

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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16 January 2013

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 23 JANUARY 2013** at **10:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. MINUTES**
 - (a) Planning, Protective Services and Licensing Committee 19 December 2012 (12 noon) (Pages 1 - 4)
 - (b) Planning, Protective Services and Licensing Committee 19 December 2012 (2.00 pm) (Pages 5 - 6)
 - (c) Planning, Protective Services and Licensing Committee 19 December 2012 (2.20 pm) (Pages 7 - 10)
 - (d) Planning, Protective Services and Licensing Committee 19 December 2012 (3.00 pm) (Pages 11 - 14)
- 4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW**
Report by Head of Governance and Law (Pages 15 - 24)
- 5. REGULATORY SERVICES BALANCED SCORECARD 2012 - 2014**
Report by Regulatory Services Manager (Pages 25 - 62)

6. **GENESIS ENERGY LTD: ERECTION OF WIND TURBINE (60M TO HUB, 84M TO BLADE TIP), WITH ASSOCIATED SUBSTATION, CRANE PAD AND TEMPORARY HARDSTANDING AND THE UPGRADING OF 550M OF EXISTING FORESTRY TRACK: LAND NORTH EAST OF REDESDALE HOUSE, SKIPNESS HOUSE, TARBERT (REF: 11/00937/PP)**
Report by Head of Planning and Regulatory Services (Pages 63 - 96)
7. **ISLAY ESTATES COMPANY: SITE FOR PROPOSED BUSINESS UNITS AND 20 AFFORDABLE RESIDENTIAL PROPERTIES: LAND WEST OF BONDED STORES, STANALANE, BOWMORE, ISLAY (REF: 12/02239/PPP)**
Report by Head of Planning and Regulatory Services (Pages 97 - 118)
8. **PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS**
Report by Head of Planning and Regulatory Services (Pages 119 - 122)
- E1 9. **ENFORCEMENT REPORT REF: 10/00357/ENOTH2**
Report by Head of Planning and Regulatory Services (to follow)

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.

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Gordon Blair	Councillor Rory Colville
Councillor Robin Currie	Councillor Mary-Jean Devon
Councillor George Freeman	Councillor Fred Hall
Councillor David Kinniburgh	Councillor Alistair MacDougall
Councillor Robert Graham MacIntyre	Councillor Donald MacMillan
Councillor Alex McNaughton	Councillor James McQueen
Councillor Sandy Taylor	Councillor Richard Trail

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 19 DECEMBER 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Alistair MacDougall
Councillor Rory Colville	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Richard Trail
Councillor David Kinniburgh	

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Principal Planning Officer
Alison McIlroy, Service Officer – Grounds and Horticulture
David Moore, Development Management Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Mary-Jean Devon, George Freeman, Alex McNaughton and James McQueen.

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 21 November 2012 at 10.00 am were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 21 November 2012 at 10.20 am were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 21 November 2012 at 11.00 am were approved as a correct record.
- (d) The Minutes of the Planning, Protective Services and Licensing Committee of 21 November 2012 at 2.20 pm were approved as a correct record.
- (e) The Minutes of the Planning, Protective Services and Licensing Committee of 21 November 2012 at 2.40 pm were approved as a correct record.
- (f) The Minutes of the Planning, Protective Services and Licensing Committee of 3 December 2012 were approved as a correct record.

4. NORTH BEACHMORE LLP: ERECTION OF AN 84M HIGH (TO BLADE TIP) WIND TURBINE AND ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS TRACKS, CONTROL BUILDING AND ELECTRICITY INFRASTRUCTURE, CONSTRUCTION COMPOUND, LAYDOWN AREAS AND CRANE PAD: LAND SOUTH/SOUTH EAST OF NORTH BEACHMORE, MUASDALE (REF: 11/02521/PP)

The Principal Planning Officer spoke to the terms of the report advising that planning permission is sought for the construction of a single wind turbine with a hub height 60 m and rotor diameter 48 m (84 m to blade tip), the formation of a new access track and ancillary development on a site located within Sensitive Countryside. The application has been submitted on behalf of a partnership between the landowner and Community Energy Scotland Trading. There has been a recommendation for refusal received from West of Scotland Archaeologist Service. A total of 137 representations have been received – 64 in support and 73 against including a petition with 11 signatures and reference was made to a summary of these representations in the report. Due to the number of representations received a discretionary hearing is recommended prior to determination of this application.

Decision

Agreed to hold a discretionary hearing.

(Reference: Report by Head of Planning and Regulatory Services dated 12 December 2012, submitted)

5. IAN DARBY NO 1 TRUST: ERECTION OF GATE PILLARS, CAST IRON GATES, FLANK WALLS AND RAILINGS; BALINAKILL COUNTRY HOUSE HOTEL, CLACHAN (REF: 12/01907/PP)

The Principal Planning Officer spoke to the terms of the report advising that this is a local application for the erection of gate pillars and walls on the driveway approach to Balinakill Country House Hotel at Clachan. The access also services other houses and that some of these have private servitude. The application site lies within an area of 'countryside around settlement'. Listed Building Consent was granted earlier in the year under delegated powers for the relocation of the gate pillars. In doing so, it was pointed out to the Applicant that planning permission would also be required for the consented works and thus this further application has been prompted. This has attracted further representation to that received in response to the listed building consent application which warrants this planning application being determined by Committee rather than by Officers. The application has prompted objections from local residents which have been endorsed by West Kintyre Community Council. Due to the number of third party representations received and the complexity of the issues raised a discretionary hearing is recommended prior to determination of this Application.

Decision

Agreed to hold a discretionary hearing.

(Reference: Report by Head of Planning and Regulatory Services dated 13

December 2012, submitted)

6. LOCHGILPHEAD PHOENIX PROJECT: ERECTION OF FREE STANDING COMMUNITY NOTICE BOARD: FRONT GREEN, LOCHNELL STREET, LOCHGILPHEAD (REF: 12/02443/ADV)

The Principal Planning Officer spoke to the terms of the report advising that this application relates to the Front Green, Lochnell Street, Lochgilphead within the Lochgilphead Conservation Area. In relation to the adopted 'Argyll and Bute Local Plan 2009', this site is located within the settlement zone for Lochgilphead and is also contained within an 'Open Space Protection Area' and designated as an 'Area for Action'. There have been no objections received from statutory consultees and no representations from third parties. It is considered that the proposed community noticeboard is appropriate in terms of scale, siting and design, will preserve the existing character and appearance of this particular location within Lochgilphead Conservation Area and satisfies all other relevant Development Plan policies and is recommended for approval subject to conditions detailed in the report.

Decision

Agreed 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 1st November 2012; and the approved drawings numbered 1 to 7 of 7; and stamped approved by Argyll and Bute Council.

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

2. The content of the hereby approved community noticeboard shall be restricted to the breakdown contained within the approved schedule 'Appendix A' as submitted in support of this application unless otherwise agreed in writing by the Planning Authority.

Reason: For the purposes of defining the scope of the consent as a community noticeboard and not for commercial purposes.

(Reference: Report by Head of Planning and Regulatory Services dated 29 November 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.

7. ENFORCEMENT REPORT - REF: 11/000107.ENOTH2 AND 11/00153/ENOTH2

Consideration was given to enforcement cases 11/000107ENOTH2 and 11/00153ENOTH2.

Decision

1. Noted the contents of supplementary report number 1; and
2. Agreed the recommendations detailed in the original report dated 19 December 2012.

(Reference: Report by Head of Planning and Regulatory Services dated 19 December 2012, submitted and supplementary report number 1 dated 19 December 2012, tabled)

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held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 19 DECEMBER 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor David Kinniburgh
Councillor Rory Colville	Councillor Alistair MacDougall
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Solicitor
Mr Gallacher, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Mary-Jean Devon, George Freeman, Alex McNaughton and James McQueen.

2. DECLARATIONS OF INTEREST

None declared.

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

The Chair welcomed everyone to the meeting and introductions were made. Thereafter the Chair outlined the procedure that would be followed and invited the Applicant to speak in support of his Application.

Applicant

Mr Gallacher advised that he has been driving for over 40 years and that he has only received 2 convictions in this time and that both of these were during 2011. He advised that one was for speaking on his mobile phone and the other was for speeding and he explained the circumstances regarding both of these. He advised that in his job as a post man for 30 years and as a part time taxi driver before that he had no blemishes on his licence. He confirmed that he currently works as a taxi driver on a part time basis 4 days a week and was seeking a renewal of his taxi driver licence.

The Chair invited Members to ask questions.

Members' Questions

Councillor Trail asked Mr Gallacher if he had a hands free kit in his car and Mr Gallacher replied no and that he mainly used his phone to keep in touch with his grandchildren.

Councillor MacDougall asked if it was an offence to answer the taxi radio whilst driving. Mr Reppke confirmed that it was.

Decision

Agreed to the renewal of Mr Gallacher's Taxi Driver's Licence.

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

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
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Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Alistair MacDougall
Councillor Rory Colville	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Richard Trail
Councillor David Kinniburgh	

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Solicitor
Mr Burn, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Mary-Jean Devon, George Freeman, Alex McNaughton and James McQueen.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF SKIN PIERCING AND TATTOOING LICENCE (R BURN, CAMPBELTOWN)

The Chair welcomed everyone to the meeting and introductions were made. Thereafter the Chair outlined the procedure that would be followed and invited the Applicant to speak in support of his Application.

Applicant

Mr Burn referred to his previous convictions which he had detailed on his application form. He advised that these convictions happened a long time ago when he was young and he was mixed up with the wrong people. He acknowledged that the offences were serious and that he had plead guilty to these and accepted his punishment. He advised that he has turned his life around since then and has been in no further trouble with the Police. He confirmed that he has held a number of tattoo licences for various places around Scotland and all over England. He advised that he is a different person to that of 25 years ago. He advised that his family used to visit Campbeltown for holidays and that he moved to the area 8 years ago and his son has attended school in Campbeltown and that he has family in Campbeltown and Inveraray. He advised that he has worked all over Scotland alongside other good tattoo artists. He advised that he has a large and loyal client base, some from as far as Australia and Canada. He advised that if he was granted this licence this would be good for the economy of Campbeltown as visitors to his shop from far afield

would need accommodation in the area. He advised that he would be employing a receptionist to work in his shop and in time hoped to employ an apprentice. He advised that he has invested a lot of time and money into this venture and he hoped that the Committee would not judge him on his previous convictions which were a long time ago and be believed that these were now spent.

The Chair invited Members to ask questions.

Members' Questions

Councillor MacDougall referred to the licence covering skin piercing and tattooing and noted that Mr Burn had only ticked off tattooing on his application form and asked if he would be carrying out skin piercing. Mr Burn confirmed that he would not be carrying out skin piercing.

Councillor MacMillan asked if there was any age restrictions and Mr Burn confirmed that you had to be over 18 years of age to get a tattoo and that this would be displayed clearly in his shop. He also confirmed that customers would be asked to fill out a medical questionnaire in order to establish if they had any allergies or were taking any medication.

Councillor Taylor asked if Mr Burn followed a Code of Practice and Mr Burn advised that there was no Code of Practice for tattoo artists and that the profession was self regulating.

Mr Forrester advised that he was not sure if there was a Code of Practice but confirmed that if the licence was granted there would be attached to this a list of conditions that Mr Burn would have to adhere to.

Councillor Taylor asked if Mr Burn had sterilising equipment and Mr Burn advised that everything used on the customer would be disposable and that no sterilisation would be required.

Councillor Kinniburgh referred to Mr Burn's licence granted from Reading Council and asked if Mr Burn still did work in that area. Mr Burn advised that he had left this licence open as he did visit a friend's business down there from time to time as a guest tattooist. He confirmed that licences issued by Reading Council were permanent. He advised that it was good to keep licences going for other areas as this enabled him to attend conventions across the country.

Councillor Currie asked for clarification on whether or not Mr Burn's convictions were spent. Mr Reppke advised that may be the case for some but for the purposes of the Civic Government (Scotland) Act 1982 all previous convictions should be declared on the application form.

Councillor Taylor asked if reports from other Council departments had been obtained. Mr Forrester confirmed that Environmental Health, the Police and Strathclyde Fire and Rescue had all been consulted and no comments had been returned.

The Chair invited the Applicant to sum up.

Sum Up

Mr Burn advised that his convictions were 24 and 30 years ago and that he was a different person now and that he classed himself as a professional and that he would run his business professionally and would not do anything to jeopardise this.

Debate

Councillor Colville advised that he had no problem with this application that it was an innovative idea for Campbeltown and he hoped that it would be successful.

Decision

Agreed to grant a Tattooing License to Mr Burn.

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

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Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Alistair MacDougall
Councillor Rory Colville	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Richard Trail
Councillor David Kinniburgh	

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Solicitor
Mr Doyle, Applicant
Inspector Watson, Strathclyde Police

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Mary-Jean Devon, George Freeman, Alex McNaughton and James McQueen.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR'S LICENCE (ISLAY MINIBUS AND TAXI HIRE LTD, PORT CHARLOTTE, ISLAY)

The Chair welcomed everyone to the meeting and introductions were made. Thereafter he outlined the procedure that would be followed and invited the Applicant to speak in support of his Application.

Applicant

Mr Doyle advised that he already holds 4 private hire licences and a taxi car driver licence and is hoping to expand his small, family run business on Islay by applying for a Taxi Operator's licence to allow him to have a vehicle available for pick ups at the ferry and airport.

As Inspector Watson had no questions for Mr Doyle he was invited to speak in support of the representation submitted by Strathclyde Police.

Police

Inspector Watson advised that he had noted the convictions declared by Mr Doyle and that Strathclyde Police had no objections to his Application for a Taxi Operator's Licence.

As Mr Doyle had no questions the Chair invited the Members to ask questions.

Members' Questions

Councillor Blair asked if Mr Doyle ran any school contracts and Mr Doyle confirmed that he had schools contracts for 2 primary schools and 1 for the secondary school.

Councillor Kinniburgh referred to the letter from Strathclyde Police regarding a conviction dated 2002 which was not listed in the Application and asked Mr Doyle to confirm whether or not this was the same conviction that he had listed in his Application for 1998 and Mr Doyle confirmed that this was the same conviction and that the dates he had stated in his Application form were rough estimates.

Councillor Currie queried why this Application was before the Committee as all the information contained within it was the same as for a previous Application considered by the Committee.

Mr Reppke confirmed that apart from the fact that a representation had been received from Strathclyde Police which meant the Application had to come before the Committee, it had also been agreed previously by the Committee that all Taxi Operator's Licence Applications would be considered by the Committee.

Councillor Blair asked for clarification on the speeding convictions in light of the fact that Mr Doyle had contracts with the schools. Mr Doyle advised that all of these convictions were for a number of years ago when he was younger and had been employed as a lorry driver taking fish to the markets.

Councillor Currie asked if any of the convictions were in his role as a taxi driver and Mr Doyle confirmed that none were connected to his employment as a taxi driver and that they were all HGV related.

Councillor Kinniburgh asked Mr Doyle if this was for a new licence and also asked how many other taxi licences were on Islay. Mr Doyle advised that this was a new licence for a Taxi Operator's licence which was different to a Taxi Private Hire licence. He advised that to his knowledge there were 2 other taxi licences on the Islay for public hire and 4 for private hire companies. When asked he also confirmed that there was a need on Islay for another licence.

The Chair invited Inspector Watson and Mr Doyle to sum up.

Sum Up

Police

Inspector Doyle confirmed that Strathclyde Police had no objection to Mr Doyle's proposal.

Applicant

Mr Doyle advised that he was always careful to ensure that all previous convictions were detailed on his Application form and that he never tried to hide

anything. He also referred to having to come to Lochgilphead to the Hearing from Islay which was not a simple journey to arrange.

The Chair asked Mr Doyle and Inspector Watson to confirm if they had received a fair hearing and they both confirmed this to be the case.

Decision

Agreed to grant a Taxi Operator's Licence to Mr Doyle.

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

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ARGYLL AND BUTE COUNCIL
CUSTOMER SERVICES

PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE

23 January 2013

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

TAXI FARE SCALE REVIEW

1. SUMMARY

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

1.2 The Planning, Protective Services and Licensing Committee at their meeting on 19th January 2011 decided to increase the fare structure as follows:-

Tariff 1 from £2.50 to £2.70

Tariff 2 from £3.00 to £3.20

Tariff 3 from £3.50 to £3.70

that the charges in respect of soiling, waiting and telephone bookings remain as £100 (maximum), 30p per minute and 30p respectively;

that there be no change to the yardage distances which are currently based on an initial charge per 860yds and a subsequent charge of 20p for each additional 200 yards;

1.3 Following a further review at the end of 2011 the Committee at their meeting on 18th January 2012 proposed no fare increase should take place and that a review will be undertaken in 18 months time. Following responses received the Committee on 21st March 2012 reconsidered the position and agreed that no increase should take place.

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 not to increase taxi fares 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.

- 1.4** The Committee at their meeting on 19th September 2012 agreed 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.

2. RECOMMENDATIONS

The Committee are asked to

- (a) Review the existing scales and determine whether they wish to propose new scales (whether at altered rate or at the same rates) at this time. In reviewing the existing scales members are asked to consider the information detailed below and publish them proposing a date when the proposed dates shall come into effect.
- (b) Authorise the Head of Governance and Law to advertise the proposed changes to the tariffs and to invite any responses within one month of the advertisement and report back to members at their meeting on 20 March 2013. Should no objections or representations be received in relation to the proposal delegate authority to the Head of Governance and Law in consultation with the Chair of PPSL to conclude with review without the requirement for the Committee to consider a further report of the review.
- (c) Agree that a survey on unmet demand be carried out and the Head of Governance and Law be authorised to seek tenders for this survey.

3. DETAIL

- 3.1** In terms of section 17 of the Civic Government (Scotland) Act 1982 in carrying out a review of scales for fares and other charges a licensing authority must consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area and following such consultation review the existing scales and propose new scales (whether at altered rate or at the same rates).

All 142 taxi operators in Argyll and Bute were invited to a consultation meeting by letter attached (Appendix1). The meetings took place in each of the undernoted areas and an indication of those attended is as detailed below.

Campbeltown/Kintyre 4 attended
Lochgilphead/Mid Argyll 2 attended
Oban/Lorn 7 attended
Helensburgh/Lomond 4 attended
Rothesay/Bute 6 attended
Dunoon/Cowal 7 attended

Operators were asked for their views on the current taxi fares and whether they felt they should be increased. Operators were also asked to complete a form detailing their views (Appendix 2). 22 forms were returned. The general consensus from the meetings and forms returned is as follows:-

Two operators from Dunoon suggest an increase of 10p from £2.70 to £2.80 and a reduction in the subsequent charge from 200 yards to 176 yards in respect of Tariff 1. In respect of Tariff 2 an increase of 20p from £3.20 to £3.40 and a reduction in the subsequent charge from 170 yards to 149 yards. For Tariff 3 an increase of 30p from £3.70 to £4.00 and a reduction in the subsequent charge from 120 yards to 105 yards. In support of the proposal one of the operators advises that the running mile has not increased since April 2008 and that the only increase until this date is 20p on each fare which was swallowed up by the 2.5% VAT increase. He further advises that fuel costs in April 2008 were 90p per litre and is now 144.9p per litre which is an increase of 60%. He also advises that the minimum wage in April 2008 was £5.52 per hour and is at November 2012 £6.19 per hour which is an increase of more than 12 %. He advised for these main reasons he is proposing a 12.2% fare increase just to keep up with inflation. The Chairman of the Dunoon taxi owners and drivers association has advised that the structure proposed has the full backing of all licence holders in Dunoon. He has advised separately that insurance costs are higher every year and running costs are getting higher every year and fuel is set to rise again. Two operators from the Cowal area have also separately indicated they support this proposal. A further operator has indicated she considers the fares should be increased.

One operator from Oban proposes a rise with effect from Summer 2013 with the price of fuel increasing and will go with the majority. Six further operators from Oban/Lorn all support the proposals from the Dunoon Taxi Operators. Operators in Oban who attended the consultation meeting indicated they would rather see fares zoned if the alternative would be no increase.

Three operators from Campbeltown do not support an increase due to the financial situation. They indicate that an increase would have a big effect on business whereas one operator is suggesting a 20p increase in flagfall to £2.90 as there has been no increase in fares for some time whereas running costs have increased considerably.

One operator from Rothesay is suggesting a 20p increase per flagfall per annum as it is unfair that taxi operators have to continually absorb fuel price increases. Another operator from Rothesay is suggesting an increase from 20p to 25p for each 5th of a mile on basis cost of fuel, insurance, maintenance and tyres rises every year. A third operator feels it is necessary to increase the fares by a small amount every year to 18 months due to rising cost of fuel, licence and expenses. Operators who attended the consultation meeting indicated they would prefer to see a zone approach if that made it more likely that proposals would be shaped for each of the four areas.

The operators who attended the Mid Argyll meeting advised they feel a small increase is called for namely that Tariff 1 should be left at £2.70 but the yardage reduced from 200 to 185 or 190 and Tariff 2 should be left at £3.20 but yardage reduced from 170 to 155 and Tariff 3 should remain as is. The reason for asking for an increase is the increase in insurance costs, fuel and repair costs.

The four Helensburgh operators who replied do not support any taxi fare increase. They have advised that do not think customers will accept increase in current climate and an increase will have an adverse effect on business. At

the consultation meeting they indicated they would support zoning if it were not possible to get unanimous agreement on no fare increase across the area.

3.2 Tariff Comparison (1760 yards per mile)

	Argyll and Bute Council	Aberdeenshire Council	Highland Council	Proposals made by Dunoon Operators would equate to:
Tariff 1	£3.60 for 1 st mile £1.76 per mile thereafter 5 miles =£10.64	£3.70 for 1 st mile £2.20 per mile thereafter 5 miles = £12.50	£3.25 for 1 st mile £1.35 per mile thereafter 5 miles = £8.65*	£3.82 per 1 st mile £2.00 per mile thereafter 5 miles = £11.82
Tariff 2	£4.25 for 1 st mile £2.07 per mile thereafter 5 miles =£12.54	£4.70 for 1 st mile £2.20 per mile thereafter 5 miles =£13.50	£4.30 for 1 st mile £1.91 per mile thereafter 5 miles =£11.94*	£4.60 for 1 st mile £2.36 per mile thereafter 5 miles =£14.04
Tariff 3	£5.20 for 1 st mile £2.93 per mile thereafter 5 miles =£16.92	£6.70 for 1 st mile £3.00 per mile thereafter 5 miles =£18.70	£5.38 for 1 st mile £2.37 per mile thereafter 5 miles =£14.86*	£5.71 for 1 st mile £3.35 per mile thereafter 5 miles =£19.11

(*Highland Council have provision for a supplementary booking charge of up to maximum of £6.50 to compensate for cost of an outward journey for hires which commence 3 miles away from taxi base or taxi and the customer wishes to travel further away)

3.3 Aberdeenshire Council undertook a review of taxi fares on 13th April 2012 and decided no increase should take place with effect from 1st September 2012. On 3rd October 2012 Highland Council recommended that one change take place from 21 January 2013, to permit Tariff 2 to be charged from 9pm until 7am instead of from 10pm to 7am as at present.

For the purpose of comparison the following information is provided.

	Argyll and Bute Existing Fares	Fares Proposed by Dunoon Operators	Aberdeenshire Council's Fares	Highland Council's Fares
Tariff 1	£2.70 860 yards then 200 @ 20p	£2.80 860 yards then 176 @ 20p	£2.60 880 yards then 1/11 of a mile @ 20p	£2.50 785 yards then 130 @ 10p
Tariff 2	£3.20 860 yards then 170 @ 20p	£3.40 860 yards then 149 @ 20p	£3.60 880 yards then 1/11 of a mile @ 20p	£3.00 560 yards then 92 @ 10p
Tariff 3	£3.70 860 yards then 120 @ 20p	£4.00 860 yards then 105 @ 20p	£5.20 880 yards then 1/10 of a mile @ 30p	£3.60 444 yards then 74 @ 10p
Public Holidays 10pm to 6am			£4.60 880 yards then 1/11 of a mile @ 20p	

- 3.4** To assist members in carrying out the review of taxi fares they may wish to take into consideration the following information from the AA Fuel Price Reports which record that costs for fuel in Scotland were as follows:-
January 2011 - 127.7ppl for unleaded and 133.2ppl for Diesel;
January 2012 - 133.3ppl for unleaded and 142.3ppl for Diesel, and
November 2012 – 135ppl for unleaded and 141.9ppl for Diesel
- 3.5** The Best Practise Guidance for Licensing Authorities issued by the Scottish Government in relation to taxi and private hire car licensing advises that as best practice in the conduct of a tariff review to pay particular regard to advice contained in Scottish Development Circular 25/1986 which states at paragraph 2.37 that “ the Secretary of State expects that in fixing fares authorities will want to pay primary regard to the costs incurred by the trade, having regard to the capital cost (including interest payments) of the vehicles, the costs of maintaining them to the standards required by the licensing authority, the costs of employing drivers, and the prevailing levels of wages and costs in related road transport industries. In the Secretary of State’s view the public interest is better served by ensuring the maintenance of an adequate service by giving the trade a fair return than by depressing fares for social reasons, however understandable. If fares are fixed at a higher level than the market can stand, the trade is free to reduce them.”

Members may wish to also note that the December 2012 issue of Private Hire and Taxi Monthly Argyll and Bute Council is recorded as the 168th dearest out of 361 in relation to Tariff 1 two mile fare.

4. CONCLUSION

Members are now required to review the matter of taxi fares. The procedure for reviewing taxi fares is as follows.

In carrying out a review, the licensing authority must-

- (a) consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area.

Consultation commenced in November 2012 with all operators being invited to a series of informal meetings and this fulfils the requirements of section 17 (4A).

- (b) Following such consultation –
 - (i) review the existing scales, and
 - (ii) propose new scales (whether at altered rates or the same rates)
- (c) publish those proposed scales in a newspaper circulating in its area-
 - (i) setting out the proposed scales
 - (ii) explaining the effect of the proposed scales
 - (iii) proposing a date on which the proposed scales are to come into effect, and
 - (iv) stating that any person may make representations in writing until the relevant date, and
- (d) consider any such representations

In reviewing the matter of taxi fares members are invited to consider whether;

- A** They wish to proceed with the proposals from the Dunoon area for an increase in flagfall and a reduction in the subsequent charge yardage for all 3 tariffs which is supported by the majority of the Lorn operators who participated in the consultation; or

Members may wish to propose the recommendations from two operators (one in Rothesay and the other in Campbeltown) of a 20p increase in flagfall to £2.90; or the proposal from an operator in Rothesay to increase from 20p to 25p for each 5th of a mile. Members may wish to propose the recommendations of the Mid Argyll operators namely that Tariff 1 should be left at £2.70 but the yardage reduced from 200 to 185 or 190 and Tariff 2 left at £3.20 but the yardage reduced from 170 to 155 and Tariff 3 should remain as is.

Members may also wish to consider whether zoning of fares within Argyll and Bute should be considered given the competing views from some of the four administrative areas. The Council has previously taken the view that any fare structure should apply across all of the Council area to provide consistency for the public.

When considering all of the above proposals members may wish to have regard to:-

1. The lack of representation or response to the proposed review of taxi fare scales for or against from consultees. A total of 142 were invited to the consultation meeting. Responses received are as detailed in paragraph 3.1.
2. The comparison of the general effect of Argyll and Bute's existing fares with those in place in Aberdeenshire and Highland Council.
3. The increase in the price of fuel.

- B** The Committee may alternately wish to propose reaffirming the current scale of maximum fares previously fixed by the Council in August 2012 also having regard to the responses received from three operators in Campbeltown and the Helensburgh Operators requesting that there are no increases to the taxi fares. Members may also wish to have regard to:-

1. The lack of representation or response to the proposed review of taxi fare scales for or against from consultees.

Members should be aware that any person or any persons or organisations appearing to the Traffic Commissioner to be representative of taxi operators in the area who operates a Taxi in an area for which scales have been fixed or in respect of which a review has been carried out will still have the opportunity to lodge an appeal to the Scottish Traffic Commissioner within a 14 day period.

5. TAXI OPERATORS WERE ALSO CONSULTED ON THE UNDERNOTED MATTERS:

Survey on Unmet Demand for Taxis:

Operators were consulted on whether they considered it appropriate for the Council to undertake a further survey on unmet demand, the last survey having been carried out in 2003 by the Fraser of Allander Institute. The Helensburgh and Lomond, and Oban, Lorn and the Isles areas would be supportive of a survey on demand whereas Kintyre, Mid Argyll, Bute and Cowal do not believe a survey on demand is necessary. However all operators support a cap on the number of taxis. It is therefore recommended that a new survey be carried out. It should be noted that the Scottish Government have issued a consultation document previously that local authorities be allowed to restrict the number of private hire cars. They also propose to convey a working group to provide updated improved guidance on over provision studies to support local authorities in conducting timely, cost-effective overprovision studies. A report on this consultation document will be placed before members at the next meeting of this committee

Taxi Inspections: operators advised that the administration of taxi inspections appeared to lack some consistency and that a review of practice should take place. The Council are currently in the process of setting up a system through the Council's Tranman database whereby taxi inspections will be arranged annually, approximately 6 months after the MOT certificate is issued.

Renewal process: overall it was agreed by operators that the process this time round was quicker and better than previous years. Any comments at the meetings regarding delays experienced were followed up and resolved with the individual operators.

Taxi Plates: Consultation took place in relation to whether licence holders wished external plates. This was discussed as one operator requested a change to external plates. The consensus view of operators in all areas was the plates should be left as they are i.e. internal displayed on the rear window of the taxi.

Taxi Ranks: Issues in relation to taxi ranks were raised. These have been taken up with Roads and Amenity Services who are progressing them.

6. IMPLICATIONS

6.1 Policy – None

6.2 Financial – The cost of a survey on unmet demand requires to be met from the current budget allocation

6.3 Legal – The Council require to review taxi fares every 18 months in terms of the Act

6.4 HR – None

6.5 Equalities – None

6.6 Risk - None

CHARLES REPPKE
Head of Governance and Law

For further information contact: Alison MacNab
Tel: 01546 604198

Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid

APPENDIX 1



Customer Services
Executive Director: Douglas Hendry

Governance and Law

Kilmory, Lochgilphead PA31 8RT
Tel: 01546 604198 Fax: 01546 604435
DX No: 599700 LOCHGILPHEAD

e-mail: alison.macnab@argyll-bute.gov.uk
Website: www.argyll-bute.gov.uk

Our Ref:
Your Ref:
Date: 18 October, 2012

Dear Sir/Madam

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

The PPSL Committee agreed on 19th September 2012 to commence a review of taxi fares and that as a first step informal meetings take place with representatives of the taxi trade in order to discuss the position. I therefore invite you to attend a meeting on November 2012 in at 11am in order to discuss the review.

I would also like to discuss any views of the trade on undertaking a further survey on the demand for Taxis in Argyll and Bute and there may also be an opportunity to discuss other matters of a general nature.

Should you wish to meet with me to discuss the above please contact my assistant, Alison MacNab on 01546 604198 so I can make the relevant arrangements?

Yours faithfully,

CHARLES REPPKE
Head of Governance and Law

If 'phoning please ask for: Alison MacNab

APPENDIX 2**PRO-FORMA FOR 2013 TAXI FARE REVIEW**

Name:	
Address:	
Q1.	<p>Do you think the fares should be increased in the upcoming review of taxi fares?</p> <p style="text-align: right;">YES/NO (delete as appropriate)</p>
Q2.	<p>If YES to Q1, please submit your proposal and the reason why you think an increase is necessary:</p>
Q3.	<p>If NO to Q1, please submit your reasons:</p>
Signed:	
Date:	

PLEASE RETURN FORM TO: Head of Governance and Law, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT NO LATER THAN MONDAY 10TH DECEMBER 2012

ARGYLL AND BUTE COUNCIL
DEVELOPMENT &
INFRASTRUCTURE SERVICES

PLANNING, PROTECTIVE SERVICES AND
LICENSING COMMITTEE
23RD JANUARY 2013

REGULATORY SERVICES BALANCED SCORECARD 2012 – 2014

1. SUMMARY

- 1.1 This Report brings to Members' attention the Balanced Scorecard which has been developed for Regulatory Services.
- 1.2 The concept of the Balanced Scorecard is a requirement for Planning and Building Standards Services and, whilst there are other similar measures in place for aspects of Regulatory Services, the Executive Director has asked that balanced scorecards are to be introduced for all services across Development & Infrastructure.
- 1.3 This is our first Balanced Scorecard and it details the core activities of the Regulatory Services Unit, and our service improvement agenda for the period of the plan.

2. RECOMMENDATIONS

- 2.1 That Members note this Report and endorse the Regulatory Services Balanced Scorecard for 2012 / 2014, recognising the work and priorities of the service.

3. DETAIL

- 3.1 The concept of the Balanced Scorecard as it relates to Planning and Building Standards is to enable each Local Authority to demonstrate its achievements, successes, individuality, and reporting on performance. It is noted that Members approved those Balanced Scorecards at the PPSL Committee on 17 October 2012.
- 3.2 The concept is to be implemented across services in Planning & Regulatory Services and careful consideration has been given to how this can be achieved, yet recognising the alternative arrangements which are required by Government and other agencies for disciplines across Regulatory Services. These include formal framework agreements for food safety, health and safety, health protection and animal health and welfare.

- 3.3** The Regulatory Services Balanced Scorecard provides an overview of our priorities in terms of its statutory work, operational delivery, and our service improvement agenda. This ensures that it is not “yet another” service plan, and will provide a mechanism for reporting on successes, achievements, performance, and also demonstrate our commitment to “continuous improvement” across Regulatory Services subject to available resources / service priorities.
- 3.4** It has been developed in consultation with staff and includes issues carried forward from the implementation of the service review, our PSIF assessment and our business improvement plan, The key components of the scorecard are :
- (i) A description of the services provided by Regulatory Services
 - (ii) Service performance
 - (iii) Audit and scrutiny arrangements
 - (iv) Service priorities across a wide range of areas including public interest, resources, customer focus, continuous improvement, our internal business and financial management
- 3.5** The Balanced Scorecard also details our service improvement priorities and links to our operational service plans for the period to 31st March 2014. Once approved, an implementation plan and timescales will be developed. This provides the opportunity to report on service progress and improvements in one report to PPSL Committee, rather than separate reports for each discipline. By incorporating our service improvement plan, this meets the commitment given to the Council’s Audit Committee and I would recommend that a progress report be provided every 6 months to Committee.
- 3.6** It is our intention to publish our Balanced Scorecard on our web pages and to distribute to all Planning & Regulatory Services offices, including the Customer Services points for customer information.

4. CONCLUSIONS

- 4.1** This is Regulatory Services’ first Balanced Scorecard and this will be developed through experience
- 4.2** The Balanced Scorecard demonstrates that we are on a journey of continuous improvement and links with the Performance Services Improvement Framework (PSIF); our service review and forms our business improvement plan

5. IMPLICATIONS

Policy :	None
Finance :	None at present
Legal :	None
HR :	The Balanced Scorecard supports the principles of workforce planning and staff engagement
Equal Opportunity :	In compliance
Risk	Operational demands have the potential to re-divert resources from lower-risk service priorities, and therefore impact on the delivery of the Balanced Scorecard
Customer Service :	The Scorecard improves the information available to our customer

6. APPENDICES

6.1 Regulatory Services Balanced Scorecard.



**ALAN MORRISON
REGULATORY SERVICES MANAGER**

AM/KT/ 7370 Dec 2012

For further information contact: Alan Morrison Tel: 01546 604292
Regulatory Services
Manager

e-mail : alan.morrison@argyll-bute.gov.uk

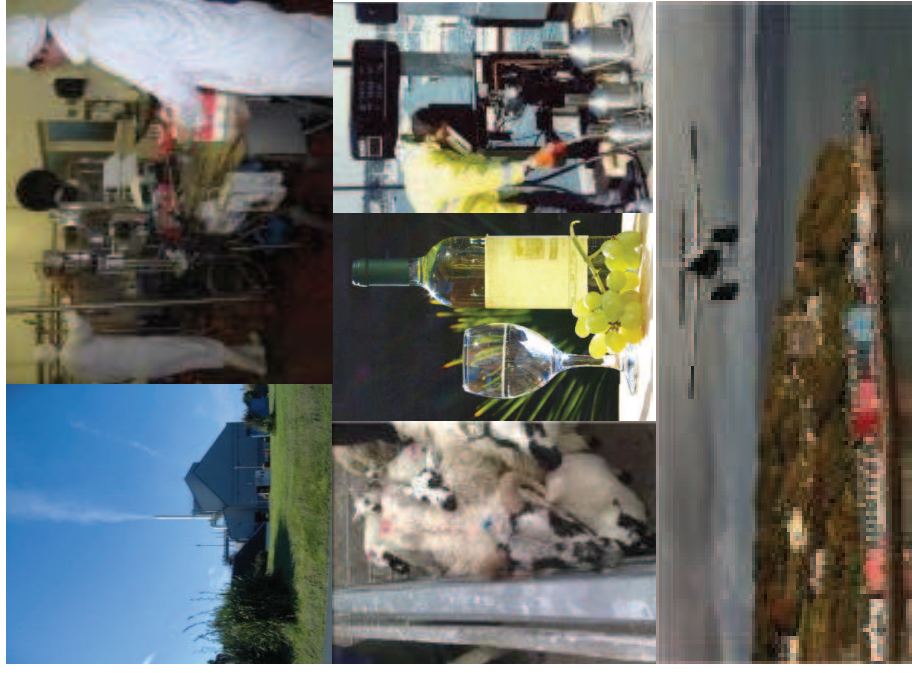
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Argyll and Bute Council

Regulatory Services

Balanced Scorecard

2012-2014



Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid
www.argyll-bute.gov.uk

REGULATORY SERVICES
Planning & Regulatory Services

Balanced Scorecard 2012-2014

Key Contact:

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Development and Infrastructure Services
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1.0 Introduction to the Councils' Regulatory Services

1.1. Our Aims and Objectives

Regulatory Services is a unit located within Planning and Regulatory Services which comprises of three distinct professional services. The services are Environmental Health (including Licensing Standards-alcohol), Trading Standards (including Debt Counselling) and Animal Health.

Our aim is to take measures to protect public health and safety and ensure a fair trading environment for consumers and businesses.

Regulatory Services is an enforcement service aimed at ensuring that the standards defined in a wide range of legislation are met by businesses and the public, as appropriate. **Our enforcement ethos is to work with others to secure these improvements through the provision of advice and information. Enforcement action is risk-based and proportionate to the risk to public health or safety, the risk of consumer detriment, where there is non-compliance with statutory notices or where there is evidence of non-cooperation in meeting statutory requirements. This is consistent with the better regulation agenda being taken forward by the Scottish Government at this time.**

We seek to recognise compliant businesses through our day-to-day work and participate in recognised national award schemes for food safety (Food Hygiene Information Scheme (FHIS) and EatSafe) where compliant businesses are recognised publically through the schemes and allows the consumers to make “informed decisions” based on compliance.

The service also has a role in responding to emergencies, principally through Environmental Health and Animal Health, and working with partner agencies to implement established plans and procedures.

1.2. Commitment to Corporate Outcomes

The work of our services positively contributes to achieving the Scottish Government's national outcomes which are embedded in the principle aims and outcomes of the Council's Single Outcome Agreement, Community and Corporate Plans. In addition, there is

our underlying commitment to health protection thorough our work with external partners including NHS Highland, the Food Standards Agency and the Health and Safety Executive. Of significance are:

Economic Supporting our economy	Through our work with existing and new businesses; through the maintenance of a level playing field for all businesses; through ensuring that consumers and legitimate businesses do not suffer disadvantage from unfair trading activity and also through protection of informed consumers.
Environment	Through our environmental protection activities including local air quality, contaminated land assessment, protection of drinking water, noise and antisocial behaviour.
Protecting the vulnerable in our community	Through our Debt Counselling service specifically and through our daily work in Environmental Health, Trading Standards, Licensing Standards and Animal Health.
Statutory functions of Local Authority	The Council has specific statutory functions which are undertaken by Regulatory Services. These include its work as the “food authority”, the “health and safety enforcing authority”; its formal duties under the Environmental Protection Act 1990 and the Public Health (Scotland) Act 2007, and as a “weights and measures authority”.

1.3. Service Activities

The remits of the services are very wide ranging and further details are available through the Councils website (www.argyll-bute.gov.uk). An overview of the nature of the service was provided to elected members and is available through the Members portal for reference and information purposes. A general overview of each service is as follows:

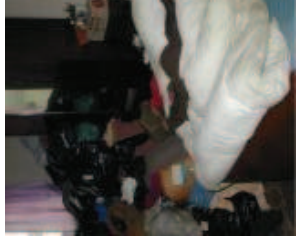
Environmental Health

Environmental Health deals with issues which have the potential to affect the quality of everyday life. We aim to promote or enforce standards that protect public health, public safety and the environment. Specific areas are:

Public health and housing – this covers a wide range of issues to improve and safeguard public health including the investigation of suspected or confirmed outbreaks of certain diseases, working with NHS Highland and, where appropriate, Scottish Water, Health Protection Scotland and the Scottish Environment Protection Agency (SEPA), to investigate and prevent such diseases.

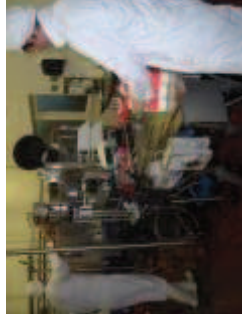
- Nuisance - Officers have wide ranging powers to deal with nuisances that may be causing extreme annoyance or affecting somebody’s health. This can include a number of situations such as noise nuisance, sewage leaks from septic tanks, properties in such a poor condition that it affects people’s health, dust from building works and foul smells affecting properties.

- Private Water Supplies – the Council has a duty to monitor approximately 1,800 private water supplies that serve more than 7,000 people throughout Argyll and Bute. Officers offer advice on improving and maintaining private water supplies and take enforcement action where necessary. Non-means tested grant funding of up to £800 per property may be available to improve a private water supply.
- Communicable Disease Control – Environmental Health qualified staff play an important role in working with Health Board, and in some cases Health Protection Scotland, in the investigation and prevention of communicable diseases including food poisoning.
- Smoking Ban - The Smoking, Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain premises (Scotland) Regulations 2006 came into effect on 26 March 2006; it prohibits smoking in many public places. Environmental Health enforces the ban.
- Housing Issues - The condition of our housing can have a large impact on our health and wellbeing. Environmental Health delivers the Private Landlord Registration scheme which regulates the properties and landlords which provide let accommodation in Argyll and Bute. We also monitor standards at Houses in Multiple Occupation and license caravan sites.



Regulatory Services deliver the [Joint Health Protection Plan 2012-14](#).

Food Safety – this includes the inspection of food premises, food sampling and investigating complaints regarding food and hygiene in food premises. Consumers expect food that is safe, unadulterated and clearly labelled. Environmental Health is involved with ensuring the safety of food at all stages of production, storage, distribution and sale (i.e. from Farm to Fork) until it reaches the final consumer.



The Council regulates Food Safety by pro-actively working with businesses in what is perhaps a uniquely diverse and dynamic food sector, which includes one of the main shellfish producing sectors in Europe, including

- the largest, by volume, supply of purified oysters;
- the main wild scallop sector in Scotland;
- the 3rd largest number of businesses manufacturing (including fish smokeries) sector in Scotland; and
- a vibrant catering and retail sector supplying the local population and the tourist industry.



Officers inspect food premises and advise businesses on Food Safety, labelling and composition matters.

Where contraventions of food legislation are found, officers have powers to serve notice or seize or detain unfit food. They can also prohibit processes or the use of unsatisfactory equipment or in extreme cases close premises.

Officers from Environmental Health ensure food safety in a number of ways:

- Assessing the standard of premises where food is prepared.
- Monitoring the processes used to prepare food.
- Providing free advice to food businesses about premises, equipment or processes.
- Training and educating food handlers.
- Using the law to require food businesses to improve their premises or processes.
- Using the law to prohibit food premises or processes being used.

We seek to recognise compliant businesses through a number of recognised national award schemes for food safety which allow businesses to promote good standards and consumers to make “informed decisions” based on compliance. Many people want to know how ‘hygienic’ their favourite restaurant, takeaway or shop is and the Food Hygiene Information Scheme provides “at a glance” information about the standards of hygiene in food businesses, this information is found at the premises as well as on the Food Standards Agency (FSA) website, www.food.gov.uk/ratings.



The Eat Safe award is designed to promote excellence in food hygiene. Caterers have to achieve food hygiene and food safety management standards beyond those required by law. It will also help consumers make informed choices about where to eat out by providing a recognisable 'sign' of excellence in standards of food hygiene. Environmental Health Officers play a key role in the scheme. Eligible businesses will be issued with a certificate and promotional material to display in their premises. The certificate is signed by the FSA and the Council.



Details of work to be undertaken in 2012-13 can be found in the [Food Safety Enforcement Plan](#).

[Environmental Protection](#) – this includes the investigation and monitoring of contaminated land, air quality and noise control. In Scotland the responsibility for regulating the various aspects of pollution control are divided between Local Authorities and the Scottish Environment Protection Agency (SEPA). Local Authority services have a duty to monitor and control pollution issues such as:

- Air Pollution
- Contaminated Land
- Noise Control



- Light Pollution
- Water Pollution
- Sewage systems including septic tanks

SEPA regulates potential pollution from industry of natural waters and the air, together with the storage, transportation and disposal of controlled waste and the keeping of radioactive materials.

[Health And Safety At Work](#) - Environmental Health enforces the Health and Safety at Work etc. Act 1974 in workplaces such as shops, warehouses, offices, places used for leisure and consumer services, hotels, restaurants and churches. Officers carry out inspections of premises; investigate accidents and offer advice and guidance to businesses and employees. The Health and Safety Executive (HSE) enforce health and safety in a number of other premises such as manufacturers, farms, construction sites, local authority buildings and hospitals.

Officers have to consider not only the health and safety of workers but also members of the public who can be affected by work activities. The Council keeps a register of its own health and safety prosecutions.



Every year, hundreds of people are killed, with several hundred thousand suffering from injuries and illness through work related activities. In addition to the personal loss and suffering this can incur, there are huge monetary losses through time off work and material damage, much of which is not covered by insurance.

Both the Local authority (through environmental health) and the Health and Safety Executive, prosecutes both companies and individuals for breaches of health and safety law. When they prosecute someone, they prepare a "Case" against them. The case may involve one or more instances when the defendant has failed to comply with health and safety law - each one of these is called a "Breach". You can search for cases or breaches on the HSE Public Register of Convictions site.

Health and Safety work for the financial year 2012/13 is shown in [Health and Safety Enforcement Plan](#).

[Environmental Health Licensing](#) - Environmental Health issue a number of Licenses and registrations including:

- Riding Establishments
- Caravan Sites
- Dangerous Wild Animals
- Pet Shop
- Animal Boarding
- Dog Breeders
- Venison Dealers
- Theatres
- Cinemas
- Private Landlords
- Food Premises
- Cooling Towers and Evaporative Condensers
- Large Raised Reservoirs
- Approved EC Establishments
- Clean Air Act Registration/Approval

[Trading Standards \(including Debt Counselling\)](#)

Trading Standards aims to protect Argyll and Bute's residents, visitors and businesses and maintain a fair and safe trading environment where local businesses and consumers can thrive. Specific areas of this work are:

Fair Trading - Trading Standards aims to prevent traders from acting unfairly against buyers and other businesses, including the use of unfair contract terms (including in holiday caravans and in tenancy agreements) and in the restriction of consumers' rights. Trading Standards will regulate the following aspects of Fair Trading:

- Pricing – consumers should be given pricing information for most goods and services before they agree to purchase them (including home oil deliveries) and special rules apply when dealing with sales and other promotions;
- Consumer credit – specific requirements relate to advertising, licensing, cancellation rights, debt recovery and documentation;
- Consumer protection – a general ban on unfair trading means that traders must act in a way that enables the average customer to make free and informed purchasing decisions. It also outlaws aggressive sales techniques and bans a number of unfair practices that might misinform or mislead consumers. In addition consumers agreeing to contracts at their home have comprehensive rights of cancellation. We work with the Police and local communities to investigate and educate in relation to bogus workmen and scams;
- Counterfeiting and trademarks – counterfeit goods can include cigarettes, DVDs, CDs, computer games, clothing, perfume and car parts. Fake goods are often associated with organised crime and may not be safe. The



cost of counterfeit goods to Britain in 2002 was 1.7 billion and cost an estimated 4,200 people their jobs, many of which were in the Scottish clothing or electronics industry. Trading Standards carry out targeted inspections to combat counterfeiting and investigate any information provided by businesses and members of the public.



Weights and Measures - Weighing and measuring equipment “in use for trade” must be tested and verified before use and, once in use, operate to strict tolerances. The weights of pre-packed goods and loose goods sold by weight or measure are also subject to specific regulation and checks are made during Trading Standards inspections.

Safety - The safety of all consumer products, whether they are sold as new or second hand, is controlled by a wide range of regulations enforced by Trading Standards. Officers from Trading Standards inspect goods at retail, wholesale and manufacturer levels, testing products and investigating complaints relating to unsafe products.

Quality and environment - Trading Standards enforce controls relating to fertilisers, pesticides and animal feeding stuffs including the registration of those manufacturing, selling, distributing, using or storing animal feed.

Age related sales - Legislation prohibits the supply (sale or hire) of specific products to persons under certain ages:

- Tobacco products, offensive weapons (knives and similar), crossbows, fireworks, solvents, airguns, lighter refills containing butane and alcohol are not to be sold to anyone under the age of 18 years.
- Caps, party poppers (and similar products), lottery tickets and aerosol paint are not to be sold to anyone under the age of 16 years.
- There are also age restrictions on DVDs and computer games.

In addition to the restrictions there are also certain warnings and notices to be displayed when selling particular products. Trading Standards inspect premises in relation to these requirements and also carryout test purchasing exercises with the assistance of young volunteers. In many instances both the staff member who made the sale and the owner of the business can be held liable for any sale made.

Licenses - Trading Standards are also responsible for the administration and enforcement of several licenses and registrations including:

- the safe storage and use of petroleum;
- storage and sale of fireworks and explosives;
- sale of poisons;
- feed standards registration;
- public weighbridge operator;

Consumer advice

Whilst Trading Standards investigate criminal offences on behalf of consumers we cannot take action in relation to civil complaints, this can only be done by the consumer. Advice for consumers in relation to goods or services purchased is provided by the Citizens Advice Consumer Service.

Debt Counselling

The Debt Counselling Team advises customers about **Debt Arrangement Schemes** or provides representation at court to set up a repayment plan. Under the Debt Arrangement Scheme, a single regular payment is made to an approved payment distributor. If the agreed payments are made, creditors cannot carry out enforcement action. The Debt Arrangement Scheme also freezes interest, fees and charges on debt from the date the Debt Arrangement Scheme payment plan is approved.

Animal Health and Welfare

The Animal Health Service is responsible for carrying out the Council's duties in relation to the Animal Health Act 1981 and other associated legislation in relation to the health and welfare of farmed animals. The principal function of the Animal Health and Welfare Section is: -

- To prevent the introduction and control the spread of contagious diseases, including some which may constitute a risk to human health (e.g. Anthrax, Rabies and Tuberculosis),
- To ensure the welfare needs of animals and birds are met.



Key areas of our work are assessing standards of welfare for livestock; ensuring adequate standards of bio-security; ensuring traceability from farm through market to slaughter; transportation conditions and providing advice and support to the industry. We do this by visiting livestock markets, farms and agriculture events; responding to complaints received by the public; working with the SSPCA and other agencies.



Officers will carry out an inspection of and provide advice and assistance on a wide range of matters including:

- Farm livestock records; animal movement licences and passports and livestock identification
- Veterinary medicine records;
- Disposal of livestock carcasses;
- Livestock vehicles – construction and cleanliness;
- Investigation of complaints in relation to animal health and welfare;
- Visits to premises which are subject to license conditions such as zoos and premises keeping animals listed as “dangerous wild animals” as requested by Environmental Health.

Licenses - Animal Health are also responsible for the administration and enforcement of zoos licences.

Planned work is detailed in the 2012/13 [Animal Health Service Plan](#).

Licensing Standards

The Licensing Standards Service deals with the regulation of premises selling alcohol under the Licensing (Scotland) Act 2005 (the 2005 Act), while working in conjunction with the Council Licensing Section located in Governance and Law.

The Licensing Standards Service is a relatively new innovation being introduced with the 2005 Act and with the first officer being appointed in 2009. Prior to this date, the proactive monitoring of alcohol licensing rested solely with the police.

The role of the Licensing Standards Officer is to provide guidance; ensure compliance with legislation; and offer mediation in licensing disputes. Examples of the role are:

- Guidance – provide information; liaise with licensed trade/others; give talks/presentations.
- Compliance* – monitor and inspect premises; issue compliance notices; report premises to licensing board.
- Mediation – log complaints; discuss licensing problems and disputes with premises and neighbours separately and together.

*There is currently a rolling programme of inspections of licensed premises. The purpose of this programme is to ensure that premises licence holders and staff are aware of their responsibilities and comply with the requirements of the 2005 Act. Additionally, the Licensing Standards Officers liaise directly with licensees and their trade bodies.

Licensing Standards also attend every meeting of the Argyll and Bute Licensing Board and the Argyll and Bute Local Licensing Forum (a lay body introduced by the 2005 Act to keep under review the workings of the Act and the Licensing Board). Finally, Licensing Standards maintains contact with elected members; other Council departments and partner agencies such as the police.



1.4. Approach to Service Delivery

Argyll and Bute Council has a challenging topography of isolated peninsulas and 25 inhabited islands that place unique demands on service delivery that require local solutions and responses. The costs of delivering such a service are greater than some other authorities when considered on a ratio of costs per population, although when comparing costs per square kilometre, the costs are significantly lower by comparison.

The service is integrated at a management level through the Regulatory Services Manager and is delivered through 3 operational teams (2 Environmental Health (including Animal Health and Licensing Standards) and 1 Trading Standards (including Debt Counselling)) operating over a decentralised 5 offices. We are integrated into the Council's Customer Management Centre which receives general enquiries and we have effective working relationships with other internal services and external partners. As part of our service functions, we provide funding to support the local Argyll and Bute Citizens Advice Bureau. Appendix II provides further details of the service structure which was implemented in 2011 following a detailed service review which delivered savings through alternative service delivery, including a rationalisation of management, whilst trying to protect frontline service.

1.5. Service Performance

The nature of the enforcement functions provided by Regulatory Services requires it to report to various agencies and Governmental bodies on service workload, service plans and performance. These include the annual LAEMS report for Food Safety to the Food Standards Agency; reporting to the Health and Safety Executive; Drinking Water Quality Reports to the Scottish Government; Tobacco returns to the Department of Trade and Industry. In addition to these measures, there are statutory performance indicators for Environmental Health and Trading Standards, as well as local indicators which we have developed across all our services.

The service focusses its resources on delivering agreed service plans and on a risk-based approach (i.e. higher priority activities are given a greater priority than lowers risk work).

As part of the Service Review, we identified 19 key indicators across Environmental Health, Trading Standards and Animal Health which provided an overview of service performance. In 2011-12 it is noted that

- We have achieved our targets for the majority of the key indicators. Of the 19 local indicators reported, 15 have met or exceeded the targets set and a further two are within a few percent of meeting the targets set. The 2 remaining figures did not have a target set.
- By comparison with previous years, there are 19 indicators (statutory and local) which are comparable or have increased performance (total 24 indicators).

Audit Scotlands Performance Indicators	2007/08	Scot. Av.	2008/09	Scot. Av.	2009/10	Scot. Av.	2010/11	Scot Av.	2011/12	Trend since implementation	
Trading Standards											
High Risk - % of inspections undertaken within time	77.3%	93.3%	67.4%	92.1%	78%		73.9%		88.4%	↗	
Medium Risk - % of inspections undertaken within time.	68.7%	86.8%	36.7%	86.2%	43%		67%		84.3%	↗	
Consumer Complaints - % dealt with in 14 days.	72.6%	72.8%	79.5%	74.2%	87.8%		85.9%		77.7%	↖	
Business Advice Requests - % dealt with in 14 days.	93.1%	96.3%	81.0%	96.5%	90%		78.8%		96.6%	↘	
Environmental Health											
Food safety hygiene inspections: Approved Premises - % of inspections undertaken within time.	95.8%	89.2%	76.0%	94.0%	SPI Discontinued after 2008/09						
Domestic noise complaints requiring attendance on site, the average time (in hours) between the time of complaint and attendance on site.	54	91.8	51	47.9	28	47.2	10.7	46.2	10.5	↗	
Part V domestic noise complaints, the average time (in hours) between the time of complaint and attendance on site.	25	2.7	23	1.6	24	1.5	1	0.6	0	-	
For non-domestic noise complaints requiring action, the average time (calendar days) to institute formal action.	32	26	46	31.5	SPI Discontinued after 2008/09						

Of the above Statutory Performance Indicators currently available to report, 84% had improved during implementation of the Service Review.

In addition, we also have a number of local performance measures which more accurately reflect the work of Regulatory Services, and performance over the same period.

	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2011/ 12	Trend since implementation	Target
Trading Standards							
% of Major Trading Standards investigations completed	100%	50%	76%	100%	100%	↔	100%
Trading Standards - Underage sales - % of traders assessed against target	n/a	n/a	80.6%	53.2%	136.2%	↑	100%
Debt Counselling							
Trading Standards -% of Clients Provided with a Personal Debt Recovery Action Plan	58%	38%	85%	103%	84.5%	↓	80%
Environmental Health							
% of Env Health Service Requests Resolved within 20 Working Days	64%	76%	83%	92%	95%	↑	90%
Smoking compliance - % of Inspections where Smoking Compliance work was Undertaken	100%	98%	100%	100%	100%	↔	95%
Food Safety - % of food Premises which are Broadly Compliant	89%	86%	94%	88%	91%	↑	75%
Health and Safety - % of High Risk Programmed Inspections Undertaken within Due Date	74%	94%	95%	88%	98%	↑	100%
Health and Safety % of Medium Risk Programmed Inspections Undertaken within Due Date	69%	88%	69%	75%	96%	↑	70%
Food Hygiene % High Risk Programmed inspection and audit of premises completed within due date	96%	97%	98%	100%	100%	↔	100%
Food Hygiene - Medium Risk Programmed inspection and audit of premises completed within due date	95%	91%	78%	90%	96%	↑	70%
Food Standards - % High Risk Programmed Inspections Undertaken within Due Date	0%	50%	70%	98%	100%	↑	100%
Contaminated Land							
% of High Priority Contaminated Land assessments	100%	95%	100%	98%	89%	↓	90%
Private Water Supplies							
No of category A supplies to be improved to EC standards	392	410	427	370	368	↔	N/A
No of Risk Assessments for Type A Supplies to be completed & achieved	100	120	172	470			
% Risk Assessments of Type A Private Water Supplies undertaken	100%	74%	134%	102%	100%	↓	100%
Landlord Registration							
% Private Landlord Applications Determined	70%	84%	89%	97%	98%	↑	92%

Animal Health								
% of Animal Health High Risk Inspections Undertaken within Due Date		95%	100%	100%	100%	100%	↔	100%
% of Animal Health Medium Risk Programmed Inspections Undertaken within Due Date		90%	92%	75%	90%		↑	70%
% of Animal Health Service Requests Resolved within 20 Working Days		97%	99%	92%	95%		↑	90%

There is an opportunity to benchmark with other local authorities on an annual basis with the statutory indicators. However, local indicators cannot be readily assessed with other local authorities and attempts are being made to develop benchmarking arrangements with other local authorities. This work will be progressed through the period of this balanced scorecard.

1.6. Continuous Improvement

We recognise the need for continuous improvement, we take a proactive approach to staff development and “growing our own” is used to achieve this. The service employs a number of mechanisms to drive forward improvements in service delivery. These include the production of service plans, including the statutory plans for Food Safety, Health and Safety, the Joint Health Protection Plan and Animal Health; through service reviews and also the completion of the Improvement Services Public Service Improvement Framework (PSIF) which was completed in 2012. Embedded into this work is the use of the Performance Review and Development process for staff, which is used to ensure staff competency and identify any training/development needs. Regular engagement with staff regarding service delivery and improvements through focus groups as well as a scheme of accredited continuous professional development for all professional staff are also used.

Of significance in our growing our own policy is that two staff members successfully attained their professional qualifications in 2012 and were appointed to posts of Environmental Health Officer and Trading Standards Officer within the Council. This combats staff recruitment difficulties, aids staff retention and improves general staff morale.

1.6. Audit and Scrutiny

The service is subject to on-going and an ever increasing demand of external scrutiny and audit which provides an indication of the level of service provided against defined standards. These are supported by our own internal monitoring systems. In the last year, we were subjected to the following:

(a) Audit Committee.

The Audit Committee provided a scrutiny role over the delivery of the Service Review of Regulatory Services. This was very challenging and demanding. However, at the meeting in June 2012 Committee considered a [paper](#) and::

1. Recognised the significant work and excellent progress which has been undertaken to implement the new redesigned service arrangements across Regulatory Services;
2. Agreed that the performance and outcomes achieved in Year 1 demonstrate the benefits achieved through the Service Review process and provide confidence that the service will be able to continue to improve and deliver the core statutory duties placed on the Council; and
3. Recognised the steps taken to ensure continual improvement with the creation of a Service Improvement Group which will take forward any outstanding issues from the Review, progress other service management and improvement issues and report governance arrangements to the Planning, Protective Services and Licensing (PPSL) Committee.

(b) Food Standards Agency Focussed Audit September 2011

The audit by the Food Standards Agency considered the services activities in respect of the enforcement of the approved premises sector (food businesses which export food to EC and other countries). The audit was very comprehensive and included the auditing of staff undertaking inspections. The audit findings were very positive and **identified three areas of best practice** relating to our inspection procedures and associated documentation. The audit action plan was formally signed off the by Food Standards Agency in September 2012 and reported in a [paper](#) to the PPSL Committee in November.

1.7. Customer Satisfaction

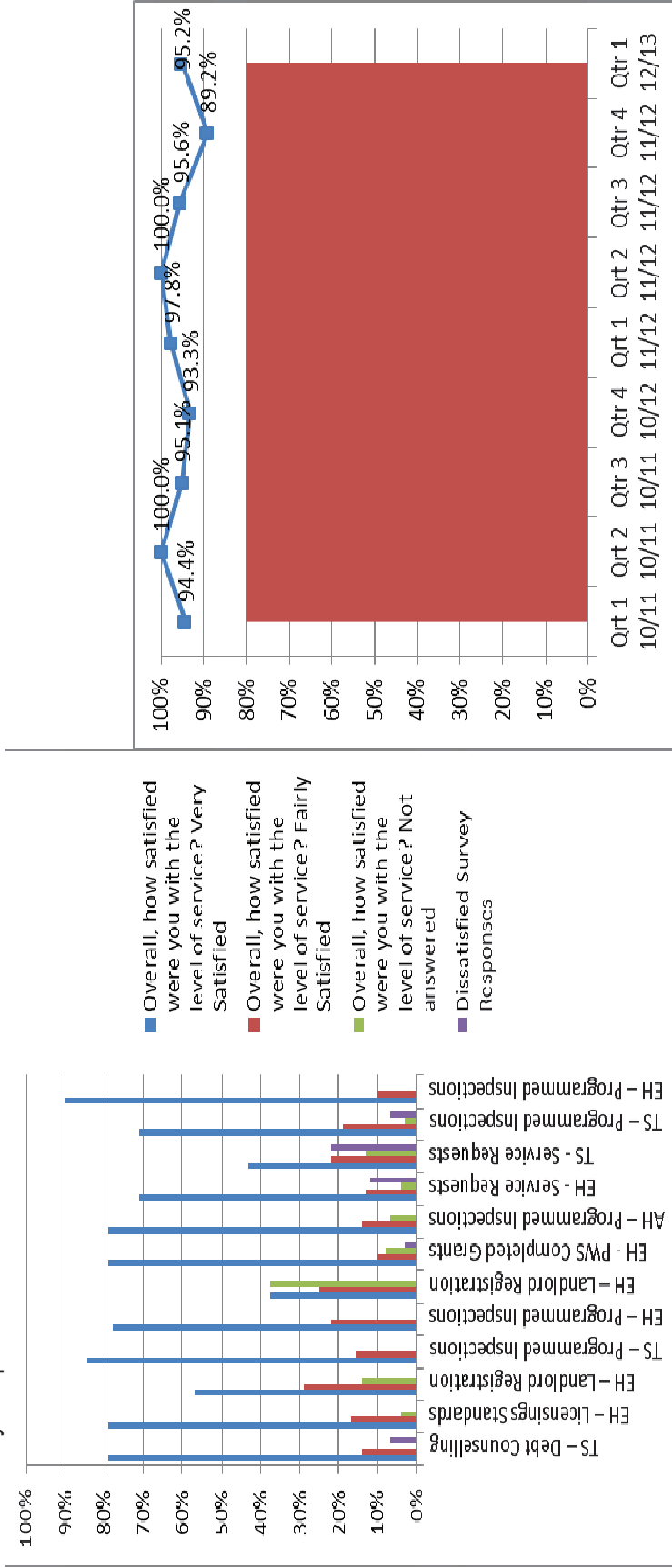
The service undertakes a programme of customer surveys across the wide range of functions it carries out. These are random surveys and cover programmed inspection activity and our responses to the reactive service requests which are received.

In general terms customer satisfaction levels are good and range from 84% to 96%. What is more important, as an enforcement service, is that we treat people fairly, and feedback from customers on this factor was on average 98% overall for all surveys.

The average results are as follows.

	AVERAGE 2010-11	AVERAGE 2011-12
% Returned	30%	22%
Did you have any problems when dealing with...?	-	3%
How well the staff did their jobs	-	76%
Overall, how satisfied were you with the level of service?	Very Satisfied	71%
	Fairly Satisfied	18%
	Not answered	8%
Dissatisfied Survey Responses	5%	4%

The survey responses for 2011 -12 can be summarised as follows:



The number of surveys sent out, returned and satisfied is reported quarterly in Pyramid. The satisfaction rate for the overall level of service remains above the 80% target although there are variations which reflect the fact that different surveys are being sent out in each quarter.

2.0 Corporate Priorities

Argyll and Bute Council's Corporate Plan 2010-13 and beyond

Realising our potential together – our shared long term vision

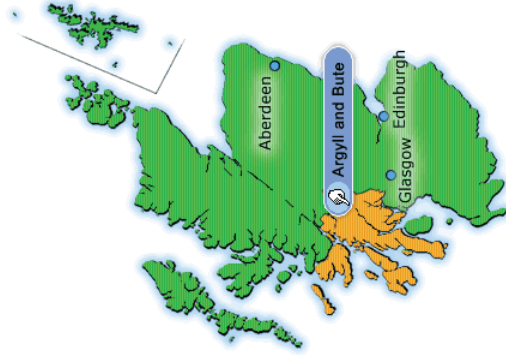
Argyll and Bute Council is undergoing a significant period of change in order to build a positive future focusing on shared best practice, past successes and forthcoming challenges. We have significantly improved our best value arrangements, increased our pace of change and improved our approach to corporate planning, strategic management and performance management.

Our focus is on improving services on the ground by continually challenging ourselves and assessing our performance in line with the views of our customers, our communities and our partners.

Our key priorities will cover education, the protection of vulnerable people, developing the economy, improving customer service, developing communities and protecting and enhancing the environment. In focusing on these priorities, we will offer Best Value services that are well matched to the needs of our customers. All of this however, will be done within the context of a tough economic climate – and one that will be shared by all public bodies in the coming years.

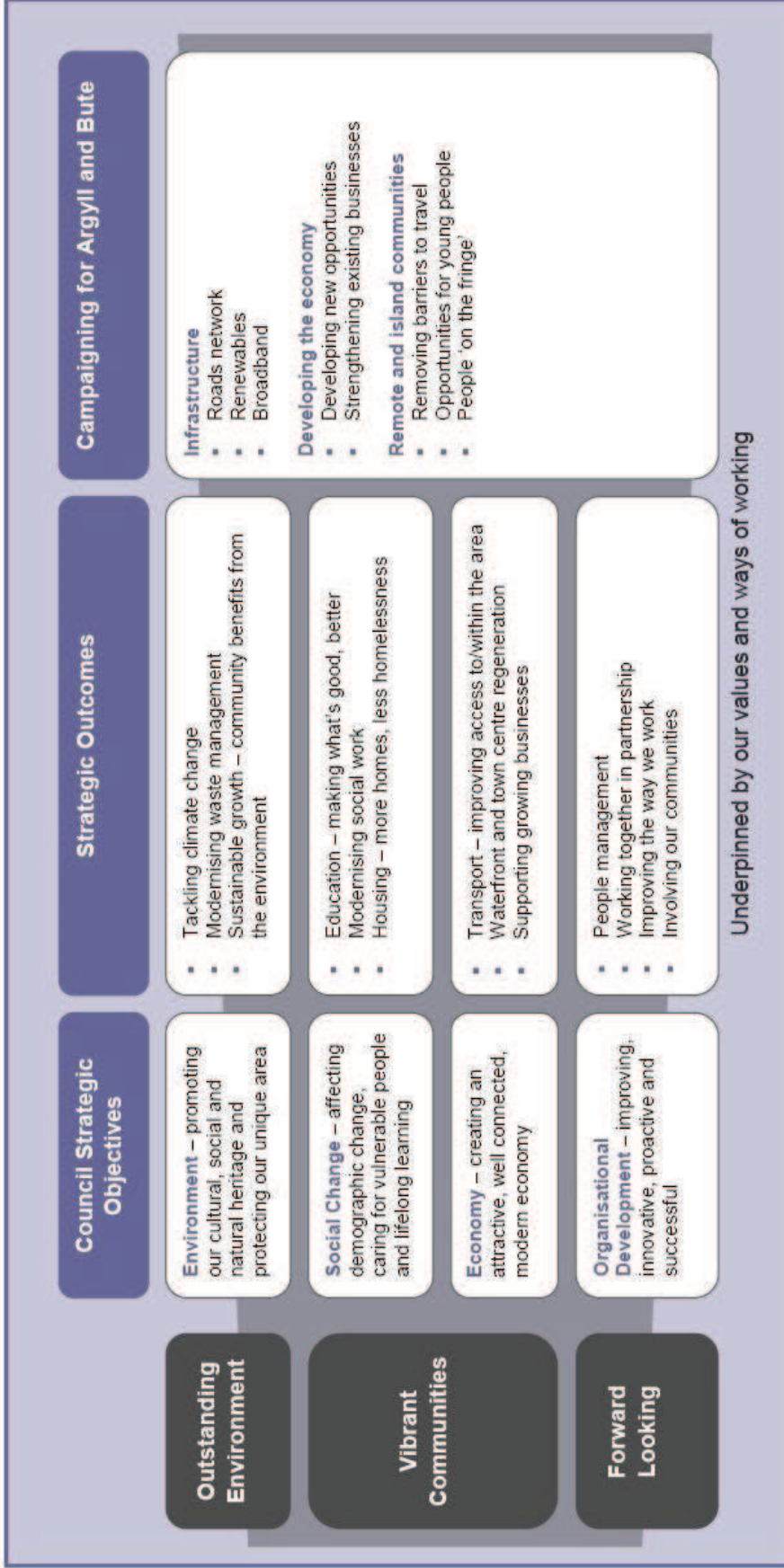
In 2012/2013 we aim to work with our partners in a more integrated way and to involve our stakeholders in further improving the way we work and the services we deliver.

Argyll and Bute has a promising future and with common purpose and productive partnerships, that future will be challenging, satisfying and prosperous. We will maximise the potential of our employees, our Council, our partnerships, our communities and



Argyll and Bute as a whole in order to develop a bright and sustainable future and we will work closely with the Scottish Government to contribute to their vision for a more successful Scotland.

Working together with customers, communities and partners, we look forward to creating a better place to live, work and visit.



Regulatory Services, as part of Planning and Regulatory Services, has a role in each of these aims, values and priorities either directly or indirectly.

EXISTING BEST VALUE INITIATIVES RELATING TO REGULATORY SERVICES DELIVERY IN ARGYLL AND BUTE	
Commitment and Leadership	
1.	Continue to implement the service review of Regulatory Services and deliver this, together with the PSIF outcomes, through the Business Improvement Team.
2.	Planning and Regulatory Services – Service Plan. The annual Service Plan outlines the objectives and priorities of the Planning and Regulatory Service and sets standards and targets against which performance can be measured.
3.	Continue with focus on performance management and reporting. Development and Infrastructure Services – Departmental Scorecard. The annual Departmental Scorecard outlines the objectives and priorities of the Development and Infrastructure Services department (including Planning and Regulatory Services) and sets standards and targets against which performance can be measured. These arrangements are replicated in a Regulatory Services scorecard and specific measures for each of the professional services.
4.	Regular meetings are held to manage service delivery, review performance and to discuss corporate, legislative and operational issues. These include Departmental Management Team, Service Management Team, Regulatory Services Management Team and Environmental Health and Trading Standards meetings.
5.	Regulatory Services – Work Plan. Each of the service's within Regulatory Services have an annual work plan of key tasks to be delivered as measured against performance standards and key milestones. These are monitored proactively and the key indicators are reported in Pyramid. There is also a wide range of statutory reports which we require to formally submit.
Sound Governance at a Strategic, Financial and Operational Level	
1.	Continue to effectively and efficiently manage the service budgets through sound financial management in line with the corporate procedures, including budgeting monitoring and reporting.
Sound Management of Resources	
1.	Service delivered on a risk based approach with resources allocated to those activities with a higher risk, enabling the effective management of programmed and reactive workloads against service planning priorities. Workforce deployment.
2.	Risk management through the identification and assessment of strategic and operational risks.
3.	Develop a suite of indicators which can be benchmarked with other local authorities.
Use of Review and Options Appraisal	
1	The full and detailed service review of Regulatory Services resulted in a radical change in service delivery and the development of a Business Improvement Plan to ensure continual improvement and a review of the adequacy of arrangements.
2.	The Public Services Improvement Framework assessment tool has been used across Planning and Regulatory Services to identify areas for further improvement. These will be progressed through the Planning and Regulatory Services Management Team, the Regulatory Services Management Team or through a service specific Business Improvement Plan.
3.	A wide range of measures are used to monitor the effectiveness of service delivery and identify areas for further improvement. These include performance reports, service complaints and staff/stakeholder and customer engagement, including surveys; benchmarking with other local authorities and internal/external audits.

Competitiveness, Trading and the Discharge of Authority Functions	
1.	The Council's Scheme of Delegation and Standing Orders provide the means of discharging the Council's statutory functions. All enforcement officers are issued with authorisations specific to their roles, qualifications, competency and experience.
2.	The delivery of an appropriate service in line with service standards is provided and supported through the use of written and established procedures and policies; internal monitoring and peer review, a competent workforce who are subject to continued professional development and our communications strategy with staff which includes regular meetings and briefings.
Sustainable Development	
1.	A Sustainability Impact Assessment was undertaken as part of the service review process and is reviewed annually.
Equal Opportunities Arrangements	
1.	An Equality Impact Assessment was undertaken as part of the service review process and is reviewed annually.
2.	The Council's Equal Opportunities procedures are implemented across the service and include the procedures for the recruitment of new employees.
Joint Working	
1.	There are established arrangements in place with other local authorities and agencies through liaison groups and other forums. These are intended to promote joint working, share best practice and develop consistency and support.
2.	Partnership working is essential across Regulatory Services. Specific priorities and initiatives are incorporated within the approved service plans. There is also joint service plans in place for certain areas including the Joint Health Protection Plan which is approved by Argyll and Bute Council, Highland Council and NHS Highland which outlines our shared health protection priorities for 2012-14.
3.	There are specific arrangements in place for consultation in respect of the Council's responsibilities as a licensing and planning authority. External partnerships include a Memorandum of Understanding with Strathclyde Police in respect of sharing intelligence and delivering a joint antisocial noise service.
Accountability	
1.	External audits. We are accountable to Government to provide services which meet a variety of specific Framework Documents which provide a minimum standard of service delivery. They are in place for Food Safety, Health and Safety and Animal Health and introduce an external audit requirement. An example is the external audits undertaken by the Food Standards Agency to assess the quality of the Council's food safety law enforcement arrangements.
2.	Internal auditing procedures are undertaken across the service.
3.	Through the Council's Corporate Arrangements with performance reported quarterly on Pyramid in accordance with the Council's Planning and Performance Management Framework (PPMF). In addition we also report to the Councils Planning, Protective Services and Licensing Committee.
Responsiveness and Consultation	
1.	We have arrangements in place to deliver our staff consultation and communication strategy. Examples of this are staff working groups which can be general (e.g. Business Improvement Group) or service specific (e.g. Private Water Supplies subgroup),

	and regular staff briefings.
2.	Maintain and develop joint working arrangement with partners to ensure we are able to meet our responsibilities in terms of emergency incidents where there is a need for an emergency response, either at a corporate or service level.

3.0 Public Interest – Regulatory Services

Introduction

This balanced scorecard sets out key actions to achieve outcomes essential to the public interest objective. Effective and efficient management of the statutory work of Animal Health and Welfare; Environmental Health; Licensing Standards and Trading Standards including Debt Counselling. This will be against the principle of risk-based proportionate enforcement and through working with partner agencies, business and the general public.

Actions intended to be taken	Performance measures to assess effectiveness of actions	Desired outcomes
Deliver the approved service plan to deliver the Council's statutory responsibilities in respect of Environmental Health , including the Food Safety Law Enforcement Plan and the Workplace Health and Safety Law Enforcement Plans.	(a) Regular monitoring of service plan to ensure that we complete the target of 90% of plan (b) Complete 100% of high risk planned interventions	To deliver a risk-focused and targeted service to meet service priorities and the Council's statutory duties as a food authority.
Deliver the approved service plan to deliver the Council's statutory responsibilities in respect of Trading Standards	a) Regular monitoring of service plan to ensure that we complete the target of 85% of plan b) Complete 100% of high risk planned interventions and 75% of planned projects	Improved focus on high risk interventions and planned initiatives or projects.
Deliver the approved service plan to deliver the Council's statutory responsibilities in respect of Animal Health and Welfare	(a) Regular monitoring of service plan to ensure that we complete the target of 80% of plan	Improved reporting arrangements for monitoring performance against the plan. Meeting the national Animal Health and Welfare Framework standards.

<p>Deliver the approved service plan to deliver the Council's statutory responsibilities in respect of Licensing Standards</p>	<p>(a) Regular monitoring of service plan to ensure that we complete the target of 90% of plan (b) To actively participate in the Councils Licensing Policy Review in the period to September 2013.</p>	<p>To deliver a risk-focussed and targeted service to meet service priorities and the Council's responsibilities for Licensing Standards.</p>
<p>Deliver in partnership with NHS Highland and Highland Council, the Joint Health Protection Plan 12-14. This outlines our agreed health protection priorities.</p>	<p>85% of Joint Health Protection Plan completed by 31/03./2014</p>	<p>Public health is protected and improved through joint working with NHS Highland and Highland Council.</p>
<p>Demonstrate risk based, proportionate enforcement and transparent enforcement across Regulatory Services</p>	<p>a) Revise our enforcement policy b) Develop means of reviewing enforcement outcomes to assess compliance with the policy.</p>	<p>Proportionate, risk-based, transparent and consistent enforcement (better regulation agenda).</p>
<p>Provide a Debt Counselling service in partnership with local and national advice services, with a focus on the service responding to the complex cases</p>	<p>(a) Introduce new outcome measure and target : - 75% customer satisfaction at their Personal Debt Arrangement Scheme (b) Review general advice arrangement to ensure that local and national agencies have the capacity to deal with enquiry levels (c) Implement arrangement to provide a single service with lead responsibility for contractual arrangement with the Argyll and Bute Citizens Advice Bureau</p>	<p>A service which supports vulnerable persons and meets their needs.</p>
<p>Redesign the delivery arrangements for Health and Safety enforcement to meet the new National Framework and the emphasis in project related initiatives.</p>	<p>a) Complete 80% of interventions plan b) Implement new arrangements for service delivery c) Provide training to enforcement officers.</p>	<p>We live and work in an environment which is safe, promotes health and supports the local economy. A competent and valued workforce.</p>
<p>Implement the new E.coli 0157 guidance</p>	<p>Ensure that work is undertaken to achieved</p>	<p>To minimise the risk to consumers from E.coli</p>

across food premises in Argyll and Bute, in a manner which is risk-based, supports business and protects food safety and public health	50% of implementation plan by 31/3/2014	0157 contamination and protect public health.
Deliver our alternative enforcement strategy and plan, primarily to the low risk sector, which seeks to promote compliance through the provision of advice and support, other than through inspections.	Complete 90% of annual plan	Supporting business through the provision of advice and support to allow them to effectively manage their business.
Reduction in persistent antisocial behaviour complaints including domestic noise and to work with our partners to reduce the occurrence of antisocial behaviour.	Review the existing procedures for responding to notification from Strathclyde police	A safe environment.
Review and evaluate options for the implementation of a "buying with confidence" "trusted trader" scheme within Argyll and Bute	Review existing schemes and consider appropriateness to Argyll and Bute. Produce Options Appraisal Report by 30/06/13.	Supporting consumers to make an informed choice and providing additional protection from unscrupulous traders.
Extend the Food Hygiene Information System across food retailers in Argyll and Bute	Extend the FHIS system to retailers by 30/09/13.	A better informed consumer able to make choices based on food safety information on premises. Improved food safety and reduction in food related illness.

4.0 Resourcing – Regulatory Services

Introduction

This balanced scorecard sets out key actions relating to resources and ensuring that we value staff who are a valuable resource (the significant part of the Regulatory Services budget relates to staff costs). It is important that we have appropriate arrangements in place to communicate with staff, support their development and, more importantly, to gain their support and "goodwill" in service delivery, particularly in relation to those incidents which require work out with core hours or the public health incidents requiring immediate attention.

Actions intended to be taken	Performance measures to assess effectiveness of actions	Desired outcomes
<p>Ensure staff are provided with accurate information, supported in their duties and afforded opportunities for professional and personal development. Essential to workforce planning.</p>	<p>a) Complete PRD/PDR interviews and review meeting b) Deliver training plan and a register for recording training sufficient to meet the REHIS CPD Scheme c) Development plans to be considered against existing staff resources and developing business needs</p>	<p>A valued and competent workforce. Professional development of staff and business continuity.</p>
<p>To ensure that the UNIFORM system and data entry arrangements are appropriate to report on the LAEMS system for 2012/13.</p>	<p>Ensure system provides robust information for service management and reporting purposes</p>	<p>A regulatory service focused on a risk based approach, working with business to ensure appropriate standards across Regulatory Services.</p>
<p>Ensure that there are adequate arrangements in place to comply with Corporate Health and Safety Plan and meet our obligations and the Health and Safety and Work etc. Act 1974.</p>	<p>Deliver health and safety induction/ refresher training to staff – 90% target. Review risk assessments.</p>	<p>The delivery of an effective and efficient service.</p>
<p>Engagement with Staff through our communication strategy.</p>	<p>a) Regular meetings and briefing staff. b) Staff involvement and engagement in working groups c) Together with staff discuss and agree actions which demonstrate that we “value staff d) Develop greater integration across the disciplines within Regulatory Services</p>	<p>Well informed, participative, staff who are aware of service priorities and challenges.</p>

5.0 Customer Focussed– Regulatory Services

Introduction

Regulatory Services has measures in place to obtain information which will influence service delivery. These include:

- Guidance to stakeholders and customers
- Accessibility of service
- Measurable performance targets
- Customer and stakeholder surveys

Actions intended to be taken	Performance measures to assess effectiveness of actions	Desired outcomes
Customer Charter and user guidance notes.	Annual review and update.	a) Improved service improvement and attainment of performance targets. b) To ensure accurate and equitable guidance for all stakeholders.
Improve access to web-based and other service information.	Annually review all web-based information and guidance documentation.	Increased stakeholder satisfaction, transparency and fairness.
Survey customers, stakeholders and staff in accordance with our engagement plan.	a) Regular review. b) Survey to include all noted points in balance scorecard. Periodical issue of surveys to stakeholders.	a) Increase stakeholder satisfaction. b) Encourage increased participation of all interested parties in the verification process.
Integrate Regulatory Services into the Council's customer management centre	Review responses to enquiries made through the customer contact centre and evaluate statistical information.	Improved response to handling frontline service complaints through the telephone. Releasing capacity on front and back-office resources within Regulatory Services.
Business Continuity Arrangements	Review on a regular basis the business continuity arrangements for the key priorities in Regulatory Services	Ability to deliver key priorities. Protection of public safety.

6.0 Internal Business – Regulatory Services.

Introduction

Regulatory Services have prepared a formal plan for the internal business perspective for future financial years by 2012-13. Communication difficulties in a remote rural area have been recognised as a complexity for service provision. The Council IT strategy and improvement through Workforce Deployment and commitment to internal and inter-office communications are

perceived as a means to improve all services.

Actions intended to be taken	Performance measures to assess effectiveness of actions	Desired outcomes
<p>Consider the effectiveness and appropriateness of the Balanced Scorecard to be a measure of service improvements with clearly defined links to Community Plan, Corporate Plan and Single Outcome Agreement.</p>	<p>a) Review how the balanced scorecard integrates with statutory service plans b) Annual review of business plan. c) Quarterly review meetings of Balanced Scorecard team.</p>	<p>a) Up to date communication of key targets and aims of section to stakeholders. b) Can demonstrate compliance with business improvement plan.</p>
<p>Continue to provide support, mentoring and training (in-house and/or external) for our staff.</p>	<p>All staff to complete 10 hours of continued professional development</p>	<p>a) Professional development of staff. b) Business continuity. c) A competent and efficient workforce</p>
<p>Improved use of electronic document management across Regulatory Services and the further development of the SharePoint site.</p>	<p>a) Extend the use of document management across environmental health; and implement within trading standards b) Working with Corporate ICT, to develop the SharePoint site</p>	<p>a) Improved document management systems and accessibility to documents. b) Easier access to information on the network which will support flexible/mobile working</p>
<p>Continue to undertake the management and team meetings which are in place to provide effective arrangements for the delivery of the service based on the new structure.</p>	<p>Regular and minuted meetings</p>	<p>a) Increased stakeholder satisfaction, transparency and fairness. b) Efficient use of staff resources. c) Consistency in processing applications. d) Improved service provision.</p>
<p>Make effective use of ICT through the use of teleconferencing and videoconferencing.</p>	<p>a) More effective resource deployment b) Pursue usage of video and teleconferencing for external liaison groups with other local authorities</p>	<p>a) Effective meetings and improved time management. b) Better work/life balance. c) Reduction in risk to staff from travelling to and from meetings.</p>

7.0 Continuous improvement – Regulatory Services

Introduction

Regulatory Services has developed Business Improvement Plan, derived from our Service Review and the PSIF assessment, which is targeted at providing a 3 year strategy for continuous improvement to March 31st March 2015.

Actions intended to be taken	Performance measures to assess effectiveness of actions	Desired outcomes
To deliver the outcomes of the Regulatory Services review and the Business Improvement Plan (incorporating the PSIF outcomes) across Regulatory Services.	<ul style="list-style-type: none"> a) Establish the Business Improvement Team to deliver the balanced scorecard. b) Delivery of Business Improvement Plan in accordance with agreed plan. 	An effective and efficient service.
Expand the current arrangements for flexible/mobile working through use of laptops and VPN access to network and evaluate other means of mobile working.	<ul style="list-style-type: none"> a) Continue to support corporate agenda of workforce deployment. b) Review mobile working software system used by Fife Council. 	Improved productivity and accessibility.
To consider alternative means of working which may increase performance, service effectiveness and provide for continuous improvement.	Produce and implement a plan within Regulatory Services.	More effective utilisation of resources and flexibility of staff.
Continue to support the specific liaison working groups across all areas of Environmental Health, Trading Standards, Animal Health and Debt Counselling.	<ul style="list-style-type: none"> a) Active participation in working groups. b) Participating in appropriate joint working initiatives where topic is of importance to service planning priorities in Argyll and Bute. c) Sharing best practice and learning. 	<ul style="list-style-type: none"> a) Participation in national activity such as training and development, accessibility and technical matters. b) Improved consistency of service provision throughout the 32 Local Authorities.

Review the procedures relating to the gathering of evidence to support formal enforcement action including reports to the Procurator Fiscal.	a) Establish working group to consider issues including disclosure, Crown Office guidance, ICT systems and procedures to ensure enforcement procedures.	a) Effective, efficient and appropriate enforcement. b) Compatibility of our procedures/reports with Crown Office electronic reporting system. c) An agreed "Enforcement Policy" across Regulatory Services.
To develop an action plan with Governance and Law with the aim of improving the current licensing systems within Argyll and Bute Council.	a) Develop joint action plan and implementation plan. b) Deliver the licensing action plan through improved working and, where appropriate, common systems.	a) Improvements to the licensing arrangements within Argyll and Bute Council. b) An effective and regulated licensing regime.

8.0 Financial Management – Regulatory Services

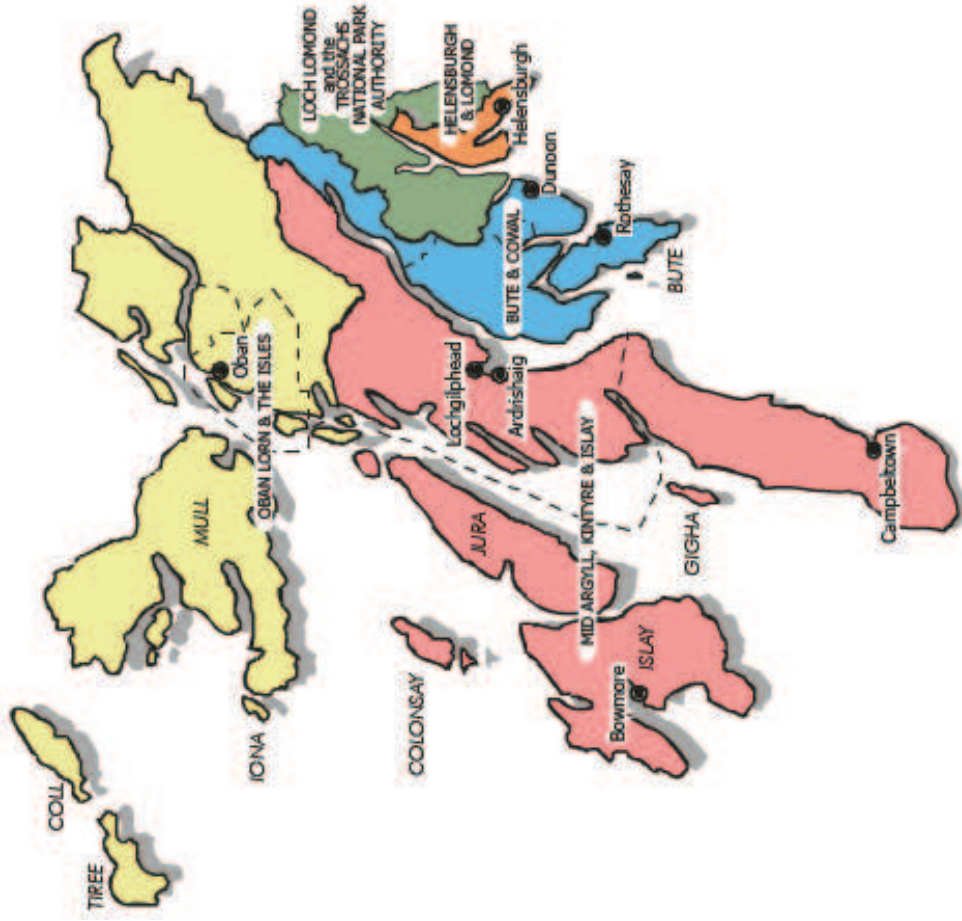
Introduction

It is accepted that proper allocation of service costs is necessary for budgetary control which in turn illustrates "best value". Argyll and Bute Council is committed to providing a Regulatory Service that is cost effective and demonstrates value for money.

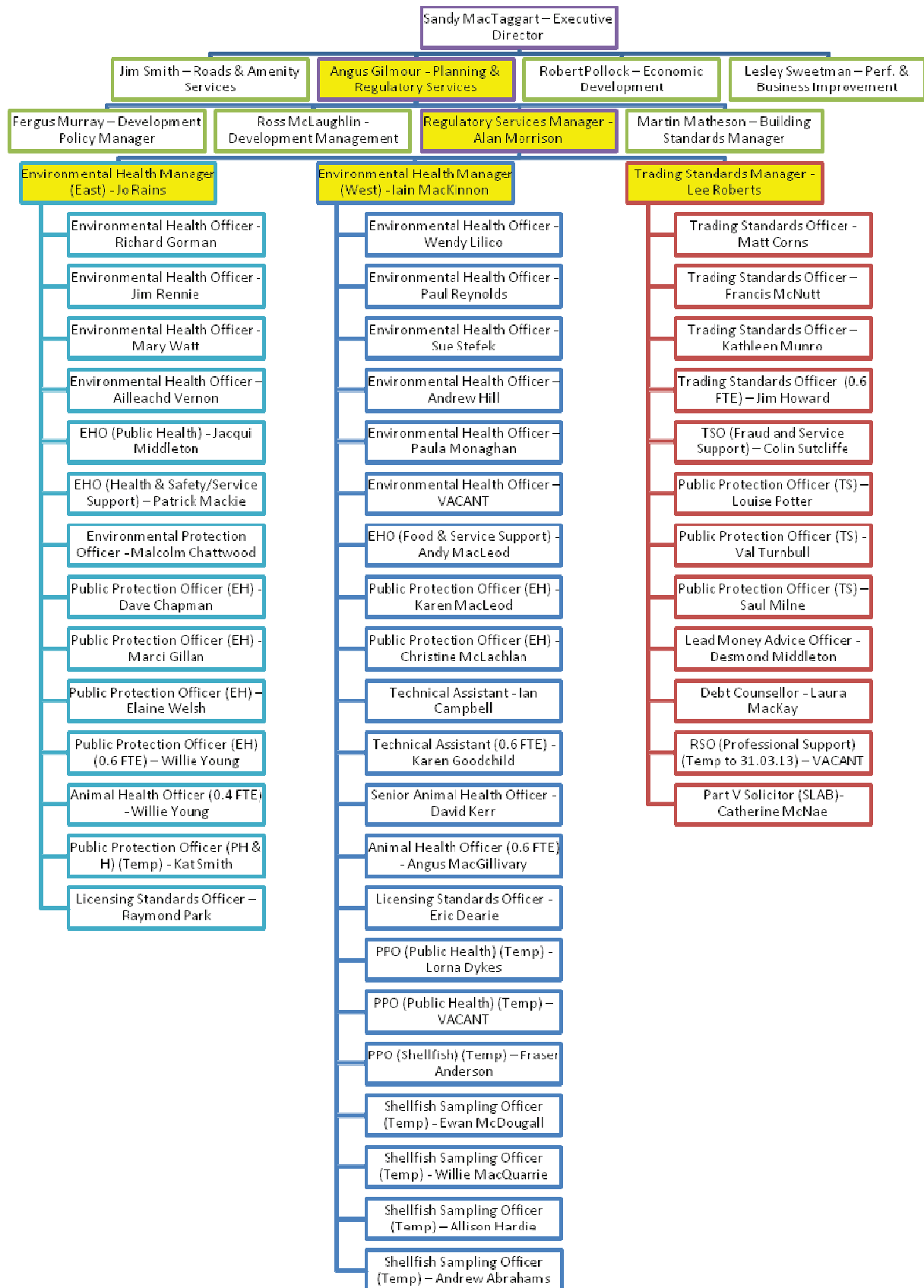
Actions intended to be taken	Performance measures to assess effectiveness of actions	Desired outcomes
Continue to monitor and review financial and budgetary position.	Monthly monitoring of budget and initiation of corrective actions where appropriate.	Delivery of services within agreed budget. Demonstrates best value.
Contribute to Strategic and Corporate efficiency savings.	Identify corporate savings targets, identifying the inherent associated risks Regular review of income and cost streams.	Identify budgetary saving as requested having regard to core services and to subsequent impacts to service delivery, to allow a risk-based evidenced decision to be made.
Review service level arrangements for the provision of calibration and test facilities for Argyll and Bute.	Participate in SOLACE review of scientific services in Scotland Evaluate benefits following initial report programmed for October 2013.	A value of money service for calibration and test facilities.

<p>Review performance level and income/expenditure for shellfish monitoring programme against the contract. Participate in regular contractor/client contractual meetings with the Food Standards Agency.</p>	<p>a) Compliance with the contract. b) Achieve planned income levels. c) A performing service as considered by the Food Standards Agency.</p>	<p>Deliver externally funded contracts (e.g. shellfish monitoring programme) in accordance with the contractual arrangements.</p>
<p>Agree formal service level agreement with other local authorities where Argyll and Bute Council is the "lead" authority.</p>	<p>Shared anthrax incinerator available for use by subscribing local authorities. Income exceeds costs for providing and maintaining service.</p>	<p>A formal arrangement for the provision of a shared anthrax mobile incinerator.</p>
<p>Establish a benchmarking and peer group with similar authorities to assess performance both in terms of workload and quality.</p>	<p>Establish a benchmarking group with similar authorities and establish a range of common indicators.</p>	<p>a) A service with the ability to assess service delivery with similar authorities and identify improvements. b) Develop a peer group to share best practice.</p>

Appendix I Geographical Area of Argyll and Bute Council



APPENDIX II – Regulatory Services Structure



**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: 11/00937/PP

Planning Hierarchy: Local

Applicant: Mr Jonathan Waxman, Genesis Energy Ltd

Proposal: Erection of wind turbine (60m to hub, 84m to blade tip), with associated substation, crane pad and temporary hardstanding and the upgrading of 550m of existing forestry track.

Site Address: Land North East Of Redesdale House, Skipness, Tarbert

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of wind turbine, hub height 60m and rotor diameter of 48m (84m to blade tip);
- Formation of crane hardstanding area;
- Upgrading of 550m of existing forestry track;
- Erection of electrical substation building;
- Erection of temporary construction compound.

(ii) Other specified operations

- Borrow pit working to provide the aggregate required during construction (to be subject of separate planning application);
 - Connection to existing 33kV overhead line.
-

(B) RECOMMENDATION: This proposal is recommended for refusal for the reasons stated in this report. As a significant amount of representation overwhelmingly in support of Officers recommendation has been received it is considered that there is no added value to holding a Hearing. However, in the event Members are minded to approve the application Members should give consideration to holding a Discretionary Hearing.

(C) HISTORY:

There is no relevant planning history

(D) CONSULTATIONS:

Area Roads Manager (29th June 2011) – No objection subject to conditions relating to the dimensions of the connection with the public road; construction of the connection with the public road; provision of a turning facility large enough to accommodate an articulated lorry within the site; and no offloading of materials directly from the public road to be permitted.

Area Roads Manager (15th July 2011) – a revised response was issued by the Area Roads Manager recommending deferment, following submission of further information from the applicant, which highlighted the requirement for a Transport Plan. The conditions detailed in the previous response of 29th June 2011 continue to be recommended, with the addition of a condition requiring that no work commences on site until a Transport Plan (including materials, plant, equipment and labour) has been submitted for the approval of Roads & Amenity Services.

Scottish Natural Heritage (SNH) (30th August 2011) - do not object but have serious landscape, visual and cumulative concerns regarding the introduction of a turbine of the scale proposed in this location. SNH cannot comment on the impacts of the proposal on specially protected bird species until further information, has been submitted by the applicant.

SNH (1st November 2011) – advises the applicant in writing that having looked at the results of the ornithology survey work again and seeing the lack of activity in the area from target bird species SNH are of the view that there is unlikely to be a significant impact on bird species around the site. SNH are therefore satisfied that the 6 months of completed bird survey work is sufficient and that no further information will be required.

SNH (29th December 2011) – in response to a request for further comments by Development & Infrastructure, in respect to matters raised by contributors in regard to the ornithological appraisal of the proposal. Having considered the points raised by contributors SNH reiterate that they have no ornithological concerns and that they agree with the conclusions of the ornithological report.

Ministry Of Defence (MOD) (5th August 2011) – no objection, however, in the interests of air safety the turbine is required to be fitted with aviation lighting, which should be secured by condition should the Council determine to grant planning permission.

National Air Traffic Services (NATS) (24th June 2011) – no objection.

Glasgow Prestwick Airport (Infratil) (13th July 2011) – no objection

Public Protection (29th June 2011 and 13th July 2011) – no objection. The information submitted regarding the location of the site and its proximity to any sensitive noise receptors, as well as the predicted sound levels outlined in the Environmental Report show that the predicted wind turbine noise levels should not adversely affect the residential properties nearby.

RSPB (6th September 2011) – no objection but recommend a condition is attached to any grant of planning permission which ensures that a permanent block of forestry is maintained between the turbine site and the open habitat used by eagles to ensure that they are not attracted into open ground areas closer to the turbine. Within this area the RSPB would suggest that funding forest fringe management through a turbine trust fund would benefit local biodiversity. The RSPB further advises that, submission of the results of the survey work (as agreed with SNH) would provide an opportunity for detailed assessment of this application.

Access Officer (10th January 2013) – no objection. Part of the access track is recorded in the Scottish Paths Record. Although it is not proposed as a Core Path it would appear that access rights are exercisable along it. Any closure of the access to facilitate construction would need to be agreed in advance with the Council's access team.

Tarbert and Skipness Community Council (26th July 2011) – can see no mitigating factors that would render the proposal acceptable and can see no adequate advantage to the community that might offset the significant negative impact. Particular concerns include: proximity to the road, houses and areas of settlement; proposal will do nothing to enhance the living space or environment of those who are settled close to it and; the proposal does not add anything to encourage settlement in this area. These are considerations which are at the very heart of the common vision for the development of Tarbert & Skipness (as expressed in the Community Plan), and this particular proposal is quite contrary to these objectives in this regard, as would any further developments which might result from the establishment of precedent. The Community Council are very mindful that, whether or not it is a material consideration, this is an external commercial development not a domestic one, and is one with no community involvement.

(E) PUBLICITY:

Regulation 20 Advert (Local Application) - expired 5th August 2011

(F) REPRESENTATIONS:

At time of writing a total of 39 representations have been received comprising 1 letter of support, objections on behalf of 49 individuals and 1 general representation (regarding procedure).

Councillor Anne Horn, 4 Lochgair Place, Tarbert, PA29 6XH has raised an objection to the proposal and does not regard this as an appropriate site for the installation of a wind turbine.

Full details of representees are given at Appendix B. Due to the level of correspondence received, the key issues raised are summarised below and are addressed in the assessment at Appendix A.

IN SUPPORT OF THE PROPOSAL

Location, Siting, Design & Layout

- *I have read with interest the application and related environmental statement for a wind turbine approximately 1000metres from the Skipness Road in Spion Kop woodland. This is an area I, in my professional capacity as a land management consultant, arranged to drain and plant in 1976 and which is now reaching maturity; in fact some of the trees have been felled and will be replanted around 2015.*

Sustainability

- *In some recent wind farm developments considerable areas have been cleared of forest and will not be replaced. This is a significant reduction in the commercial forest in Scotland and is also a loss of future timber production and of carbon sequestration through forest cover. The turbine proposal at Spion Kop is a small 'key-hole' clearing inside the forest with minimal loss of forest cover and carbon sequestration. In this way the proposal will provide diversity and an increase in overall land use for renewable and sustainable production.*

Visual & Landscape Impact

- *The visual impact in this landscape will quickly become acceptable and not have an adverse impact due to the location being some distance from the public road and not in the main view corridor to Arran or onto Islay/Jura.*

Scale of Development

- *I support this application and in general this type of small scale renewable development within forest areas of Scotland.*

AGAINST THE PROPOSAL

Settlement Strategy & Wind Farm Proposals Map

- *The site lies within a 'Potentially Constrained Area' as defined by the Argyll & Bute Local Plan proposals map;*
- *The site for the proposal is located in 'sensitive countryside'.*

Location, Siting, Design & Layout

- *We find it hard to believe that the erection of a 273 foot high metal wind turbine in this location can be acceptable in the current planning climate;*

- *The size and position of the turbine is wholly inappropriate for this site and after full consideration, this application is completely without merit.*

Landscape Character & Landscape Impact

- *The proposal will have an adverse impact on the character of the landscape. Do not let greedy developers destroy the beautiful Kintyre peninsula.*
- *The proposal will be a blot on the landscape in a very unspoilt area, which visitors currently enjoy on their passage between these islands.*
- *Redesdale Forest was recently purchased by the applicants and already timber extraction has begun. All harvestable trees close to the proposed site will be removed to improve the efficiency of the turbine, exposing local residents to the noise of the blades. As well as enduring visual scars left by commercial timber operations, we are now being asked to live with a 257ft wind turbine right in the middle of the former forest.*

Visual impact

- *The proposal will produce a loss of visual amenity to local residents, tourist and visitors alike;*
- *The proposed site is adjacent to the B8001 road, which is the main route between the Arran/Cloanaig ferry and Kennacraig Islay ferry terminal;*
- *I live in Skipness and am against the introduction of this turbine for a number of reasons, the most relevant being the visual effect over a large area of Kintyre and South Knapdale;*
- *It will have a significant adverse visual impact on the surrounding area and in particular those several houses including ourselves whose lands and houses overlook the area. Wherever we are in our house or grounds we will see this turbine;*
- *The visual impact of the proposed turbine will be borne by the three dwellings very close to the site and any benefit will be enjoyed by the applicant living 500 miles away in Central London;*
- *The section of the Environmental Appraisal dealing with visual impact makes insufficient reference to the effect on the opposite side of West Loch Tarbert.*

Cumulative impact

- *There is already undue proliferation of wind farms in Kintyre and the surrounding areas that leads to unacceptable cumulative impact;*
- *Allowing the erection of single turbines which could become dotted over the remaining clear hills will cause a severe degradation of the visual amenity of the area;*

- *Cumulative Impact is important - There is now a large number of turbines in Kintyre, mostly so far sited within the carefully thought out guidelines contained in the local plan, but still visible from some pits, Adding individual machines would fundamentally change the character of the area.*

Natural Heritage & Ecological impact

- *The proposal will have an adverse impact upon the natural diversity of wildlife in the area;*
- *Huge amounts of concrete are needed as the base for a wind turbine. Concrete releases contaminants into the soil. This is not environmentally friendly.*

Ornithological impact

- *The proposal will have a detrimental effect on the wildlife habitat and the bird populations in an area important to a number of rare birds, including golden eagles, hen harriers and black grouse;*
- *It is believed that a very successful pair of Golden Eagles fly over this area;*
- *The siting of this turbine surely contravenes the Wildlife and Countryside Act 1981 amended by the Nature Conservation (Scotland) Act 2004 which to intentionally or recklessly disturb a raptor while on or near a nest;*
- *This proposal would be central to the hunting area of a pair of Hen Harriers which have been here for at least five years, I think the siting of this turbine would be an act of vandalism;*
- *Hen Harriers have decreased over the last eight years by 27% leaving 483 pairs in Scotland, every pair of these birds are special. Every effort should be made ensure their survival and we are lucky they chose to live here;*
- *The ornithology report only covers 6 months of the year and since it was produced 27 hectares of woodland has been cleared. No proper evaluation of the impact to birdlife has been made due to the study quoted not having taken into account a whole year, thus including any migratory birds to the area.*

Sustainability

- *The applicant states that he wishes to help save the planet for his children and to leave a green legacy. It is a shame that he also feels the need to scar the natural landscapes we already have in order to do this, yet he and his children will not get to see much of this scar, only the profits from the feed in tariffs generated, whilst we the villagers of Whitehouse and the surrounding area get the gift of the visual impact.*

Tourism, Recreation & Access to the Countryside Impact

- *The proposal is very close to two main tourist routes and the Kennacraig Ferry;*
- *We currently provide accommodation for tourists (especially cyclists who use this route) whose feedback on the scenic views is very encouraging. We do not want to deter people returning to the area. A lot of work has been done to encourage tourism (Kintyre Way etc) which must be a major factor;*
- *The visual impact for tourists (one of the main economic lifelines to the area) expecting to see rugged remote landscapes is unacceptable.*

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

- *The noise of the proposed turbine will be borne by the three dwellings very close to the site and any benefit will be enjoyed by the applicant living 500 miles away in Central London;*
- *Due to the proximity of the turbine to dwellings the noise level experienced by these dwellings will be considerable;*
- *The proximity of the turbine to residential properties may pose health risks for those residents*

Shadow Flicker

- *Moving shadows would be distracting and visible over a considerable area.*

Road Traffic Impact

- *The access road (Skipness Road) is not at all suitable for the heavy construction vehicles needed to build such a turbine*

Economic Impact & Property Value

- *It is a huge mistake to allow this monstrosity to reduce local income and de-value property whose residents currently enjoy this peaceful setting;*
- *The proposal will have an adverse impact on local businesses.*

Profit/Community Benefit

- *Our environment is already challenged with developments, most of which bring some benefits to the residents. This proposal is without any benefit to the local communities;*
- *The only beneficiary is the applicant, who freely admits that the objective is to generate wealth for himself through his wholly owned company and pension fund.*

Community Support

- *The proposal does not have widespread community support. The only people who benefit from this are the developers.*
- *It seems amazing that the applicant Mr Waxman hasn't realized that "Whitehouse the village" is not Tarbert and has its own community, perhaps it would have been sensible of him to ask for a village meeting to put his ideas to those most affected.*

Grid Connection

- *No mention appears to have been made by the applicant as to how he will feed into the national grid – does this mean yet more pylons need to be erected?*

Decommissioning

- *There are no conditions attached to the end of the project's lifespan regarding dismantling the structure and site clean-up, and no penalties prescribed for failure to do so.*

Technology & Efficiency

- *Wind power is the most expensive form of power. It survives on subsidies paid for by you and me through inflated electricity bills;*
- *Having recently visited two offshore wind farm operations, from the data provided it seems onshore and small scale efforts like this are already becoming obsolete, ineffective, and inefficient due to air turbulence on land and lifespan of turbines in reducing rapidly due to new technology. It seems unnecessary to encourage individual commercial ventures such as that proposed.*
- *Taking the construction and transport of the turbines and their attendant machinery into consideration there will be no savings in carbon emissions.*

Precedent

- *Sites that initially plan a single turbine always end up with more;*
- *The proposal would set a dangerous precedent of allowing the building of a single, very tall turbine on an otherwise empty hillside;*

Decision-making

- *Planning permission for turbines of this size should only be considered as part of a wind farm development. The wind farms of Kintyre have been developed only after rigorous scrutiny and consultation and have been sited to maximise electricity production and minimise visual and noise impact on the local community. These*

developments are of national, strategic significance to reduce dependence on fossil fuels and CO2 production and I am sure the people of Kintyre are happy to see their natural resources used in this way;

- *In recent times we have seen small-scale turbines erected by local landowner, encouraged by the feed-in tariff scheme, who wish to reduce their energy costs and impact on the environment. They are usually positioned close to the developers house or farm, so any noise or visual impact is borne by the developer. The benefits stay within the community by reducing business or household energy costs;*
- *The supporting information is of a poor standard*

Planning Policy

- *The siting of the turbine is it appears, outwith the preferred areas of development for wind turbines shown on the local plan;*
- *The proposal conflicts with the Local Plan, specifically LP REN 1.*

Scottish Government Policy & Advice

- *The proposal is contrary to the provisions of Scottish Planning Policy;*
- *Current policy suggests a minimum distance of 2km between wind turbines and the closest dwellings. The proposal dramatically contravenes this well considered separation.*

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 [Error! Hyperlink reference not valid.](#)

(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: Yes –**

Environmental Appraisal (June 2011); Annex 1: Viewpoint visualisations (June 2011); and Route Access Report (September 2011).

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Not in the event of refusal as recommended.

(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 & Bute Structure Plan' (2002)

Policy STRAT SI 1: Sustainable Development
Policy STRAT DC 5: Development in 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' (2009)

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 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
- Argyll & Bute Landscape Wind Energy Capacity Study March 2012

(K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** Yes. As the proposed turbine exceeds 15m in height, the proposal falls within Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011 where at the discretion of the planning authority an Environmental Statement may be called for. In this case it was concluded that no EIA was required, subject to submission of particular supporting information.

(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:** As a significant amount of representation overwhelmingly in support of Officers recommendation has been received it is considered that there is no added value to holding a Hearing. However, in the event Members are minded to approve the application Members should give consideration to holding a Discretionary Hearing.

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

The proposal seeks the construction of a single wind turbine with a hub height 60m and rotor diameter of 48m (84m to blade tip, with associated substation, crane pad and temporary hardstanding and the upgrading of 550m of existing forestry track.

There have been objections raised by 49 individuals, 1 letter of support, and 1 general representation.

SNH have not objected to the proposal (as formal objections are not now raised by them other than in cases where national interests are significantly prejudiced). However they have raised what they describe as 'serious concerns' relating to landscape, visual and cumulative impacts which are detailed below and which they would wish to be taken into account by the Council in reaching its decision.

Tarbert and Skipness Community Council can see no mitigating factors that would render the proposal acceptable and can see no adequate advantage to the community that might offset the significant negative impact and have therefore objected. All other consultees are satisfied with the proposal subject to the application of their recommended planning conditions.

The principal issues in this case, and reasons why the proposal is considered unacceptable are the adverse consequences of its presence in terms of: the landscape character of the site and adjoining landscape character areas; cumulative impact; adverse visual impact; and associated consequences for tourism interests. The proposal amounts to an individual outlier to the north of the established pattern of turbine development on the upland spine of Kintyre, where it will introduce an unwelcome influence over more sensitive landscapes and coastal locations contrary to the advice given in the 'Argyll & Bute Landscape Wind Energy Capacity Study 2012'.

The proposal is considered contrary to: Scottish Planning Policy; 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 5: Development in Sensitive Countryside of the 'Argyll & Bute Structure Plan' (2002); Policies Policy LP ENV 1: Development Impact on the General Environment; Policy LP ENV 19: Development Setting, Layout and Design; 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 adverse landscape, visual and cumulative impact. All other material issues have been taken into account but these are not of such weight as to overcome these potential adverse impacts, 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: None.

Author of Report: Arlene H Knox

Date: 8th January 2013

Reviewing Officer: Richard Kerr

Date: 9th January 2013

Angus Gilmour
Head of Planning and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 09/00937/PP

1. The proposed turbine is located near a group of summits on an outlying series of low hills which form the upper end of the Kintyre peninsula and which are slightly set apart from the main plateau, within the 'Upland Forest Moor Mosaic' Landscape Character Type (ref 'Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012' - SNH/Argyll & Bute Council), and the proposal will influence a number of adjacent more sensitive coastal Landscape Character Types including: 'Rocky Mosaic' and 'Coastal Parallel Ridges'.

At 84 metres in height, the turbine would be at an elevation of c230m AOD to give a total height to blade tip of 314 AOD. Development on this scale would introduce large scale development on the skyline which would be likely to alter the perception of landform scale and impinge on the setting of the summits and which would also intrude into coastal panoramas to both the west and east, including offshore locations. The proposal constitutes an outlier from the established pattern of existing wind turbine development within the Kintyre peninsula, where it would not share the locational advantages of consented locations which 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. Scattered development elsewhere along the length of the peninsula is likely to have a wider impact on landscape character and scenic quality than consolidating the existing focus for development by intruding, as in this case, upon the landscape setting of West Loch Tarbert for example.

The remainder of the spine is therefore sensitive in landscape terms to further development given that the ends of the peninsula are visually important as focal points in views up and down the coast and along the Sounds which increases their sensitivity. The proposal would therefore adversely affect the character, key views and qualities of this local landscape contrary to the advice given by the 'Argyll and Bute Wind Energy Capacity Study', which seeks to steer new turbine development involving Larger Typologies (80 – 130m) away from the more complex irregular small hills found on the outer edge of the Kintyre Peninsula, so as to avoid intrusion on the setting and views from the adjacent settled and small scale 'Rocky Mosaic'. The presence of an isolated turbine on this scale would therefore give rise to disproportionate cumulative landscape impacts contrary to Local Plan Policy LP REN 1.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect 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 and contribute to the cumulative impact of wind turbine development in Kintyre. 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); and the 'Argyll & Bute Landscape Wind Energy Capacity Study' (LWECS) – Final main report and appendix March 2012.

2. The proposal would have relatively high visibility, compared to other wind farm development on the peninsula, which benefits from the effects of the elevated topography of the spine of Kintyre which successfully restricts views of approved turbines from habitation, transport routes and more sensitive and scenic coastal locations. It would also break the skyline of Kintyre, spreading the extent of development on the skyline to the northern end of the peninsula which currently benefits from an absence of large scale turbine development.

This proposal will result in an unacceptable level of visual impact due to its vertical scale; blade rotation and the fact that from certain sensitive receptors it will be skylined; out of scale with the landscape; and, will introduce an element which is uncharacteristic with the attributes of the landscape to be developed. This will result in a noticeable change to the visual character, composition and quality of views as experienced by the people associated with the sensitive receptors including: properties in close proximity; settlements; such as Whitehouse, the B8001 and National Cycle Route 73, the Kintyre Way, locations on the south coast of Knapdale along the B8024 and National Cycle Route 78, and parts of the North Arran NSA. It is considered that due to the absence of other structures of this magnitude in the immediate locality this development would be conspicuous and distinct and would dominate and control these views.

The proposal would therefore represent an unwelcome intrusion in available views from coastal locations and other locations of scenic importance to the detriment of the character and tourism potential of the area.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct and indirect 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 the proposal would have a significant adverse visual impact contrary to 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 Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/00937/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. SETTLEMENT STRATEGY & WIND FARM PROPOSALS MAP

The site is not subject to any spatial zoning for wind farm development by the local plan Wind Farm Proposals Map, as this is restricted to proposals over 20MW, whereas this scheme is 0.9MW. Consideration is thereby by way of a criteria based approach established by local plan Policy LP REN1 which is applicable to commercial turbines not intended to produce electricity for local consumption.

The turbine, part of the internal access track, crane hardstanding, electrical control building and temporary construction compound are all to be located within 'Sensitive Countryside' (subject to the effect of Structure Plan Policy STRAT DC 5), as designated by the Local Plan Proposals Maps.

In special cases Policy STRAT DC 5 states that development in the open countryside and medium or large scale development may be supported if it accords with an area capacity evaluation (ACE). This proposal constitutes large scale development in the open countryside. However, it is not normal practice for an ACE to be undertaken for a wind turbine which has been subject to separate detailed landscape and visual impact assessment. 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 visual impact and landscape character.

Policy STRAT DC 5 also requires 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, and Cumulative Impacts.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP (2009); Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies 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 single wind turbine and ancillary development within a mature non-native conifer forest, extending from the B8001 near Spion Kop, up to the lower south facing flanks of Cnoc a'Bhaile-shios, and broadly following the Whitehouse burn and its tributaries. The wind turbine would have a capacity of 0.9MW. The maximum height to blade tip would be 84m and the maximum hub height 60m, giving a rotor diameter of 48m. The following elements are included in the planning application: wind turbine; crane hardstanding adjacent to turbine; partial upgrading of existing forest track; temporary construction compound and laydown area; and a control building.

The Environmental Appraisal indicates that the grid connection for the turbine would be via a new control building located on-site; furthermore that the proposal benefits from a location immediately adjacent to the 33kV overhead lines with capacity to accommodate a development of this scale. Consequently, no new overhead distribution infrastructure will be required to facilitate grid connection.

The general design of the turbine 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 the turbine would have adverse Landscape, Visual, and Cumulative 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

Scottish Natural Heritage has considered the landscape implications of the proposal. SNH advises that the proposed turbine is located near a group of summits directly south of Tarbert on an outlying series of low hills which form the upper end of the Kintyre peninsula and are slightly set apart from the main plateau, within the 'Upland Forest Moor Mosaic' Landscape Character Type (ref 'Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012' - SNH/Argyll & Bute Council), and the proposal will influence a number of adjacent more sensitive coastal Landscape Character Types including: 'Rocky Mosaic' and 'Coastal Parallel Ridges'. At 84m the turbine constitutes a 'Larger Typology' model (80 – 130m) for the purposes of the capacity study. It would be sited at an elevation of c230m AOD to give a total height to blade tip of 314 AOD. This is of a similar overall elevation to a number of the nearby summits; with the highest point at 422m. In some of the visualisations it appears that the proposal is likely to alter the perception of landform scale and impinge on the setting of the summits. It also intrudes into coastal panoramas in both the west and the east including offshore locations. It will introduce relatively large scale development on the skyline of the hills resulting in intrusion in both coastal and inland views, which will adversely affect the character, key views and qualities of this local landscape.

The 'Argyll and Bute Wind Energy Capacity Study' March 2012 states clearly that: *'New development should be sited away from the more complex irregular small hills found on the outer edge of the Kintyre Peninsula...'* Furthermore that: *'Significant intrusion on the setting and views from the adjacent settled and small scale 'Rocky Mosaic' ...should be avoided by larger turbines being set well back into the interior of these uplands – this would also accord with the*

established pattern of existing wind farm development within the Kintyre peninsula thus limiting cumulative landscape impacts'. The landscape capacity study also states that: 'Larger typologies (80 – 130m) sited on the often small and irregular 'edge' hills which form a more visible and immediate setting to the settled small scale Rocky Mosaic (20) ...would affect the presently uncluttered skyline which backdrop these areas'.

At 84m in height to the blade tip, the proposal would be out of scale with its landscape context, where it would dominate the scale of the smaller more complex edge hills on the western edge of the upland area, impinge on adjacent small scale and settled landscapes and adversely affect the highly sensitive coastal edge including key coastal panoramas and views. The proposal impinges on the sensitive coastal skylines which frame and provide a setting for the coast where development on this scale would undermine these qualities to the detriment of landscape character contrary to Local Plan Policy LP REN 1. Approval of the proposal would represent an unwelcome move away from the established location of approved wind farm/turbine developments in upland areas inland, where they do not exert such a degree of influence over more sensitive landscapes.

In previous decisions to refuse wind turbine developments at Kilchatten, Raera and Clachan Seil, Members have been particularly cognisant of the disadvantages of commercial scale turbine development being proposed to be located away from upland plateau areas where it can exert unwelcome effects over settlements and habitation, transport routes, and scenic locations of tourism importance. Although this is a single turbine rather than a wind farm, at 84m in height to the blade tip it is commercial in scale and its location would exert a disproportionate influence over its receiving environment. The proposal impinges on the sensitive skylines which frame and provide a setting for the coast and important transport routes, where development on this scale would undermine landscape character.

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' and the 'Argyll & Bute Landscape Wind Energy Capacity Study' (LWECS) – Final main report and appendix March 2012.

D. VISUAL IMPACT

Scottish Natural Heritage have also provided the Council with advice as to the visual attributes of the proposal, concluding that the proposal would have relatively high visibility compared to other wind farm development on the peninsula, being visible from coastal roads, as well as the offshore islands and the sea. It would also break the skyline of Kintyre, spreading development to the northern edge of the peninsula. Furthermore, that the proposal will be visible from many coastal routes including from the A83 and the B8001 (in very close proximity) on the Kintyre Peninsula, the B8024 at the southern end of Knapdale, as well as from the sea, other distant coastlines and the Isles of Arran and Gigha. This is partly due to the high elevation of surrounding coastal roads and because of the physical separation of the hill from the main

plateau. In addition, views from the east coast of the peninsula extend into this part of the uplands. It is considered that the sensitivity of the receptor and magnitude of effect for some viewpoints may have been underestimated.

This proposal will result in an unacceptable level of visual impact due to its vertical scale; blade rotation and the fact that from certain viewpoints it will be skylined, out of scale with the landscape; and will introduce an element which is uncharacteristic with the attributes of the landscape to be developed. This will result in a noticeable change to the visual character, composition and quality of views as experienced by the people associated with the sensitive receptors detailed below. It is considered that due to the absence of other structures of this magnitude in the immediate locality this development would be conspicuous and distinct and would dominate and control these views. In light of this it has been concluded that significant (major and moderate) adverse visual effects are likely to arise on the following sensitive receptors:

- Properties in very close proximity - (as represented by viewpoint 1). For viewpoint 2, there is likely to be a significant adverse effect if the forestry is felled;
- The B8001 and National Cycle Route 73 - (as represented by viewpoint 1). For viewpoint 2, there is likely to be a significant adverse effect if the forestry is felled;
- Settlement such as Whitehouse - (as represented by viewpoint 3);
- Kintyre Way SE of Cruach nam Fiadh - (as represented by viewpoint 5). Walkers are of high sensitivity given their focus on the landscape;
- B8024 (near Torinturk) and National Cycle Route 78 - (as represented by viewpoint 8);
- Ardpatrik House/peninsula - (as represented by viewpoint 10);
- Catacol Bay - (North Arran NSA)

Viewpoint 7 (Skipness Parish Church) may not be representative of views from this area and SNH recommended that another location be chosen closer to the coast with a clearer view be considered although this was not provided.

The scale of the development is therefore regarded as being excessive for the location proposed as it would intrude inappropriately in key views of importance within the surrounding area.

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

It is considered that the proposal would be both highly visible as well as being visible from areas which are not currently affected by wind development. SNH have advised that this proposal is located in an area which currently has no wind development. It is not associated with existing development and would therefore be seen as an outlier. The existing focus of development around the central part of the spine of Kintyre is now well established. Scattered development elsewhere along the length of the peninsula is likely to have a wider impact on landscape character and scenic quality than consolidating the existing focus for development. The remainder of the spine is therefore sensitive in landscape terms to further development. Indeed the ends of the peninsula are visually important as focal points in views up and down the coast and along the Sounds which increases their sensitivity. This proposal would disperse wind development along the length of the peninsula from the north of the peninsula south to Machrihanish, and would introduce wind development to a 'new area' to the north of the Kennacraig – Claonaig road which is sensitive in landscape terms. The proposal would be highly visible and visible from areas which are not currently affected by wind development, and it is considered that it would have an adverse cumulative sequential visual impact from the Kintyre peninsula and associated transport routes (road and ferry), Knapdale, and West Loch Tarbert.

A locational advantage of Kintyre is its length and the degree to which coastal locations do not generally benefit from views of the upland spine. This has enabled large scale wind farms with significant separation and only limited visibility from the A83 coast road to be assimilated successfully in their landscape setting, albeit with enhanced visibility from offshore from the sea and locations such as Gigha. The limited influence of these locations would, however, be undermined by the presence of individual turbines within influencing distance of the coast such as this, which due to their more prominent locations closer to sensitive receptors would be disproportionate in terms of their sequential and cumulative impacts.

Having due regard to the above it is considered that in terms of Cumulative Impact the 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; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan'.

F. ECOLOGICAL IMPACT

There are no designated nature conservation sites within the site boundary. SNH have noted the finding of the protected species surveys and agree that it is unlikely that the proposal will have any significant impact on protected species including European Protected Species, otter

and bats. SNH do however agree with the recommendation that a feeding sign survey be conducted for red squirrel in advance of construction and recommend that this is made a condition of any grant of planning permission. If red squirrels are found to be present a species protection plan will need to be provided to reduce the impact of the proposal on red squirrel.

Having due regard to the above, it is considered that the proposal is consistent 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

SNH has advised that they have no ornithological concerns and that they agree with the conclusions of the applicant's ornithological report. The RSPB have no objection to the proposal but recommend a condition is attached to any grant of planning permission which ensures that a permanent block of forestry is maintained between the turbine site and the open habitat used by eagles, to ensure that they are not attracted into open ground areas closer to the turbine. Within this area the RSPB would suggest that funding forest fringe management through a turbine trust fund would benefit local biodiversity.

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

The Environmental Appraisal states that given the nature of small-scale wind energy development, it was not possible to provide an environmental management plan or construction method statement at this time, but confirms that these will be drawn up in accordance with SEPA's guidelines. Furthermore, that protection of the water environment was a key consideration in the site selection and layout process, and it has been ensured that any potential construction works respect a 50m buffer from watercourses. Also, if appropriate a sustainable drainage solution will be implemented in consultation with the planning authority and SEPA. Consequently, should Members be minded to grant planning permission conditions to secure sustainable drainage and a construction method statement are recommended.

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

There is no requirement for any peat survey work or the submission of a peat stability report in this case. Deep peat deposits are normally only encountered in the interior upland beyond the boundary of this site.

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

No on site borrow pits are proposed as part of this application (a separate minerals planning application would be required), although it has been indicated in the Environmental Appraisal that stone located within the boundary of the site would be unsuitable for construction and that an existing borrow pit in an adjacent forest may be used (should that stone prove suitable) to provide stone for construction of the access track and turbine foundation.

K. HISTORIC ENVIRONMENT IMPACTS

The Environmental Appraisal concludes that the proposal will not have any significant adverse impact on any scheduled ancient monuments, listed buildings, conservation areas or Historic Gardens and Designed Landscapes. Furthermore, it concludes that given the history of the site the proposal is very unlikely to have any physical impact on archaeological remains. Nevertheless, it is concluded that it may be appropriate to undertake a watching brief during soil stripping and excavation works to enable the identification and recording of any features uncovered. It is therefore recommended that an archaeological watching brief be secured by condition should Members be minded to grant planning permission.

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 16: Development Impact on Scheduled Ancient Monuments and LP ENV 17: Development Impact on Sites of Archaeological Importance of the 'Argyll & Bute Local Plan'.

L. TOURISM IMPACT

The proposal would be clearly visible to sensitive receptors in locations surrounding the proposal. The image of the wind turbine will vary from full turbine, reducing to rotors and blades moving on the ridge; varying between backclothed and skylined. This will adversely impact on views and the recreational experience of the landscape. In light of this proposal's anticipated adverse impacts upon its landscape setting, it must be concluded that its presence would be likely to have some adverse impact on tourism within Argyll & Bute, much of which is resource based.

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). Given that the magnitude of the likely effect upon tourism cannot be estimated reliably, it has not been cited specifically as a recommended reason for refusal, but clearly adverse landscape visual and cumulative impacts are likely to impinge upon the tourism sector, which is of particular importance in the context of the Argyll economy.

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

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.

Operational noise impact from the proposal has been assessed and shows that the predicted wind turbine noise levels at all residential properties meet the ETSU-R-97 noise guidelines. It has been demonstrated to the satisfaction of Public Protection that noise (operational and construction) is unlikely to be an issue at these closest sensitive receptors.

Having due regard to the above, it is considered that in terms of noise 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 supporting documentation and plans confirm that the separation between the wind turbine and the nearest residential property is greater than 10 x rotor diameter (10 x 48m = 480 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.

The potential for ice throw is restricted to an area equivalent to 1.5 x the height to blade tip of the turbine. In this instance this equates to a distance of 126m, which would not affect the nearest residential receptor. Ice throw 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. Digital television signals are much better at coping with signal reflections and do not suffer from ghosting. Satellite TV reception is not generally affected by the installation of wind turbines (Ofcom, 2009). Consequently, due to the digital switch-over limited impact is anticipated, 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 condition 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), NATS En Route Plc ("NERL"); and Glasgow Prestwick 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. Due to 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 (should Members be minded to grant planning permission for the proposal). NATS (NERL Safeguarding), and Glasgow Prestwick Airport 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 were consulted by the applicant to determine whether their systems would be affected by electro-magnetic radiation from the turbine. This consultation indicated the presence of a Cable & Wireless Plc microwave link crossing Spion Kop forest. This, and the necessary buffer distance of 70m, have been fed into the constraints mapping and design process to ensure that impacts are avoided. A separation distance of 361m has been allowed.

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 access to the site is from the B8001. The first 600m of track from the junction with the B8001 has already been brought up to a suitable standard as a result of on-going forestry operations. The remaining 550m section is in relatively poor condition, inconsistent width and insufficient load bearing capacity to accommodate the heavy plant required for erection of the wind turbine. It will therefore require surfacing and reinforcement to meet the turbine supplier's specifications.

The Environmental Appraisal states that to maximise sustainability, and reduce impacts on users of the public road network, it is anticipated that the turbine components will be delivered by sea to Campbeltown – a precedent established by other wind farms in the area. The turbine components would then be transported to the site from Campbeltown via the A83, leaving the A83 at Whitehouse and travelling on the B8001 to the existing site access. It is not possible to conclude that this will necessarily be the chosen means of delivery.

A response was issued by the Area Roads Manager in July recommending deferment of the proposal, following submission of further information from the applicant, which highlighted the requirement for a Transport Plan. The conditions detailed in the previous response of 29th June 2011 continue to be recommended, relating to the dimensions of the connection with the public road; construction of the connection with the public road; provision of a turning facility large enough to accommodate an articulated lorry within the site; and no offloading of materials directly from the public road to be permitted with the addition of a condition requiring that no work commences on site until a Transport Plan (including materials, plant, equipment and labour) is submitted for the approval of Roads & Amenity Services.

Subsequent to the Area Roads Manager's request for a Transport Plan, the applicant submitted a Route Access Report in September 2011. The Area Roads Manager is satisfied with this subject to some localised widening at the developer's expense to avoid damage to verges due to the width of construction vehicles, and on the understanding that stone will be sourced from a location directly accessible via the forest road network, rather than being imported via the B8001. Consequently, should Members be minded to grant planning permission it is

recommended that the conditions referred to above are attached to any grant of planning permission

Having due regard to the above it is considered that the proposal is consistent with 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

The planning application form states that no new or altered water supply (no connection to the public water supply is required) or drainage arrangements are required to accommodate the development. Furthermore, that the proposal does make provision for the sustainable drainage of surface water (SUDS). Public Protection has not raised any concerns in regard to the impact of the proposal on private water supplies.

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

A wind resource analysis has been undertaken, separately from the environmental assessment work, which concludes that broadly, the exposure and aspect of the site create ideal conditions for a wind turbine of the scale proposed to operate efficiently.

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. The Environmental Appraisal of the proposal states that the proposal benefits from a location immediately adjacent to the 33kV overhead lines with capacity to accommodate a development of this scale. Consequently, no new distribution infrastructure will be required to facilitate grid connection.

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

The Environmental Appraisal details likely benefits which will arise as a result of this proposal. Community Benefit is not considered to be a 'material planning consideration'. 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 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 would ensure that at the end of the proposal's operational life: the turbine would be decommissioned and principal elements removed; the site would be restored to its former use leaving little if any visible trace of the turbine; the foundation, new track 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 control 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 this 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. 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.

Y. SCOTTISH GOVERNMENT RENEWABLE ENERGY TARGETS & ARGYLL & BUTE'S CONTRIBUTION

In assessing the acceptability of wind farm/turbine 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).

The Scottish Government's Specific Advice Sheet on Onshore Wind Farms point out that nationally there are now approximately 80 operational wind farms and Planning Authorities more frequently have to consider turbines within lower-lying more populated areas, where design elements and cumulative impacts need to be managed. Whilst the 0.9 MW maximum capacity of the proposal would 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.

**APPENDIX B – LETTERS OF REPRESENTATION - RELATIVE TO APPLICATION NUMBER:
11/00937/PP**

LETTERS OF OBJECTION

Mr David Macdonald	1 Smithy Barn Whitehouse Tarbert PA29 6XR	10/06/2012	O
Councillor Anne Horn	4 Lochgair Place Tarbert Argyll And Bute PA29 6XH	15/08/2011	O
Mrs Violet Wright	7 Church View Mullavilly Tandragee Co Armagh BT62 2LT	14/08/2012	O
Owner/Occupier	An Coneas Redhouse Skipness PA29 6YG	01/08/2011	O
L E Sculthorp	Anchor Cottage Dunmore By Tarbert Argyll PA29 6XZ	01/08/2011	O
Iain Logan	Benview Tayinloan Tarbert Argyll And Bute PA29 6XG	04/08/2011	O
Kathryn Logan	Benview Tayinloan Tarbert Argyll And Bute PA29 6XG	04/08/2011	O
Mr & Mrs Derek & Margaret Pratt	Birchfield Whitehouse By Tarbert PA29 6XS	20/08/2011	O
Graham Terry	Bluebell Cottage Whitehouse Tarbert Argyll And Bute PA29 6YX	08/08/2011	O
Alex And Maud McKinlay	Burnbank West Skipness	09/08/2011	O

	Argyll		
Andrew Carnell And Claire Shorthose	Challtuin Dunmore By Tarbert Argyll PA29 6XZ	01/08/2011	O
Owner/Occupier	Clachaig By Tarbert Argyll PA29 6XZ	04/08/2011	O
Duncan And Sandy Johnstone	Cnoc Nan Craobh Torinturk Tarbert Argyll PA29 6YE	09/08/2011	O
Mrs E Partington	Craig View Skipness Road Tarbert Argyll PA29 6YG	04/08/2011	O
Shelagh And Simon Oakes	Creggan Skipness Argyll	09/08/2011	O
Stewart Robertson	Dunmore House Kilberry Road Tarbert Argyll PA29 6XZ	09/08/2011	O
Mrs Fiona Buckle	Glebe House Skipness Tarbert Argyll PA29 6XT	04/08/2011	O
Thomas J Buckle	Glebe House Skipness Tarbert Argyll PA29 6XT	04/08/2011	O
Angus Smith	Lonlia Skipness Road Tarbert Argyll PA29 6YG	09/08/2011	O
Peter Howland	Lower Crossaig Skipness By Tarbert PA29 6YQ	18/08/2011	O
Miss Louise Duncan	North Beachmore Muasdale Tarbert PA29 6XD	29/07/2012	O

Kenneth And Jennifer Gilmour	Norwest Woodside Linlithgow EH49 6QE	09/08/2011	O
Mr John Cowan	Oatfield House Campbeltown Argyll PA28 6PH	27/03/2012	O
Mrs Lesley Cowan	Oatfield House Campbeltown PA28 6PH	27/03/2012	O
David And Ann Dean	Pinmore Cottage Whitehouse Tarbert Argyll PA29 6XS	04/08/2011	O
David Bridge, Valerie Wells And Lilian Smith	Redesdale House Skipness By Tarbert PA29 6YG	01/08/2011	O
Mrs Linda Whyatt	Rhu House Tarbert Argyll PA29 6YF	04/08/2011	O
Mrs Amanda Scott	Rionnagach Dunmore Tarbert PA29 6XZ	28/07/2011	O
Alec And Moyra Logan	Rockfield House Claonaig Tarbert PA29 6YG	18/08/2011	O
Dr C J Steadman	South Crossaig Skipness Tarbert Argyll PA29 6YQ	09/08/2011	O
Mrs A W Steadman	South Crossaig Skipness Tarbert Argyll PA29 6YQ	11/08/2011	O
Mrs Marion Cleland	Spion Kop Whitehouse Tarbert PA29 6YG	18/08/2011	O
Dr N Duncan	Stonefield Farms Baravalla Tarbert Argyll PA29 6XX	04/08/2011	O
Clive And Ingrid Ainsworth	Taigh Na Cuilce Whitehouse	04/08/2011	O

	By Tarbert PA29 6YF		
Mr & Mrs Hugh Macdonald	THE MANSE, WHITEHOUSE Whitehouse Tarbert PA29 6XS	08/06/2012	O
Andrew And Patricia Russell	Tigh Na Leven Tarbert Argyll PA29 6XX	11/08/2011	O
Barbara Sutherland	Tigh-na-Leven Cottage Dunmore By Tarbert PA29 6XZ	04/08/2011	O

LETTER OF SUPPORT

Mr J R Dixon	Achamore Campbeltown Road Tarbert PA29 6YF	19/08/2011	S
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APPLICATION SITE

Track

Waterfalls



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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: 12/02239/PPP
Planning Hierarchy: Local
Applicant: Islay Estates Company
Proposal: Site for proposed business units and 20 affordable residential properties.
Site Address: Land West of Bonded Stores, Stanalane, Bowmore

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the 600sqm of Class 4 Business Units (no details provided);
- Site for the erection of 20 affordable residential units (no details provided);
- Improvement of the existing vehicular access route from the A846 (no details provided).

(ii) Other specified operations

- Connection to public water main;
 - Connection to public sewer.
-

(B) RECOMMENDATION:

It is recommended that planning permission in principle be granted as a 'minor departure' to development plan policy subject to the conditions and reasons listed in the report.

(C) CONSULTATIONS:

Scottish Water (29.10.12) – No objection but comments

Health & Safety Executive (30.10.12) – No objections

ABC Roads (14.11.12) – No objections subject to conditions.

West of Scotland Archaeology Service (22.11.12) – No objections subject to conditions.

ABC Development Policy (30.11.12) – Comments expressing support for the proposal as a justified departure to the current Local Plan.

ABC Environmental Health (29.11.12) – No objections subject to conditions.

ABC Core Paths – No comments to date.

(D) HISTORY:

There is no planning history in relation to the development site.

(E) PUBLICITY:

The proposal has been advertised in the Oban Times under the provisions of Reg. 20; expiry 22nd November 2012

(F) REPRESENTATIONS:

- (i) Representations received from: None
- (ii) Summary of issues raised: N/a

(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
Development Brief
South West Bowmore:
Design Code Principles
Planning Statement
- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No
- (v)

(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

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP BUS 1 – Business and Industry Proposals in Existing Settlements

LP BAD 1 – Bad Neighbour Development

LP BAD 2 – Bad Neighbour in Reverse

LP HOU 1 – General Housing Development

LP HOU 2 – Provision of Housing to Meet Local Needs including Affordable Housing Provision

LP HOU 3 – Special Needs Access Provision in Housing Developments

LP HOU 4 – Housing Green-Space

LP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems

LP SERV 3 – Drainage Impact Assessment (DIA)

LP SERV 5 – Waste Related Development and Waste Management

LP SERV 9 – Development in the Vicinity of Notifiable Installations

LP TRAN 1 – Public Access and Rights of Way

LP TRAN 3 – Special Needs Access Provision

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 5 – Off-site Highway Improvements

LP TRAN 6 – Vehicle Parking Provision

LP DEP 1 – Departures to the Development Plan

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

Appendix E – Allocations, Potential Development Area Schedules and Areas for Action Schedules

(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.**

- Scottish Planning Policy

- Argyll and Bute Sustainable Design Guide
- Applicant's Supporting Information
- Consultee Responses

(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

This application seeks planning permission in principle for a mixed use development comprising of 20 affordable homes and 600sqm of Class 4 Business Units on a 1.08ha site located on the south-western edge of the Bowmore 'settlement' area.

Whilst the proposed development is of a type and scale which would ordinarily be supported within the 'settlement area', the proposal includes for an element of residential development to be located within designated Business and Industry Allocation BI-AL 10/1, and consequently the development is not consistent with the approved Development Plan. It is considered however, that the proposal should be considered favourably as a 'minor departure' to the Development Plan on the basis that:

- The existing housing allocations for Bowmore in the current Development Plan have proved undeliverable, largely due to the significant level of infrastructure costs required to access the sites. Islay Estates, the owner of the sites, have confirmed this in their planning brief and through negotiations with ACHA have indicated their willingness to facilitate the building of 20 affordable units on land within their control within this allocated business site. The Council's Strategic Housing Investment Programme (SHIP) has indicated that there might be funding available for the 20 units, although there is no commitment to that effect thus far.
- This partnership approach with ACHA would assist in the delivery of a portion of this site for Class 4 business uses that would not otherwise be deliverable at this time.
- The partial development of this business and industry allocation assists with the potential expansion of Bowmore with a large mixed use scheme. Such a scheme has been identified in the Main Issues report and is currently being carried forward through the emerging proposed Local Development Plan.

- There is currently a surplus supply of business land on Islay that could be used in the event of future demand and which could address the loss of business allocated land to housing in the event this application is approved.

Whilst the application for planning permission in principle does not include any details in relation to the development layout, siting, design, finishes, landscape, access or infrastructure provision, the current submission is accompanied by a detailed 'Development Brief', 'Planning Statement' and 'Design Code Principles' which set out the applicant's intentions for a high quality mixed use development, which would be consistent with all of the relevant provisions of the Development Plan excluding the allocation of the land solely for Business and Industry Development.

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

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

As per S below.

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

Whilst the development is of a type and scale which would ordinarily be appropriate within a local plan defined 'settlement' area, the residential element of the proposal falls within business and industry allocation BI-AL 10/1 as a result of which the proposal is not wholly in accordance with development plan policy. There is a lack of demand for business related development and an oversupply of sites identified for such use, whereas there is a demand for affordable housing in Bowmore as a result of impediments to the development of sites allocated for housing purposes. This mixed use proposal affords the best prospect for the delivery of affordable housing whilst also assisting in the delivery of a portion of this site for Class 4 business uses. A 'minor departure' to development plan policy is justified on the basis of the aspirations set out in the applicant's 'Development Brief', 'Planning Statement' and 'Design Code Principles' which set out the intentions to secure a high quality mixed use development which is being pursued via the emergent Local Development Plan.

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

Author of Report: Peter Bain **Date:** 18th December 2012

Reviewing Officer: Richard Kerr **Date:** 27th December 2012

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 12/02239/PPP

1. Plans and particulars of the matters specified in conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. The development shall be implemented in accordance with the details specified on the application form dated 10th October 2012, supporting information and, the approved drawing refs. 1/2 – 2/2. Furthermore, the details of all further applications submitted pursuant to Condition 1 above shall be consistent with the recommendations set out in the 'Development Brief' and 'Bowmore South West: Design Code Principles' dated October 2012 and submitted in support of the application for planning permission in principle.

Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

3. Pursuant to Condition 1 – no development shall commence until a phasing scheme for the implementation of the development in stages has been submitted to and approved by the Planning Authority. Such details shall ensure that all infrastructure provision in relation to the Class 4 Business development is delivered concurrently or in advance of that of the affordable housing development and shall include a plan differentiating each distinct phase of the development and a schedule detailing the sequence in which development is to be implemented.

The development shall be implemented in accordance with the approved phasing scheme unless an amendment to the agreed sequence/timing of development is subsequently agreed in writing by the Planning Authority.

Reason: To ensure development is implemented on a progressive basis having regard to infrastructure and servicing requirements, and to underpin the justification for approving the development as a minor departure from the Development Plan.

4. Pursuant to Condition 1 – no development shall commence until an Archaeological Mitigation Strategy has been submitted to and approved by the Planning Authority in accordance with a brief which has been the subject of prior agreement with the West of Scotland Archaeology Service.

The Archaeological Mitigation Strategy shall be prepared by a suitably qualified person and shall provide that all significant archaeological remains are preserved in situ with provision for the recording and recovery of archaeological resources within the development site.

Thereafter the development shall be implemented in accordance with the duly approved Archaeological Mitigation Strategy unless otherwise approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service.

Reason: In order to protect archaeological resources.

5. Pursuant to Condition 1 – no development shall commence until a Drainage Impact Assessment, which includes a scheme for management of surface water within the development site, has been submitted to and approved by the Planning Authority in consultation with the Council's Roads and Amenity Services and the Council's Flood Alleviation Manager.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and shall be maintained as such thereafter.

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

6. Pursuant to Condition 1. – no development shall commence until details of the offsite road improvements to substandard approach roads have been submitted to and approved by the Planning Authority. Such details shall incorporate:
- i) Improvement of the junction of the UC19 / A846 to a standard agreed with the Council's Roads and Amenity Services;
 - ii) Upgrading of UC19 Ardlarach Moss Road between the new development and the UC19/A846 junction to a minimum width of 5.5m with 2.0m wide verges.

The improvement of the junction of the identified section of the UC19 and its junction with the A846 shall be completed in accordance with the duly approved details in advance of any works commencing within the development site.

Reason: In the interests of road safety and to ensure the timely provision of substandard public approach road commensurate to the scale of the overall development.

7. Pursuant to Condition 1. – no development shall commence within the southern part of the application site identified for affordable housing development on the approved plans until details of the proposed service road and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:
- i) A vehicular access layout providing a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984;
 - ii) Junctions with the existing public road formed with visibility splays of 103.0 metres by 2.4 metres formed from the centre line of the junction;
 - iii) Junctions within the new residential development to be formed with visibility splays of 42.0 metres by 2.4 metres formed from the centre line of the junction;
 - iv) Provision of footpath linkage to the existing public footpath network;
 - v) A turning head for the public service vehicle;
 - vi) Details of the location, size, specification of grit bins to be provided by the

developer within the development and a specification for a concrete hardstanding for their siting.

The junction with the existing public highway shall be fully formed, including surfacing of the bellmouth and visibility splays created prior to the commencement of works on site and maintained clear of obstruction in excess of 1.0 metre in height thereafter.

All access roads and footways granted consent shall be constructed to at least base course level prior to any work starting on the erection of the buildings which they are intended to serve and the final wearing surface of the roads and footways shall be applied concurrently with the construction of the final building.

Grit bins shall be provided concurrently with the first occupation of the development unless an alternative time period for their provision is agreed in writing with the Planning Authority.

Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development and having regard to the status of the proposed access as a residential service road.

8. Pursuant to Condition 1 – no development shall be commenced in respect of any individual building within the southern part of the application site identified for affordable housing development on the approved plans until plans and particulars of the means of vehicular access and parking/turning arrangements to serve that building have been submitted to and approved by the Planning Authority. Such details shall incorporate:
- i) Means of vehicular access to that building from the service road in accordance with the Council's Standard Roads Drawing SD 08/005 Rev a. with visibility splays measuring 25.0 metres by 2.4 metres from the centre line of the junction;
 - ii) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2009;
 - iii) The provision of bin storage at a location suitable for collection by a public service vehicle.

The approved means of vehicular access to the building shall be implemented in full prior to the commencement of construction which the access is intended to serve with the visibility splays formed clear of all obstructions over 1.0 metre in height above the level of the adjoining carriageway and maintained as such thereafter.

The approved parking and turning layout to serve the building shall be implemented in full prior to that building first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

The approved bin storage area(s) shall be implemented in full prior to that building first being occupied and shall be retained thereafter.

Reason: In the interests of road safety.

9. Pursuant to condition 1. - no development shall commence within the northern portion of the application site identified for Class 4 Business Use on the approved plans until

details of the proposed private access and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) A junction with the existing public road formed in accordance with the Council's Standard Roads Drawing SD 08/001 Rev a with visibility splays of 103.0 metres by 2.4 metres formed from the centre line of the junction;
- ii) A vehicular access layout including specification of construction, final surfacing, width, passing provision, drainage and means of turning which shall include provision for an articulated lorry within the development;
- iii) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2009.

Access, parking and turning areas shall be constructed to at least base course level prior to any work starting on the erection of the buildings which they are intended to serve and the final wearing surface of these elements shall be applied concurrently with the construction of the final building.

The junction with the existing public highway shall be fully formed including surfacing of the bellmouth and visibility splays created prior to the commencement of works on site and maintained clear of obstruction in excess of 1.0 metre in height thereafter.

The approved parking and turning layout to serve the building shall be implemented in full prior to that building first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development and having regard to the status of the proposed access as a residential service road.

10. Pursuant to Condition 1. - no development shall commence within the southern part of the application site identified for affordable housing development on the approved plans until a scheme for the provision of affordable housing (as defined below) has been submitted to and approved by the Planning Authority. The scheme shall:
 - a) Provide that a 100% of the approved dwellings are affordable homes;
 - b) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers (including any discount rate applicable in terms of (ii) below);

For the purposes of this condition 'affordable homes' are defined as being either:

- i) Social housing (rented or shared ownership or shared equity) managed 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);
- ii) Discounted low cost sale housing (subject to a burden under the Title Conditions (Scotland) Act 2003), or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification).
- iii) Housing for sale or rent without subsidy, which is designed to be affordable and to meet the housing needs of the majority of those households identified as in housing need in the Local Housing Strategy or Housing Market Study i.e. one or two person households on average income, with conditions attached to their

missives to prevent further extension, thereby helping to ensure that they are likely to remain affordable to subsequent purchasers.

The development shall be implemented and occupied thereafter in accordance with the duly approved scheme for affordable housing.

Reason: To accord with the provisions of the development plan in respect of affordable housing provision, and to underpin the justification for approving the development as a minor departure from the Development Plan.

11. Pursuant to Condition 1 – no development shall commence within the southern part of the application site identified for affordable housing development on the approved plans until a scheme of boundary treatment, surface treatment and landscaping in relation to the residential element of the development has been submitted to and approved by the Planning Authority. The scheme shall accord with the recommendations set out in the ‘Development Brief’ submitted with the application and will 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.

12. Pursuant to Condition 1 – no development shall commence within the southern part of the application site identified for affordable housing development on the approved plans until details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development have been submitted to and approved by the Planning Authority. The details shall comprise:
- i) A plan showing the location and extent of communal open space and equipped play areas;
 - ii) 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;
 - iii) 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);

- iv) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development;
- v) 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.

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.

13. Pursuant to Condition 1 – no development shall commence within the northern part of the application site identified for Class 4 Business development on the approved plans until a scheme of boundary treatment, surface treatment and landscaping in relation to the Class 4 Business element of the development has been submitted to and approved by the Planning Authority. The scheme shall accord with the recommendations set out in the 'Development Brief' submitted with the application and will 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.

14. Pursuant to Condition 1 – no development shall commence within the southern part of the application site identified for affordable housing development on the approved plans; until plans and particulars of the site layout, design and external finishes of the affordable housing development have been submitted to and approved by the Planning Authority. These details shall incorporate:
- i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
 - ii) A residential development comprising a maximum of 20 affordable homes of a layout, scale, massing, design and finishes which accord

with the recommendations set out in the 'Development Brief' and 'Design Code Principles' dated October 2012;

- iii) A development layout which precludes the siting of any housing within the HSE defined 'inner safeguarding zone' which relates to the whisky bonds at Moss Road, Bowmore;
- iv) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed development with its surrounds.

15. Pursuant to Condition 1 – no development shall commence within the northern part of the application site identified for Class 4 Business development on the approved plans until plans and particulars of the site layout, design and external finishes of the Class 4 development have been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A Class 4 Business development comprising a maximum 600sqm of floorspace within a layout, scale, massing, design and finishes which accord with the recommendations set out in the 'Development Brief' and 'Design Code Principles' dated October 2012;
- ii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed development with its surrounds.

16. Pursuant to Condition 1 – no external lighting shall be installed within the northern part of the application site identified for Class 4 Business development on the approved plans until full details of any external lighting installation have been submitted to and approved by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

No external lighting shall be installed except in accordance with the duly approved scheme.

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

17. Pursuant to Condition 1 – the Class 4 Business development hereby approved shall not be brought into use until a Waste Management Plan for the development has been submitted to and approved by the Planning Authority. This shall provide details of the proposed arrangements for the storage, segregation, collection and recycling of waste arising within the site, including the location, access and maintenance for on-site storage facilities. The requirements of the plan shall be implemented during the life of the development other than in the event of any revision thereof being approved in writing by the Planning Authority.

Reason: In order to accord with the principles of sustainable waste management.

NOTE TO APPLICANT

- This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
- Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 within the time limits specified in Section 59 of the Act.
- Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
- The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.
- 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 specifying the date upon which the development was completed.
- Road Construction Consent under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers and a Road Bond provided prior to the formation of the access within the development site. Also a Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/02239/PPP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located partially within the 'settlement' area for Bowmore and partially within the Business and Industry Allocation BI-AL 10/1, as identified in Appendix E of the Local Plan and defined by the associated policy maps.

The details submitted propose to locate some 600sqm of Class 4 Business Units in the northern portion of the application site on a parcel of land which incorporates both 'settlement' area and allocation BI-AL 10/1. The proposed residential development of 20 affordable homes is located in the southern portion of the site and is entirely contained within allocation BI-AL 10/1.

Within the Business and Industry Allocation the provisions of policies STRAT DC 1 and LP BUS 1 would be supportive of new Business (Class 4), General Industrial (Class 5), and Storage or Distribution (Class 6) development. The same provisions would also be supportive of up to and including 'medium' scale business and industry development within the Bowmore 'settlement' area - 'medium' scale development being defined in the Local Plan as buildings between 200 and 600sq.m. footprint/gross site area between 0.5 and 2.0Ha. In either case, support would be qualified on the basis that in residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise, fumes or hours of operation.

The provisions of policies STRAT DC 1 and LP HOU 1 would also be supportive of up to and including 'medium' scale housing development within the 'settlement' area of Bowmore - 'medium' scale development being defined in the Local Plan as between 6 and 30 dwelling units inclusive. Residential development within a defined Business and Industry Allocation would not be regarded as being consistent with the plan, and permission for this proposal which includes an element of housing within a business allocation, would constitute a local plan departure.

The Council's Development Policy Manager has, however, advised that the site allocated for business and industry development had lain undeveloped for a number of years before and after the adoption of the Local Plan in 2009 and that there have not been proposals to develop it since. The site is owned by Islay Estates who also own all of the housing allocation sites within Bowmore area with a cumulative capacity of 25 units, including 25% affordable provision. It is further advised that the proposal is welcomed given that it would provide much needed affordable housing in Bowmore, which has limited opportunity to expand at the present time, together with new business space. The Development Policy Manager advises that this application is worthy of being considered a justified departure for the following reasons:

- The existing housing allocations in the current Development Plan have proved undeliverable largely due to the significant level of infrastructure costs required to access the sites. Islay Estates, the owner of the sites, have confirmed this in their planning brief and through negotiations with ACHA have indicated their willingness to facilitate the building of 20 affordable units on this allocated business site. The Council's Strategic Housing Investment Programme (SHIP) has indicated that there might be funding available for the 20 units;

- This partnership approach with ACHA assists with the delivery of a portion of this site for Class 4 business uses that would not otherwise be deliverable at this time;
- The partial development of this business and industry allocation assists with the potential expansion of Bowmore with a large mixed use scheme. This scheme has been identified in the Main Issues report and is currently being carried forward through the emerging proposed Local Development Plan;
- There is currently a surplus supply of business land on Islay that could be used in the event of future demand.

This application consequently should be considered as a 'minor departure' to the current Development Plan in the interests of delivering much needed housing at a time where public finance to take forward schemes is extremely limited. In addition, the proposal intends to provide Class 4 business units and road infrastructure to allow the future delivery of the expansion of Bowmore.

The Development Policy Manager further advises that the infrastructure and services required to allow the Class 4 business units to be constructed should require to be provided at the same time as the construction of the affordable housing, to ensure that the business element of the proposal can be delivered as such time as potential occupants emerge.

B. Location, Nature and Design of Proposed Development

The application site relates to 1.08Ha of agricultural land located to the south of the Islay High School playing fields, on the south-western edge of Bowmore. The southern portion of the site is bounded to the east by the public road (Moss Road) and existing bonded warehouses associated with Bowmore Distillery, and to the south and west by open agricultural land with Bowmore Waste Water Treatment Works beyond. The northern portion of the application site is bounded to the north and west by the Islay High School playing fields and to the east again by the Moss Road with a communal carpark and the former Council housing estate at Stanalane adjoining this. A new development comprising four, two storey, semi-detached dwellinghouses is presently under construction on a site adjacent to the vehicular access to Stanalane, however none of these have been completed or occupied as yet. The northern and southern portions of the application site are separated by a gap of some 85m which is also included within the boundary of allocation BI-AL 10/1 but is presently utilised, as per the remainder of the site, for agricultural grazing with significant thickets of gorse. The application site also includes the connecting public highway between the A846 and the Moss Road with the intention of providing a footpath link from the affordable housing site along the entire site frontage.

The applicant has advised that the housing is proposed at the south of the site, as it is intended that this part of the development will fund the adjacent road upgrading which is required to enable business development to proceed subsequently.

Class 4 Business Units:

The northern portion of the site identified in the application for Class 4 business development is approximately 0.25ha in area. The submission seeks planning permission in principle and as such does not include details for approval in relation to the siting, design or finishes of the proposed Class 4 business development. However, the 'Development Brief' submitted in support of the proposal identifies that the business units will comprise some 600sqm of floorspace in flexible single storey

units of approximately 50sqm, which would be suitable for modular use. It is suggested within the submission that the units be of relatively traditional form, constructed with white rendered walls and slate/slate substitute or sheeted roof coverings. Occupants could include business, workshop, commercial office and community uses – under the definition of Class 4 Business Use, occupiers would be required to demonstrate that their activities will not reasonably affect the amenity of adjacent housing development at Stanalane or indeed that of the Primary School to the north. Indicative layout plans which accompany the application show the business development being accessed by an improved vehicular junction opposite the junction to Stanalane with a rear parking area and service court contained by business units fronting both Moss Road and the southern boundary of the northern portion of the application site.

The proposed scale of business development is consistent with the settlement strategy set out in the Local Plan. The Council's Environmental Health Officers have advised Class 4 Use would preclude 'bad neighbour' development and as such would be expected to be compatible with the amenity of existing residential property in the immediate locale and the housing element of this proposal. It is, however, advised that a condition be imposed requiring details of any external lighting to be submitted to and be approved by the Council.

This element of the proposal is considered to be consistent in principle with the relevant provisions of the Development Plan, including policies STRAT DC 1, LP ENV 19 and LP BUS 1, and LP BAD 1.

Residential Development:

The southern portion of the site identified in the application for 20 affordable housing units is approximately 0.61Ha in area. The submission seeks planning permission in principle and as such does not include details for approval in relation to the proposed 20 unit affordable housing development. However, the 'Development Brief' submitted in support of the proposal identifies an intention that development of the site should have a distinctly urban character with clearly defined streets and spaces fronted by buildings in terraced form and shows an indicative layout with buildings set back some 23m from the public highway (to avoid conflict with HSE safeguarding in relation to the bonded warehouses) addressing both Moss Road and a double sided street along a new road which would be formed to the east of the existing public highway. It is envisaged that the open space to the front of the buildings could be utilised to accommodate car parking, a footpath connection to Bowmore, surface water drainage and/or a play area.

The 'Development Brief' also sets out that the design and layout of the development should incorporate:

- *A distinctly urban character with clearly defined streets and spaces fronted by terraced buildings, or with clearly defined building lines.*
- *Houses should be predominantly single or two storey although some three storey development may be appropriate at key positions within the layout. The eastern end of these terraces could provide a strong sense of arrival at the development on approach from the A846, establishing a solid urban edge to new development at SW Bowmore.*
- *Party walls separating individual buildings should be expressed through roofscape copes, upstands or breaks in the roofline to reflect topography or differences of building height. Terraces and street frontages should not create*

a repetitive pattern of identical building units – Bowmore’s older terraces are characterised by subtle differences in building height, size and form.

- *Wherever possible buildings should be located adjacent to footpaths, or set back a short distance (0.5-2.0m). Suburban form with deep front gardens on both sides of a street will not be acceptable. Front gardens should be kept to a minimum, ideally a narrow strip of private space of 0.5-2.0m can be provided to allow for personalisation of space with planting in pots etc. Enclosure of garden spaces should be carefully considered. Low stone or rendered walls would be appropriate and some hedging or timber fencing may also be acceptable. High timber fences facing into the landscape will not be supported. Communal greens or courts would be appropriate. Bin storage should be fully considered to minimise impact on streetscape. Pends or closes would be appropriate in achieving rear access to properties.*
- *Building design should recognise the traditional context evident within Bowmore’s planned town, although the development should not seek to imitate Bowmore’s historic buildings through a ‘pastiche’ approach. Simple buildings typically with pitched roofs at 40-45 degrees and well proportioned frontage, wall and window/door patterns will be appropriate. A contemporary design approach which is compatible with local urban heritage will be favoured.*
- *External materials for the housing development should typically be rendered walls painted white or a neutral colour, slate or slate substitute roofs, timber windows painted white and timber doors. Colour should be used to highlight window and door surrounds, cills, reveals or base courses with a palette selected to ensure compatibility with the prevalent colours around Bowmore.*
- *Windows should typically be traditional sash and case, although contemporary design approaches may favour the use of alternative solutions. Upper windows should typically be located close to eaves level. Any proposal for use of uPVC windows must be fully justified and agreed with Islay Estates Co. and Argyll and Bute Council.*
- *Any dormers should be used sparingly and should ideally be positioned flush with the front elevation. Roof verge and eaves details should typically reflect traditional forms seen in Bowmore’s older buildings in the planned town.*
- *The area surrounding the site has limited tree cover but the site is not exposed in the landscape due to the rising land form leading up from Loch Indaal and the existing larger buildings at the SW of Bowmore, including the bonds and the schools. Landscaping should generally be informal, with a natural management regime designed to aid biodiversity. Species should be indigenous to Islay. Tree positions should be selected carefully to contribute to character and sense of place. Individual trees within urban street can make a significant contribution to character.*

In summary, the ‘Development Brief’ specified by the applicant reflects their aspirations to pursue a high quality, mixed use development to the south-west of Bowmore on both this site and adjoining land which is currently allocated as ‘Countryside Around Settlement’. Whilst the applicant will require to pursue their wider development aspirations through the forthcoming Local Development Plan process, it is considered that the proposed design principles are suitably applicable to the development currently being considered in its own right, having regard to the provisions of policy LP ENV 19 and the Council’s Sustainable Design Guidance.

The provisions of policy LP HOU 4 are applicable for developments of 20 dwelling units or more; these provisions require the provision of a minimum of 12sqm per unit of casual play space, 6sqm per unit of equipped play space including provision for under 5 year olds and require the developer to make appropriate provision for on-going maintenance. In this instance these requirements would equate to a minimum of 360sqm of play space which could readily be provided within the larger site area. It would be appropriate to secure details of open space, play area provision and maintenance by condition.

The Council's Environmental Health Officer advises that the proposed housing is in close proximity to the existing bonded warehouse development on Moss Road where it could potentially be affected by any noisy activities on that site. However, due to the particular nature of the warehouse activities (i.e. long-term storage of maturing whisky) experience is such that it is unlikely that the bonded warehouse use will give rise to excessive or persistent noise problems; accordingly the proposal is considered to be consistent with the provisions of policy LP BAD 2.

C. Affordable Housing

The provisions of policy LP HOU 2 requires provision of 25% affordable housing for all residential development of 8 units or more.

The application states that the residential element of the proposal will provide 20 affordable homes to be constructed by the Argyll Community Housing Association (ACHA) which has negotiated funding for the development through the Scottish Government and the Council. The affordable homes are expected to be a mix of 2 and 3 bedroom properties for rent. The housing development meets an urgent need as identified through the Council's Housing Need and Demand Assessment and Strategic Housing Investment Programme.

Given that the current application is by a private landowner and that affordable nature of the residential element is integral to the justification for the proposal as a departure to the Development Plan, it would be appropriate to impose a condition requiring 100% provision of affordable housing within the residential element of the development with a requirement for the developer to demonstrate to the Council that an appropriate mechanism will be provided to ensure on-going affordability in the development. Imposition of such a restriction would not only ensure compliance with LP HOU 2 but would also qualify the terms of the planning permission in principle and underpin the Council's justification for approving the development as a 'minor departure' to the Development Plan, even in the event that ACHA decided not to pursue their current interest in the site.

D. Road Network, Parking and Associated Transport Matters.

The provisions of policy LP TRAN 4 requires new development to be served by an appropriate standard of vehicular access. LP TRAN 5 requires provision of off-site highway improvements where development proposals will significantly increase vehicular or pedestrian traffic on substandard private or public approach roads. LP TRAN 6 requires new development to provide parking and turning in accordance with the Council's minimum parking standards. LP TRAN 3 sets out the Council's requirement for special needs access provision.

The proposal includes for the upgrading of the road linking the application site with the A846. No detail of the proposed improvement works have been submitted for approval at this time, however it is expected that this will also include adjustments to

the junction south-west of the whisky bonds where a staggered junction is planned. A footpath connection between the development and the existing footpath network will also be provided.

The submitted 'Development Brief' sets out that:

- *The road and footpath / cycleway layout should be guided by 'Designing Streets' and the Council's Sustainable Design Guide. Road engineering should be specified with a light touch and shared surfaces will be favoured wherever possible since this is a common feature in Bowmore and elsewhere on Islay.*
- *The Layout Opportunities plan shows potential footpath routes connecting to the surrounding core paths and pedestrian network. These routes should be compatible for cycle use where possible / appropriate. The potential for new safe pedestrian and cycle routes to the schools is also indicated.*
- *Car and cycle parking shall be required to meet the Council's standards. Where these standards identify maximum provision, a lower level of provision should be considered, in conjunction with convenient and accessible pedestrian and cycle provision. Routes should encourage easy access to the existing bus stops at Main Street, which are a 400m walk. On street parking should be minimised, with cars located in rear courts where possible.*

The Area Roads Manager has not raised objection to the proposal subject to the imposition of conditions requiring the development to be designed in accordance with the Council's technical standards in relation to access geometry, layout, drainage and parking.

E. Infrastructure

Water supply shall be by connection to the public water main; foul drainage shall be by connection to the public sewer. Scottish Water have not raised objection to the proposal, whilst Scottish Water have stated that there is currently no public sewer in the vicinity of the development it is noted that the Bowmore Waste Water Treatment Works is located in close proximity.

The application does not include any details in relation to site drainage; to comply with the provisions of policies LP SERV 2 and LP SERV 3 it would be appropriate to impose conditions requiring any further application to be accompanied by a Drainage Impact Assessment and proposals for the incorporation of natural features/sustainable drainage systems within the development layout.

The provisions of LP SERV 5 require consideration of waste management in new developments; provision of further information to allow an assessment of the requirements of both the residential and Class 4 Business elements of the development can be secured by planning conditions.

F. Safeguarding of Hazardous Installations

The residential element of the proposed development is located within the Health and Safety Executive's safeguarding zone in relation to the existing whisky bonds at Moss Road, Bowmore. In this instance the safeguarding zone is split into three zones of decreasing risk as distance from the bonds increases. The 'Development Brief' acknowledges the constraints of the HSE safeguarding regime and confirms that all

residential development will be located outwith the inner safeguarding zone, and as such, will require to be set back a minimum of 35m from the whisky bonds.

Consultation undertaken with the HSE confirms the acceptability of this approach. In order to ensure compliance with LP SERV 9 it would however be appropriate to impose a restriction upon the development layout which stipulates that no housing development will be permitted within the inner safeguarding zone.

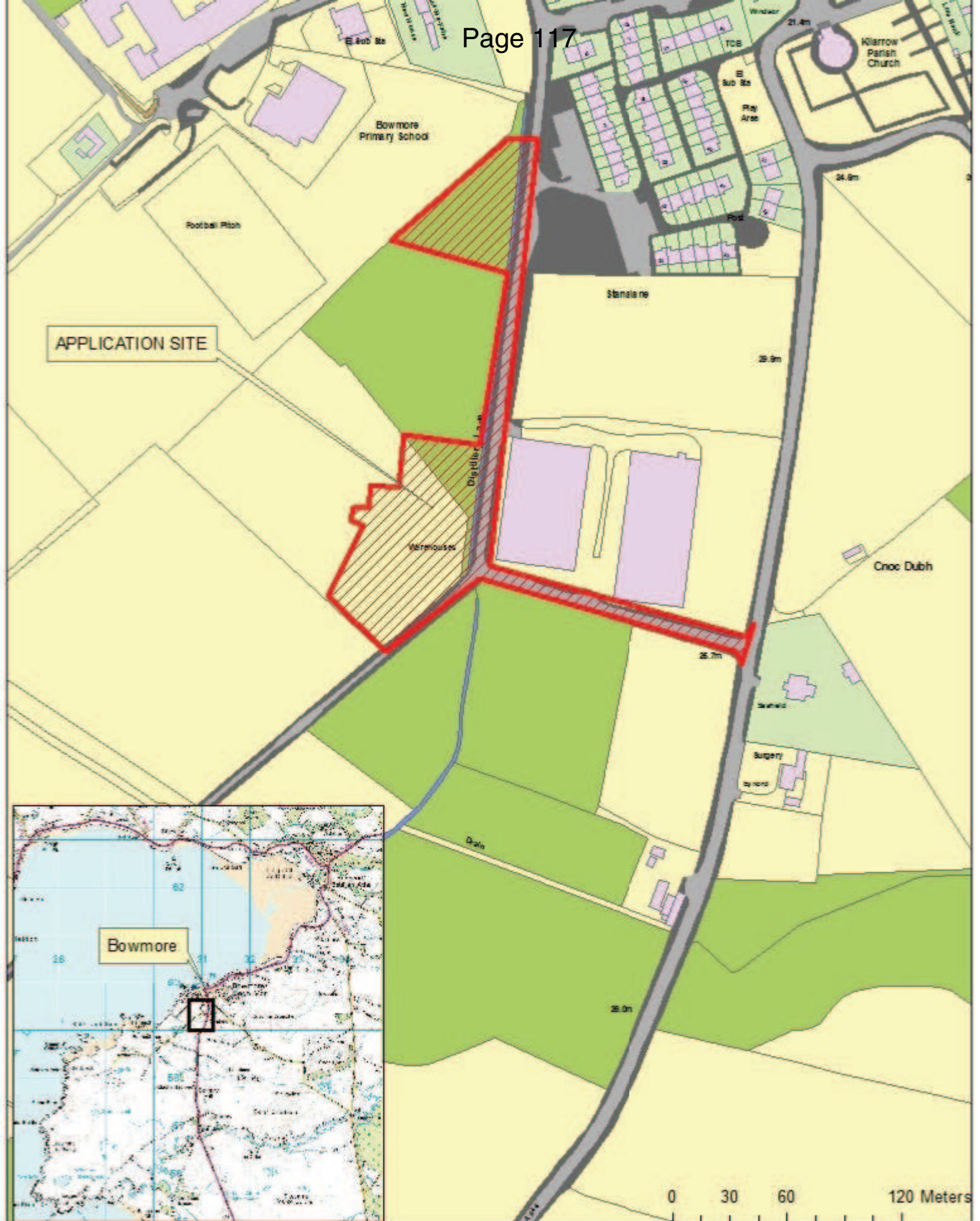
G. Archaeology

The West of Scotland Archaeology Service (WoSAS) have advised that the application site lies within an area of some archaeological sensitivity based on the presence of recorded sites and finds from various periods in the surrounding landscape. This includes prehistoric burials and stone tools and possible World War II activity associated with the former flying boat base. The relatively flat, large area of ground which would be disturbed by this development stands a reasonable chance of unearthing buried unrecorded remains which could be of any period and which may survive below ground level.

The provisions of policy LP ENV 17 set out a presumption in favour of retaining, protecting, preserving and enhancing existing archaeological heritage and any future discoveries. To accord with the provisions of LP ENV 17 it would be appropriate to require any future application(s) to include a programme of archaeological works to be approved and implemented in advance of development commencing.

H. Other Key Policy Matters

Policy LP DEP 1 sets out that the Council will seek to minimise the occurrence of departures to the Development Plan and to grant planning permission as a departure only when material planning considerations so justify. The position in respect of the justification for a departure in this case is set out in Section S of the main report.



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ARGYLL & BUTE COUNCIL**Planning, Protective Services and Licensing
Committee
January 2013****DEVELOPMENT AND
INFRASTRUCTURE SERVICES**

PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS

1. SUMMARY

It is proposed to establish a programme of Member training in respect of planning related subject areas in order to improve knowledge of the planning system, the legislative and policy framework within which it operates, and the procedural aspects of the quasi-judicial decision-making process. This will be of particular benefit for Members who have recently joined the PPSL Committee, will reinforce the knowledge of longer-term Members, and will be made available to non-PPSL Members who wish to avail themselves of a better understanding of the planning process.

2. REPORT

Member training in planning matters has tended to be limited to basic introductory information as part of the councillors' induction process and to occasional specific training in response to particular initiatives or events, such as the 'Modernising Planning' agenda or the introduction of Local Review Bodies, for example. There has not been an on-going programme of training to improve general awareness or understanding, nor to address those matters which have been identified by Members as being areas where knowledge has been lacking.

The modernisation of planning cannot be achieved by legislative and procedural changes alone. In addition to the need for officers to broaden their competencies and to engage in Continual Professional Development, it is also necessary for Members to develop the confidence to be able to participate in decision-making knowledgeably, with an appropriate level of understanding of the planning process, an appreciation of the key planning issues of importance in Argyll and Bute, and understanding of the policy and administrative context within which the planning system operates. This is particularly important in the context of maintaining probity in the planning process, in ensuring transparency in terms of procedure and outcomes, and having regard to the quasi-judicial nature of planning decisions which are made by Members.

It is considered that identified deficiencies can be best addressed by a systematic programme of training, concentrating initially on those areas listed on the following page. Members' comments about the proposed programme of training are invited, and suggestions for further topics warranting inclusion are welcomed. It is suggested that training events be open to all Members, including those who do not currently have a role in planning decision-making, on the basis that it will improve their understanding when they are contacted by constituents or are asked to act as advocates for persons making representations.

The main purpose of the training is to provide insight into areas which are relevant to the consideration of planning applications and local reviews by Members, with the intention of targeting content so that it can be delivered primarily by way of 'bite sized' sessions associated with the PPSL calendar of meetings. This should help to

maximise participation and will avoid the inconvenience of Members having to attend additional sessions unrelated to programmed commitments. These events would be augmented by participation by partners such as key consultees, by way of occasional half-day workshops to enable some interactive participation, and by occasional site visits where an appreciation of development can be best achieved at first hand.

An initial programme for the remainder of 2013 is suggested as follows:

Date	Committee day training	Half day workshop	Visit
Feb 2013	Material planning considerations		
March 2013	Planning conditions and legal agreements		
April 2012			Tangy windfarm and Wind Towers factory
May 2013		Competent motions	
June 2013		Local Development Plan	
August 2013	Role of Scottish Natural Heritage		
September 2013	Local Review Bodies		
October 2013	Biodiversity, Natura and appropriate assessment		
November 2013	Role of SEPA		
December 2013	Planning Enforcement		

3. RECOMMENDATION

It is recommended that Members:

- i) Agree to the establishment of an ongoing programme of planning related training for Members of the PPSL Committee, which should also be open to any other Members not currently involved in planning decision-making;
- ii) Endorse the initial subject areas for training and the provisional dates for delivery, on the understanding that the programme may be varied to take account of any additional training requirements Members may wish to identify, along with any other particular training needs identified by officers as a consequence of matters emerging during the course of the year.

3. IMPLICATIONS

3.1	Policy	Nil
3.2	Financial	It is considered that the level of training required can be delivered internally from existing resources with assistance as necessary from external partners at no cost, without recourse to having to buy in training from external providers.
3.3	Personnel	Nil
3.4	Equalities Impact Assessment	Nil
3.5	Legal	Nil

Author of Report: Richard Kerr

Date: 27th December 2012

Angus J Gilmour
Head of Planning & Regulatory Services

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