lighting on the site, with the exception of navigational requirements, would be restricted to essential requirements so as to avoid unnecessary illumination on the site.

The Environmental Statement also sets out specific husbandry practices for the site in respect of grading, harvesting, fallowing procedures, food and feeding, fish health, veterinary treatments and chemicals, containment and contingency escape policy and waste management. With regard to predator control, it is noted that the ES states that Acoustic Deterrent Devices (ADDs) would only be deployed in circumstances where the site becomes subject to attempted predation. As a last resort in the event of persistent rogue seal activity, the shooting of seals may take place in accordance with a licence obtained from the Scottish Government.

B. Natural Environment - Fresh Water, Marine Environment and Biodiversity.

The provisions of policies STRAT DC 7, LP ENV 2 and LP ENV 6 would all seek to resist development which is considered likely to result in a significant adverse impact upon internationally, nationally or locally important habitats and/or species.

The site is not subject to any European or national marine or other conservation designations; however the Council's Local Biodiversity Officer and Scottish Natural Heritage advise that Loch Scridain provides UK Biodiversity Action Plan (UK BAP) and Argyll and Bute Local Biodiversity Action Plan (A&B LBAP) habitat in the form of burrowed mud, within which species of conservation value such as sea pen may be found. The loch is also frequented by cetaceans, seals and wild salmonids, for which development of the type proposed could have consequences in terms of displacement or deterrence. Salmon and Sea Trout are particularly vulnerable to interaction with farmed fish and are significant to the UK BAP and the A&B LBAP, the latter of which details action to reduce the impact of Fin Fish Farms to reduce sea lice impact and monitor, with support from SEPA, bacteria levels, both in the water column and on the sea bed.

Seabed (Benthic) Impacts:

The development will affect seabed conditions as a consequence of the deposition of organic matter in the form of faeces. Furthermore, although the industry has made advances in the reduction of waste food as a result of more sophisticated feeding regimes, waste food also contributes to seabed deposition. The quantity and the extent of deposition are influenced by the tonnage of fish held, hydrographic and bathymetric conditions. Seabed impacts are regulated separately by SEPA via the CAR licence process, which determines maximum biomass with regard to the carrying capacity of the particular site.

The Environmental Statement concludes that site is one with moderate current speeds in an open location subject to moderate flushing. Modelling has been carried out to predict the quantity and the dispersion of organic matter on the seabed and to predict nutrient enrichment. It is predicted that organic and chemotherapeutant deposition would be largely restricted to an area below the cage group resulting in localised benthic consequences from the operation of the site. A CAR licence has not yet been obtained for the application site, but SEPA have indicated that the level of maximum biomass proposed for this site is likely to be consentable in this location.

The benthic habitat directly beneath the proposed salmon farm consists of soft brown mud with a uniform slope across the site at around 35m to 50m depth. There are no specifically designated habitats below or in the immediate vicinity of the site. The seabed is considered to be unsuitable for the regionally important rock based branched sponge *Auxinella dissimilis*, although it does represent a UK BAP and LBAP habitat of some importance for burrowing organisms and *Nephrops* and hosts species which confer some importance on the habitat, such as Tall Sea Pen and Fireworks Anemone. Such benthic communities can be affected by salmon farming activities due to the deposition of organic matter from faeces and waste food, which can lead to nutrient enrichment and consequential anoxic conditions on the seabed. Further potential impacts can arise from the use of chemicals and medicines ranging from anti-fouling treatments to antibiotics and treatments for sea lice infestation of salmon, which can have a detrimental effect on marine invertebrates. Research on the sensitivity of mud habitats to the effects of fish farms suggests that some of the characteristic species of deep mud habitats are not likely to be sensitive to deposition and smothering, however, other research suggests that the presence of deep

burrowing megafauna can be reduced within the area of deposition associated with a fish farm. Any benthic impact on the burrowed mud habitat could also have a knock-on effect on the local *Nephrops* fishery. The survey work conducted by the applicants showed that this area supported a high density of *Nephrops* burrows

SNH and SEPA are both content with the benthic surveys undertaken by the applicant and neither they nor the Council's biodiversity officer have objections to the proposal on the grounds of unacceptable benthic impacts. SNH have however identified impacts on burrowed mud habitat as being of regional significance.

Water Quality Impacts:

Enrichment of water by nutrients released from salmon farms can cause an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms and the quality of water. This is a particularly important consideration where development has potential to affect shellfish harvesting areas, which is relevant here given the presence of mussel farming elsewhere in the loch.

As a result of modelling, the Environmental Statement concludes that the development would not have unacceptable nutrient enrichment consequences either for the locality of the site, or in terms of the wider water body taking into account cumulative effects with existing fish farms. In accordance with industry good practice it is proposed to monitor feeding response closely in order to minimise unnecessary food waste at this site.

Neither Marine Scotland Science nor SEPA have raised objection to the proposal in respect of the predicted impact of the development upon water quality.

Interaction with Predators:

Salmon farm predators are generally piscivorous birds and seals with the latter tending to be the most frequently encountered predators on marine farms in Scotland. The presence of sea cages may attract higher concentrations of predators to the locality of the site, although good husbandry and hygiene procedures will help to reduce the attraction of predators. Tensioned netting on fish cages prevents and deters both seals and diving bird attacks, although regular maintenance of the nets is essential to maintain their integrity. Top nets are to be installed on the cages to avoid predation by birds from above the waterline. Bird nets require to be maintained to a high standard and properly tensioned eliminate the opportunity for birds to become entangled or to be able to enter the cage. The fish cages themselves are to be manufactured to current industry standards, with a net specification, tensioning arrangements, false bottoms and an installation, inspection and maintenance regime to meet the SSPO Code of Good Practice requirements. It is clearly in the operator's interest to ensure that equipment is specified and maintained in a manner to ensure containment of the farmed fish. Site specific equipment attestations have been supplied to confirm that, in the respective manufacturer's opinions, the equipment intended for use on this site is suitable and sufficiently durable to be deployed having regard to the characteristics of in the particular marine environment proposed.

The ES does not identify any major colonies of predators in the vicinity of the application site. Both common and grey seals frequent the area, but there are no haul outs within 4km (the nearest being Ardtun Skerries). The Environmental Statement concludes that proposed use of good husbandry (mortality and moribund fish removal) and hygiene practices based on experience at other sites, coupled with the

use of tensioned nets and top nets will be sufficient to deter predators at the proposed site. In the event of persistent predator activity, the applicants propose to deploy Acoustic Deterrent Devices (ADD's) to scare away seals, although their use can have the unintended consequences of also displacing cetaceans, particularly within narrow water bodies such as Loch Scridain. ADD technology has, however, improved in recent years with devices available which are more effective than previous systems and are more localised and targeted in their impact. Only in extreme circumstances would resort be made to the shooting of seals under government issued licence.

Scottish Natural Heritage has not raised objection to the proposal on the grounds of unacceptable consequences for marine mammals.

Interaction with Wild Salmonids:

Farming of salmon in the marine environment can give rise to well-known consequences for wild fish as a result of disease transmission, sea lice propagation and escapes which can lead to competition and inter-breeding, with consequences for the genetic dilution of native wild stocks. The potential for escapes (as with predator control) can be reduced by having an equipment specification determined by site specific wave and climate analysis so as to ensure that it is fit for purpose. An associated inspection and maintenance regime is then required to ensure on-going containment integrity. Predator control plans, and escapes contingency plans, as submitted by the applicant, are also important elements in risk management.

Although containment risks can be managed, they cannot however be eradicated and there remains a residual risk that an unforeseen event can propagate escaped farmed fish in large numbers into the uncontrolled marine environment. Escapes of farmed stock are generally low, but can occur through equipment failure, predation, operator error, severe weather or foul play. By adherence to the SSPO Code of Good Practice Guidelines the applicant seeks to minimise this residual risk as far as is practicable. Likewise, via good husbandry practices, regular inspection and the administration of medicines in accordance with veterinary health plans, outbreaks of disease which could have consequences for wild fish can be managed.

The most intractable issue influencing the interaction between farmed salmon and wild fish species is that of sea lice transmission. Farmed fish are routinely hosts to parasitic sea lice, the numbers of which require to be controlled in order to assure the health of farmed fish and to avoid lice propagation into surrounding waters. There are important but vulnerable salmonid watercourses in Loch Scridain, the most important of which is the Coladoir River some 6km away, although the Bunessen River is also of importance. Wild salmon can be exposed to sea lice from fish farms close to salmon rivers during their migration periods, whilst sea trout tend to remain in coastal waters throughout the year, so are potentially at greater risk.

The applicant proposes to control sea lice in accordance with current industry practice, via the use of in-feed treatments and well-boat administered bath treatments, whilst adopting good management practices such as single year stocking and synchronous stocking with other sites. The administration of sea lice treatments on board well-boats is an accepted method, in terms of control over exposure time and dosage to ensure the effectiveness of those treatments. The applicant's modelling shows a SEPA permissible total allowable treatment quantity of 2.25 times available biomass, which is less than the company's standard sea lice strategy of 5 times biomass, but still deemed to be adequate by the applicants.

However effective the control measures are in practice, it is an inevitable consequence of holding fish in such quantities that significant numbers of sea lice will be propagated from the site. How these are dispersed will depend on local factors such as wind direction and residual current. The distribution of farm derived lice in the marine environment is not well understood although it is known that in favourable conditions they can travel considerable distances from source.

The conclusion of the applicant's Environmental Statement is that residual current flows will be out of the loch into open water where they will distribute sea lice away from the rivers of salmonid importance which discharge into the loch. The views of the Argyll Fisheries Trust and third party river interests are to the contrary, that westerly winds will propagate sea lice towards the head of the loch where they will present an enhanced and unacceptable risk to wild fish interests. The Argyll Fisheries Trust has formally objected to the application.

In view of the operator's intention to strictly adhere to the SSPO Code of Good Practice which includes fish health, sea lice management and containment standards, neither Marine Scotland Science nor SNH have objected to the conclusions of the applicant's Environmental Statement in respect of the potential risk to wild salmonids. Marine Scotland Science has commented that the proposal will result in elevated sea lice numbers in an area currently devoid of salmon farming which will increase risk to wild fish. However, given the insufficient availability of scientific data and the number of unknown elements which influence the dispersal of sea lice, it is difficult to arrive at a reliable informed assessment of the extent of the likely impact of the proposed farm upon wild fish, so the only position which could be adopted in response would be one based upon a precautionary stance. Marine Scotland Science points out that it is for the Planning Authority to decide the importance the Council accords to wild fish interests and the level of precaution attached to populations has to be balanced against other material considerations.

In the absence of any firm evidence which would indicate that the development at this location would be highly likely to have a significant adverse impact upon wild fish interests, it would be inappropriate to refuse permission based solely on a precautionary principle. Whilst a reduction in the scale of development could reduce tonnage and in turn lice numbers, reducing the scale of the development would not, however, reduce the risk proportionately in terms of the possibility of an event related to accidental escapes or disease transmission. An alternative approach could be to allow consent for an initial period on a time-limited basis to allow some assessment of effects during that time, although the prospect of a temporary consent for a development of this type has recently been rejected on appeal elsewhere in Scotland, on the basis that the uncertainty associated with a temporary consent would be such as to make investment on the scale proposed too much of a risky proposition, and would jeopardise the implementation of any consent which was subject to onerous conditions or longer-term uncertainties. Equally, in practice, at the time of any application to renew a time-limited consent it would be difficult to ascribe any decline in wild fish stocks which might prove evident to the presence of farmed fish, in the absence of any scientifically reliable causal link between the two.

The position of the Argyll Fisheries Trust is understood, in that it would indeed be preferable to maintain the loch entirely free of farmed salmon in order to remove the prospect of additional lice numbers and the enhanced risk to wild fish from parasite transfer. However, having regard to the applicant's intentions for the construction and management of the site and the views expressed by consultees it is not considered that there are defensible reasons for resisting the proposal in order to safeguard wild salmonids, given the mitigation available to protect their interests, which reduces risk

to a point at which it must be accepted as a necessary consequence of the farming of salmon in marine waters.

Impact upon Species and Habitats of Nature Conservation Importance:

Loch Scridain is used by a number of European protected marine mammals from large cetaceans to smaller species including porpoise, dolphin, and seals. Acoustic Deterrent Devices (ADDs) used by fish farms to deter fish eating predators can elicit aversion responses in marine cetaceans up to several kilometres from the source. Habitat exclusion, particularly in fragmented coastal areas with sounds, channels and islands is of particular concern.

The proposal as submitted sets out a position where the operator seeks to ensure predator prevention primarily by way of tensioned nets and seal blinds. However the use of ADD's should it prove necessary is not ruled out, nor indeed the licenced shooting of seals as a last resort. SNH have not raised objection to the deployment of ADD's at this site.

The site lies close to the Mull Coast & Hill Special Protection Area for Birds, a European designation to breeding populations of golden eagle. As smolts are to be delivered to the site by well-boat rather than by helicopter, the site should not have consequences of significance for qualifying interests. The Ardmeanach SSSI is designated for the geological and botanical interests of the peninsula but the development proposed will not affect those interests.

Scottish Natural Heritage has not objected to the proposal on nature conservation grounds.

Conclusion

The proposal is considered consistent with Local Plan Policy LP AQUA 1 (5 and 12) and other relevant development plan policies insofar as it would not significantly prejudice water quality and associated biodiversity interests.

C. Landscape/Seascape Character

The application site lies inshore along the north-west coast of Loch Scridain where it is most readily appreciated in the context of the role the Ardmeanach peninsula performs as a backdrop to the loch, in those sequential views which are available to persons travelling the coast road along the Ross of Mull. It can also be experienced at much closer quarters and warrants enhanced sensitivity in its appreciation from the coastal footpath which runs from Tioran via Burg to the 'Fossil Tree', which is a proposed core path. This part of the peninsula can only be accessed on foot and is important for its remote qualities, its historical features and for its dramatic coastal scenery. Accordingly, whilst greater numbers of receptors (residents and travellers) would potentially be aware of the presence of the site from the Ross of Mull, the extent of its impact would be ameliorated by the scale of the view, the distance to the development, the presence of a wooded shoreline and an elevated backdrop. Lesser numbers on foot would experience the site at closer quarters from Ardmeanach, but these would be particularly sensitive receptors to the presence of modern development in coastal waters given the elevation of the route, the availability of successive views of the site, the remoteness of the peninsula and its associations with historic development, including ruins associated with the clearances, the Dun

(scheduled monument) at Burg and the route to the McCulloch 'Fossil Tree' with its prehistoric associations.

The site lies off land designated as 'sensitive countryside' in the adopted local plan although there are areas of higher ground lying within 'very sensitive countryside' which overlook the site. The northern side of the Ardmeanach peninsula lies within the Loch na Keal National Scenic Area but this excludes the land above the application site. Loch Scridain falls within a local plan designated 'Area of Panoramic Quality' which accords it regional status founded upon the scenic qualities of the coastal landscape and the associated views toward off shore islands. The provisions of Policies STRAT DC 8 and LP ENV 10 seek to resist development which is considered to have a significant adverse impact upon the key landscape characteristics of these designations.

The landscape of Ardmeanach is one dominated by basalt terraces and cliffs with an imposing backdrop of rocky moorland. The coastline itself is rocky and contains some areas of steep wooded backdrop, including the immediate vicinity of the site. It constitutes an important tourism and recreation related scenic resource, and it underpins the local tourism value of the area by virtue of the views it affords, the terrestrial and marine wildlife it supports and the experience of wildness and isolation it can provide. It is largely undeveloped with only occasional buildings and the remnants of past occupation.

The site would be visible in longer distance (approx. 3km) intermittent views from the A849 tourist route to Iona. Although it would benefit from being sited inshore where it can benefit from shadow effects and the presence of a dark backdrop, it will be visible across open water and in some cases from points where the mussel farm at Aird Fada would appear in the foreground of views. Although the applicant's Environmental Statement has dismissed cumulative impacts being of any consequence, the addition of large scale fish farm to the three shellfish farms already present in the loch would contribute to the impression of the loch being characterised by aquaculture development.

From the Ardmeanach side of the loch the site being close inshore would not be visible from the summits of Bearraich and Creach Beinn within the NSA, but it would be visible from the climb to those summits and from other elevated vantage points, albeit that these are not regularly frequented by walkers. The route to the 'Fossil Tree' is however a different proposition. This is a five mile coastal path widely used by islanders and visitors alike and actively promoted as a destination by the National Trust. This takes visitors to the elevated coastal vantage point of the Dun Bhuirg (1km and inter-visible with the site), which is a scheduled monument with panoramic views, and then on to the prehistoric tree fossilised within the basalt, (beyond and out of sight of the application site) at the head of the peninsula. The walk affords spectacular views and the absence of buildings, traffic and population and the abundance of bird life and other wildlife is such that the route has very special qualities for those wishing to experience first-hand the isolation and drama of the west Mull coastline.

The applicants have undertaken a Landscape and Visual Assessment in order to consider the implications of their development for the receiving landscape. This considers sensitivity to change, evaluates magnitude of change, and goes on to assess the significance of that change. The sensitivity of the landscape accorded by the Environmental Statement is 'high' due to the national/regional importance of the peninsula and its scenic qualities and landscape designations.

The development lies off land within the 'High Stepped Basalt' Landscape Character Type as defined in the Council's 'Mull Landscape Capacity' Study 2009 within which it indicates that there are *'few opportunities or precedent for built development'*. The applicant's Environmental Statement concludes that there is *'some sensitivity'* of this LCT to fish farm development due to the lack of development and the prevailing sense of remoteness. It goes on to assess visual impact from the Dun Burg SAM (according *'moderate impact'*) the summit of Bearrach (*'slight impact'*) from two locations on the 'Fossil Tree' walk (*'moderate impact'*) and from two locations on the road to Iona (*'slight impact'*)

The Environmental Statement concludes that the consequences of the development for the following will be:

- Setting of the loch – some sensitivity but with some existing shellfish farming. Loch will retain openness and development will not dominate the landscape producing a *'Moderate impact'*;
- Landscape character of Ardmenanch coast – high sensitivity of high basalt cliffs LCT with a low to medium effect of development producing a *'Moderate impact'*;
- Character of hinterland – some sensitivity, occasional buildings, coastal footpath and scheduled monument. Minor change producing a *'Slight impact'*;
- Wildness qualities – high sensitivity due to remoteness and little development. Minor change to sense of remoteness and isolation producing a *'Slight impact'*.

It goes on to suggest that mitigation for presence in this landscape can be achieved by way of siting parallel to the coast relative to a backdrop with shadow effects, careful selection of equipment and colours assembled in an unfragmented form and by minimising lighting.

Neither Scottish Natural Heritage in its consultation advice, nor officers assessing the landscape merits of the development, agree with the conclusions of the Environmental Statement. It is also evident that many of the third parties objecting to the proposal accord a higher sensitivity to the receiving environment and a greater magnitude of change as a result of the development.

In summary the reasons for this are as follows:

- The importance of the Tioran - Fossil Tree walk have been underestimated by the applicants. This is a promoted opportunity to access and experience the remote and wild coastal qualities of west Mull, where receptors will be particularly sensitive to large scale and visually intrusive forms of development which will impinge on the sense of isolation and the very qualities which define this walk. The Environmental Statement identifies that the fish farm would have intermittent visibility over 4¹/₂km of the route. The presence of the fish farm from sequential points along the walk, at close quarters from elevated points above the site, and from panoramic vantage points such as the Dun Bhuirg SAM, would undermine the special qualities of that route and devalue it as an opportunity to experience a relatively pristine and scenic coastal landscape. These adverse impacts would be of

regional importance given the development plan designation of the locality as Area of Panoramic Quality.

- The Ardmeanach peninsula is important in the appreciation of the setting of Loch Scridain from the important tourist route down the Ross of Mull to Iona. This is already influenced by the presence of three mussel farms in the loch plus a shore base and the addition of a further aquaculture site, despite the distance involved, would have cumulative implications for the character of this loch. Consequences would arise for both of users of the water as well as in more distant views from the coast road and elevated vantage points on the Ross of Mull. The Environmental Statement identifies that there would be intermittent views of the site over 9km of the road to Iona. Whilst cumulative impacts are dismissed by the applicant's Environmental Statement, views of the site either sequentially or in combination with existing sites, will increase the perception that the loch is one which is given over to aquaculture development. This would be harmful to the appreciation of the loch and to the remoteness of the Ardmeanach peninsula and would challenge the carrying capacity of this largely undeveloped area.

Whilst fish farms are not precluded from being located within landscape designations and areas of scenic sensitivity (other fish farms around Mull are established within the Loch na Keal National Scenic Area), it is necessary in the circumstances of each case to consider carefully the site specific consequences which development might have upon the appreciation of landscape character and any tourism value that the landscape may hold. In this case, Loch Scridain is devoid of fin fish aquaculture or marine based equipment on the scale proposed. The area is one widely frequented by visitors who come to appreciate the remoteness of the area, its wildlife, its dramatic coastal scenery and its historical associations, all of which conspire to produce a unique experience and a particular sense of place. These characteristics would be compromised by the presence of a large finfish farm by virtue of its physical presence, its scale and the activity associated with its operation. This would detract from the landscape/seascape character of the locality and would impinge upon its qualities to such a degree as to warrant refusal of the application on grounds of unacceptable landscape and visual impact, in a location which the Environmental Statement accepts has '*high sensitivity*' status in circumstances where the development would result in '*moderate impact*' producing '*noticeable deterioration*' in the quality of the landscape.

Conclusion

The proposal conflicts with Local Plan Policy LP AQUA 1 (1, 2, 4, 8 and 9) and other relevant development plan policies insofar as it would significantly prejudice landscape character, visual amenity, and the landscape setting of built development, including historic environment and recreational and tourism related assets.

D. Navigation and Other Marine Users

Marine fish farms may present an obstacle to commercial or recreational boat traffic and conflict with fishing. This may be through disruption of navigation routes, by depriving access to the area for recreational or commercial purposes or by increasing traffic at sea and in the vicinity of the farm.

There are no recognised anchorages at or close to the site. Some recreational use of the loch takes place, although the siting of the proposal close inshore ought not to

impede the ability navigate around the site. The Northern Lighthouse Board have not raised any objection to the proposal and have provided advice to the applicant on the specification for navigational markings which should be employed at this location.

The coastal shelf above deep water is routinely fished for prawns and the loch is traditionally fished seasonally for sprats. It is understood that four boats operate in the locality and it is claimed that these work across the site in question. The operators assert that traditional fishing ground in the loch has already been lost to the three shellfish farms and that the former finfish site of Pennyghael still remains unproductive.

A number of fishing organisations and individual fishermen have objected to the application. Some of these appear founded around general opposition in principle to marine fish farms, and it is difficult to ascribe them weight as a consequence. However, the local Aquaculture & Fisheries Association has lodged a more considered response, which indicates that it did not prove possible at pre-application stage to identify a mutually acceptable location. This quantifies the number of vessels and creel lifts affected and which attempts to put a value on the fishing ground which would be lost to development. This position has been reiterated by individual boat owners. Whilst it is not possible to determine whether the loss of such fishing ground would prejudice any livelihoods with the adverse consequences for employment which have been suggested by fishing interests (the applicant's consider this unlikely), it would appear that this is an area which is actively worked by inshore fishermen and therefore credence should be given to their concerns.

In this case, the representation lodged by the local Aquaculture & Fisheries Association has sought to quantify the impact on local fishing ground and the views expressed have been endorsed by local boat operators, and therefore the stance being taken is more robust than one of being simply opposed to fish farming per se, which in the past has often been the fishing industry's response to this type of application.

It is necessary that the aquaculture industry should have regard to existing use of the marine environment, and it is incumbent on them to seek to avoid conflict with inshore fishermen, whose livelihood depends upon being able to access sufficient fishing ground within the reasonable transit distance for a small boat in order to be able to sustain a living. With that in mind, it is considered that the location is inappropriate for the development of a fish farm which would exclude commercial fishing within a currently worked area of the loch which is already restricted by the presence of existing aquaculture sites.

Conclusion

The proposal conflicts with Local Plan Policy LP AQUA 1 (6 and 11) and other relevant development plan policies insofar as it would significantly prejudice navigation and the continued exploitation of traditional fishing ground,

E. Conclusion

The proposal has given rise to considerable public objection with regard to the potential introduction of fish farm development to a loch currently devoid of fin fish aquaculture and the impact that this will have visually and in terms of landscape character and associated tourism potential on what is regarded as a largely unspoiled coastscape. Concerns have also been expressed by 3rd parties in terms of pollution

of the water environment, impact upon protected wild fish and other species and in view of the loss of traditional fishing ground.

Of these matters it has been concluded that the location and scale of the development would impinge its sensitive receiving environment so as to compromise landscape character and the experience of what is a unique area, and this is therefore a specific reason for refusal. Additionally, the development would conflict with fishing interests insofar as it would in association with other aquaculture development reduce available fishing ground to the disadvantage of local commercial fishing interests. This also constitutes a separate reason for refusal.

The matter of sea lice propagation contrary to the interests of wild salmonids is clearly a legitimate concern, although not readily quantified and lacking in scientific analysis. The prospective operator's contention that they will be using equipment fit for purpose, which will be subject to operational procedures which accord with best industry practice, which meets quality assurance standards, and with monitoring and review of the site being undertaken by the operator and Marine Scotland must be accepted. However, as the Argyll Fisheries Trust and objectors have pointed out, regardless of how well the site is operated, there will remain a residual risk to what would appear to be a relatively vulnerable and declining population of wild salmon and sea trout. As Marine Scotland has indicated, it is for the Council as decision-maker to balance wild fish interests against other material considerations. In the absence of any persuasive to indicate that the development at this location would be likely to have a significant adverse impact upon wild fish interests, it would be inappropriate to cite wild fish interests as a reason for refusal based solely on a precautionary principle, and therefore this is not included within the recommended grounds of refusal, despite its status as a legitimate concern.

Appendix B Representation relative to 12/00904/MFF in support of proposal

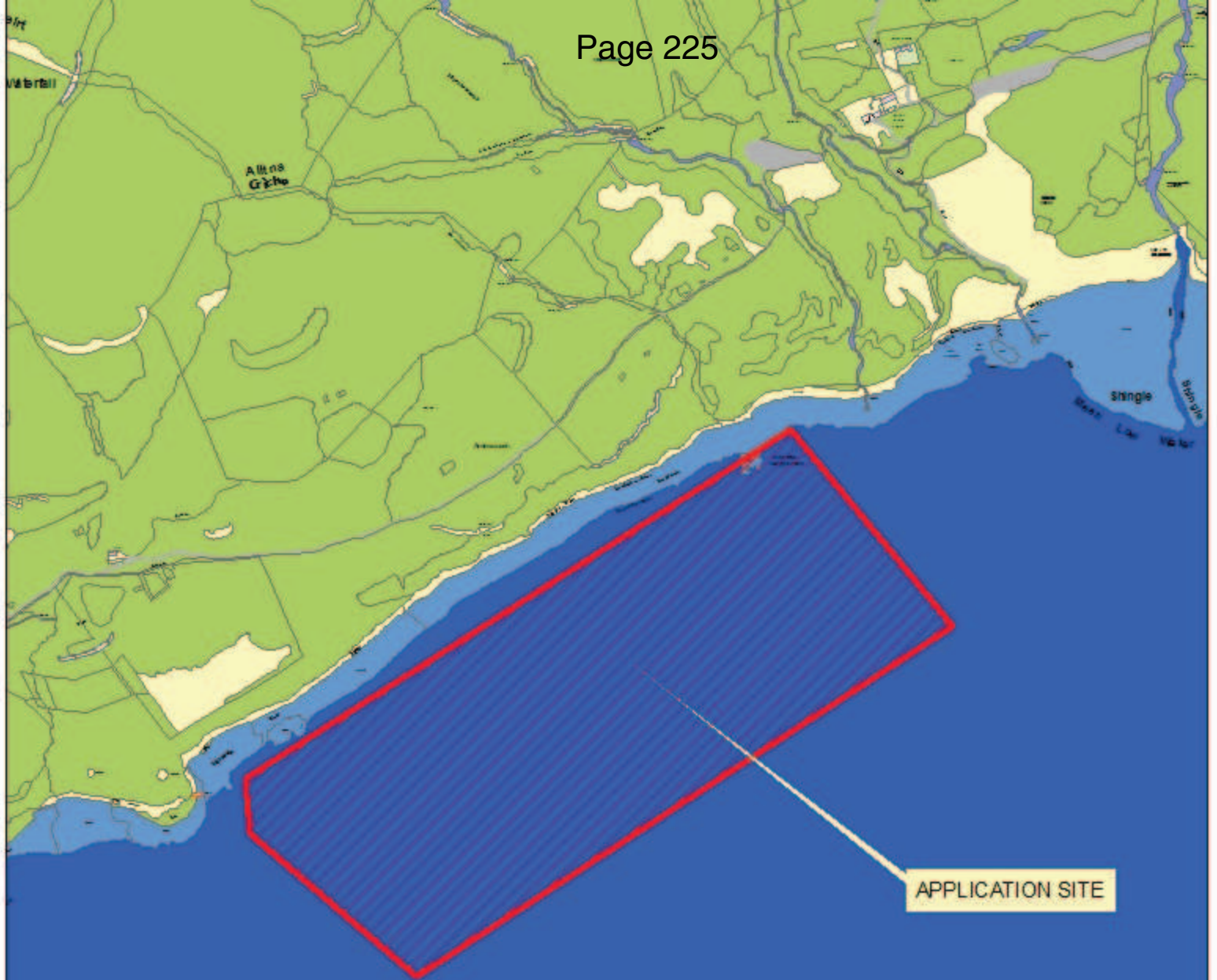
Mr Finlay Oman	2 Burnside Way □ Largs □ KA30 9DL	04/09/2012	S
Ben Wilson	Bairinech □ Craignure □ Isle Of Mull □ PA65 6BD	12/07/2012	S
Helen Wilson	Inverlussa Marine Services Ltd □ By Craignuire □ Isle Of Mull □	13/07/2012	S
Margo Wilkie	Isle Of Mull	17/07/2012	S
Roger Dehany	Lussa Cottage □ Ardura □ Craignure □ Isle Of Mull	12/07/2012	S
Maureen Dehany	Lussa Cottage □ Ardura □ Craignure □ Isle Of Mull	12/07/2012	S
Mr Iain Wilshire	No Address Given	31/08/2012	S
John MacDonald	No Address Provided	15/07/2012	S
Douglas Ingram	No Address Given	05/09/2012	S

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Appendix B Representation relative to 12/00904/MFF against proposal

Mr Geordie Laing	252 Wandsworth Road□Fulham□London□SW6 2UD	05/07/2012	O
Miss Louisa Laing	252 Wandsworth Road□London□SW6 2 UD	05/07/2012	O
Lynne Farrell	41 High Street□Hemingford Grey□Cambs□P28 9BJ	08/06/2012	O
Miss Serena Barkes	49 Fairfield Street□London□sw18 1dx	05/07/2012	O
Mrs Val Hole	8 Elmvale Drive□Hutton□North Somerset□BS24 9TG	23/05/2012	O
Mr Derek Needham	9 Cawder Green□Skipton□BD23 2QB	30/06/2012	O
Mrs Susan Needham	9 Cawder Green□Skipton□BD23 2QB	30/06/2012	O
Nicholas Bridges	Achadhiseil□Tiroran□Isle Of Mull□PA69 6EU	13/07/2012	O
Susan Bridges	Achadhiseil□Tiroran□Isle Of Mull□PA69 6EU	13/07/2012	O
Ms Sally Greenfield	Achleck□Torloisk□PA74 6NH	02/07/2012	O
Ms Sue Murdoch	Allt Nam Feidh□Pennyghael□Isle Of Mull□PA70 6HF	19/06/2012	O
Douglas Canning	American House□Tiroran□Isle Of Mull□PA69 6ES	11/06/2012	O
A R Wagstaff	Burnside□Pennyghael□Isle Of Mull□Argyll And Bute	15/06/2012	O
J A Wagstaff	Burnside□Pennyghael□Isle Of Mull□Argyll And Bute	15/06/2012	O
Mr A Jordan	Dererach□Pennyghael□Isle Of Mull□Argyll And Bute□PA70	05/07/2012	O
Mr. Frank Athey	Fairwinds□Knockan□Bunessan□PA67 6DN	28/06/2012	O
Dr Anita Tunstall	Faolainn□Artdun□Bunessan□PA67 6DH	02/07/2012	O
Mr Robert Don	Garden Cottage□North Elmham□Dereham□NR20 5JY	22/06/2012	O
R J A Harmer	Gruline House□Gruline□Isle Of Mull□Argyll And Bute□PA71	26/06/2012	O
Mrs Minty MacKay	High Lee Croft□Bunessan□Isle Of Mull□PA67 6DN	22/06/2012	O
Roc Sandford	Isle Of Gometra□PA73 6NA	20/06/2012	O
Andrew Holman	Kilfinichen Estate□Isle Of Mull	22/06/2012	O
Mrs Joanna Gardner	Kinloch Steadings□Pennyghael□Isle of Mull□PA70 6HB	24/06/2012	O
Mark Jardine	Lovedale Cottage□Isle Of Iona□Argyll□PA76 6SJ	18/06/2012	O
Mr Douglas Weatherhead	Machair□Isle Of Iona□PA76 6SP	19/07/2012	O
Andrew Durie	No Address Given	27/06/2012	O
Andrew Macdonald	No Address Given	13/06/2012	O
Stephen Huber	No Address Given	07/06/2012	O
John Eastwood	No Address Provided	04/07/2012	O
Malcolm Watson Chairman Of	No Address Provided	11/06/2012	O
Dr Nicola Hall	Old School House□Lullington□Frome□Somerset□BA11 2PC	27/06/2012	O
Hebridean Pursuits Ltd	PO Box 9673□Oban□Argyll□PA34 9AN	31/05/2012	O
Mr James Gibson Fleming	Ranston□Blandford Forum□DT11 8PU	02/07/2012	O
Mr Timothy Laing	Rossal Farm A849 East Of Pennyghael From B8035 Junctio	21/06/2012	O
Ms Diana Warwick	Scobul□Isle Of Mull□Argyll□PA69 6EU	21/05/2012	O
Elizabeth Smith	Seabank□Tiroran□Isle Of Mull	08/06/2012	O
Dr Richard Luxmoore	Senior Nature Conservation Advisor□The National Trust For	12/06/2012	O
Miss Olivia Gibson Fleming	Smugglers Mead□Stepleton□Blandford□DT11 8PP	05/07/2012	O
Dr Susan Reed	Taigh aig an Oir□Artdun, Bunessan□Isle of Mull□PA67 6DH	25/06/2012	O
Mrs Susan Clare	The Hill house□Bunessan□Isle of Mull□PA70 6HF	19/06/2012	O
Mr John Clare	The Hill House□Pennyghael□Isle of Mull□PA70 6HF	19/06/2012	O
Katy Andrews	The Manse□Pennyghael□Isle Of Mull□Argyllshire□PA70 6H	27/06/2012	O

Mrs Mary Douglas McLeod	The Manse□Pennyghael□Isle Of Mull□Argyllshire□PA70 6H	21/06/2012	○
Gregory Marsh	The Old Hall□Tiroran□Isle Of Mull□Argyll□PA69 6ES	27/06/2012	○
Mrs Adrienne Allison	The Tontine□Ardtun□Buessan□Isle Of Mull□PA67 6DN	28/06/2012	○
Ms Fiona Brown	Tigh Na H'Abhann□Pennyghael□Isle of Mull□PA70 6HB	30/05/2012	○
Mr Norman Salkeld	Tigh Na H'Abhann□Pennyghael□Isle Of Mull□Argyll	07/06/2012	○
Fiona Brown	Tigh Na H'Abhann□Pennyghael□Isle Of Mull□Argyll□PA70 6	27/06/2012	○
Mr D Carslaw	Tigh Nan Allt□Pennyghael□Isle Of Mull□PA70 6HQ	27/06/2012	○
Mr Nigel Burch	Tigh Nan Dobhran□Pennyghael□PA70 6HB	05/07/2012	○
Laurence MacKay	Tiroran House□Isle Of Mull□Argyll And Bute□PA69 6ES□	13/06/2012	○
Mrs Sheila Rodgers	Torbhan Cottage□Beach□Pennyghael□Isle Of Mull□PA70 6	05/07/2012	○
Mrs C A Kedie	Waterside□Pennyghael□Isle Of Mull□Argyll And Bute□PA70	20/06/2012	○
Mrs Carole Kedie	Waterside□Pennyghael□Isle Of Mull□PA70 6HB	05/07/2012	○
Mrs Sarah Blackwell	Willowbank□Pennyghael□Isle of Mull□PA70 6HB	04/07/2012	○
Mr Roger Blackwell	Willowbank□Pennyghael□PA70 6HB	04/07/2012	○



APPLICATION SITE



0 100 200 400 Meters



Committee Plan Relative to Planning Application 12/00904/MFF



1:7,769

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Argyll and Bute Council
Development Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/01176/MFF
Planning Hierarchy: Local Development
Applicant: The Scottish Salmon Co.
Proposal: Formation of 16 cage fish farm and installation of feed barge
Site Address: North Gometra, Loch Tuath, Isle of Mull

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION**(i) Development Requiring Express Planning Permission**

- Formation of Marine Salmon Fish Farm comprising 16 No. 100m circumference cages, walkways, mooring grid and associated lines;
- Installation of feed barge;
- Installation of underwater lighting.

(ii) Other specified operations

- Servicing from existing shore base at Ulva Ferry
-

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to:

- i) the conditions and reasons listed in the report;
 - ii) the holding of a discretionary local hearing having regard to the number of third party representations received and the complex and varied nature of the material considerations in this case.
-

(C) CONSULTATIONS:

Scottish Environment Protection Agency (SEPA) – (14.06.12) no objection on either benthic or nutrient enrichment grounds. CAR licence application under consideration and likely to be consentable.

Scottish Natural Heritage (SNH) (06.08.12 & 07.09.12) – initial holding objection on grounds of inadequacy of the applicant's Landscape and Visual Assessment and the consequent unreliability of the conclusions drawn in the Environmental Statement. Considers that landscape and visual implications could be significantly adverse given sensitivity of National Scenic Area to development and applicant has failed to demonstrate that integrity of the designation will be safeguarded. More finely grained analysis required including assessment of cumulative effects and implications for the experience of remoteness.

No likely effects on nature conservation designations in respect of eagles, seals, wild fish, freshwater pearl mussel or wild salmonids. No habitats of national importance affected. SNH licence for the deployment of Acoustic Deterrent Devices required having regard to implications for cetaceans.

In a subsequent response to an augmented Landscape and Visual Assessment, SNH have withdrawn their objection on landscape grounds on the basis that whilst the development will have locally significant adverse consequences for the NSA to the detriment of the perceived remoteness and contributing to attrition of the qualities of the NSA, such impacts will be limited in their extent and are unlikely to undermine the integrity of the NSA as a whole. Whilst there are some omissions in the LVIA the information has been sufficient for SNH to be able to draw its own conclusions in the matter.

SNH accepts the conclusions of the applicant's updated LVIA that the development will have some significant 'moderate' adverse impacts which will weaken its character, particularly in terms of cumulative impact. However, it will not transform or dramatically change the landscape. This is because of the extent and range of similar important seascape views where the NSA landscape will be experienced from, but the proposed fish farm will not be evident or will be barely perceptible; the large scale diversity and complexity of the land/seascape and the horizontal nature of the proposed development, which has some compatibility with the horizontal visual emphasis of the island studded landscape. In addition, the proposed fish farm will be mostly viewed against the backdrop of the islands, aligned with and close to the coastal edge.

SNH recommends that the Council should carry out a Landscape Capacity Study for aquaculture in the Loch na Keal NSA to inform future decisions, so that the special landscape qualities of the area may be protected from gradual attrition by further developments of this nature.

Marine Scotland Science (14.06.12) – The operation of the site will be at an acceptable stocking density. Whilst salmon rivers with the highest returns in the district are circa 20km distant other salmonid watercourse lie closer to the site. Sea lice propagation from fish farms is likely to have a detrimental effect upon wild salmon and sea trout populations in some circumstances although the magnitude of the likely effects is not well understood. As sea trout are present in coastal waters year round beyond the salmon migration periods, lice control will require to be exercised on a year round basis. The importance the Council accords to wild fish interests and the level of precaution attached to populations has to be balanced against other material considerations.

Scottish Government (EIA) – no response to date.

Argyll & District Salmon Fishery Board – no response to date. (Note: the Mull Salmon Fishery Board is not currently operational)

Argyll Fisheries Trust (20.07.12) – no objection provided that sea lice limits advanced by the applicant are adhered to.

Scottish Wildlife Trust – no response to date.

Historic Scotland (13.06.12) – no objection.

Northern Lighthouse Board (01.06.12) – no objection, navigational marking advice provided.

Small Isles & Mull Inshore Fisheries Group – no response to date.

Clyde Fishermen's Association (12.06.12) – object to further development of the wider fish farming industry in general and this application in particular due to the threat presented to a productive fishery by pollution effects and sea lice.

Mull Aquaculture and Fisheries Association (26.05.12 & 08.08.12) – confirm that the prospective site has been relocated by the applicants at pre-application stage following discussion with commercial fishing interests, which represents an appropriate compromise to mutual satisfaction and MAFA appreciates this consultation and the applicant's willingness to have regard to fishing interests.

A further letter from MAFA refutes the contention expressed by the owner of Gometra that MAFA members do not have experience of navigating around the island and have expressed claims on behalf of the applicants. Almost all MAFA members navigate and fish in the area all year round and the Scottish Salmon Co. are not members of or are represented by MAFA.

West Highland Anchorages and Moorings Association (22.07.12) – no objection given that access to Acarsaid Mhor anchorage remains unrestricted.

Royal Yachting Association – no response to date.

Council's Marine & Coastal Manager (01.07.12) – Provides comments in respect of feed barge colour, details of top netting and lighting requirements in the context of the applicant's Landscape & Visual Assessment. No impact on fishing grounds anticipated in the light of re-positioning following pre-application consultation with fishing interests, and no impact upon navigation or anchorages. The applicant's modelling showed a total allowable treatment quantity of 2.1 times available biomass, which is less than their standard sea lice strategy of 5 times biomass, although this has been deemed by the applicants and marine Scotland Science to be adequate. Appropriate industry good practice in relation to containment, escapes, fallowing and synchronous stocking has been identified. Acoustic Deterrent Devices should only be used in the event that other means without implications for cetaceans prove ineffective.

Council's Biodiversity Officer – no comments.

Council's Area Roads Engineer – no comments.

Council's Public Protection Service (31.05.12) – no objection.

Mull Community Council (02.06.12) – Notwithstanding the possible, but not guaranteed, employment benefits of the development and the historic benefits to the community from fish farming the community council objects to development on this

scale on the grounds of adverse environmental effects in general and the pollution consequences in particular.

Iona Community Council (11.07.12) – object having conducted a public meeting on the island, on grounds of pollution, effects on the natural environment, effects on wild fish and potential seal shooting. The proposal would have particular consequences for eco and wildlife tourism including displacement of cetaceans. The development raises the prospect of net job losses rather than any gain in employment. The area attracts visitors for its pristine environment and its wildlife and the environmental credentials and reputation of the area would be threatened by inappropriate development.

(D) HISTORY:

No planning history relevant to this particular site, although it should be noted that prior to planning control having been extended to marine fish farms, there have been instances of fish farm lease applications having been rejected by the Crown Estate in Loch Tuath off both Ulva and Gometra on landscape grounds.

(E) PUBLICITY:

The proposal has been advertised in both the local press and the Edinburgh Gazette (14.06.12 and 01.06.12) with the publicity periods having expired on 05.07.12.

(F) REPRESENTATIONS:

(i) Representations received from:

Objections to the proposal have been received from 26 third parties along with 44 supporters. Names and addresses of those having submitted representations are listed in Appendix B to the report. The grounds of objection and support are summarised below.

It should also be noted that an on-line petition under the banner '*Save Staffa Archipelago*' is currently collecting signatures (1,108 as of 11.09.12) with the stated intention of being submitted as a representation against the proposal, although this has not to date been submitted formally to the Council – presumably as it continues to accrue signatories prior to the final determination date.

The stated grounds of objection upon which signatures are being collected are:

- 'We the undersigned deplore proposals for a salmon farm off the island of Gometra in the Staffa Archipelago within the Loch na Keal National Scenic Area. It would be a staggering failure of vision to position the Isle of Mull as a factory farming destination by committing the Staffa Archipelago to industrial aquaculture and so choke the flow of green gold from ecotourism which underpins our economy. We urge you to withhold consent for this devastating proposal'.

Support for the proposal

Comments in relation to the principle of marine fish farming

- Environmental awareness by fish farm operators has increased substantially since the early days of the industry and the industry is now one which is highly regulated;
- The Scottish Government estimates that 6,200 jobs are dependent on fish farming and the Scottish Salmon Producers Organisation states that 272 additional jobs were created last year alone;

Comments expressed by business interests and local organisations

- Mull & Iona Community Trust expresses qualified support provided that jobs are offered to local people, local housing can be provided and that regulators safeguard the marine environment from pollution which could be detrimental to other business interest making a living from the qualities of the local environment;
- Ulva School Association Committee considers that fish farming has had a positive impact over the years on employment and to a lesser extent housing. No adverse effect on water quality or shellfish production is envisaged. Support is expressed for the proposal provided that operation of the site meets regulator requirements and there continues to be consultation between the operator and the local community and dialogue over social infrastructure;
- The operator of a long-established sea tour business carrying 7-10,000 visitors a year, who transits Loch Tuath with one of his tour routes, has not heard any derogatory remarks from passengers about the presence of fish farms who are mainly interested to know more about them and the local employment they provide. He would be the first to object if he felt that wildlife was threatened to the detriment of his business;
- The operators of the oyster farm at Ulva Ferry confirms that they have no issue with the applicant's or their existing site nearby and that they maintain a Grade A water quality status for shellfish production purposes;
- An existing B & B and nursery proprietor states that her property faces the existing fish farm which causes no visual or other harm to her business;
- The owners of a holiday let cottage facing the existing fish farm states that they have never had complaints from guests about that site;
- The operator of the Ulva tea room states that she has never had complaints about fish farms which can be seen in the area, only enquiries about what they are, and visitors return year after year, so she does not consider that fish farming impinges upon her business interests;
- The Ulva ferryman asserts that he has never heard visitors complain about fish farms and they simply want to know how people residing in remote communities make a living.

Comments in relation to employment considerations

- Fish farming provides livelihoods for local people in rural areas lacking in employment opportunities. It helps keep young people and their families in remote communities, particularly in island locations, in circumstances where local demographics are often skewed towards the retired and non-full-time residents, and where there is otherwise often reliance on seasonal employment associated with tourism. Besides creating new jobs the proposal will support service employment such as divers, hauliers, tool suppliers, fuel merchants etc.
- Salmon farms in west Mull currently support 10 local families and provide housing for two of them.
- An young employee of the applicant's existing fish farm in Loch Tuath states that he has been provide with a company house locally and has been provided with training by the company, which has allowed him and his wife to remain in an area where there are currently no residents between the ages of 18 and 25;
- The applicants have increased staff across their operations from 160 to 380 in 2 years. For objectors to say that only 4 low paid fish farming jobs are to be created is frankly insulting. Whilst wages might not enable to employees to acquire islands, they are sufficient to sustain livelihoods and to retain households in the area.

Comments in relation to tourism considerations

- Rural communities cannot be sustained by tourism alone, which tends to provide seasonal and often low paid jobs and which contributes to high house prices which skew the demographic so other employment opportunities become important in being able to sustain a viable community.

Comments in relation to pollution and water quality

- Farmed fish grows best in unpolluted water so it is in the operator's interest to keep it so. There is no evidence to suggest that the existing Ulva fish farm site is unacceptably polluting as it co-exists local shellfish production;

Comments in relation to wildlife interests

- Existing fish farms are known to co-exist with and indeed attract wildlife, as the wildlife logs maintained at the sites demonstrate.

Comments in respect of landscape and visuals effects

- The site will be difficult to pick out against the dark backdrop of land;
- There is no evidence to suggest that site lighting will create unacceptable light pollution;

- Most objection is actually founded on aesthetics, although it is wrapped up in dubious claims about other environmental considerations;

Comments in relation to navigation issues and fishing

- Local fishermen have not objected to the application as the applicant has, through negotiation, safeguarded their interests;
- Small vessels are capable of navigating in close proximity to, or even inshore of, existing fish farms, which can provide shelter rather than being a hazard. As large, static and navigationally lit features they should not present a hazard to competent boat users. Site staff are available to provide assistance to other marine users in need of help;
- A fish farm appropriately lit at night could improve the navigational safety of small vessels;
- Navigation between Ulva Ferry and Gometra is routinely achieved around the existing fish farm off Ulva and creel fleets, so claims of the development inhibiting access to the island by boat are spurious.

Comments in response to views expressed by objectors

- Objections have been founded upon unsubstantiated and provocative assertions and this scaremongering has led to objectors being ill-informed;
- Most objectors are either holiday home owners or those with loose association with the island, or who are able to buy small islands with exclusivity and a view. They have no need of employment for themselves or their offspring and are without any understanding of the economic and social benefit fish farming brings to island communities;
- It is inappropriate for Mull Community Council to cite outright objection when community councillors have been divided on the matter;
- The proprietor of Gometra has exaggerated purported island population levels for the purpose of objecting to the proposal, as there are only 2 full-time residents and 2 people present for part of the year;
- Media reporting stimulated by the objectors has reported the community as being divided on the issue. That is not so, as full-time residents are overwhelmingly in support of the development and it is the holiday home owners who are divided from what ought to be regarded as the local community;
- The Gometra sponsored 'Save Staffa Archipelago' online petition is supported mainly by foreigners and not by people with any local interests in the area.

Objections to the proposal

Objections in relation to the principle of marine salmon farming

- The salmon farming industry causes unnecessary pollution due to chemical residues in the marine environment from sea lice treatment and other operational aspects of the operation of sites;
- Farmed fish put pressure on wild fish from disease, sea lice and escapes to the detriment of local populations. Scientific research is clear that farm derived sea lice present a serious threat to wild fish, despite the fact that the attribution of continuing declining wild stocks to the presence of farmed fish continues to be challenged by the Scottish Salmon Producers Organisation and Marine Science Scotland, and there is an ongoing and systematic denial of the problem by the industry and by government;
- Salmon farming has been shown to decrease the success of local more sustainable fishing industries that contribute positively to the local economy;
- There is a lack of sustainability in farming salmon due to the over-exploitation of wild fish to provide fish meal;
- Fish farming on this scale is inappropriate and locations should be identified for smaller less intrusive forms of development;
- Marine fish farming is not conducive to the obligation to meet Good Environmental Status for marine waters by 2020 under the Marine Strategy Framework Directive;
- The Scottish Salmon Co. has recent history, according to SEPA held data, of disease outbreaks, escape incidents and lice numbers above SSPO Code of Good Practice limits on its operational sites;
- The Scottish Salmon Co. Is not at all Scottish being foreign owned and other than limited employment and seabed lease income, Scotland derives little benefit from the presence of their fish farms. Processing is conducted elsewhere and not close to the point of production so there are few local benefits to outweigh the environmental damage fish farms cause.

Officers' comment: The farming of salmon in cages in the marine environment is considered by the government to be a legitimate activity subject to appropriate regulation and the avoidance of particularly sensitive receiving environments or those locations where the carrying capacity of receiving waters is at, or close to, capacity. Accordingly, whilst it is appropriate for Members as decision-makers to have regard to material considerations in respect of the acceptability or otherwise of particular locations, and particular scales of development, it would not be legitimate to seek to resist this proposal on the grounds that marine salmon farming ought to be deemed an unacceptable form of development, regardless of its scale and location.

Objections founded on planning policy considerations

- The development fails to satisfy Scottish Planning Policy or development plan policy in respect of sustainability considerations in that it would not safeguard the established character or local distinctiveness of the area, would prejudice local biodiversity interests, would be harmful to a designated National Scenic Area and would be detrimental to the interests of the environment as a whole.

Officers' comment: In determining this application it is appropriate in the first instance to have regard to government planning policy and development plan policy, and then to weigh other material planning considerations in the balance, to the exclusion of those matters which require to be disregarded given that they are consented by way of other regulatory regimes.

Objections in respect of marine and nature conservation interests

- The development if approved along with the proposal for Loch Scridain would in combination with existing development, increase to total biomass to 6,700 tonnes with serious consequences for wild fish, freshwater pearl mussel and shellfish production;
- The development will be polluting in terms of faeces, waste food, chemicals and sea lice, all of which will be damaging to the local ecosystem in terms of nutrient enrichment and algal blooms to the detriment of marine life;
- The development will have adverse consequences for wild fish by virtue of disease and parasite transmission and escapes degrading the genetic purity of local stocks. Freshwater Pearl Mussel in the Mingarry Burn SAC may be affected due to their dependence on the presence of healthy wild salmon;
- Sea lice are an avoidable natural disaster arising from the industrialised production of fish, the only response to which is a chemical one. Notwithstanding that, available sea lice treatment at this site is inadequate;
- Sea trout will be particularly vulnerable to this development as they remain in coastal waters unlike salmon which are able to migrate through sea lice infested waters more quickly;
- The use of acoustic deterrent devices will be detrimental to the grey and harbour seals which frequent the area as well as cetaceans and basking sharks. These will be threatened by activity associated with the farm, the deployment of Acoustic Deterrent Devices and in the case of seals, the prospect of licenced shooting; It is claimed that the Hebridean Whale and Dolphin Trust does not support the use of ADD's to deter seals at this location which would be to the likely exclusion of European protected cetaceans from the loch;
- The development could also impact upon other species of conservation importance such as otters, crustaceans and molluscs. Oysters are currently harvested at two sites on Gometra within 1km without the need for depuration and these are a food source for islanders. The presence of

the site could lead to microbiological contamination and the need to invoke shellfish water controls which could threaten the continued operation of the fish farm;

- The potential for impacts upon European SAC designations (Treshnish grey seal SAC and Mingarry Burn FWP Mussel SAC) must be tested via an 'appropriate assessment' under the Habitats Regulations;
- Marine conservation bodies are signatories to the 'Save Staffa Archipelago' petition as they view marine salmon farming as unsustainable.

Officers' comment: Many of these issues are legitimate concerns, not all of which are however material planning considerations. Consultation has been undertaken with Scottish Natural Heritage, the Scottish Environment Protection Agency, Marine Science Scotland and the Argyll Fisheries Trust in order to seek advice in terms of water quality, benthic conditions and the conservation interest of habitats and species. None of these consultees have raised objection to the proposal. An 'appropriate assessment' is only required to be carried out by the Council in its role as 'competent authority' when it is considered that there will be 'significant effects' upon the conservation interests of European species or habitats within, or associated with, areas designated under the Habitats Regulations. In this case, Scottish Natural Heritage in its role as statutory consultee and in its capacity as the government's advisor on matters of nature conservation, has concluded that 'significant effects' will not arise in respect of Natura qualifying interests, and accordingly an 'appropriate assessment' is not required to be undertaken by the Planning Authority in this case. <mailto:proposal.@Appropriate>

Objections in relation to landscape, visual and amenity considerations

- The unspoilt and remote qualities of west Mull would be undermined by the presence of development on the scale proposed. The presence of equipment, activity, noise and lighting will be alien to this vulnerable landscape/seascape;
- The development would intrude upon the distinctive panorama available in Loch Tuath with the important associated island seascape which make the National Scenic Area so unique;
- The site is in a remote location with an absence of development so site lighting and navigational lighting will be intrusive in an area of otherwise dark skies;
- Outer Loch Tuath is the gateway to the Staffa archipelago and the experience for visitors is one of reducing development and increasing wild land qualities and this experience would be degraded by the presence of the fish farm;
- The development will be visible from and impact upon the setting of impact upon the scheduled monument of Cairn na Burg;
- The height of equipment and the associated barge above water level plus associated navigational and production lighting would be visually

intrusive;

- The Gometra community is 100% opposed to the development. Islanders have a low impact green lifestyle, without access to electricity or cars, and access to and the experience of arrival will be devalued by the presence of the fish farm. Noise fume and light pollution will have a disproportionate impact upon the amenity of such a pristine environment;

Officers' comment: The siting of marine fish farms is influenced by a range of factors of which landscape considerations are but one. The need to avoid exceeding the carrying capacity of water bodies and to avoid developments in unsuitable locations due to nature conservation interests are amongst those factors which are conspiring to push developments out into more remote and often more exposed locations than those occupied hitherto. A significant number of fish farm sites in Argyll have already been accommodated within National Scenic Areas, so there is no presumption that such a designation will preclude the location of fish farms, provided that they are sited carefully so as to not undermine key qualities prompting designation or the overall integrity of the areas which have been designated. In this case SNH has accepted the applicant's conclusions that whilst there will be 'moderate' adverse effects on Loch Tuath locally, these will not be such as to undermine the special qualities of the NSA and accordingly they have not objected to the proposal on landscape grounds.

Objections in relation to tourism interests

- The development will adversely affect local tourism which is founded upon wildlife and the environmental and scenic qualities of this unspoilt area. The threat to tourism related employment in the area by despoiling the very qualities of the environment, its scenery and its wildlife which people come to enjoy, far outweighs the limited employment and the economic benefits which in any event would accrue to international companies more than to local people;
- The loch is used as a route to the islands by tour boats and the presence of the fish farm would undermine the wild life experience for visitors to the detriment of tourism in the area. The sensitivity of the island landscape in the National Scenic Area is that it can be degraded by a single inappropriate development which undermines its wild land value;
- Sheltered inlets around Gometra would be less attractive anchorages for visiting yachtsmen with the fish farm in place;
- One wildlife tour operator stresses the importance of eco-tourism and the value of the tourism sector as a whole to the Argyll economy which far outweighs that of the primary industries. Chipping away at the very qualities which make the place special and attract visitors is not the way to proceed;

Officers' comment: Marine fish farms are established widely across scenic coastal areas in the west of Scotland, and many Argyll sites lie within National Scenic Areas. Whilst it is acknowledged that the site should be regarded as a sensitive one, given the scenic qualities of the wider area with its wild land and wildlife dimensions, there is no evidence to suggest that tourists will be dissuaded by visiting the area provided that siting and design is not such as to

impinge to an unacceptable extent on the qualities for which the area is valued and which prompted designation. It should be noted that local supporters with interests in the tourism sector have indicated that the existing Ulva fish farm site does not appear to attract criticism by visitors and that they do not consider that it represents a threat to their livelihoods.

Objections in relation to employment claims

- Tourism provides sustainable employment far in excess of the four jobs associated with the proposal and there is no guarantee that these will be provided or will go to local people; nor that employment will be eroded in the future by ongoing automation;
- Claims of job numbers and employment growth associated with the sector are inflated across the industry. The difficulty of recruiting and retaining workers are such that it is likely that it will be migrant labour rather than local people employed at the site;
- No employment genuinely local to the site will be provided or supported on Gometra.

Officers' comment: Whilst the development will bring some direct employment and will generate some spin-offs for the wider economy, and whilst the applicants have stated their intentions in respect of job creation and local recruitment, it is not possible to be conclusive as to how much local economic benefit might accrue from the development, either at its inception or in the future. In the decision-making process employment issues are material considerations, but they should not be used in the weighing up of competing interests as a reason to offset or to disregard otherwise unacceptable environmental shortcomings.

Objections in respect of navigation interests

- The fish farm is situated on the route used by small craft accessing Gometra from Ulva Ferry. Transport by boat is an essential part of living on the island. The presence of the fish farm will reduce access to the shelter of the coast pushing boats into deeper more exposed waters which will present an additional risk to users especially shallow craft in heavy seas, poor weather or at night. This will inhibit islander's access to essential services;
- Navigation inshore of the fish farm would be prevented by the presence of the feed barge which is to be sited between the cages and the shore;
- The site obstructs the yachting access route between Ulva Ferry and the anchorage at Acairsaid Mhor which provides shelter on the popular route to Staffa and the Treshnish Isles. The obstruction of public right to navigate may be unlawful.

Officers' comment: The need for a safe route by sea from Ulva Ferry to Gometra is self-evident given the inadequacy of the overland route via Ulva. That said, the surface area of the fish farm equipment and the associated area obstructed by mooring lines would not impose an inordinate detour for the users of passing vessels, who, with familiarity with the occupied area,

should still be able to navigate relatively close in to the site. Although vessels would be locally displaced around the equipment into more exposed water further from the shelter of the shoreline, if conditions were to prove so inhospitable for small craft along the displaced route as to prejudice safety, then it is questionable whether passage ought to be attempted in such conditions, even if no fish farm was present. Site lighting as a point of reference and the presence of staff at regular times in the event of assistance being required, could improve opportunities to transit safely in a small boat.

In response to the objections received the applicants have submitted comments summarised as follows:

Applicant's response to objections received

Visual impact and presence of development in National Scenic Area

- The landscape and visual implications of the development have been assessed in accordance with SNH guidance and further detail to satisfy SNH's initial consultation response has been provided. Whilst it is recognised that the proposal will give rise to some localised impact, the mitigation measures proposed in the siting and design of equipment will be such that the locality and the wider area will not be significantly compromised. Many users of the area have already commented that the existing Loch Tuath site has limited impact, being only visible from close quarters, and the applicants consider that the application proposal will share similar attributes and will not compromise the integrity of the NSA. Some objectors have raised the prospect of noise issues but as the generator will be acoustically housed in the barge it will not give rise to noise nuisance in respect of the surrounding area.

Navigation

- The applicants have discussed the proposal with the Lighthouse Board, four boat operators, commercial fishing and recreational yachting organisations, none of whom have raised concerns about the ability to navigate around the proposed site. Some boat users have suggested it may make the passage to Gometra safer by affording a degree of shelter.

Shellfish Farming

- The applicants already operate fin fish sites alongside shellfish sites without any apparent adverse consequences. Indeed, the company is currently trialling composite shellfish and finfish sites, a practice well established in other countries.

Cetaceans and the use of ADD's

- The applicants proposed to use targeted ADD's (rather than continuous models) which would only be triggered by panicked fish when a predator is present. These reduce sound exposure, harm to hearing and the disruption of non-target species. The same strategy is used on other sites both on Mull and elsewhere where a variety of wildlife continues to be seen.

Tourism impacts

- Support has been received from local tourism dependant businesses who do not consider that the presence of fish farms have proven to be a disadvantage to their interests. Independent research commissioned by the Scottish Aquaculture Research Forum found no evidence of a negative link between aquaculture and tourism. Experience locally and elsewhere indicates that fish farms are point of interest for tourists not a deterrent.

Wild fish interests

- The applicants are well aware of the need to manage carefully interaction between farmed and wild fish and have an appropriate suite of responses in place based on practice elsewhere, including synchronous stocking and fallowing and synchronous and strategic sea lice treatments. Sufficient treatment is available at this site and for the biomass proposed from predicted consentable sea lice medicines and Marine Scotland Science are satisfied with the applicant's approach to the issue. Sea lice dispersal is influenced by wind direction, tides and currents. Residual surface currents at this site are likely to transport lice away seaward rather than towards salmonid watercourses. Containment is practised to industry standards. There have been no fish loses from the applicant's Mull sites since compulsory reporting was introduced in 2001. Local concern has been expressed in relation to implications for a salmon netting station on Gometra. This was not identified by Argyll Fisheries Trust or Marine Scotland Science as a matter of concern and historical records of catches are unavailable. In view of the applicants intended sea lice treatment and site management arrangements it is not considered that freshwater pearl mussel in the Mingarry Burn will be at any significant risk from the development.

Employment and economic issues

- Existing staff on the applicant's Mull sites have combined service of 74 years and three recently recruited vacancies have been filled by local people, all in their 20's. The company is committed to providing local jobs. The predicted annual turnover of the site is £6.6m. It will contribute to the support the 67 staff employed at the Cairndow processing site as well as supporting indirect service jobs.

Consultation with the community

- In response to criticism as to the inadequacy of consultation, the applicants have indicated that they discussed proposals in advance with consultees, the Community Council, the owner of Gometra and held a public consultation event.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement:** Yes

The Environmental Statement sets out the details of the proposal, site selection process; identifies the main characteristics, nature and scale of the impacts of the development and includes assessment of the impact of the proposals and necessary mitigation measures in respect of:

- Benthic Impacts
- Water Column Impacts
- Interaction with Predators
- Interaction with Wild Salmonids
- Impacts Upon Species or Habitats of Conservation Importance, including Sensitive Sites
- Navigation, Anchorage, Commercial Fisheries, other Non-Recreational Maritime Uses
- Landscape and Visual Impact Assessment
- Noise
- Marine Cultural Heritage
- Waste Management (non-fish)
- Socioeconomic, Access and Recreation
- Traffic and Transport

- | | | |
|--------------|---|----|
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 7 – Nature Conservation and Development Control

STRAT DC 8 – Landscape and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 2 – Impact on Biodiversity

LP ENV 6 – Impact on Habitats and Species

LP ENV 9 – Impact on National Scenic Areas (NSAs)

LP ENV 12 – Water Quality and Environment

LP ENV 19 – Development setting, layout and design

LP BAD 1 – Bad Neighbour Development

LP CST 3 – Coastal Development on the Isolated Coast

LP AQUA 1 – Shell Fish and Fin Fish Farming

Expresses general support for fish farming subject to there being no significant adverse effect on a range of specified considerations; those relevant in this instance being:

1. Communities, settlements and their settings;
2. Landscape character, scenic quality and visual amenity;
4. National Scenic Areas and Areas of Panoramic Quality;
5. Statutorily protected nature conservation sites, habitats or species, including priority species and important seabird colonies along with wild fish populations;
6. Navigational interests
7. Areas of Isolated Coast (coastal area of 'very sensitive countryside')
8. Sites of historic or archaeological interest and their settings
9. Recreational interests
11. Existing aquaculture sites
12. Water quality

In the case of marine fish farming this support is further conditional on the proposals being consistent with the other policies of the Development Plan and Scottish Executive Strategic Framework Guidelines.

Appendix A – Sustainable Siting and Design Principles

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Environmental Impact Assessment (Scotland) Regulations 2011

Scottish Planning Policy (2010)

Circular 1/2007 'Planning Controls for Marine Fish Farming'

Scottish Executive – ‘Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters’ (2003 and updated June 2009)

‘A Fresh Start – the Renewed Strategic Framework for Scottish Aquaculture’ (2009)

‘Guidance on Landscape/Seascape Capacity for Aquaculture’ (SNH 2008)

‘Siting & Design of Marine Aquaculture Developments in the Landscape’ (SNH 2011)

‘Argyll & Firth Of Clyde Landscape Character Assessment’ (SNH 1996)

‘Mull Landscape Capacity Study’ - Argyll & Bute Council 2009

Argyll & Bute Local Biodiversity Action Plan

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): Yes, in view of the recommendation to approve, the number of third party representations received opposing the proposal and the complex and varied material considerations raised in this case.

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

The proposal seeks permission for the installation of a marine finfish development of 16 (No.) 32m diameter cages and a feed/service barge to be utilised for the production of farmed salmon.

The application site is located off the north coast of the island of Gometra on the south coast of Loch Tuath which is located within the wider Loch Na Keal National Scenic Area. There is currently one existing salmon farm operated by the applicants in Loch Tuath off the south coast of Ulva, plus a number of small shellfish operations around the coasts of both Ulva and Gometra.

The proposal has given rise to significant public representation in the form of objection from the owner of Gometra and other third parties with concern raised in respect of visual and landscape impact, consequences for wild fish interests, restrictions upon navigation, and effects upon benthic habitats, shellfish purity and

marine mammals. Objectors also consider that the introduction of a fish farm on this scale will be to the overall detriment of the National Scenic Area, associated tourism interests, and the potential this relatively pristine area has to benefit from sustainable employment associated with wildlife tourism. A web based petition against the proposal has collected in excess of a thousand signatures from across the world, although the final number is not known as it has yet to be formally submitted to the Council. The proposal has attracted significant support from within the local community largely based upon employment related considerations, the lack of any environmental or other shortcomings experienced in connection with the operation of fish farms in west Mull thus far, and the view that objectors have been ill-informed by a misleading anti-campaign which does not reflect the view of the overwhelming majority of local full-time residents.

Scottish Natural Heritage has a role as a statutory consultee in view of the national landscape designation of the site and the occurrence of national and European nature conservation interests in the area surrounding the site. They have concluded that the development will not be significantly prejudicial to any habitats or species. Their initial stance on landscape and visual interests was that the applicant's analysis had not been finely grained enough and that it was not possible to conclude that NSA integrity would be safeguarded by the development. Following augmentation of the applicant's original assessment, SNH has accepted the applicant's conclusions that whilst there will be 'moderate' adverse effects on Loch Tuath locally, these will not be such as to undermine the special qualities of the NSA and accordingly they have not objected to the proposal on landscape grounds.

There have not been any objections from Marine Scotland or Scottish Environmental Protection Agency in terms of the carrying capacity of the water body, nor have there been objections from wild fish or commercial fishing interests and remaining consultees are largely satisfied with the proposal. Both Mull and Iona Community Councils have objected.

Scottish Planning Policy indicates the national importance of aquaculture in the context of rural areas and that fish farming should be supported in appropriate locations, subject to environmental considerations being assessed. Carrying capacity, landscape, natural environment, historic environment and potential for conflict with other marine users, including fishing and recreational interests, and economic factors will be material considerations in assessing acceptability. However, Planning Authorities are cautioned not to duplicate controls exercised by SEPA and Marine Scotland in their assessment of proposals.

Notwithstanding the third party concerns and the position of the community councils, the application has been recommended for approval on the grounds that there remains capacity for the addition of a second finfish farm in Loch Tuath without exceeding the carrying capacity of the water body, without compromising navigation, fishing or other marine users, without any significant consequences for nature conservation interests and without the presence of the equipment compromising the National Scenic Area to a point which would warrant refusal of the application. It should be noted that whilst a location in an NSA is accorded higher landscape sensitivity, such a designation does not preclude appropriately sited development. Indeed many of Argyll's existing fish farms are situated within NSA designations.

In such circumstances and in the absence of the identification of environmental considerations sufficient to warrant otherwise, the advice to Planning Authorities in the government's Scottish Planning Policy is to presume in favour of development, a stance which is reflected in the Council's adopted local plan, which requires the criteria based analysis which has been conducted in this case.

The proposal is to be regarded as a sustainable form of development within the receiving environment in accordance with the requirements of Development Plan policy and is therefore recommended for approval. *Notification requirements?????*

(Q) Is the proposal consistent with the Development Plan: Yes

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

The proposal has been assessed in the light of the presumption established in favour of aquaculture in coastal waters established by Scottish Planning Policy, whilst also having regard to the criteria based analysis of environmental and other marine considerations as set out in the Council's local plan policy for aquaculture. It has been found to be compliant with the requirements of Policy LP AQUA 1 and other relevant development plan policies, and there are no other material considerations, including the views expressed by third parties, which would warrant the application being determined other than in accordance with the provisions of the approved development plan.

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

Not applicable

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

Author of Report: Richard Kerr

Date: 10th September 2012

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION 12/01176//MFF

1. The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details unless previously approved in writing by the Planning Authority:

- Application Form;
- Admiralty Chart;
- Site Plan;
- Environmental Statement

received by the Planning Authority on 27.04.12 .

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

2. In the event that the development or any associated equipment approved by this permission ceases to be in operational use for a period exceeding three years, the equipment shall be wholly removed from the site thereafter unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of visual amenity and to ensure that redundant development does not sterilise capacity for future development within the same water body.

3. In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment.

Reason: In the interest of visual amenity.

4. All lighting above the water surface and not required for safe navigation purposes should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site.

Reason: In the interest of visual amenity.

5. The finished surfaces of all equipment above the water surface including surface floats and buoys associated with the development hereby permitted (excluding those required to comply with navigational requirements) shall be non-reflective and finished in a dark recessive colour unless otherwise agreed in advance with the Planning Authority.

Reason: In the interest of visual amenity.

NOTES TO APPLICANT

- This permission shall only last for a period of **three years** from the date of this decision notice unless the development is started within that period.
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland)

Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.

- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority.
- Whilst the site is to be illuminated for the purpose of navigation in accordance with the requirements of the Northern Lighthouse Board, as set out in their consultation response to the Council dated 01.06.12, the applicant should seek from the NLB dispensation for illumination levels to be reduced from 2NM to 1NM having regard to the location of the site within a National Scenic Area and the NLB's previous agreement to such a concession in circumstances where it can be deemed that longer distance visibility is not essential.
- The deployment of Acoustic Deterrent Devices at this site will be subject to a requirement for a licence to be obtained in advance from Scottish Natural Heritage in respect of disturbance to cetaceans.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 09/01175/MFF

PLANNING LAND USE AND POLICY ASSESSMENT

A. Location, Nature and Design of Proposed Development

The applicant in this case is the Scottish Salmon Company who currently operate finfish farming sites in west Mull at Inch Kenneth (650 tonnes), Geasgil (1,330 tonnes), both in Loch na Keal, and Tuath (800 tonnes) off the south coast of Ulva; as well as in other locations across Argyll. This application is part of their portfolio of new and extended sites and it is one of two undetermined applications for new sites off the coast of Mull, the other being off the south coast of Ardmennach in Loch Scridain. The existing Mull sites are not capable of expansion due to bathymetric constraints. The site has been selected as being potentially suitable for a development on the scale proposed following hydrographic survey, benthic survey, biomass modelling and having regard to the relative merits of other locations considered as part of the site assessment process.

The site is located off the north coast of the island of Gometra which is a small island linked to the west end of the larger neighbouring island of Ulva. Together these two islands define the north coast of Loch Tuath and separate it from the larger water body Loch na Keal. Loch Tuath is some 12km in length and 2 to 4 km in width aligned generally east - west between the narrows at Ulva Ferry to the east and Treshnish Head to the west. It widens out with progression to the west, eventually opening out onto waters containing the offshore Treshnish Islands. The character of Gometra is influenced by its underlying basaltic geology, as is much of the surrounding area. It is a privately owned island, relatively remote from the remainder of Mull, without any road access or basic infrastructure such as electricity, which is only accessible via a 50 minute quad bike ride via track on Ulva, or by a 20 minute boat trip from Ulva Ferry. The north coast of the island where the fish farm is proposed to be situated is not inhabited, with the main house and associated cottages being out of sight on the opposite side of the island to take advantage of a southerly aspect and the outlook towards the islands of Staffa, Little Colonsay and Iona. At the time of the officer's site inspection, Gometra was home to three households, although it appears that the small population fluctuates, with supporters of the application claiming that only two people reside on the island on a year round basis. The island provides a remote and probably unique lifestyle characterised by exclusivity on the one hand and hardship on the other, deriving from its remoteness and inaccessibility and its stunning setting within the self-styled 'Staffa Archipelago'. The small community on Gometra is perhaps understandably particularly sensitive to the prospect of a fish farm being established off the coast of the island, not only in terms of its appearance and its consequences for the marine environment, but also as they view it as an impediment to their transit route to the island by small boat.

The other side of the loch is very different in so far as the coast road from Ulva Ferry to Calgary brings large numbers of tourists to appreciate the scenery in the summer both from the drive itself and from several notable viewpoints, whilst there are many individual buildings and small settlements along the landward side of the road which does not confer upon it the same feeling of remoteness as can be experienced on the opposite side of the loch either on Ulva, or in particular, Gometra. There is already some visibility of an existing fish farm off Ulva from this road and from some roadside properties.

Loch Tuath is a 'Category 3' sea loch in terms of Marine Scotland's Locational Guidelines '*where there are better prospects of satisfying environmental requirements*'. There is currently one finfish farm in Loch Tuath operated by the applicants at Rubha nan Gall (800t) off the south coast of Ulva, some 6km east of the application site. There are also a series of small shellfish sites around both the Ulva and Gometra coasts. The closest oyster beds are some 700m south-west of the application site, although there are no consented oyster farms or designated shellfish harvesting areas within 7km of the proposed salmon farm.

The proposal is to establish a marine salmon farm some 9km west of Ulva Ferry, approximately 200m off the north coast of Gometra, aligned east-west parallel to the adjacent shoreline, within a prospective seabed lease area of 47.3ha and a mooring area of 30.2ha. The equipment proposed comprises 16 No. 100m circumference cages, each of which would be 32m in diameter. These would be contained within a 50m x 50m mooring grid supported by floatation buoys with cables attached to the cage floatation rings with rock anchors used to secure the position of the grid relative to the seabed, producing an overall equipment surface area of 1.27ha. The farm would be laid out in an 8 by 2 cage group, producing a rectangular unfragmented site. A 220 tonne service/feed barge would be located on the inshore side of the cage group. This would measure 10.5m by 14m in area, its height above water level varying in accordance with the quantity of feed held. The barge will be finished in a recessive colour and comprises a landing stage, storage area, electricity generator, four food silos, a pneumatic feed system, air blowers, computer control systems and staff accommodation. The barge will enable the site to be run and managed on a daily basis independently of the onshore base at Ulva Ferry. The generator will be installed within an acoustically insulated plant room intended to be barely be audible above ambient sounds at sea.

The cages comprise a polyethylene flotation ring from which 10m nets are to be suspended. These are fitted with false bottoms (seal blinds) to deter predator attacks from below and are held in tension, again to resist predation. Top net polythene/nylon mesh to exclude piscivorous birds is to be suspended over the cages being supported by a horizontal 'hamster wheel' arrangement, to keep it clear of the surface and to avoid conflict with automated feed distribution within the cages

The intended maximum biomass (fish tonnage) for the overall site is 2,000 tonnes. The stocking density would be 15.7kg per m³ max. The production cycle of the farm would be 22 months with 2 months left fallow to allow for maintenance and to assist in benthic (sea bed) recovery. The site would be stocked synchronously with other west Mull salmon farms and it would be operated within extended Management Area 16a (Loch na Keal). Operation with other sites would enable single year class stocking, synchronous stocking, fallowing and sea lice treatment. Such an approach reflects industry best practice and this site would be operated in compliance with the Scottish Salmon Producers Organisation's 'Code of Good Practice Guidelines for Scottish Finfish Aquaculture'. This sets out more than 300 main specific compliance points which cover all aspects of finfish good practice including:

- Fish Health – good husbandry and harvesting operations;
- Protecting the environment – including sea lice management and containment standards;
- Welfare and husbandry – breeding and stocking density;
- Detailed annexes giving further technical guidance on good practice, including the National Lice Treatment Strategy, Integrated Sea Lice Management, Containment, and a Veterinary Health Plan.

The site would also be operated in accordance with the principles of the former West Mull Area Management Agreement and the proposed West Mull Farm Management Agreement.

The site would be serviced primarily by sea from the company's existing shorebase at Ulva Ferry. The site would support four full-time staff members. This would augment the nine staff currently employed by the company to service their other sites in west Mull.

The feeding of the fish would be computer controlled from silos within the feed barge, underwater camera monitored and augmented by limited hand feeding. Grading of fish would take place 2 or 3 times during the production cycle using contracted well boats, which would also be used for final harvesting. Underwater lighting would be used to control maturation and maximise growth in the winter months every second year with 3 No, 1,000w lights being used beneath each cage. These would be powered by the feed barge generator and would produce a surface glow only visible at close quarters or from elevated vantage points. Other lighting on the site, with the exception of navigational requirements, would be restricted to essential requirements so as to avoid unnecessary illumination on the site.

The Environmental Statement also sets out specific husbandry practices for the site in respect of grading, harvesting, following procedures, food and feeding, fish health, veterinary treatments and chemicals, containment and contingency escape policy and waste management. With regard to predator control, it is noted that the ES states that Acoustic Deterrent Devices (ADDs) would only be deployed in circumstances where the site becomes subject to attempted predation. As a last resort in the event of these measures not preventing persistent rogue seal activity, the shooting of seals may take place in accordance with licence obtained from the Scottish Government.

B. Natural Environment - Fresh Water, Marine Environment and Biodiversity.

The provisions of policies STRAT DC 7, LP ENV 2 and LP ENV 6 would all seek to resist development which is considered likely to result in a significant adverse impact upon internationally, nationally or locally important habitats and/or species.

The site is not subject to any European or national marine or other conservation designations and neither SNH nor SEPA have identified any habitats or species of particular conservation importance associated with or likely to be significantly affected by, the installation and operation of the site. The loch is frequented by cetaceans, seals and other marine mammals for which development of the type proposed could have consequences in terms of displacement or deterrence.

Seabed (Benthic) Impacts:

The development will affect seabed conditions as a consequence of the deposition of organic matter in the form of faeces. Furthermore, although the industry has made advances in the reduction of waste food as a result of more sophisticated feeding regimes, waste food also contributes to seabed deposition. The quantity and the extent of deposition is influenced by the tonnage of fish held, hydrographic and bathymetric conditions. Seabed impacts are regulated separately by SEPA via the CAR licence process, which determines maximum biomass with regard to the carrying capacity of the particular site.

The Environmental Statement concludes that site is one with high current speeds in an open location which is therefore well flushed. Modelling has been carried out to

predict the quantity and the dispersion of organic matter on the seabed and to predict nutrient enrichment. It is predicted that organic and chemotherapeutant deposition would be restricted to an area below the cage group due to flushing rates resulting in localised benthic consequences from the operation of the site. A CAR licence has not yet been obtained for the application site, but SEPA have indicated that the level of maximum biomass proposed for this site is likely to be consentable in this location.

The benthic habitat directly beneath the proposed salmon farm consists of light brown firm or soft over firm mud/sand/shale mud with a uniform slope across the site at around 20m to 30m depth. There are no specifically designated habitats below or in the immediate vicinity of the site. Whilst there is a varied faunal assemblage beneath the site there are no particularly sensitive species or species of particular conservation importance present.

SNH and SEPA are both content with the benthic surveys undertaken and have no objections to the proposal on the grounds of unacceptable benthic impacts.

Water Quality Impacts:

Enrichment of water by nutrients released from salmon farms can cause an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms and the quality of water. This is a particularly important consideration where development has potential to affect shellfish harvesting areas, which is relevant here given the presence of oyster farming elsewhere in the loch.

As a result of modelling, the Environmental Statement concludes that the development would not have unacceptable nutrient enrichment consequences either for the locality of the site, or in terms of the wider water body taking into account cumulative effects with existing fish farms. In accordance with industry good practice it is proposed to monitor feeding response closely in order to minimise unnecessary food waste at this site.

Neither Marine Scotland Science nor SEPA have raised objection to the proposal in respect of the predicted impact of the development upon water quality.

Interaction with Predators:

Salmon farm predators are generally piscivorous birds and seals with the latter tending to be the most frequently encountered predators on marine farms in Scotland. The presence of sea cages may attract higher concentrations of predators to the locality of the site, although good husbandry and hygiene procedures will help to reduce the attraction of predators. Tensioned netting on fish cages prevents and deters both seals and diving bird attacks, although regular maintenance of the nets is essential to maintain their integrity. Top nets are to be installed on the cages to avoid predation by birds from above the waterline. Bird nets require to be maintained to a high standard and properly tensioned eliminate the opportunity for birds to become entangled or to be able to enter the cage. The fish cages themselves are to be manufactured to current industry standards, with a net specification, tensioning arrangements, false bottoms and an installation, inspection and maintenance regime to meet the SSPO Code of Good Practice requirements. It is clearly in the operator's interest to ensure that equipment is specified and maintained in a manner to ensure containment of the farmed fish. Site specific equipment attestations have been supplied to confirm that, in the respective manufacturer's opinions, the equipment intended for use on this site is suitable and sufficiently durable to be deployed having regard to the characteristics of in the particular marine environment proposed.

The ES does not identify any major colonies of predators in the vicinity of the application site. Both common and grey seals frequent the area, but there are no haul outs within 3km (the nearest being Maisgair and Laggain Bay). The Environmental Statement concludes that proposed use of good husbandry (mortality and moribund fish removal) and hygiene practices based on experience at other sites, coupled with the use of tensioned nets and top nets will be sufficient to deter predators at the proposed site. In the event of persistent predator activity, the applicants propose to deploy Acoustic Deterrent Devices (ADD's) to scare away seals, although their use can have the unintended consequences of also displacing cetaceans, particularly within narrow water bodies such as sea lochs. ADD technology has, however, improved in recent years with devices available which are more effective than previous systems and are more localised and targeted in their impact. Only in extreme circumstances would resort be made to the shooting of seals under government issued licence. Boat traffic associated with the site is unlikely to lead to disturbance given that the loch is frequented by existing fish farm traffic, tour boats, recreational craft and fishing vessels.

Cetaceans, basking shark, porpoises and dolphins have all been sighted in Loch Tuath so SNH has indicated that a licence will be required from them for the deployment of ADD's so as not to unnecessarily deter non-target species from accessing the loch. Scottish Natural Heritage has, however, not raised objection to the proposal on the grounds of unacceptable consequences for marine mammals.

Interaction with Wild Salmonids:

Farming of salmon in the marine environment gives rise to well-known consequences for wild fish as a result of disease transmission, sea lice propagation and escapes which can lead to competition and inter-breeding, with consequences for the genetic dilution of native wild stocks. The potential for escapes (as with predator control) can be reduced by having an equipment specification determined by site specific wave and climate analysis so as to ensure that it is fit for purpose. An associated inspection and maintenance regime is then required to ensure on-going containment integrity. Predator control plans, and escapes contingency plans, as submitted by the applicant, are also important elements in risk management.

Although containment risks can be managed, they cannot however be eradicated and there remains a residual risk that an unforeseen event can propagate escaped farmed fish in large numbers into an uncontrolled marine environment. Escapes of farmed stock are generally low, but can occur through equipment failure, predation, operator error, severe weather or foul play. By adherence the SSPO Code of Good Practice Guidelines the applicant seeks to minimise this residual risk as far as is practicable. Likewise, via good husbandry practices, regular inspection and the administration of medicines in accordance with veterinary health plans, outbreaks of disease which could have consequences for wild fish can be managed.

The most intractable issue influencing the interaction between farmed salmon and wild fish species is that of sea lice transmission. Farmed fish are routinely hosts to parasitic sea lice, the numbers of which require to be controlled in order to assure the health of farmed fish and to avoid lice propagation into surrounding waters. The site is removed from the most important salmonid rivers which are the Baa (19km) and the Bellart (23km) although there are intervening watercourses of lesser importance. Wild salmon are exposed to sea lice from fish farms close to salmon rivers during their migration periods, whilst sea trout tend to remain in coastal waters throughout the year, so are potentially at greater risk.

The applicant proposes to control sea lice in accordance with current industry practice, via the use of in-feed treatments and well-boat administered bath treatments, whilst adopting good management practices such as single year stocking and synchronous stocking, fallowing and sea lice treatment with other sites. The administration of sea lice treatments on board well-boats is an accepted method, in terms of control over exposure time and dosage to ensure the effectiveness of those treatments. The applicant's modelling shows a SEPA permissible total allowable treatment quantity of 2.1 times available biomass, which is less than the company's standard sea lice strategy of 5 times biomass, but still deemed to be adequate by the applicants given other management measures available.

However effective the control measures are in practice, it is an inevitable consequence of holding fish in such quantities that significant numbers of sea lice will be propagated from the site. How these are dispersed will depend on local factors such as wind direction and residual current. The distribution of farm derived lice in the marine environment is not well understood although it is known that in favourable conditions they can travel considerable distances from source.

The conclusion of the applicant's Environmental Statement is that the site will not pose a risk of significance to wild salmonids provided that industry good practice is adhered to in the operation of the site in conjunction with other sites in Management Area 16a, all of which are controlled by the applicants. The Argyll Fisheries Trust concurs with this view and has not objected in terms of conflict with wild fish interests. It has not been possible to consult the Mull Salmon Fishery Board as it is moribund for the time being, but the views of the AFT can be relied on in the absence of being able to obtain comments from the Board.

In view of the operator's intention to strictly adhere to the SSPO Code of Good Practice which includes fish health, sea lice management and containment standards, neither Marine Scotland Science nor SNH have objected to the conclusions of the applicant's Environmental Statement in respect of the potential risk to wild salmonids.

Impact upon Species and Habitats of Nature Conservation Importance:

Loch Tuath is used by a number of European protected marine mammals from large cetaceans to smaller species including porpoise, dolphin, and seals. Acoustic Deterrent Devices (ADDs) used by fish farms to deter fish eating predators can elicit aversion responses in marine cetaceans up to several kilometres from the source. Habitat exclusion, particularly in fragmented coastal areas with sounds, channels and islands is of particular concern.

The proposal as submitted sets out a position where the operator seeks to ensure predator prevention primarily by way of tensioned nets and seal blinds. However, the use of ADD's should it prove necessary is not ruled out, nor indeed the licenced shooting of seals as a last resort. SNH have not raised objection to the use of ADD's at this site, subject to licencing of their deployment by them.

The site lies close to the Mull Coast & Hill Special Protection Area for Birds, a European designation to breeding populations of golden eagle. As smolts are to be delivered to the site by well-boat rather than by helicopter, the site should not have consequences of significance for qualifying interests. The Staffa & Treshnish Isles SPA, SSSI and SAC are designated for their geological, seabird colony, breeding bird and grey seal interests none of which will be subject to any significant effects as a result of the development.

Scottish Natural Heritage has not objected to the proposal on nature conservation grounds and has not identified a need for the Planning Authority to undertake a 'appropriate assessment' in respect of any surrounding Natura interests.

Conclusion

The proposal is considered consistent with Local Plan Policy LP AQUA 1 (5 and 12) and other relevant development plan policies insofar as it would not significantly prejudice water quality and associated biodiversity interests.

C. Landscape/Seascape Character and Visual and Amenity Considerations

The application site is located on the southern side of a sea loch which is defined by the relatively undeveloped islands of Ulva and Gometra. The land adjoining the site is identified as 'very sensitive countryside' as a consequence by the adopted local plan, which in turn confers 'isolated coast' status on the coastline. The wider area falls within the extensive (44k ha) Loch na Keal National Scenic Area, the special qualities of which are founded upon the basalt landscape, the island studded sea, the experience of travelling between sea lochs and the open sea and the overwhelming scale of the landscape/seascape. The enhanced status of the site within its NSA setting is such that landscape and visual implications of development have to be particularly carefully considered in view of what has to be regarded as a highly sensitive receiving environment.

The landscape character type surrounding the site is High Stepped Basalt as identified in SNH's 'Argyll and the Firth of Clyde Landscape Character Assessment'. This is one defined by basalt cliffs, flat topped headlands, terraced islands, exposed rock faces and moorlands and few man-made structures. Fish farming is already present within, but has not become a defining characteristic of, this particular landscape character type or the National Scenic Area generally. The applicants operate two fish farms in Loch na Keal at Inchkenneth and Geasgill plus one at Tuath off Ulva. In the event of this application being approved that would represent 0.03% of the overall surface area of the NSA - although there are clearly qualitative considerations as well as quantitative ones which determine the acceptability of additional development proposals. The applicants have cited the following in mitigation for the appearance of the development:

- Use of low profile black fish farm cages which will blend into the water colour especially during low light conditions;
- Sensitive siting aligned with the coastline, representing an unfragmented rectangular configuration;
- Use of a low-lying feed barge (maximum height of c.3-4m) finished in a non reflective recessive colour;
- Using only navigational lighting as external lights during hours of darkness. The barge will only be used at night on the occasion of grading and harvesting. Underwater lighting will point downwards into the cages.

The applicants have undertaken a Landscape and Visual Impact Assessment (LVIA) as part of their Environmental Statement which has been augmented by a more finely grained study which they have undertaken subsequently at the request of Scottish Natural Heritage. As this represents supporting information which has not entailed further areas of study not originally considered and which has not drawn conclusions

which are at odds with those of the LVIA submitted as part of the original Environmental Statement, this has not been regarded by the Planning Authority as amounting to 'additional environmental information' in terms of the Environmental Impact Assessment Regulations sufficient to warrant the production of a formal addendum to the Environmental Statement.

The supplementary information on landscape identifies the NSA (and the Area of Panoramic Quality to the north of the NSA) as being of '*High*' sensitivity to change with potential to accommodate some development of the type proposed if sensitively sited and designed, but recognises that inappropriate forms of development could impinge unacceptably on the existing character of the NSA, which lacks human influence. Whilst some areas of Ulva and Gometra do have wild land attributes, the site does not fall within an SNH 'Search Area for Wild Land' so cannot be classed as such. The development lies adjacent to two landscape character types namely 'High Stepped Basalt' and 'Basalt Lowlands'. These areas have been considered in a more local context with five landscape character zones being identified, all of which but one have been accorded '*High*' sensitivity to change.

The development imposes change in terms of:

- Boat traffic during the installation and operational phases;
- Presence of equipment;
- Operational characteristics;

the order of impact being determined by variables including the location and nature of the development, temporary indirect effects, longer term indirect effects, and the employment of mitigation measures.

It is concluded that overall, due to the small part of the designation affected, the development will have '*Slight adverse*' impacts during installation and operation on the NSA, and on four of the five local landscape character types identified, with '*neutral*' effects on one of those types and the more distant APQ. These '*slight*' effects would be enhanced to '*Moderate adverse*' local impacts close to the site. Locally moderate adverse impacts are to be regarded as being of significance as part of the Landscape and Visual Impact Assessment process, but overall it is concluded that there would be no significant impacts on the overall integrity of the Loch na Keal NSA, landscape character or the seascape of Loch Tuath.

The supplementary assessment goes on to assess the visual consequences of the development by means of establishing a zone of theoretical visibility, identifying potential receptors, ascribing sensitivity to change and the magnitude of change experienced. This analysis considers receptor groups from built properties as well as views available from frequented outdoor locations such as roads, walking routes and points of tourist interest. Of the locations assessed, none were identified as having impacts of greater magnitude than '*Slight adverse*' with none being subject to significant visual impacts.

The conclusion of the LVIA is that the proposed development would result in a locally significant effect on landscape, but overall, the effect on the landscape and visual resource of Loch Tuath would not be significant.

Scottish Natural Heritage has considered the more finely grained analysis provided in the supplementary LVIA, and despite some omissions identified by them, have been able to reach their own conclusions on the landscape merits of the development. They have accepted the applicant's conclusions that whilst there will be '*moderate*' adverse effects on Loch Tuath locally, these will not be such as to undermine the

special qualities of the NSA, and accordingly, they have not objected to the proposal on landscape grounds.

That said, they have concluded that the proposal will have some localised adverse impacts of significance on the landscape qualities of Loch Tuath and the contribution which this makes to the overall Loch Na Keal NSA, and they are aware that developments of this nature could lead to the gradual attrition of the special qualities of the NSA, both by virtue of cumulative impacts of multiple developments and by the gradual erosion of the wilderness qualities of the landscape. However, they do not consider that the siting of this development will itself undermine the integrity of the NSA, notwithstanding their acceptance of its localised impacts.

The conclusions of the applicant's augmented LVIA and the contents of the consultation response from Scottish Natural Heritage are both accepted by officers, who have also concluded that the receiving environment has capacity in landscape terms to accept the development proposed for the following summarised reasons:

- Loch Tuath is a relatively wide sea loch which will put some distance (+3.5km) between sensitive receptors on the B8073 and the equipment proposed;
- When viewed across the loch the development will be relatively low lying and will benefit from the backdrop of, and the shadow effect of, the adjacent volcanic coastline;
- The equipment will be finished in recessive colours and it will be located close into the shore and parallel with the coastline, with the barge on the inside of the cage group furthest from those on the water or on the B8073, all of which will help to absorb it into its landscape/seascape setting;
- Receptors along the B8073 do not experience the loch from the context of a wild environment given the habitation, other buildings and traffic along the coast road. Scenic views from key vantage points tend to be focused towards the mountains beyond the head of the loch or towards the offshore islands beyond the mouth of the loch rather than the opposing coastline;
- There will be virtually no close quarter receptors from Gometra, given the limited access to the north coast and the fact that all the island's habitation is located on the south coast;
- Although the Gometra coastline is undeveloped and is to be regarded as 'isolated coast' with wilderness qualities by virtue of the relative absence of development, it is not identified by SNH as a 'Search Area for Wild Land' and it is not therefore accorded the very highest status in terms of perceived remoteness;
- Loch Tuath already accommodates an existing fish farm on the north coast of Ulva so there is not an absence of this type of development in the loch. Whilst this constitutes a precedent for fin fish farming in the loch, it is of sufficient distance from the intended site, and does not constitute such a significant feature in the landscape itself, so as to contribute to an unacceptable level of cumulative impact as a result of the presence of multiple developments;
- The Loch Na Keal NSA already hosts 3 fin fish farms but the cumulative impact of this additional site, despite its localised effects, is not such as to undermine the integrity of the NSA as a whole, as fish farming is not so extensive or so widespread in its impact as to have become a defining characteristic of the designated area.

Conclusion

The proposal is considered consistent with Local Plan Policy LP AQUA 1 (1, 2, 4, 7 and 8) and other relevant development plan policies insofar as it would not significantly prejudice landscape character, visual amenity, the setting of historic assets, or the landscape setting of communities or their residential amenity.

D. Navigation and Other Marine Users

Marine fish farms may present an obstacle to commercial or recreational boat traffic and conflict with fishing. This may be through disruption of navigation routes, by depriving access to the area for recreational or commercial purposes or by increasing traffic at sea and in the vicinity of the farm.

There are no recognised anchorages at or close to the site, the closest being at Acarsaid Mhor on the north-west coast of Gometra, which is used by islanders and by visiting yachts. The development does not restrict access to or present an obstacle to that anchorage. Islanders on Gometra are, however, concerned that the presence of the site close inshore to the island on the transit route between Ulva Ferry and Acarsaid Mhor will present a navigational obstacle which will displace their transit route more offshore, into potentially more hazardous waters when making the journey by small boat. Although that may be the case, given that they are already obliged to navigate past the existing fish farm off the south coast of Ulva and past creel fleets, it is unlikely that the site will be of such impediment as to prevent transits which otherwise would have been possible had the site not been in place. Whilst the lease area of the site is large, the surface equipment area and the area obstructed by mooring lines is much more restricted, and experience elsewhere is that small boats are routinely able pass close to fish farm sites. Navigational lighting and the presence of site staff with work boats properly equipped for the environment in which they operate, are likely to improve navigational safety for small craft as well as providing a point of contact in the event of difficulties. In circumstances where it would present such a significant additional risk to circumvent the equipment, it would be questionable whether conditions were sufficiently safe to be able to attempt safely a small boat passage at all, regardless of the presence of a fish farm.

Given the difficulties in reaching Gometra by land from Ulva, it is understandable that accessibility to the island by sea is a primary concern for the small number of islanders. However, those choosing to live in unusually remote and poorly connected locations, with all the benefits which that confers, must ensure that they have an appropriate vessel available and the necessary seamanship to be able to make safe passage in all but the most inhospitable conditions, and accept those occasions where passage by sea may not be achievable.

Some recreational use of the loch takes place with some transit of the loch by tour boats from Ulva Ferry to Staffa and the Treshnish Isles. Commercial traffic occurs in the form of fishing vessels and work boats associated with the Ulva fish farm. Neither fishermen, nor their local organisation (MAFA), nor the local tour boat operator have objected to the proposal on navigational or any other grounds, although a wildlife boat operator has expressed the view that development of this type is not compatible with the interests of tourism dependant on wildlife and wilderness qualities. The loch is worked for nephrops, lobster crab and scallops. In this case, the location of the site has been specifically relocated to the west of the site originally identified by the

applicants in order to avoid areas worked for prawns. Indeed, support has been expressed for the proposal by other marine users in the locality, and the pre-application dialogue which has taken place between fishermen and the prospective applicants has been cited by both parties as an exemplar in terms of collaborative working and mutual agreement between the sectors. There is no evidence on the basis of the modelling provided in the Environmental Statement that existing shellfish harvesting will be prejudiced by the operation of the site. Anecdotally, the existing site at Ulva does not have appeared to have had implications for water quality and the ability to harvest shellfish at that site without the need for depuration.

It is not considered that there are navigational issues or conflicts with other established marine users that would warrant refusal of the application. Licencing of the site for the purposes of navigation will require to be obtained from Marine Scotland and navigational marking will require to meet requirements specified by the Northern Lighthouse Board.

Conclusion

The proposal is considered consistent with Local Plan Policy LP AQUA 1 (6 and 9) and other relevant development plan policies insofar as it would not significantly prejudice safe navigation and other marine users.

E. Conclusion

The proposal has given rise to considerable public representation, on the one hand primarily related to concerns about impacts on the National Scenic Area and upon water quality and wildlife in the loch, and on the other, by supporters who are anxious to see the established fish farm operators in west Mull increase their operations, given that it has been regarded locally as a sustainable form of local employment supportive of fragile communities, which is not reliant upon the seasonal vagaries of tourism.

The business of rearing fish in cages in the marine environment is one which has a chequered past, having developed from small business finding their way in in a complex receiving environment, the reputation of which was besmirched in the early days by under-specified equipment, inadequate management practices, accidental releases of fish, disease outbreaks and lack of adequate sea lice controls. The industry today is better equipped, more aware of its environmental responsibilities, better regulated, more collaborative across the sector and more organised to control the farming environment on a water body wide basis. It is seen by the government as a significant growth sector in the Scottish economy and the presumption is that it should be allowed to operate unless there are considerations which would rend a particular site unsuitable for environmental reasons.

In this case, despite the extent of the third party opposition, the development has been found to be within the carrying capacity of the water body within which this site and existing sites would operate. There are no nature conservation, historic environment, amenity or navigational or recreation interests, nor any conflict with fishing or other aquaculture interests or marine users, which would warrant refusal of the application.

The sole issue of concern is the prospect of siting development off 'very sensitive countryside' which confers 'isolated coast' status on the area around the site, which in turn, sits within the wider National Scenic Area designation, within which special

care has to be exercised in order to safeguard what are recognised as exceptional scenic qualities.

National Scenic Areas are not to be regarded as 'no go' areas for aquaculture, as evidenced by the high proportion of finfish sites in Argyll already operating within such designations. The search for consentable aquaculture sites is dictated by a wide range of factors, of which landscape considerations are but one, and as the industry continues to expand, locations in deeper water and less accessible and populated locations have to be considered which are removed from water bodies constrained by the presence of existing sites. The characteristics of sites within NSA's have to be scrutinised particularly carefully in order to be sure that any sites selected do not give rise to unacceptable degrees of landscape or visual impacts which would compromise those interests which prompted special designation in the first place. In this case, it has been concluded that whilst there will be some localised impacts of significance upon Loch Tuath, there will not be such as to undermine the overall integrity of the NSA designation, either individually, or cumulatively in conjunction with other consented fish farms within the area of that designation, and accordingly the application is recommended for approval.

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Appendix B Representation relative to 12/01176/MFF in support of proposal

Mr Martin Napier	1 The Cottage□Porta Claidh□Isle Of Mull□PA73 6LY	23/08/2012	S
Miss Rachael Ross	17/15 Dalcross Street□Glasgow□G11 5RE	07/07/2012	S
Mr Thomas McKie	2 The Cottage□Ulva Ferry□Isle Of Mull□Pa73 6ly	09/07/2012	S
Mrs Emma Mckie	2 The Cottage□Ulva Ferry□Isle Of Mull□PA73 6LY	09/07/2012	S
Mrs Maggie Ross	5 Loganbarns Road□Dumfries□DG1 4BS□	11/07/2012	S
Mr Iain Wilshire	9 Druimfin Gardens□Tobermory□Isle of Mull□PA75 6AB	21/08/2012	S
Mr Stuart Tomison	Achnacraig□Ulva Ferry□Isle of Mull□PA756LY	24/07/2012	S
John MacDonald	Achnaha□West Street□Tobermory	15/07/2012	S
Ben Wilson	Bairinech□Craignure□Isle Of Mull□PA65 6BD	12/07/2012	S
Mrs Jeanette Cutlack	Ballygown□Ulva Ferry□Isle of Mull□PA73 6LU	18/07/2012	S
Mrs Rosmary Mckie	Beadoun□Eas Brae□Tobermory□PA756QA	15/07/2012	S
Mr James Lambert	Ben Vue□Ulva Ferry□Isle of Mull□PA73 6LY	25/07/2012	S
Mr Jonathan Martin	Dalmaclare□Ballygown□Isle of Mull□PA73 6LU	16/07/2012	S
Mr Ross Black	Erisgeir□Salen□PA72 6JB	08/07/2012	S
Mr Andrew Durie	Glenmore□Salen□Aros□PA72 6JL	15/07/2012	S
Mr Allan Cameron	Glenstrae□Salen□Isle of Mull□PA726JG	19/07/2012	S
Mr Donnie MacColl	Grouse Cottage□Torloisk□Isle of Mull□PA73 6LU	22/07/2012	S
Mrs Jeannie MacColl	Grouse Cottage Torloisk Isle of Mull PA73 6LU	22/07/2012	S
Helen Wilson	Inverlussa Marine Services Ltd□By Craignure□Isle Of Mull□	13/07/2012	S
Margo Wilkie	Isle Of Mull	17/07/2012	S
Mrs Lucy Mackenzie Panizzon	Lip na Cloiche□Ballygown□Isle of Mull□PA73 6LU	12/07/2012	S
Ms Lucy Mackenzie Panizzon	Lip Na Cloiche□Ballygown□Isle Of Mull□Argyll And Bute□P/	19/07/2012	S
Roger Dehany	Lussa Cottage□Ardura□Isle Of Mull□Argyll And Bute	12/07/2012	S
Maureen Dehany	Lussa Cottage□Ardura□Isle Of Mull□Argyll And Bute	12/07/2012	S
Mr Moray Finch	Mull And Iona Community Trust□An Roth Community Enterp	19/07/2012	S
Mr Colin John Mcnair	Campbe Na Fuarain□Ballygown□Isle of Mull□PA73 6LU	16/07/2012	S
Iain Morrison	No Address Given	22/07/2012	S
Mr B George	No Address Provided	15/07/2012	S
J N Mawhinney	Pairc Dubh□Ulva Ferry□Isle Of Mull□Argyll And Bute	04/07/2012	S
S K Mawhinney	Pairc Dubh□Ulva Ferry□Isle Of Mull□Argyll And Bute	04/07/2012	S
Ms Carolyn Scott	St Mary's Farm□Cupar□KY 15 4NF	27/07/2012	S
Mr Colin Morrison	Suisnish□Penmore□Isle of Mull□PA75 6QS	14/07/2012	S
Mrs Rebecca Munro	The Boathouse/ Ferry House □Ulva □Isle Of Mull □Argyll Ar	12/07/2012	S
Ms Rebecca Munro	The Boathouse/The Ferry House□Isle Of Ulva□Isle Of Mull□	13/07/2012	S
Mr Rhuri Munro	The Ferry House□Isle of Ulva□Isle of Mull□PA73 6LZ	10/07/2012	S
Mrs Jean Roth	The Old Mill Cottage□Torloisk□Isle of Mull□PA74 6NH	15/07/2012	S
Miss Elizabeth Roth	The Old Mill□Torloisk□Isle of Mull□PA74 6NH	15/07/2012	S
Mr Mark Millward	The School House□Ulva Ferry□Mull□	16/07/2012	S
Mr Neil Munro	The Sheiling□Dervaig□Isle of Mull□PA75 6QR	21/08/2012	S
Mr Donald Munro	The Sheiling□Dervaig□Isle Of Mull□Argyll And Bute□PA75 €	15/07/2012	S
Mrs Marion Munro	The Sheiling□Dervaig□Isle Of Mull□Argyll And Bute□PA75 €	15/07/2012	S

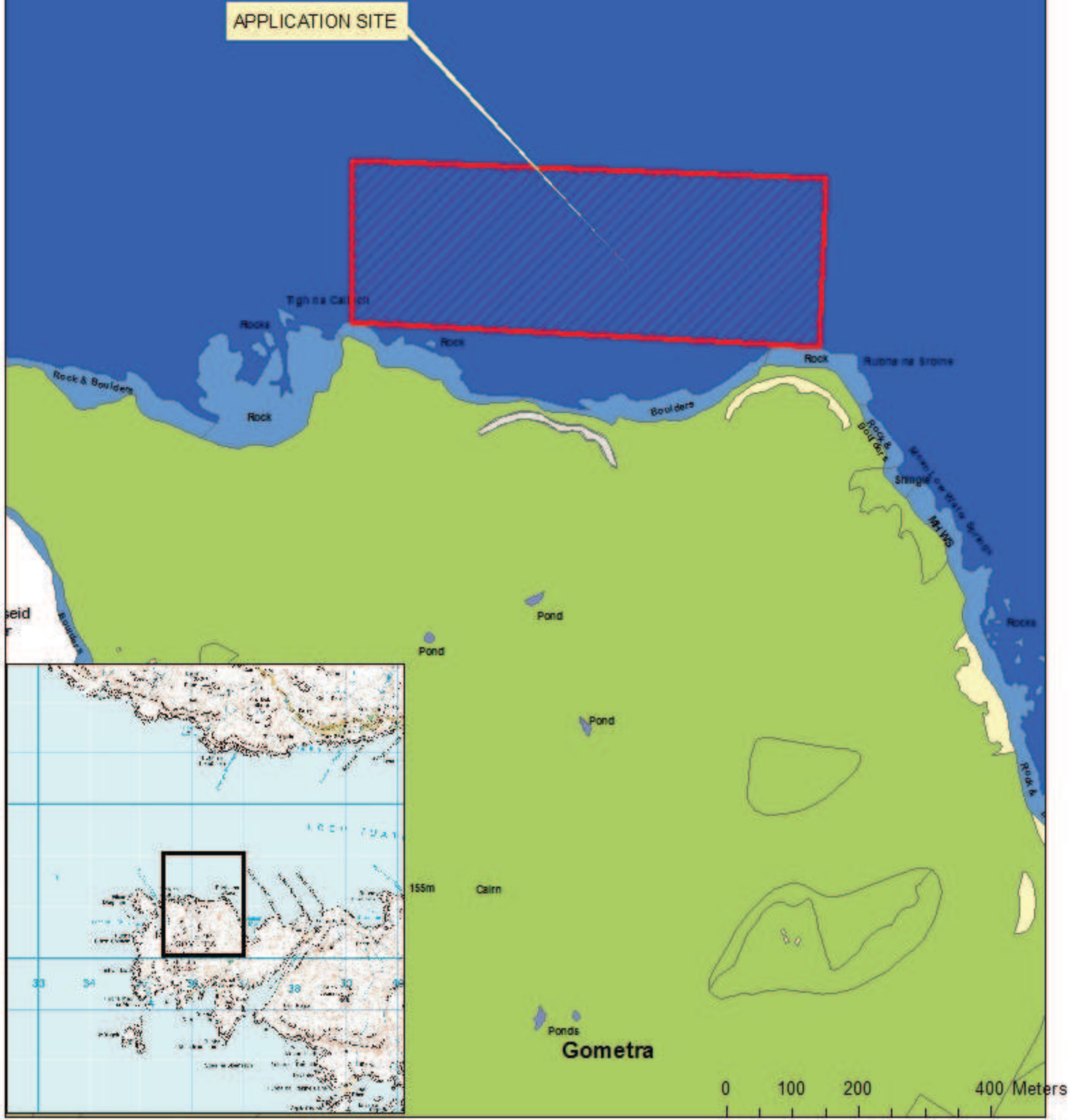
Mr Keith Chesney	Tigh An Uillt □ 1 Burnside, Lochdon □ Isle Of Mull □ PA64 6AP	23/07/2012	S
Ulva School Community Associ	Ulva Ferry □ Isle Of Mull □ PA73 6LT	06/08/2012	S
Douglas Ingram	No address given	05/09/2012	S

Appendix B Representation relative to 12/01176/MFF against proposal

S Greenfield	4 Achleck□Torloisk□Isle Of Mull□PA74 6NH	29/06/2012	O
D Greenfield	4 Achleck□Torloisk□Isle Of Mull□PA74 6NH	29/06/2012	O
Lynne Farrell	41 High Street□Hemmingford Grey□Cambs□PE28 9BJ	16/07/2012	O
Nicholas Bridges	Achadhiseil□Tiroran□Isle Of Mull□PA69 6EU	13/07/2012	O
Susan Bridges	Achadhiseil□Tiroran□Isle Of Mull□PA69 6EU	13/07/2012	O
Sophie Baker	C/O Gometra House□Isle Of Gometra□Argyll And Bute□PA7	28/06/2012	O
Michael Blakenham	Cottage Farm□Little Blakenham□Ipswich□Suffolk□IP8 4LZ	29/06/2012	O
Prof Jenny Butler-Ferris	Fladda Cottage□Kilninian□Torloisk□Isle Of Mull□PA74 6NH	12/07/2012	O
Mr Hugh Ferris	Fladda Cottage□Kilninian,Torloisk□Isle Of Mull□PA74 6NH	13/07/2012	O
Miss Sophie Baker	Gometra House□Isle of Gometra□PA73 6NA	28/06/2012	O
R J A Harmer	Gruline House□Gruline□Isle Of Mull□Argyll And Bute□PA71	26/06/2012	O
Mrs Minty MacKay	High Lee Croft□Bunessan□Isle Of Mull□PA67 6DN	22/06/2012	O
Dr Claire Y Barlow	Inch Kenneth□Isle Of Mull□Argyll And Bute□PA68 6EL□	27/06/2012	O
Roc Sandford	Isle Of Gometra□PA73 6NA	20/06/2012	O
Mr Douglas Weatherhead	Machair□ISLE OF IONA□PA76 6SP	19/07/2012	O
Liam Ryan	Oakwood□Longrove□Crosshaven□Co. Cork□Ireland	16/07/2012	O
Dr Nicola Hall	Old School House□Lullington□Frome□Somerset□BA11 2PC	27/06/2012	O
Polly Huggett	Teacher's Cottage□Gometra□Ulva Ferry□Isle Of Mull□PA73	28/06/2012	O
Mr John C Ferguson	The Lochans□Strathblane□Glasgow□G63 9EX	31/05/2012	O
Rhoda Munro	The Managers Cottage□Gometra□Ulva Ferry□Isle Of Mull□/	28/06/2012	O
Iain Munro	The Managers Cottage□Gometra□Ulva Ferry□Isle Of Mull	28/06/2012	O
Mrs Adrienne Allison	The Tontine□Ardtun□Bunessan□Isle Of Mull□PA67 6DN	28/06/2012	O
Ms Fiona Brown	Tigh Na H-abhann□Pennyghael□Isle Of Mull□Argyll And But	19/06/2012	O
Fiona Brown	Tigh Na H'Abhann□Pennyghael□Isle Of Mull□Argyll□PA70 €	20/06/2012	O
David Woodhouse	Torr Buan House□Ulva Ferry□Isle Of Mull□Argyll And Bute□	28/07/2012	O
Mr Guy Bolton	Tostary Croft□Torloisk□Isle Of Mull□PA74 6NH	19/06/2012	O

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APPLICATION SITE



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**Argyll and Bute Council
Development and Infrastructure**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/01249/PP

Planning Hierarchy: Local Development

Applicant: Mr Michael Forster

Proposal: Erection of dwellinghouse

Site Address: Land North of Ardchiavaig House, Uisken, Bunessan, Isle of Mull

DECISION ROUTE

Local Government Scotland Act 1973)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse;
- Provision of vehicular access and parking and turning area;
- Installation of septic tank and soakaway.

(ii) Other specified operations

- Connection to public water supply.
-

(B) RECOMMENDATION:

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

(C) HISTORY:

None specific to the application site.

Adjacent land: 10/00361/PP, Erection of a dwellinghouse on site immediately adjacent at the south east of the site, granted 21.04.10. The two sites are intended to have a shared access.

(D) CONSULTATIONS:

Area Roads Manager - report dated 20.06.12, No objections subject to conditions with regards to the provision of suitable SD 08/004a access; visibility splays measuring 53 x 2.4 metres; parking and turning for 2 vehicles and the roadside drainage to be culverted under the new access using a twin wall pipe with diameter to be agreed.

Scottish Water - letter dated 06.07.12, No objections. Buessan Water Treatment Works currently has the capacity to serve the proposed development.

Scottish Natural Heritage - e-mail received 21.08.12, No comments.

West of Scotland Archaeological Services - E-mail received 21.06.12, advising no archaeological issues raised by the proposal.

Council's Biodiversity Officer - letter dated 20.08.12, request for an Ecological Survey to be carried out in order to ascertain the plant, bird, insect and any mammals living on or using the site. Survey should be carried out by an appropriately qualified person and should include mitigation.

Mull Community Council - e-mail received 19.07.12 objecting to proposed development on grounds that housing at this location is detrimental to the area. Objection on road safety grounds also.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 19.07.12.

(F) REPRESENTATIONS:

23 representations have been received objecting to the proposed development from the following:

Maddie McCurrach, Uisken, Buessan, Isle of Mull, (19.07.12)
H McCrone, 2 Kilmore Terrace, Dervaig, Isle of Mull, PA75 6GN, (20.07.12)
Anita Brown, Torness, Achnadrish, Dervaig Road, Isle of Mull, (20.07.12)
Kirsty McCrone, 17 Glenurquart Road, Inverness, IV3 5PD, (20.07.12)
A Wood by e-mail, no address given (17.07.12),
Anthony J Ashling, 20 Richmond Gardens, Bridgnorth, Shropshire, WV 16 4HP, (18.07.12)
Mr David Coleman, 65 Dunval Road, Bridgnorth, Shropshire, WV 16 4 NA, (16.07.12)
Sheila Campbell, Uisken Croft, Buessan, Isle of Mull, (17.07.12)
Ronald Campbell MBE, Uisken Croft, Uisken, Buessan, Isle of Mull, PA67 6DS, (16.07.12)
Catherine MacDonald, by e-mail, no address given, (16.07.12)
Dr Susan Reede, Taigh aig an Oir, Ardtun, Buessan, Isle of Mull, (18.07.12)
Dr Anita Tunstall, Faolainn, Ardtun, Buessan, (19.07.12)
Araminta MacKay, Highlee, Buessan, Isle of Mull, PA67 6DN, (12.07.12)
Andrew MacDonald, Ardchiavaig, Uisken, Isle of Mull, (18.07.12)
Catherine McGarva, Sealladh idhe, Fionnphort, Isle of Mull, (19.07.12)
Timothy Capper, The Croft House, Uisken, Isle of Mull, (16.07.12)
Kay MacDonald, 2 Kilmore Terrace, Dervaig, Isle of Mull, (18.07.12)
Andrew Shaw, 2 Kilmore Terrace, Dervaig, Isle of Mull, (18.07.12)
Heather McCrone, 2 Kilmore Terrace, Dervaig, Isle of Mull, (18.07.12)
Dr Peter Finlay Brown, The Salmon Hut, Uisken, Isle of Mull, (17.07.12)

G MacDonald, Ardchiavaig House, Uisken, Isle of Mull, (19.07.12)
John Rankin, 20 Linn Drive, Netherlee, Glasgow, G44 3PU (18.07.12)
Mary Rankin, 20 Linn Drive, Netherlee, Glasgow, G44 3PU, (18.07.12)

The issues raised can be summarised as follows:

- Work has commenced on the site prior to an engineering site report or planning permission and rock has been removed from the site without planning. Was a survey carried out to determine what damage would occur if the rock was excavated? There is an issue of undermining and vibration damage through the substrata.

Comment: Rock has not been removed from the application site. An adjacent approval exists under 10/00361/PP where excavations have commenced. Liability for any damage to property is a civil matter between the parties involved.

- Concerns with regards to subsidence to rear of the site at Ardchiavaig House.

Comments: If such subsidence occurs, it would be a civil matter between the affected parties. It is not however considered likely that such subsidence will occur as the site, where underlying ground conditions are rocky.

- Overdevelopment at this location. Increase in density inappropriate.

Comment: The site lies within the local plan defined 'settlement' boundary for Uisken, where new housing is generally supported, in order to consolidate the existing settlement. The proposed dwellinghouse will occupy approximately 6% of the application site. Appendix A of the adopted Local Plan states that detached houses should occupy a maximum of 33% of the plot. The development is well within these limits. The proposed house reflects the nature of adjacent housing at the settlement.

- Speculative application for a house which is detrimental to area.

Comment: Whether a proposal is speculative or not is not a material planning consideration.

- Road safety - Vehicular access is difficult onto the steep road adjacent. Proposed entry is just below a blind crest on a right hand bend. The passing place on the bend is not asphalted and is likely to become dangerous as vehicles will use this more and more due to entry and exit of the new residents.

Comment: The Area Roads Engineer has no objections to the proposal on road safety grounds.

- Extra Burden of heavy plant and lorries required to service the site. Possible noise from construction.

Comment: Some short-term disruption can be anticipated during the construction period, but a single house construction is not normally sufficient to cause major impacts on neighbours. Environmental Health legislation protects against undue construction noise from such projects. On completion, the house will only require the same degree of service vehicle attention as existing housing alongside the site.

- Concerns with regards to roads closure during construction.

Comment: Road closures (should they prove necessary) are administered under separate legislation. This is not a material planning consideration.

- Drainage concerns on the west side of the road. Regular overflows and flooding.

Comment: A small burn runs along the frontage of the site. The Area Roads Engineer has requested a condition requiring that the existing roadside drainage be culverted under the new access using twin wall pipes with an appropriate diameter to be agreed upon in consultation with the Area Roads Engineer. A drainage condition already exists on the adjacent planning permission 10/00361/PP, which can also be enforced as necessary. The site has not been designated as a site prone to flooding by SEPA's Indicative River & Coastal Flood Map. Surface water drainage can be adequately controlled by planning condition.

- This level of development is starting to undermine the overall beauty of the beach. Development should be more spread out. Adverse impact on the landscape and beach.

Comment: Uisken is a small settlement with limited opportunities for growth. The proposal site lies within the settlement and demonstrates a size, spacing and situation within the landscape which allows a modest house to integrate with the settlement and landscape. The house will not adversely affect the nearby beach, which is already close to existing housing development within this small settlement.

- Waste bins in the public car park would be directly overlooked by this house. Leading to complaints from the house residents.

Comment: This is not a material planning consideration.

- Inappropriate growth of a hamlet. This house is another attempt to develop a holiday home

Comment: Consolidating the existing small settlement accords with Development Plan policy. The application is for a house.

- Where will foul drainage go?

Comments: A septic tank with soakaway is to be installed within the site boundary to serve the proposed house. Building Standards and SEPA have direct legislative control over the foul drainage provisions to prevent pollution.

- Work has commenced without an Archaeology report.

Comment: West of Scotland Archaeology Services have raised no concerns with regards to the proposed development. Work on this site has not commenced. There is confusion with the adjacent approval 10/00361/PP, which has commenced.

- The applicant has left previous plots in a disgraceful state with no consideration to the existing residents or visitors. The applicant has not complied with previous planning permissions.

Comment: This is not material to the merits of the application at hand, whether it is true or not.

- Impact on the wildlife that previously thrived

Comment: The site is not subject to any statutory or non-statutory nature designations. The site does not contain any features, by way of buildings or trees, which would provide a suitable habitat for roosting bats or protected birds. Scottish Natural Heritage has raised no objections. As a cautionary measure the Biodiversity Officer has requested an Ecological Survey be carried out including necessary mitigation measures, although she confirms that the site is not one used by any European Protected Species. A suitable pre-start condition could be applied requesting the submission of an Ecological Survey including mitigation measures. The appliance of such a condition would address the concerns of the Biodiversity Officer. However, given that there is no evident habitat of natural conservation importance within the site it is considered that the appliance of this condition would be onerous and unreasonable. Planning permission is not required for the clearance of vegetation at a site and so the developer could at any time clear the site of vegetation without the need for planning permission.

- Trees have been destroyed. Are SNH aware of this?

Comment: There are no trees present on the site. There is no evidence of trees having been present at the site. Scottish Natural Heritage have been consulted and have no concerns to raise. Scrub vegetation (and indeed unprotected trees) can be cleared without planning approval being required.

- The storey and a half is not in keeping with the surrounding houses. The view and natural light to the cottages to the rear will be blocked.

Comment: The house proposed is a single storey, modest design which is eminently suitable for the site and settlement. The cottages to the rear sit above the application site. The proposed house would sit at considerably lower level than the existing houses, and a good distance away from neighbours, so no natural light will be blocked.

- No neighbour notification to Shore Cottage

Comment: On checking the Council's system there is no record of Shore Cottage having been sent neighbour notification on receipt of the application. This was rectified by means of a notification on 27th August 2012. The proposed development was also advertised in the Oban Times on 28th June 2012. The residents of Shore Cottage have submitted a letter of objection to this application and so although not notified at the outset are clearly aware of the application have been made aware of this application. No party has been prejudiced by the lack of direct notification before 27th August 2012.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|--|-----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | Yes |
| | Available to view on public access at Council's website. | |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: No

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

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

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

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

STRAT DC 8 – Landscape and Development Control

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 2 – Development Impact on Biodiversity

LP ENV 6 – Development Impact on Habitats and Species

LP ENV 10 – Development Impact on Areas of Panoramic Quality

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP SERV 1 – Private Sewage Treatment Plants and Wastewater (i.e. Drainage) Systems

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

(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 4/2009.

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	No
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(O)	Requirement for a hearing:	No
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In deciding whether to exercise the Council's discretion to hold a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

The number of objections received is significant in the context of a small community. The issues raised principally relate to road safety, ecology, landscape impact and noise and general amenity impacts. The development plan is current and up to date and no policy conflicts have arisen.

In this case, given that the proposal accords with the development plan and given the lack of any complex or technical issues, it is not considered that a hearing would add value to the process and therefore Members should exercise their discretion and decline to undertake a hearing prior to the application being determined.

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

This is a proposal for the erection of a dwellinghouse at land north of Ardchiavaig House, Uisken, Isle of Mull. The site has no planning history. Planning Permission ref 10/00361/PP for the erection of a dwellinghouse has been granted on the 21st of April 2010 on the immediately adjacent site to the south east. Ground works have been undertaken at this adjacent site which has the benefit of planning permission.

The site lies within land which has been designated as settlement by the 'Argyll and Bute Local Plan' 2009 giving applicability to policy STRAT DC 1 of the 'Argyll and Bute Structure Plan' 2002 which sets out a presumption in favour of small scale residential development subject to other local plan policies being satisfied.

It is not considered that the proposed development will undermine the wider landscape features of the area by the nature of its simple design and small scale. The development proposed is therefore in accordance with the provisions of Policy STRAT DC 8 of the Structure Plan which aims to protect the important and vulnerable landscapes in Argyll and Bute.

The application is for small scale housing development on a site designated as 'settlement' by the Local Plan and so the proposed development accords with the provisions of LP HOU 1 of the Local Plan which encourages 'small scale' housing development within the settlement areas unless there is an unacceptable environmental servicing or access impact.

The site also lies within an area designated as an Area of Panoramic Quality (APQ) within which Policy LP ENV 10 requires that careful consideration be given to the impact of proposed development upon the scenic qualities of its landscape setting. It is considered that the proposal would be acceptable in this regard given its siting, scale and design.

Local biodiversity concerns have been raised by objectors which the Biodiversity Officer's considers could be addressed by way of condition requiring a pre-commencement survey. However, given that there is no evident habitat of particular nature conservation importance within the site and given its location within the defined 'settlement' boundary where there is a presumption in favour of development, it is considered that the imposition of such a condition would be onerous and would not meet the case law established 'six tests' for planning conditions, including the test of reasonableness. Planning permission is not required for the clearance of vegetation at a site and so the developer could at any time clear the site of vegetation without the Council's approval.

A new vehicular access is proposed to serve the dwellinghouse with drainage via installation of a septic tank and soakaway and water supply via connection to the public water main. The proposed development will accord with the provisions of policies LP TRAN 4 and LP TRAN 6 of the Local Plan and there are no infrastructure constraints which would prevent development of the site.

The proposed dwellinghouse is relatively small in scale, rectangular in plan form and in keeping with the vernacular of the locality. It will occupy a small percentage of the site and will be slightly set back from the public road. It is considered that the proposed dwellinghouse will relate appropriately to the existing cluster of residential buildings immediately to the south and south east. This small modest dwellinghouse of traditional style will fit in well with the surrounding landscape.

On the basis of the foregoing, the proposal is considered to be acceptable and raises no conflict with the relevant Development Plan policies. It is recommended that planning permission be granted subject to the conditions appended to this report.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission should be granted

The proposed development is considered acceptable at this location without causing any unacceptable impact on the wider area and there are no access or infrastructure constraints which would preclude the proposed development at the site.

The siting and design of the building are appropriate and the proposal accords with Policy STRAT DC 1 and STRAT DC 8 of the adopted Argyll and Bute Structure Plan 2002, Policies LP ENV 1, ENV 2, ENV 6, ENV 10, ENV19, HOU 1, SERV 1, TRAN 4, TRAN 6 and Appendix 1 of the adopted Argyll and Bute Local Plan 2009. There are no other material considerations, including issues raised by third parties, which are considered to have decisive weight that would warrant anything other than the application being determined positively in accordance with the provisions of the development plan.

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

N/A

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

Author of Report: Lesley Cuthbertson **Date:** 29.08.12

Reviewing Officer: Richard Kerr **Date:** 31.08.12

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 12/01249/PP

1. No development shall commence on site until the vehicular access at the junction of the public road has been formed in accordance with the Council's Road Engineers Drawing Number SD 08/004a with visibility splays of 53.0m x 2.4m in each direction formed from the centre line of the proposed access. The existing roadside drainage shall be culverted under the new access using a twin wall pipe the diameter of which is to be approved in advance of installation by the Planning Authority in consultation with the Roads Engineer. Prior to work starting on site these visibility splays shall be cleared of all obstructions above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Planning Authority. The vehicular access shall be constructed to at least base course level prior to any work starting on the erection of the dwellinghouse and the bellmouth shall be hard surfaced prior to the first occupation of the dwellinghouse.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access and in accordance with LP TRAN 4 of The Argyll and Bute Local Plan 2009.

2. The roof of the dwellinghouse hereby permitted shall be finished in natural slate or good quality slate substitute. A sample and/or full details of any slate substitute proposed for use shall be submitted for the further written approval of the Council as Planning Authority prior to the development being commenced. Development shall not commence until such written approval has been given and the dwelling shall be completed using the duly approved material.

Reason: In the interest of visual amenity and in order to integrate the proposed dwellinghouse with its surroundings.

3. The development shall be implemented in accordance with the details specified on the application form dated 6th of June 2012 and the approved drawing reference numbers:

Plan 1 of 4 (Location Plan)
Plan 2 of 4 (Floor Plan, Sections and Elevations)
Plan 3 of 4 (Amended Site Plan)
Plan 5 of 5 (Cross Sections)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

NOTES TO APPLICANT

- **Length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)].
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.

- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- The Area Roads Manager has advised that a Roads Opening Permit (S56) is required for the proposed development. A copy of the relevant application form is enclosed for your assistance.
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised.

APPENDIX B – RELATIVE TO APPLICATION NUMBER 12/01249/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located on land which has been designated as 'settlement' by the Local Plan. Uisken is defined as a 'minor settlement' within Table C of the adopted Argyll and Bute Local Plan. Policy STRAT DC1 of the 'Argyll and Bute Structure Plan' gives support to 'small scale' development which is compatible with an essentially rural settlement location on appropriate infill, rounding off and redevelopment sites. The site lies immediately against the public road to the north west of a site which has the benefit of planning permission ref 10/00361/PP for the siting of a house. A cluster of houses exists to the south east of the site and it is considered that the application site presents an opportunity for development that would form part of this cluster of development. The house would sit behind a rocky crag to the south west of the site and would be provided a backdrop by slightly higher ground to the rear of the site. It is considered that the proposed development would visually integrate with the landscape and settlement pattern at this location in accordance with STRAT DC 1 of the Structure Plan.

Policy LP HOU 1 of the Local Plan encourages small scale housing within the settlement areas unless there is an unacceptable environmental servicing or access impact.

B. Location, Nature and Design of Proposed Development

The site lies immediately adjacent to the public road which provides access to Uisken beach and surrounding residential properties. The site is an area of unmanaged rough ground covered in bracken with a steep rocky crag to the south west. A spring-fed burn runs along the northern boundary of the site running parallel with the public road. There are no trees within the site.

The house would have a simple narrow plan which would be sympathetic to traditional proportions, with more contemporary window openings and detailing. The house would be single storey and would sit low within the craggy topography of the site. The house would be set well back within the site and so views to the beach from the public road approach will not be affected in any way. The roof would be finished in natural slate or a slate substitute to be agreed by way of condition. The exterior walls would be finished in white wet dash render and windows will be casement. A contemporary feature glazing window arrangement would be installed within the side eastern elevation in order to make good use of the views over to the beach. The house will be sited at a lower level to that of the existing houses to the south of the site. Overall it is considered that the proposed dwellinghouse will be of an appropriate scale, form and design at this location. The proposed dwellinghouse will therefore accord with the provisions of LP ENV 19 of the adopted Local Plan and the guidance contained within the accompanying Sustainable Design Guide.

C. Natural Environment

A number of the letters of objection have raised concerns about the impact of the development upon plants and wildlife. The site is not subject to any statutory or non-statutory nature designations and the site does not have any attribute, by way of buildings or trees, which would provide a suitable habitat for roosting bats. Scottish Natural Heritage have raised no objections. The Biodiversity Officer is satisfied that the site is not used by any European Protected Species. As a cautionary measure the Biodiversity Officer has suggested that a pre-start Ecological Survey be carried out including

necessary mitigation measures. However, given that there is no evident habitat of nature conservation importance within the site it is considered that the imposition of such a requirement would be an onerous and disproportionate requirement which would not meet government advice on the use of planning conditions. In the absence of protected species or protected trees on the site, the developer could at any time clear the site of vegetation without the need for planning permission.

D. Landscape Character

Structure Plan Policy STRAT DC 8 presumes against development which by reason of location, siting, scale, form, design or cumulative impact damages or undermines the key environmental features of a visually contained or wider landscape or coastscape. Under this policy areas of panoramic quality are noted as important and vulnerable landscapes in Argyll and Bute. In a similar vein, Local Plan Policy LP ENV 10 notes that development in or adjacent to Areas of Panoramic Quality (APQ's) will be resisted where its scale, location or design will have a significant adverse impact on the character of the landscape.

The 'settlement' boundary area within which the application site is located was introduced and accepted at the time of the preparation, consultation and subsequent adoption of the current Local Plan. The impact of development on the APQ was considered at that time and the extent of the settlement boundary defined by the plan was found to be acceptable in the context of the APQ designation. Accordingly, whilst the 'settlement' status confers a presumption in favour of the principle of the development proposed, the detail of the proposal requires to be considered as part of the assessment of this application, including its consequences for the APQ designation.

The current proposal is not considered to have a significant detrimental impact upon its surroundings, for the reasons that it would be of a sympathetic scale and would sit below the height of existing houses to the south of the site. It would also have a visual association with the surrounding houses and the house that is to be built on the immediately adjacent plot to the south east. The scale and proportions of the building are not inappropriate to its setting and its presence would not undermine the scenic qualities of the APQ, or the reasons underlying its designation as such. The proposal would not be contrary to policies STRAT DC 8 and LP ENV 10.

E. Road Network, Parking and Associated Transport Matters.

The proposal would involve the formation of a vehicular access onto the UC20 Uisken Road. Parking and turning is to be provided for 2 vehicles.. The Area Roads Engineer has been consulted and has raised no objections subject to conditions with regards to the provision of SD08/004a at the junction of the site with the public road, the provision and maintenance of visibility splays measuring 53 m x 2.4 m., the provision of surface water drainage. A further condition is also required requiring that the existing roadside drainage to be culverted under the new access using twin wall pipes of a type to be agreed in consultation with the Area Roads Engineer. It is considered that the proposed development will accord with the provisions of policies LP TRAN 4 and LP TRAN 6 of the Local Plan.

F. Infrastructure

It is proposed to make a connection to the public water network. Scottish Water are satisfied that Bunessan Water Treatment Works has the capacity to serve the proposed development. A septic tank with soakaway is to be installed within the site boundary to serve the proposed house. This raises no issues and will be dealt with under separate legislation.

Objections have been made raising potential flooding issues. The site has not been designated as a site prone to flooding by SEPA's Indicative River & Coastal Flood Map. SuDS is not a legal requirement for a single dwellinghouse and surface water drainage will be dealt with under separate legislation.

G. Amenity Issues

Various objections have been made in response to this application and have been summarised and considered above. It is considered that these objections do not raise any issues relating to residential or public amenity which would present legitimate grounds for refusal in this case.



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Argyll and Bute Council

PLANNING, PROTECTIVE SERVICES AND
LICENSING COMMITTEE

Development and Infrastructure Services

19 September 2012

UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISIONS

A) INTRODUCTION

This report advises of a recent appeal decision by the Scottish Government Directorate for Planning and Environmental Appeals relative to the case set out below.

B) RECOMMENDATION

Members are asked to note the contents of the report.

C) DETAILS OF APPEAL DECISION**PLANNING APPEAL DECISION PPA-130-2026****Erection of 3 No. 15kw Wind Turbines (15.4 metres high to hub height)
Land Southwest of Leob Cottage, Pennyghael, Isle of Mull**

Planning permission 11/01586/PP was refused at PPSL Committee on 22 February 2012 on the following grounds.

1. The erection of three 15.4m high (to hub) wind turbines, by virtue of their verticality, motion, number, height, and siting will introduce a series of incongruous features into the Ross of Mull Area of Panoramic Quality, which is an area identified as being worthy of special protection in view of its recognised landscape and scenic qualities. The area is characterised by a flat, open, wild and rugged landscape, which is vulnerable to change as a consequence of the introduction of inappropriate forms of development. This sensitive landscape does not lend itself to a multiple turbine installation, nor such an elevated site, where visual impacts extend across a wide expanse of surrounding countryside. The turbines proposed which would impose significant change upon its immediate surroundings and would impact adversely upon the wider landscape, including the route to the historic island of Iona, by introducing a further focal point, of a type that is alien to the existing environment.

The proposal is contrary to Policies STRAT DC 5, STRAT DC 6, STRAT DC 8 and STRAT RE 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 10, and LP REN 1 of the adopted Argyll and Bute Local Plan, and there are no other material considerations of sufficient weight, including the contribution which the development could make to renewable energy generation and to addressing the consequences of climate change, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

2. Insufficient information has been submitted that accurately depicts the visual impacts of the proposed development upon the surrounding landscape, the scenic qualities of the area, and the historic environment. In the absence of such detailed information

underpinned by a reliable landscape methodology, it has not been demonstrated that the proposal will be capable of being successfully absorbed into the landscape without giving rise to adverse effects. In the absence of an reliable evidence to the contrary, it is considered that the proposal would be unsustainable and would likely be detrimental on a landscape afforded special protection in view of its recognised scenic qualities, could adversely impact on tourism being sited within clear sight of the main tourist route to Iona, and could adversely impact on surrounding sites of historic significance.

The proposal is therefore contrary to Policies STRAT DC 5, STRAT DC6, STRAT DC 8, STRAT DC 9 and STRAT RE 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 10, LP ENV 16, LP ENV 17 and LP REN 1 of the adopted Argyll and Bute Local Plan, and there are no other material considerations of sufficient weight, including the contribution which the development could make to renewable energy generation, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

An appeal against the refusal was subsequently submitted to Scottish Ministers on 27 April 2012 and dealt with by written submissions and a site visit.

In his response, the reporter stated that the determining issues were:

- § The effect on the landscape; and
- § The implications for tourism

The Reporter considered all relevant matters and concluded that the three turbines would have a seriously damaging effect on the landscape. This would be against the interests of the general public and of the Scottish tourist industry on account of the turbines being prominent when seen from the A849 tourist route to Iona. He concluded that the proposal was therefore contrary to the provisions of the Development Plan and to Scottish Planning Policy. He took account of the contribution the development would make to renewable energy generation but considered that any benefits arising from the development would be outbalanced by the disadvantages.

He therefore dismissed the appeal against the refusal of planning permission.

D) IMPLICATIONS

Policy: None.
Financial: None.
Personnel: None.
Equal Opportunities: None

Author and contact officer: Fiona Scott (01631 567968)

Angus J Gilmour
Head of Planning & Regulatory Services

23 August 2012

ARGYLL & BUTE COUNCIL**Planning, Protective Services and Licensing
Committee****DEVELOPMENT AND
INFRASTRUCTURE SERVICES****19 September 2012**

**STRATEGY FOR RURAL SIGNAGE, SIGNAGE IN TOWNS AND OBSTRUCTIONS ON
FOOTWAYS**

1. SUMMARY

Over recent months, Elected Members have raised concern over a number of unauthorised signs along road corridors, on pavements and attached to street furniture in both our towns and rural areas. Members have also questioned current Council policy / protocol when dealing with them and have sought that a proportionate approach be adopted in each scenario. Specific signs have been the subject of debate at recent Bute and Cowal and Oban, Lorn and the Isles Business Days.

In response, officers propose a new strategy for dealing with rural signage, signage in towns and obstructions on footpaths to ensure a consistent approach is adopted.

2. CONTEXT

We fully understand our local businesses are operating in difficult economic circumstances and we are keen to support their on-going trade. We seek to deliver a strategy that balances business needs along with obligations of the Council to ensure pedestrian / traffic safety and to protect the visual appearance of our area.

Whilst it is appreciated that signs, especially in rural areas, are necessary for businesses to operate, the Council cannot accept signs appearing without consent and those which are of an unsuitable scale, location or design. Likewise, banners, A-Boards and merchandise which encroaches on public footways (pavements) or attached to street furniture in our towns also have potential to cause trip hazards to the public or damage property, as well as their intended purpose of advertising. Provisions of the Disability Discrimination Act 2005 (DDA), Town & Country Planning (Scotland) Act 1997 and The Roads (Scotland) Act 1984 all must be given weighting by the Council in drawing up this new strategy.

There are a number of different organisations that shall form the partnership to deliver this new strategy including Planning, Roads Department, Transport Scotland, Economic Development, Visit Scotland and the Local Chambers of Commerce.

2. RECOMMENDATIONS

It is recommended that Members

- i) Note the content of the report;
- ii) Endorse that a partnership be set up including Planning Department, Roads Department, Transport Scotland, Economic Development, Visit Scotland and the

Local Chambers of Commerce to develop new strategy and guidance note for dealing with rural signs, signage in towns and footpath obstructions

- iii) To dovetail the production of this new strategy with the emerging local development plan for future adoption as Supplementary Guidance.

3. IMPLICATIONS

- 3.1 Policy No Policy issues as this is an informative report. Seek to set new strategy for signage that will become policy through future Local Development Plan.
- 3.2 Financial Financial implications limited to Officer resource in pulling together partnership and developing strategy. Once strategy in place it may result in new applications for signage (fee associated) and less officer time dealing on reactive basis with signage issues.
- 3.3 Personnel Officer resource in pulling together partnership and developing strategy
- 3.4 Equalities Impact Assessment Strategy seeks to bring signage strategy in line with Disability Discrimination Act 2005 (DDA) especially when dealing with 'pavement clutter'
- 3.5 Legal Strategy seeks to address Council liability if trip hazard or impact on safety from unauthorised obstruction or sign.

Author of Report: Ross McLaughlin

Date: 6th Sept 2012

Reviewing Officer: Richard Kerr

Date: 6th Sept 2012

Angus Gilmour
Head of Planning and Regulatory Services

ARGYLL AND BUTE COUNCIL

**Planning, Protective
Services and
Licensing Committee**

Development and Infrastructure Services

19 September 2012

Planning & Regulatory Services Customer Service Charter

1.0 SUMMARY

- 1.1 This report is to advise members of the PPSL committee of the production of a Customer Service Charter leaflet for Planning and Regulatory Services.

2.0 RECOMMENDATIONS

It is recommended that the PPSL committee

- 2.1 note and approve the contents of the Customer Service Charter leaflet
- 2.2 approve the distribution of the Customer Service Charter leaflet

3.0 DETAIL

- 3.1 Planning and Regulatory Services is a customer focused service that works to deliver accessible, effective and efficient services for the people of Argyll and Bute.
- 3.2 The Customer Service Charter leaflet outlines the commitment by Planning and Regulatory Services in putting our customers at the centre of our work.
- 3.3 It outlines the level of service our customers can expect and the methods of contacting us.
- 3.4 It is proposed that the Charter leaflet will be published on our web pages and be distributed to all Planning and Regulatory Services outlets including the Customer Service Centres where it will be displayed in the public information racks.

4.0 CONCLUSION

- 4.1 As a customer focused service it is essential that our users are aware of the standard of service they can expect from Planning and Regulatory Services

- 4.2 The Customer Service Charter leaflet is seen as a very positive development in this respect and will contribute to the on-going improvement and focus on customer care within Planning and Regulatory Services

5.0 IMPLICATIONS

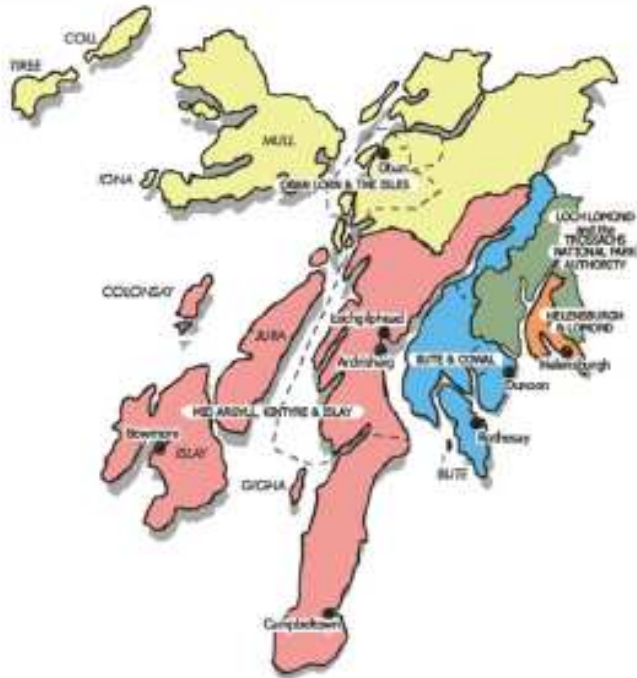
- | | | |
|-----|------------------|---|
| 5.1 | Policy | n/a |
| 5.2 | Financial | The cost of producing the Customer Service Charter leaflet will be contained from within Planning and Regulatory Services revenue budgets |
| 5.3 | Legal | n/a |
| 5.4 | HR | n/a |
| 5.5 | Equalities | n/a |
| 5.6 | Risk | None |
| 5.7 | Customer Service | The production of the Customer Service Charter will enhance the level of service being provided |

6.0 APPENDICES

- 6.1 Planning and Regulatory Services Customer Service Charter leaflet

Sandy Mactaggart
Executive Director, Development and Infrastructure Services
14 August 2012

For further information contact:
Martin Matheson, Building Standards Manager
01436 658872



For further information on or if you have enquiry for Building Standards, Development Management, Development Policy, Environmental Health or Trading Standards please contact one of our Customer Service Agents who are available from 9am to 5pm, Monday to Friday, and can be contacted on:

Building Standards, Development Management and Development Policy - 01548 605518
 Environmental Health and Trading Standards - 01548 605519

Or alternatively please visit www.argyll-bute.gov.uk/planning-and-environment for more information or the location of your nearest Customer Service Point or Area Office.



July 2012

Planning and Regulatory Services Customer Service Charter 2012



Realising our potential together

www.argyll-bute.gov.uk/planning-and-environment

Putting the customer first

We will try to help all our customers access the service they need or answer their query the first time they contact us. We aim to avoid unnecessary form filling, asking for information that has already been given or needlessly passing the query to colleagues or other organisations.

Our Aims

- to provide good value, efficient and effective services to all our customers.
- to ensure our premises and information are as accessible as possible.
- to treat everyone fairly and with respect.
- to be open, honest and accountable for our actions.
- to consult and listen to customers.
- to strive for continuous improvement in our services and processes.
- to provide advice and information in a manner which is clear and easy to understand.
- to provide fair, proportionate and risk-based enforcement.

If you contact us by telephone we will:

- Answer you call promptly - within 20 seconds where possible.
- Give you our name.
- Be polite, friendly and professional.
- Try to resolve your query there and then.
- Help you fill in forms.
- Return calls between 9am and 5pm, Monday to Friday.

If you contact us in person we will:

- Have clear signs on council buildings that deliver the Building Standards, Development Policy, Development Management, Environmental Health or Trading Standards services.
- Display our opening hours, 9am to 5pm, Monday to Friday
- Make every effort to make our offices accessible to everyone
- Provide somewhere for you to discuss your query in private if you'd prefer
- Make sure our reception areas are clean and tidy
- Display up-to-date information in our reception areas
- Help you fill in forms
- Wear identification badges

When we visit you our staff will:

- Visit at a convenient date and time between 9am and 5pm, Monday

- to Friday
- Have identification badges
- Aim to keep to our appointment and if this is not possible or if there is a delay we will inform you as soon as practicable

If you write, email or fax us we will:

- Acknowledge your enquiry within three working days of receiving it
- Provide a full response to simple queries within 10 working days; or 20 working days for queries which require research. If we can't answer your query in these timescales we'll let you know why
- Use plain English in our reply and use a format or language which suits your needs
- Provide the name, telephone number and email address of the person dealing with your enquiry

PERFORMANCE INDICATORS -

Planning and Regulatory Services will strive to provide the following standards of performance at all times.

We aim to:

- Respond to applications for Building Warrants within 20 working days.
- Process planning applications for House Holder and Local Planning Applications within 2 months.
- Produce an up to date Local Development Plan.
- Undertake all programmed environmental health visits and respond to general enquiries.
- Respond to trading standards business and consumer enquires within 14 working days.

Please note a more comprehensive suite of performance indicators for each section of the service: Building Standards, Development Policy and Management, Environmental Health and Trading Standards can be located on our website (see below) or from any area offices (see over).

Complaints

- We publish our complaints procedure on the website and in leaflets available from our office reception areas.
- We investigate complaints thoroughly and let you know the outcome.
- If we are unable to resolve a complaint immediately we will acknowledge it within three working days.

Realising our potential together

www.argyll-bute.gov.uk/planning-and-environment

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