



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
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13 February 2019

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 20 FEBRUARY 2019** at **10:45 AM**, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MINUTE**

Planning, Protective Services and Licensing Committee 23 January 2019 (Pages 5 – 16)

4. **GLENFEOCHAN ESTATE: ERECTION OF DWELLINGHOUSE, INSTALLATION OF SEWAGE TREATMENT TANK AND FORMATION OF VEHICULAR ACCESS: PLOT 2, LAND SOUTH OF BALNAGOWAN, KILMORE, BY OBAN (REF: 18/00989/PP)**

Report by Head of Planning, Housing and Regulatory Services (Pages 17 – 36)

5. **SCOTTISH SALMON COMPANY: RELOCATION AND ENLARGEMENT OF EXISTING MARINE FISH FARM (CURRENTLY COMPRISING; 12 NO. 80 METRE CIRCUMFERENCE CAGES AND FEED BARGE) BY RE-EQUIPMENT WITH 12 NO. 120 METRE CIRCUMFERENCE CAGES AND FEED BARGE: EAST TARBERT BAY, ISLE OF GIGHA (REF: 18/01561/MFF)**

Report by Head of Planning, Housing and Regulatory Services (Pages 37 – 80)

6. **SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC: CONSTRUCTION OF APPROXIMATELY 81 KM OF 275 KV OHL FROM THE EXISTING INVERARAY SWITCHING STATION TO THE EXISTING CROSSAIG SUBSTATION AND ANCILLARY DEVELOPMENT INCLUDING AN ADDITIONAL SECTION OF OVERHEAD LINE AS A TIE IN TO PORT ANN SUBSTATION: LAND BETWEEN INVERARAY AND CROSSAIG (ROUTE VIA ENVIRONS OF LOCHGILPHEAD AND TARBERT) (REF: 18/01700/S37)**

Report by Head of Planning, Housing and Regulatory Services (Pages 81 – 112)

7. **MR JOHN GOLDING: DEMOLITION OF WORKSHOP/GARAGE: TIGHNAGLAIC, CRINAN, LOCHGILPHEAD (REF: 18/02676/CONAC)**

Report by Head of Planning, Housing and Regulatory Services (Pages 113 -122)

8. **MR JOHN GOLDING: DEMOLITION OF WORKSHOP/GARAGE AND CONSERVATORY, ALTERATIONS TO DWELLINGHOUSE, ERECTION OF GARDEN STRUCTURE AND LANDSCAPING WORKS: TIGHNAGLAIC, CRINAN, LOCHGILPHEAD (REF: 18/02678/PP)**

Report by Head of Planning, Housing and Regulatory Services (Pages 123 – 136)

9. **LUCID DEVELOPMENTS: ERECTION OF 7 HYBRID ACCOMMODATION UNITS, COMMUNITY HUB BUILDING, NEW ACCESS PATHWAY, CAR PARKING AND LANDSCAPING ARRANGEMENTS: LAND TO THE NORTH OF BOAT YARD, ROSNEATH ROAD, KILCREGGAN (REF: 18/01546/PP)**

Report by Head of Planning, Housing and Regulatory Services (Pages 137 – 156)

10. **SCOTTISH WATER: PROPOSED NEW WASTEWATER TREATMENT WORKS INCLUDING VEHICULAR ACCESS TO SITE: LAND WEST OF SEWAGE WORKS, CLACHAN SEIL, ISLE OF SEIL (REF: 18/02640/PAN)**

Report by Head of Planning, Housing and Regulatory Services (Pages 157 – 162)

11. **DEVELOPMENT PLAN SCHEME ANNUAL UPDATE - LOCAL DEVELOPMENT PLAN 2**

Report by Executive Director – Development and Infrastructure Services (Pages 163 – 190)

12. **PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS**

Report by Executive Director – Development and Infrastructure Services (Pages 191 – 194)

13. **JOINT PUBLIC HEALTH PROTECTION PLAN 2019-20**

Report by Executive Director – Development and Infrastructure Services (Pages 195 – 226)

REPORT FOR NOTING

- E1 14. **ENFORCEMENT REPORT - REFERENCE 18/00053/ENAMEN**

Report by Head of Planning, Housing and Regulatory Services (Pages 227 – 232)

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 (Vice-Chair)
Councillor Robin Currie	Councillor Mary-Jean Devon
Councillor Lorna Douglas	Councillor Audrey Forrest
Councillor George Freeman	Councillor Graham Hardie
Councillor David Kinniburgh (Chair)	Councillor Donald MacMillan
Councillor Roderick McCuish	Councillor Jean Moffat
Councillor Alastair Redman	Councillor Sandy Taylor
Councillor Richard Trail	

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 23 JANUARY 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Jean Moffat
Councillor Mary-Jean Devon	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning, Housing and Regulatory Services
Peter Bain, Development Manager
David Moore, Senior Planning Officer
David Cameron, JBA Consulting – Council's Flooding Adviser

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest and Graham Archibald Hardie.

2. DECLARATIONS OF INTEREST

Councillor Rory Colville declared a non-financial interest in the report advising of a Proposal of Application Notice from Diageo Limited which is dealt with at item 6 of this Minute as his son is employed by this Company.

Councillor Alastair Redman also declared a non-financial interest in this report as he had previously voiced his support for this proposal. Councillors Colville and Redman left the room and took no part in the consideration of this report.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 19 December 2018 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 19 December 2018 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 19 December 2018 at 2.20 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 19 December 2018 at 2.40 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 19 December 2018 at 3.00 pm was approved as a correct record.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI AND PRIVATE HIRE CAR SURVEY

A report asking Members if they wish to commission a further survey in relation to whether there is unmet demand for taxis and/or over provision of private hire car vehicles within the local authority area was considered.

Decision

The Committee agreed to:

1. note the contents of the report; and
2. commission a new taxi survey to ascertain whether there currently is any significant unmet demand for taxis and to include in this survey an assessment of whether there is over provision of private hire car licences in the locality.

(Reference: Report by Executive Director – Customer Services dated January 2019, submitted)

5. ARDTARAIG WINDFARM LTD: ERECTION OF WIND FARM COMPRISING 7 WIND TURBINES WITH A MAXIMUM TIP HEIGHT OF 136.5M WITH ASSOCIATED INFRASTRUCTURE AND 4 BORROW PITS: ARDTARAIG WIND FARM, 3.1 KM TO THE EAST OF GLENDARUEL AND APPROX. 15KM WEST OF DUNOON, LOCH STRIVEN (REF: 18/01516/PP)

The Development Manager spoke to the terms of the report and to supplementary report number 1 which addressed some inaccuracies at Section P and U of the original report. The proposal consists of up to 7 wind turbines each with a maximum height to blade tip of 136.5m together with associated infrastructure and 4 borrow pits. The site is located within the Ardtaraig Estate and extends to approximately 2,160 hectares. It is located immediately south of the existing Cruach Mhor Wind Farm which has 37 turbines. The Kyles of Bute National Scenic Area (NSA) is the closest national landscape designation to the site. There are also two statutory designated ecological sites within 5km of the proposed development – the Ruel Estuary Site of Specific Scientific Interest (SSSI) and the Glendaruel Woods and Crags SSSI. The site is located within the Kyles of Bute Area of Panoramic Quality (APQ) and the proposal is considered contrary to the Argyll and Bute Landscape Wind Energy Capacity Study (LWECS). In principle, the proposed development is considered to be a sustainable form of development that will offset the emission of over 900,000 tonnes of Carbon Dioxide equivalent per annum that would otherwise be emitted should the same amount of electricity be generated from fossil fuel sources. Scottish Natural Heritage has objected to the proposal on the grounds that the proposal would have an adverse effect on the special qualities and integrity of the Kyles of Bute NSA. SNH considers that these effects cannot be mitigated and they also have significant concerns regarding the landscape and visual impacts of this proposal. Scottish Wild Land Group have also objected to the proposal on the grounds that they believe the environmental and other impacts hugely outweigh any benefits. They raised particular concern about adverse impact on raptors, protected areas, wild land, tourism, questionable impacts on global warming, decommissioning/repowering and ancient woodland. At the time of writing the report a total of 356 letters of representations have been received comprising: 293 objections, 5 petitions of objection from the NAW group, 56 in support and 2

representations. A further 4 letters of objection have been received since publication of the report. The proposal is recommended for refusal for the reasons stated in the report subject to a discretionary hearing being held in view of the number of representations received both for and against the proposal and the complexity of the issues raised.

Decision

The Committee agreed to hold a discretionary pre-determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 11 January 2019 and supplementary report number 1 dated 21 January 2019, submitted)

Councillor Mary-Jean Devon joined the meeting during consideration of the foregoing item.

6. ARGYLL AND BUTE COUNCIL: ERECTION OF NEW LEISURE BUILDING INCLUDING SWIMMING POOL, IMPROVED FLOOD DEFENCES, NEW CAR PARK INCLUDING PUBLIC REALM WORKS AND DEMOLITION OF EXISTING SWIMMING POOL: HELENSBURGH SWIMMING POOL, 1B WEST CLYDE STREET, HELENSBURGH (REF: 18/01614/PP)

Before the Senior Planning Officer presented the application the Head of Governance and Law requested the agreement of the Committee to alter the previously approved Minute of the Hearing held in respect of this application to include reference to Mr Black, one of the objectors, raising a concern about his view on a requirement for the Chair to declare an interest. Mr Black was advised that the declaration of an interest was for an individual Member to determine and that his concern would be noted in the Minute. The Committee agreed to this amendment to the Minute of the Planning, Protective Services Committee held on 19 November 2018.

The Chair then referred to late submissions received from Helensburgh Community Council and Helensburgh and Lomond Chamber of Commerce which were both tabled at the meeting.

Once the Committee were given time to read over these late submissions along with the late publication of supplementary report number 5, the Senior Planning Officer spoke to the terms of the report and, in particular, drew Members' attention to supplementary reports number 4 and 5. Supplementary report number 4 advised Members of additional matters following continuation of the application by the Committee on 19 December 2018. As requested by the Committee the Applicant had submitted further information to address the reasons for continuing the Application. Supplementary report number 5 referred to the receipt of a Memo from Helensburgh Community Council dated 10 January 2019 along with further submissions from the Applicant and Helensburgh Community Council following a meeting between the two parties on 16 January 2019.

In summary it remains the view of Officers that the proposal is in accordance with the policies of the adopted Local Development Plan and the approved 2012 Masterplan. There have been no objections from statutory consultees other than Helensburgh

Community Council. The proposal fulfils its role as a landmark building on this prominent and important site. The new leisure facility will provide benefits for the whole community and also tourists and visitors to the town. No technical objections are raised on flooding matters which have now been fully addressed using the most up to date climate change information to inform the amended flood defence measures proposed. On this basis the Senior Planning Officer recommended that planning permission be granted subject to the revised conditions 1 – 10 and 12 – 15 appended to supplementary report number 2 and to the amended condition 11 detailed in supplementary report number 5.

Motion

To agree to grant planning permission subject to the conditions referred to by the Planning Officer.

Moved by Councillor David Kinniburgh, seconded by Councillor Alastair Redman

Amendment

To agree to continue consideration of the application to enable Members to investigate options for framing a competent Motion to refuse the application based on flooding, drainage and design issues.

Moved by Councillor George Freeman, seconded by Councillor Lorna Douglas

The Motion was carried by 6 votes to 2 and the Committee resolved accordingly.

Decision

The Committee agreed to grant planning permission subject to the following conditions and reasons:

1. The development shall be implemented in accordance with the details specified on the application form dated 20.7.2018 and the approved drawing reference numbers

1251-DB3-B01-01-DR-A-2000	Basement Plan
1251-DB3-B01-01-DR-A-2001	Ground Floor Plan
1251-DB3-B01-01-DR-A-2002	First Floor Plan
1251-DB3-B01-01-DR-A-2003	Roof Plan
1251-DB3-B01-ZZ-DR-A-20200	Proposed Elevations
1251-DB3-B01-ZZ-DR-A-20301	General Sections 1
1251-DB3-B01-ZZ-DR-A-20302	General Sections 2
1251-DB3-B01-ZZ-DR-A-90000	Site Location Plan
1251-DB3-B01-ZZ-DR-A-90001	Existing Site Plan
1251-DB3-B01-ZZ-DR-A-90002	Proposed Site Plan Rev E
1251-DB3-B01-ZZ-DR-A-90003	Existing Site Sections
1251-DB3-B01-ZZ-DR-A-90004	Proposed Site Sections
00045-02-003E	Proposed Site Plan
00045-02-004F	Proposed Sections
00045-02-005F	Site Sections
00045-02-006H	Alternate Indicative Method of Construction
00045-02-007B	South-West Slipway Section

00045-02-008B	Proposed East Slipway
00045-02-009D	Flood Defence Construction Sequence
00045-02-010C	Retaining Wall and Sections
00045-02-011B	Outline Traffic Management Plan
1450-01/D	Landscape Proposals West Boundary and Pier
1450-02/E	Landscape Layout and Finishes
1450-03/B	Soft works Specifications
1450-04/C	Landscape Layout Waterfront Walkway
1450-05/A	West Boundary and Pier Sections
1450-06/B	Landscape Layout West Clyde Street
G17050_281_2	Existing Drainage Layout
G17050_281_3	Preliminary Drainage Strategy Layout and SuDS
G17050_200	Proposed Surface Water Drainage Layout
Entrance Visual	3D Image
South Context Visual	3D Image
West Elevation Visual	3D Image
Existing Swimming Pool	1 of 3
Existing Swimming Pool	2 of 3
Existing Swimming Pool	3 of 3
1251-DB3-B01-EX-DR-E-63 01	Proposed External Lighting Scheme
1251-DB3-B01-EX-DR-E-63 02	Proposed External Lighting Scheme

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

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

2. Prior to development commencing, an Environmental Management Plan shall be submitted to and approved in writing by the Planning Authority. The Plan shall address requirements arising from the construction phases of the development and shall inform the production of construction method statements. This shall include details of the following:
 - A construction method statement to demonstrate how potential impacts on otters and their safety shall be incorporated into normal site working practices and having regard to the recommendation contained in the Protected Species Survey Report
 - In the event that piling is required a noise impact assessment on Marine Mammals together with proposed mechanisms to mitigate any identified adverse impacts
 - A ground works phasing and waste management plan associated with movement/storage of all waste materials.
 - Details of the location of construction compounds to be formed
 - Details of the number of existing parking spaces lost at each main construction phase of the development in order to minimise the loss of existing parking during construction.
 - Details of any external lighting to be used during construction

- Full land restoration details; to ensure that the land within the application site where it has been physically altered by the construction of the development or demolition of existing buildings/structures and the ground level raised, is restored to an acceptable appearance.
- Details of arrangements to retain access for emergency services to the far southern pier head area delineated as area 16 in the proposed site plan.
- Adherence to the requirements of any other submitted and approved details and other conditions

The development shall be implemented in accordance with the duly approved Environmental Management Plan unless any variation thereof is agreed in writing by the Planning Authority.

Reason: To ensure unacceptable environmental, wildlife or amenity consequences do not arise due to the construction of the development and appropriate mitigation measures, where required, are implemented.

3. No development shall be commenced until the following plans and particulars have been submitted to and approved in writing by the Planning Authority in consultation with the Head of Roads. Thereafter the development shall be implemented in accordance with the approved details. Such details shall incorporate:
 - (i) A detailed construction method statement including the construction phasing and the material delivery plan.
 - (ii) The interim car parking arrangements to address the loss of existing parking provision during the construction phases.

Reason: In the interests of roads safety and to maximise available parking spaces availability during construction.

4. No public use of the building shall commence until a minimum of 155 parking spaces (including disabled spaces) and all vehicular servicing areas associated with the operational use of the building have been provided in accordance with the details hereby approved. Thereafter the remaining parking spaces shall be provided within 12 months of the building being first brought into use.

Reason: In the interests of roads and pedestrian safety and to ensure that there is sufficient parking to support the leisure facility and town centre.

5. Notwithstanding the effect of condition 1, no development shall commence until samples and/or full details of materials to be used in the construction of:
 - (i) external material finishes of the building
 - (ii) any other visible walls/retaining structures to be constructed;
 - (iii) roads and parking areas;
 - (iv) footpaths;
 - (v) shared surfaces

have been submitted to and agreed in writing by the Planning Authority. The development shall thereafter be completed using the approved materials, or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to secure the use of appropriate materials in the interests of visual amenity.

6. No occupation of the approved building shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to and approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the building.

Reason: In order to ensure that satisfactory arrangements have been made for dealing with waste on the site in accordance with Policy SG LDP SERV 5(b).

7. Details the specific species and size/mix/numbers of the proposed planting throughout the site on those areas identified to be landscaped shall be submitted for the written approval of the Planning Authority in consultation with the Biodiversity Officer within six months of the date of this permission, together with details of the proposed maintenance regime associated with the planting and clarifying the parties responsible for such future maintenance. Thereafter the duly approved planting shall be implemented in the first available planting season following the substantial completion of the development. Any planting which fails to become established, dies, becomes seriously diseased or is removed within the first 12 months of having been planting shall be replaced in the following planting season with equivalent sizes and species as those originally required to be planted.

Reason: In the interests of amenity and biodiversity.

8. No construction plant and/or machinery shall be operated on the site outwith the following times: 08.00 – 18:00 Monday – Friday, 08:00 – 13:00 Saturday. No construction plant and /or machinery shall be operated at any time on Sundays, Bank or Public Holidays unless otherwise approved in writing by the Planning Authority in consultation with Environmental Protection.

Reason: In order to control noise nuisance in the interest of amenity.

9. Prior to commencement of development, full details of all external lighting shall be submitted to and approved in writing 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. Thereafter the development shall be completed in accordance with these details

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

10. Notwithstanding the provisions of Condition 1, the development shall be implemented in accordance with the flooding amelioration details and recommendations set out in the Kaya Flood Risk Assessment (December

2018) and approved plans; 00045-02/004F, 00045-02/005F, 00045-02-006H, 00045-02-007B, 00045-02-10C and 1450-04/B

1. Finished floor level of the main building to be at least 5.4 mAOD. Finished floor level of the plant room to be at least 4.7 mAOD. The plant room shall incorporate additional flood mitigation measures including raised equipment and a flood proof access door. Details of the flood proof access door shall be submitted to the Planning Authority for their written approval prior to the use of the building commencing.

2. The site operator(s) of the building, car park, and coastal defences shall maintain the approved flood mitigation measures through the lifetime of the development.

3. A severe weather plan shall be developed, and thereafter implemented by the site operator(s) of the building, car park and pathways adjacent to the coastal defences prior to the use of these areas by members of the public. This shall include actions to be undertaken in the event of forecast or actual severe weather (including high winds and flooding) such as closure of the public footway at the flood defences, management of the plant room fire exit door during a severe weather event, and safe evacuation of the site. Full details of this plan shall be submitted to and approved in writing by the Planning Authority prior to the building and other land being brought into use by members of the public.

Reason: In order to ensure appropriate mitigation for flood risk and to safeguard public safety.

11. Prior to development commencing, details of the intended means of surface water drainage to serve the development, and in particular the land adjacent to the sea wall defences, shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The duly approved scheme shall be implemented in full concurrently with the construction of the development and shall be operational prior to the occupation of the development and maintained as such thereafter.

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

12. Prior to the first occupation of the building, a comprehensive Green Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The Travel Plan shall include details of:
- i) The proposed monitoring schedule and reporting procedures;
 - ii) The management of the Travel Plan identifying the persons responsible for implementation;
 - iii) Proposed pedestrian and cycle infrastructure within the site and connections to existing networks;
 - iv) Cycle parking provision and location within the site;
 - v) Measures to improve public transport facilities;
 - vi) Initiatives such as, electric car facilities, car share scheme and flexible working;

- vii) Employee locker facilities;
- viii) Travel information to be provided within the site.

Thereafter the provisions of the plan shall be implemented as part of the operation of the approved development.

Reason: To ensure an appropriate level of public transport infrastructure is available to residents of the new development.

13. Prior to commencement of development, an assessment of the condition of the land shall be undertaken, submitted and approved in writing by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site and identify any potential risks to human health, the water environment, property or designated ecological sites.

Where contamination is identified, then a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared and be subject to the approval in writing of the Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development with the exception of those actions required to carry out remediation unless otherwise agreed in writing by the Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation must be produced, and is subject to the approval in writing of the Planning Authority.

Reason: In order to ensure that contamination issues on the site have been fully investigated and remediated.

14. The level of noise emanating from the site following commencement of the permitted use shall not exceed the established background noise level LAeq (90) at the survey location by more than 5dB(A) unless otherwise approved in writing by the Planning Authority. Any plant and machinery should not produce any noise that has a distinguishable, discrete, continuous note or distinctive impulses.

Reason: In order to avoid noise nuisance in the interest of amenity.

15. Prior to the removal of the existing skate park, details of the proposed temporary skate park to be reinstated following the raising of the land shall be submitted to and approved in writing by the Planning Authority. These details shall include the location and type of equipment to be reinstated and timescales for the reinstatement of this facility which should be adhered to unless as otherwise agreed in writing.

Reason: To ensure the continued provision of a skate park facility until an application relating to a permanent new facility is submitted and approved

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 9 October 2018, supplementary report number 1, supplementary report number 2 dated 12 December 2018, supplementary report number 3 dated 18 December 2018, supplementary report number 4 dated 4 January 2019 and supplementary report number 5 dated 22 January 2019, submitted, additional submissions from Helensburgh Community Council and Helensburgh and Lomond Chamber of Commerce dated 22 January 2019, tabled)

Having previously declared an interest in the following item, Councillors Rory Colville and Alastair Redman left the room.

7. DIAGEO LIMITED: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED DISTILLERY: PORT ELLEN MALTINGS, PORT ELLEN, ISLE OF ISLAY (REF: 18/02639/PAN)

The Development Manager spoke to the terms of the report. A Proposal of Application Notice (PAN) seeks to notify the Planning Authority of a prospective major planning application to re-open the former Port Ellen distillery adjacent to the malting in the northern end of the settlement just off the A846 public road, with new buildings, associated infrastructure and visitor's experience. The site extends over approximately 4Ha. The application site lies within the Key Rural Settlement of Port Ellen. Islay is identified in the Local Development Plan Spatial Strategy as a 'Tourism Development Area'. A number of nature designations are also identified in the spatial strategy, and the entire island is designated a 'Water Conservation Area'. The site is located within settlement zone, an established business and industry area and Area of Action (reference 10/4 – environment enhancement) as defined by the Local Development Plan. The scale of the intended development is 'large' in terms of the typologies established by the LDP (site in excess of 2 hectares). The report summarises the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date. It is recommended that Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN in order to allow these matters to be considered by the Applicants in finalising any future planning application submission.

Decision

The Committee agreed that the following issues should be taken into consideration by the Applicant in finalising any future planning application submission:

- a) Impact on the road network;
- b) Impact on water and drainage infrastructure;
- c) The availability of housing for any workers moving to the island;
- d) The inclusion of a pavement to allow the village of Port Ellen to join up with the housing development beyond the distillery; and
- e) The inclusion of electric charging points for vehicles.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 3 January 2019, submitted)

Councillor Donald MacMillan left the meeting during consideration of the foregoing item.

At that point the Committee joined the Chair in congratulating Councillor MacMillan on his recent award of the British Empire Medal.

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Argyll and Bute Council
Development and Infrastructure

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

Reference No: 18/00989/PP

Planning Hierarchy: Local Development

Applicant: Glenfeochan Estate

Proposal: Erection of Dwellinghouse, Installation of Sewage Treatment Tank and Formation of Vehicular Access

Site Address: Plot 2, Land South of Balnagowan, Kilmore, by Oban

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Installation of sewage treatment tank
- Formation of vehicular access

(ii) Other specified operations

- Connection to public water main
-

(B) RECOMMENDATION:

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

(C) HISTORY:

16/01767/PP

Renewal of 13/00064/PP – Granted: 26/08/16

13/00064/PP

Erection of 2 dwellinghouses, formation of vehicular access and installation of private wastewater treatment systems – Granted: 28/06/13

14/01266/PP

Formation of vehicular access – Granted: 16/07/14

15/01514/PNFOR

Formation of forestry track – No Objections: 13/08/15

(D) CONSULTATIONS:

Area Roads Authority

Report dated 15/06/18 advising no objection to the proposed development subject to a number of conditions.

Scottish Water (SW)

Letter dated 15/06/18 stating no objection to the proposal advising that there is sufficient capacity in the Tullich Water Treatment Works but that further investigations may be required. SW further advised that there is no waste water infrastructure within the vicinity of the site.

Scottish Environment Protection Agency (SEPA)

Letter dated 28/06/18 raising no objection to the proposed development and advising that whilst that the site is outwith the SEPA Flood Map it is adjacent to a small partly culverted watercourse and consequently may be at risk of flooding and it is strongly recommended that contact is made with the Council's Flood Risk Management Team to glean information/local knowledge of the site.

Flood Risk Manager (FRM)

Finalised report dated 30/08/18 advising that the proposed finished floor level of the proposed dwellinghouse is 21.35 metres AOD which is 4 metres above the bed level of the burn at 17.35 metres AOD and accordingly no Flood Risk Assessment is required.

Kilmore and Kilbride Community Council (KKCC)

E-mail dated 03/07/18 summarised as follows.

“KKCC submitted its views regarding the size of the existing Kilmore settlement saying they believed it to be complete in size and shape in response to the last Lorn plan.

KKCC believed that the proposed the forest track was for the sole purpose of timber extraction. Should KKCC have known that the forest track could be utilised for other purposes they may have formed a different view of the proposal. KKCC could not find reference to the surface treatment that may be applied to the current access track and would object to a tarmac road as it would be out of character in a field designated as countryside.

KKCC supported the local community in their wish to return the area approved for the two dwellinghouses to countryside, which is the designation of the surrounding land. .

Local residents access their plots from the UC25. A service road from the forest track is on designated countryside land which the KKCC view as extending the settlement zone. . The KKCC supports the feelings of the local residents and feels strongly that the surrounding land designated countryside should not be used for the purposes of accessing plot 2.

The KKCC are concerned that changing the use of the forest track to a service road sets a precedent that may be built upon and further developments may occur. Especially the extension to the infill area.

From the Roads department, it appears that a burden will be attached to the plots 1 and 2 for a passing place to be made on the UC25. KKCC would like to be invited by the roads department to the discussion about placement of such an area. The drives of current homes are often used for this purpose we would welcome a new passing place.

We note that parking for 3 vehicles was also stated by the roads department for plots 1 and 2 but the plans only indicate 2”.

Comment: It is noted that the KKCC has submitted a representation to the Development Plan Team regarding their proposed inclusion of the area currently contained within the settlement of Kilmore of which the current application forms part of and that the local community wish to return the area to countryside which is the designation of the surrounding land. However, this current application must be assessed having regard to the current adopted Local Development Plan and all other material planning considerations.

With regards to the prior notification, at the time of submission there was no indication to the Planning Authority that the forest track was to be used for any use other than forestry.

The proposal would not change the use of the forest track to a service road, it would merely provide a short span of new access from the forest track to serve the dwellinghouse proposed on plot 2. The approval of the access would not set a precedent for any further development with any future planning applications requiring to be considered in terms of the relevant Development Plan in force at the time.

With regards to the KKCC being involved in the selection process for the proposed passing place, this is something which should be discussed directly with the Roads Authority.

There is sufficient area within the site to accommodate three parking spaces and it is proposed to impose a condition on the grant of planning permission requiring such details to be submitted for approval.

Scottish and Southern Energy (SSE)

E-mail dated 14/06/18 advising that the proposed development is in close proximity to an overhead line and therefore the applicant should be advised of the need to follow the guidance of Health and Safety Executive Document GS 6 “Avoidance of Danger from Overhead Lines”. The applicant is advised to contact SSE prior to proceeding with the development in order that a quotation can be prepared for the deviation of the overhead line. An informative to this effect will be attached to the grant of planning permission.

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council’s Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 19/07/18.

(F) REPRESENTATIONS:

20 objections have been received to the proposed development

E. McColl, Ferndale, Musdale Road, Kilmore, PA34 4XX (18/07/18)
Lindsay Campbell, Merle, Kilmore, PA34 4XX (18/07/18)
Barbara Campbell, Merle, Kilmore, PA34 4XX (18/07/18)
Duncan Campbell, Merle, Kilmore, PA34 4XX (18/08/18)
Mr Roni MacDonald, Riverside Cottage, Kilmore, PA34 4XX (04/07/18)
Charles Sillett, Kilmore Farmhouse, Kilmore, PA34 4XX (03/07/18)
Alison Carre (by e-mail 04/07/18)
Tristan Carre (by e-mail 03/07/18)
Andrew I.A. MacArthur, Tigh an Eaglais, Kilmore, PA34 4XX (03/07/18)
Caroline Booth, Meadow Croft, Kilmore, PA34 4XX (03/07/18)
Tom Turnbull, Meadow Croft, Kilmore, PA34 4XX (03/07/18)
Donald M. Morrison (by e-mail 02/07/18)
Ruairidh M. Morrison (by e-mail 02/07/18)
Mary M. Morrison (by e-mail 02/07/18)
Mr J. Darby, Sheep Fank Cottage, Kilmore (02/07/18)
Mrs J. Darby, Sheep Fank Cottage, Kilmore (02/07/18)
Dan White, An Sabhal, Kilmore, PA34 4XX (02/07/18)
Jane White, An Sabhal, Kilmore, PA34 4XX (02/07/18)
Karen Nelson (by e-mail 01/07/18)
Brian Nelson (by e-mail 01/07/18)

Summary of issues raised

- It was understood that the forest track was temporary for the sole purpose of timber extraction and at no stage was it made clear to neighbours, local residents or the KKCC that this forest track was to be integral to future housing development(s).

Comment: The new forest access was constructed as 'permitted development' following the submission and approval of a 'prior notification' application to the Council (reference 15/01514/PNFOR). The forestry haul access granted at that time was not intended to be temporary and was assessed and consented as a reasonable access for the extraction of timber as an essential part of effective forest management and in order to limit heavy vehicles using the Kilmore to Musdale unclassified public road and thereby minimise local disruption. Whilst the substantial part of this new forest access is still required for timber haulage, it is proposed to construct a small spur off it in order to provide a separate access to the already consented Plot 2 residential development.

- The area for the proposed access is on land which is not designated for development in the adopted 'Argyll and Bute Local Development Plan' 2015.

Comment: Whilst the land on which the access track is proposed is within the 'Countryside Zone' as defined in the LDP, in this instance there will be no above ground built development and it is considered that the short stretch of access track can be accommodated within the site without any significant adverse visual impact on the wider landscape.

- The granting of planning permission for the proposed access from the forest track would set a precedent. If permitted, this method of access could be used as

justification to provide for further extensive housing development to take place on land that is presently designated as countryside zone.

Comment: Each application for planning permission is considered on its own merits in accordance with the relevant policies and guidance of the Development Plan in force at the time. All land surrounding the application site is designated as 'Countryside Zone' where there is currently a presumption against built development unless it accords with a number of criteria.

- The current proposal presents a significant, material change of use. Should permission be granted the track and access road will effectively become permanent roadways extending the area of development beyond the already delineated settlement zone.

Comment: The current proposal is merely seeking permission for a short length of access track to serve a dwellinghouse benefiting from a live planning permission. The granting of permission for the access track will in no way extend the established 'Settlement Zone'.

- The layout, siting and design of the proposed development is unsympathetic to neighbouring dwellings as well as intrusive to the natural light currently available to Balnagowan.

Comment: The suitability of the site to accommodate the dwellinghouse has been established by the granting of the previous planning permissions detailed in the history at Section C above. The current application does not change the siting, design or layout of the dwellinghouse previously approved but merely seeks permission for a short stretch of access track from the adjacent forest track to serve the proposed dwellinghouse.

- Despite the site being widely advertised since 2013/2014, there would be appear to be little or no interest in this proposed development and the need or attraction for the development is questioned.

Comment: This is not a material consideration in the determination of this planning application.

- The land was returned to countryside usage by Argyll and Bute Council following representations from residents in the Kilmore community. Ironically this was overturned by the Report for the Scottish Government when appealed by one person. It is the belief that this did not reflect the feelings of the local community and which the Council agreed with in 2015.

Comment: The site was included within the settlement zone of Kilmore in the former Argyll and Bute Local Plan, 2009 which was followed through into the adopted 'Argyll and Bute Local Development Plan, 2015.

- Should permission be granted for this track it would seriously undermine the communities trust in our Councillors and Planners as we were assured that the track was only to be used until the forest is extracted with the land then returning to countryside.

Comment: As detailed above, the forest access was constructed as 'permitted development' following the submission and approval of a 'prior notification' application to the Council (reference 15/01514/PNFOR). The forestry haul access granted at that time was not intended to be temporary and was assessed and consented as a reasonable access for the extraction of timber as an essential part of effective forest management and in order to limit heavy vehicles using the Kilmore to Muasdale unclassified public road and thereby minimise local disruption.

- Will the proposed development be used for residential use only or for a business for example a holiday let. If used for holiday letting purposes this could affect the privacy and security of neighbouring properties.

Comment: The dwellinghouse will fall within Class 9 residential use, however there would be no restriction within this Class preventing it from being used for holiday letting purposes.

- Will the Council or owner be required to carry insurance for any damage to adjacent properties as a result of any problems connected with the development.

Comment: This is not a material planning consideration but a civil matter between affected parties should damage occur.

- Concerns over the number of septic tank soakaways already discharging into the land and burn which may already be at capacity.

Comment: The Council's Building Standards Unit and SEPA will apply sufficient control over the detailed arrangements of the proposed foul drainage system to ensure no adverse impact.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(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: | No |

(H) PLANNING OBLIGATIONS

- | | |
|--|-----------|
| (i) Is a Section 75 agreement required: | No |
|--|-----------|

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

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

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

Argyll and Bute Local Development Plan, 2015

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

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles
 SG LDP DEP = Departures to the Local Development Plan
 SG LDP ENV 14 – Landscape
 SG LDP HOU 1 – General Housing Development including Affordable Housing
 SG LDP SERV 1 – Private Sewage Treatment Plans & Wastewater Systems
 SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
 SG LDP SERV 7 – Flooding and Land Erosion, The Risk Framework
 SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
 SG LDP TRAN 6 – Vehicle Parking Provision

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

Argyll and Bute Sustainable Design Guidance, 2006
 Scottish Planning Policy (SPP), 2014
 Consultee Responses
 Third Party Representations

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: No

In deciding whether to hold a discretionary hearing, Members should consider:

- How up to date the Development Plan is, the relevance of the policies to the proposed development, and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations, together with the relative size of community affected, set against the relative number of representations and their provenance.

Twenty representations from 11 households have been received regarding the proposal.

The residential development has already been granted a recent and detailed planning permission. That planning permission remains live and capable of being implemented. The current application merely seeks a relatively minor amendment to the existing planning permission for an alternative vehicular access to that previously approved. The assessment of this current planning application therefore rests on a single issue; whether or not the proposed alternative access proposals are acceptable.

Members should note that the detailed planning permission referred to above was subject to consideration by the PPSL Committee at a Local Hearing on 24 June 2013 where Members resolved to approve the permission.

The objections received are detailed but not limited solely to the single, relatively minor, issue currently under consideration. The representations received, together with officer assessment of the relevant planning issues contained within this report, provide all the information required to enable Members to make an informed decision based on all of the material planning considerations in this case, not least the fully adopted 'Argyll and Bute Local Development Plan' 2015 and the direct relevance of key planning policies contained within it.

Accordingly, in this instance, it is not considered that the objections raise any complex or technical issues that haven't been addressed, both by the existing and extant detailed planning permission and/or in the current report of handling. It is not considered that a discretionary local hearing would add value to the planning process and it is recommended that the Committee does not hold a hearing prior to the application being determined.

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

The principle of a dwellinghouse on this site was first established by the granting of planning permission 13/00064/PP on 28 June 2013 for two dwellinghouses further to determination at a Discretionary Hearing by the Planning, Protective Services and Licensing Committee on 24 June 2013.

Permission for the development was subsequently renewed under 16/01767/PP on 26 August 2016 which remains live and capable of implementation on site.

The previous permission proposed a shared access to serve the two dwellinghouses. The sole amendment to the approved and extant development and the single issue subject of this current planning application is that the developer is now seeking an alternative and separate access to serve Plot 2. All other aspects of the development remain as previously approved.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the majority of the application site which will contain all built development is located within the defined 'settlement' boundary of Kilmore where Policy LDP DM 1 gives encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance (SG). The area proposed for the vehicular access falls within the countryside designation of the LDP where, generally, new development in the countryside will be resisted unless it represents infill, rounding off or redevelopment. However, in this instance, the proposed short stretch of access track spurring from the recently completed forest track will not result in any above ground built development and it is considered that it can be accommodated without any significant adverse visual impact to the surrounding landscape. The development is therefore considered to be acceptable as a minor departure to the LDP in this case.

The principle of a dwellinghouse on the site has been established by the granting of the previous planning permission with the determining factor in the assessment of this application whether or not the short length of access track within the countryside zone to serve the proposed development is acceptable.

The application has elicited 20 objections triggering the requirement to be determined by the Planning, Protective Services and Licensing Committee.

(Q) Is the proposal consistent with the Development Plan: **No** .
The proposal is a minor departure from Policy DM1.

(R) Reasons why planning permission should be granted

The principle of a dwellinghouse on this site was first established by the granting of planning permission 13/00064/PP on 28 June 2013 for two dwellinghouses further to determination at a Discretionary Hearing by the Planning, Protective Services and Licensing Committee which was subsequently renewed under 16/01767/PP on 26 August 2016 which remains live and capable of implementation on site.

The short stretch of access track spurring from the recently completed forest track is considered to be acceptable and will not result in any above ground built development and it is considered it can be accommodated within the countryside zone without any significant adverse visual impact to the surrounding landscape.

The siting, design and finishing materials of the proposed dwellinghouse are considered to be acceptable within this area where there is a mix of architectural styles and finishing materials and there are no infrastructure constraints which would preclude development of the site.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 13, SG LDP ENV 14, SG LDP HOU 1, SG LDP SERV 2, SG LDP TRAN 4 and SG LDP TRAN 6 of adopted 'Argyll and Bute Local Development Plan' 2015 and there are no other material considerations, including

issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

The short stretch of access track proposed as part of this revised planning application lies within the 'Countryside Zone' where Policy LDP DM 1 of the Development Plan contains a presumption against small scale development. However, in this instance, the proposed access track will not result in any above ground built development and it is considered it can be accommodated without any significant adverse visual impact to the surrounding landscape.

Furthermore, the dwellinghouse which the proposed stretch of vehicular access is intended to serve is wholly within the 'Minor Settlement' of Kilmore.

In this instance, the relatively minor nature of the proposed stretch of access track, and the planning history of the site which it is intended to serve are considered to be material considerations of sufficient weight to justify a 'minor departure' to the provisions of Policy LDP DM 1 of the Development Plan.

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

Author of Report: Fiona Scott Date: 31/01/19

Reviewing Officer: Tim Williams Date: 01/01/19

**Angus Gilmour
Head of Planning, Housing and Regulatory Services**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 18/00989/PP

GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated 06/06/18 and the approved drawing reference numbers:

Plan 1 of 5 (Drawing Number L(Ex) K102)
Plan 2 of 5 (Drawing Number L(PL)K002)
Plan 3 of 5 (Drawing Number L(PL)K003)
Plan 4 of 5 (Drawing Number L(PL)K102)
Plan 5 of 5 (Drawing Number L(PL)K103)

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

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

Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with 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.
- Please note the advice contained in the attached consultation responses from SEPA and SSE. You are advised to contact them direct to discuss the issues raised.

ROADS, ACCESS AND PARKING

2. No development shall commence on site, or is hereby authorised, until an additional passing place has been completed alongside the UC25 Musdale public road between the A816 and the site entrance in accordance with the Council's Roads Engineer Drawing Number SD 08/003a in a location that must first be submitted in plan form to and agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access with commensurate improvements to the existing access regime.

3. The proposed on-site vehicular parking areas shall provide parking for three vehicles within the site and shall be formed in accordance with the approved plans and brought into use prior to the first occupation of the dwellinghouse hereby approved.

Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road.

4. Notwithstanding the provisions of Condition 1, full details, in plan form, of a bin store at the junction with the public road shall be submitted and approved in writing by the Planning Authority. Thereafter the approved bin store shall be implemented in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety.

WATER, DRAINAGE AND FLOODING

5. No development shall commence on site, or is hereby authorised, until full details of the proposed means of private foul drainage to serve the development, including evidence of SEPA's consent to the proposed discharge to a watercourse, has been submitted to and approved in writing by the Planning Authority. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the first occupation of the dwellinghouses.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

6. Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

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

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk

DESIGN AND FINISHES

7. No development shall commence on site, or is hereby authorised, until full details of the proposed material, texture and colour for all external materials have been submitted to and agreed in writing by the Planning Authority. The development shall thereafter be completed in strict accordance with such details as are

approved.

Reason: In the absence of any details having been submitted and to ensure that the development integrates with its setting.

LANDSCAPING

8. No development shall commence on site, or is hereby authorised, until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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

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

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

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/00989/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the majority of the application site, which will contain all built development, is located within the defined 'settlement' boundary of Kilmore where Policy LDP DM 1 gives encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance (SG).

The area proposed for the vehicular access into the site falls within the countryside designation of the LDP where, generally, new development in the countryside will be resisted unless it represents infill, rounding off or redevelopment. However, in this instance, the area of land which falls within the countryside zone will accommodate a short area of access track with no above ground built development.

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. The site is not within any landscape or nature designations that require further consideration under the terms of this policy.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities with SG LDP HOU 1 expanding on this policy giving support to new housing in the settlements on appropriate sites provided there are no unacceptable environmental, servicing or access issue.

Policy LDP 9 seeks developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located. SG 2 expands on this policy seeking development layouts to be compatible with, and consolidate the existing settlement and take into account the relationship with neighbouring properties to ensure no adverse privacy or amenity issues.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure developments are served by a safe means of vehicular access and have an appropriate parking provision within the site.

The proposal has elicited twenty objections from 11 households.

B. Location, Nature and Design of Proposed Development

The principle of a dwellinghouse on this site was first established by the granting of planning permission 13/00064/PP on 28 June 2013 for two dwellinghouses further to determination at a Discretionary Hearing by the Planning, Protective Services and Licensing Committee on 24 June 2013.

Permission for the development was subsequently renewed under 16/01767/PP on 26 August 2016 which remains live and capable of implementation on site.

The site is a flat area of open pasture situated within the minor settlement of Kilmore, bounded on its north and west boundaries existing dwellinghouses and to the south by open farmland. The site offers a suitable opportunity for development within the defined settlement evident by the granting of the previous planning permissions.

The previous permission proposed a shared access to serve the two dwellinghouses with the current application seeking permission for a separate access to serve Plot 2 which is fully discussed at Section C below.

No change to the siting and design of the dwellinghouse previously approved is proposed as part of this application which comprises a contemporary designed one and a half storey dwellinghouse finished in what appears to be white render, dark grey roof finish and areas of timber cladding. There is no distinct architectural style evident in the residential development surrounding the application site or in the wider area which comprises a mix of single, one and a half and one and three quarter storey properties, some traditional with others more contemporary incorporating a variety of finishing materials. Whilst the dwellinghouse subject of this current application is a contemporary designed structure, it is of a scale, design and finish which is considered to be acceptable within this location and will not detract from the setting and character of the existing houses evident from the granting of the previous planning permission and its subsequent renewal. A condition is necessary to control the external finishes to the proposed dwellinghouse in detail.

Furthermore, the positioning and orientation of the dwellinghouse within the site will ensure there are no significant adverse privacy or amenity issues affecting neighbouring properties. The orientation proposed reflects the variety that already exists at the settlement, which forms part of its visual interest, and also accounts for the other constraints of the site including overhead power lines, and the desire to retain an open aspect to the front of Balnagowan.

With conditions it is considered that the proposed dwellinghouse will integrate well within the site without any significant adverse visual impact on the site or wider settlement consistent with the terms of Policy LDP 9 and SG 2 which seek to achieve a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located.

C. Road Network, Parking and Associated Transport Matters.

The application proposes to utilise an existing forest track which was granted under 14/01266/PP and 15/01514/PNFOR to serve the proposed dwellinghouse.

The Council's Roads Authority has previously confirmed that the forest access has been formed in accordance with the Council's Standard Roads Drawing SD 08/001a with visibility splays of 2.4m x 53 m and a tarmac finish extending 10 metres back from the channel line of the public road, all of which is evident on site.

The forest access is situated approximately 175 metres to the southeast of the site with the forest track running along the southern boundary of the site extending from the unclassified Musdale Public Road over land to the A816 public road.

The current application proposes to create a spur from the forest track approximately 150 metres along its length to serve the proposed dwellinghouse. The access measures approximately 35 metres in length extending from the forest track into the application site and is to be finished in gravel.

In this instance, the short stretch of access track spurring from the recently completed forest track is considered to be acceptable as it will not result in any above ground built development and it is not considered given the small span proposed it will have any significant adverse visual impact on the surrounding landscape.

In their response to the current application, the Roads Authority raised no objection subject to conditions regarding the construction of the access at the junction of the public road in accordance with Standard Roads Drawing SD 08/004a, clearance of visibility splays, provision of an appropriate level of parking and turning to serve the dwellinghouse and commensurate improvements to the public road by way of provision of a single passing place.

However, the Roads Authority has since advised that, whilst Standard Drawing SD 08/004a allows for the carriageway to be widened across the entrance to 5.5 metres on a single track road, given the extra width of carriageway provided by the much wider bellmouth required by Standard Drawing SD 08/001a, there would be no requirement for such an upgrade. Accordingly there is no requirement for a condition to be imposed to secure the upgrade of the access at the junction with the public road. Conditions will be imposed regarding the other items required by the Roads Authority.

With conditions, the proposal is considered to be acceptable from a road safety perspective and complies with the terms of Policies LP TRAN 4 and LP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area.

D. Infrastructure

The application indicates that drainage is via installation of a private treatment tank without the outfall to the adjacent stream. No details of the tank has been submitted in support of the application and therefore it is considered appropriate to impose a condition reserving this aspect of the scheme for further approval. The Councils Building Standards Unit and SEPA will apply sufficient control over the detailed arrangements of the system to ensure that no pollution of the burn occurs.

The proposal is considered acceptable in terms of Policy LP SERV 1 in that there is no public sewer within the vicinity of the proposed development to allow connection.

The application indicates connection to the public water main. Scottish Water has been consulted on the proposal and raised no objection advising that Tullich Water Treatment Works currently has capacity to service the proposed development.

The proposal is considered acceptable in terms of Policy LP ENV 1 which seeks to ensure the availability of suitable infrastructure to serve proposed developments.

E. Flooding

The site is identified as being within an area with potential to flood and therefore consultations were undertaken with SEPA and the Council's Flood Risk Manager (FRM). In their response SEPA advised that the site is situated outwith the SEPA Flood Map but is adjacent to a small partly culverted watercourse and consequently may be at risk of flooding and recommended that contact be made with the Council's FRM to glean information/local knowledge of the site. The FRM initially requested deferred decision until such time as a topographic survey was submitted confirming the proposed finished

floor level (FFL) of the proposed dwellinghouse. Further information was submitted from the agent confirming that the proposed FFL of the proposed dwellinghouse will be 21.35 metres AOD which is 4 metres above the bed level of the burn at 17.35 metres AOD which allowed the FRM to advise that no formal Flood Risk Assessment is required.

With conditions to ensure the FFL of the proposed dwellinghouse is as above, the proposal is consistent with Policy LDP 10 and SG LDP SERV 7 which seek to ensure that developments are not at risk of flooding.

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Application Site



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0 510 20 Meters
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Location Plan Relative to planning application: 18/00989/PP



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Argyll and Bute Council**Development and 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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 18/01561/MFF

Planning Hierarchy: Local Application

Applicant: Scottish Salmon Company

Proposal: Relocation and enlargement of existing marine fish farm (currently comprising; 12 No. 80 metre circumference cages and feed barge) by re-equipment with 12 No. 120 metre circumference cages and feed barge.

Site Address: East Tarbert Bay, Isle of Gigha

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION**(i) Development Requiring Express Planning Permission**

Relocation of East Tarbert Bay Fish Farm to a location approximately 280 metres to the east of the existing site;

Installation of 12 No. x 120 metre circumference cages, held in one group in a 65 metre x 65 metre grid matrix, with a seabed mooring area of 35.4 ha;

Increase in maximum standing biomass to 2,500 tonnes (existing site 600 tonnes);

Installation of feed barge;

Installation of underwater lighting.

(ii) Other specified operations

Removal of consented equipment from current East Tarbert Bay Fish Farm;

Servicing from the existing shore base at Highfield.

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to

- i) the holding of a discretionary pre-determination local hearing;
 - ii) the conditions and reasons set out in this report.
-

(C) HISTORY:

01/00129/MFF – Prior notification for marine fish farm. No objections 6/3/01

06/02067/MFF - Installation of barge and feeding system. Approved 14.11.2006

10/01854/MFF - Addition of feed barge. Approved 22.02.2011

16/00719/SCRSCO – Screening and scoping request for increase in size and number of cages and relocation of site – opinion issued 19.04.2016.

(D) CONSULTATIONS:

Marine and Coastal Development Manager: No response to date.

Historic Environment Scotland (dated 9/8/18): No comments to make on this proposal.

Northern Lighthouse Board (1/8/18): No objections.

Clyde Fishermens' Association: No response to date.

Marine Scotland Science (dated 31/8/18, 11/10/18,23/10/18 and 19/12/18): There are two other active farms within 15km of the site (Druimyeon and South Drumachro) as such cumulative impact factors may come into play.

Aggregate lice figures for the Add and Ormsary region show that in the period September – December 2017 the region experienced lice levels above the CoGP treatment levels. This suggests periodic difficulties of lice control within the region, although the reporting region includes the entire west coast of Kintyre and therefore may not represent the lice control capabilities of the site.

The development has the potential to increase risks to wild salmonids. The applicant appears to be aware of the potential impacts on salmon and sea trout and has indicated that they intend to manage the site as part of the local FMA. They undertake to follow the practices recommended in the industry CoGP.

Sea trout are present in these waters all year round and not just during the spring smolt migration period. It is therefore suggested that the control of sea lice should be practiced throughout the year.

Adherence to the suggested criteria for treatment of sea lice stipulated in the industry CoGP may not necessarily prevent release of substantial numbers of lice from aquaculture installations.

Information from the west coast of Scotland suggests lice from fish farming can cause a risk to local salmon and sea trout. This information can be used to give an idea of the relative risk to salmon and sea trout which is governed, and can be mitigated by a number of factors in particular the siting of the farm and its ability to effectively control sea lice.

The initial consultation response requested further information on the risk assessment for non-synchronous production in the FMA and confirmation of the quantity of emamectin benzoate consented.

Subsequent response received:

The applicant has resubmitted the risk assessment with an updated title to include adjacent Farm Management Areas (FMAs). No specific changes have been made to the remainder of the risk assessment, therefore, it is deduced that the applicant considers the mitigation measures taken for the sites within the FMA are also sufficient for the sites outwith the FMA. No further information is required.

Response dated 19/12/18. MSS was re-consulted following the publication of SEPA's Interim Position Statement. In relation of the use of emamectin benzoate MSS advise that it is noted that the applicant will continue to operate the site under the current CAR licence for the duration of the next production cycle, and providing the planning consent is granted for the proposed modification, utilise the new licence which has already been granted by SEPA in September 2018 which permits the biomass being proposed in this application. Given that the CAR licence is granted for the biomass and cage arrangement being proposed, it is therefore assumed there will be no change to the permitted quantities of emamectin benzoate at this time and therefore no impact on the sea lice management strategies on site. Providing this is case MSS has no additional comments to make.

SNH – Argyll and Outer Hebrides (dated 3/9/18 and 10.01.2019):

Protected Species - The proposal could affect a nationally important population of a protected species as described in an accompanying confidential annex. SNH either object to the proposal until further information requested is supplied and / or object to the proposal unless conditions are put in place to mitigate the potential impacts on the population.

Sound of Gigha Proposed Special Protection Area - This proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage issues, SNH object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in our appraisal. The relocation of the proposed fish farm will cause a likely significant effect for the designated species of interest as result of potential effects on mortality, disturbance from vessel movement, displacement of foraging areas and loss or damage to supporting habitat. Therefore, Argyll and Bute Council will be required to undertake a Habitats Regulations 'appropriate assessment' for the Sound of Gigha pSPA

Benthic Impacts / Horse mussel beds Priority Marine Feature habitat - Horse mussels occur in the general area but it is considered that the proposal is unlikely to result in any significant impacts on the national status of the horse mussel beds PMF habitat.

Inner Hebrides and the Minches candidate Special Area of Conservation - The proposal is likely to have a significant effect on the harbour porpoise interest of the site. Consequently Argyll and Bute Council is required to carry out a Habitats Regulations 'appropriate assessment' in view of the site's conservation objectives for its qualifying interest.

The findings of the Landscape and Visual Impact Assessment are accepted.

Updated response 10.01.19: In response to our consultation on 3rd September 2018 when we objected to the proposal on the basis of potential impacts on a confidential special and suggested ways that the application could be amended to safeguard this interest. The Scottish Salmon Company have amended their confidential Addendum to the associated Environmental Management Plan. The addendum describes procedures for monitoring wild fish components in the vicinity of the fish farm, reporting on the results, and feedback mechanisms for adjusting management of the fish farm should concerns arise regarding impacts on the confidential protected species. We feel that this provides a robust structure for safeguarding the confidential protected species, and consequently we can withdraw our objection to this issue on this basis.

Argyll and District Salmon Fishery Board (dated 25/10/18): The application for an increase in biomass from 600 to 2,500 tonnes should not be granted due to the anticipated harmful impacts on wild salmonids.

Royal Yachting Association (9/8/18): No objections.

Biodiversity Officer (dated 10/8/18): The application lies in the Sound of Gigha which is currently being proposed as a Special Protection Area albeit that it is in draft; the selected non-breeding bird species are Great Northern Diver, Common Eider and Red-breasted Merganser.

The Area is noted for Harbour Porpoise (Biodiversity Action Plan Species) and that ADDs are proposed as a deterrent.

Burrowed Mud, a biodiversity action habitat was identified allied with a scattering of Horse Mussel in the form of aggregations (as Biodiversity Action Plan species which can form Beds), these are deemed not large enough to be classified as Beds.

Environmental Health (3/8/18): No comments.

Scottish Environmental Protection Agency (dated 6/9/18): SEPA has received and evaluated an application for a technical variation for this proposal under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). The variation is in the process of being issued.

The fish farm would lie approximately 1.5 south of the Inner Hebrides and The Minches Special Area of Conservation designated for Harbour Porpoise. SEPA has a responsibility under the Habitats Regs. to carry out an assessment as part of the CAR application process; this relates to the discharge of nutrients, organic waste and chemical therapeutants only. The assessment considered that the controlled activities will not have a likely significant effect on the designated feature in the protected area.

West Highland Anchorages and Moorings Association (dated 25/7/18): No objections.

West Coast Regional Inshore Fishery Group: No response to date.

Gigha Community Council (dated 12/10/18): Support the application. The Isle of Gigha and its community have benefitted hugely from the industry of fish farming for more than 30 years with very little detriment to the environment. Without the fish farm supporting local business there is the very real possibility there would be no or very limited provisions available such as petrol, diesel etc. and also the fish farms greatly assist with the

transportation of necessary items to the island. The fish farms also provide much needed local employment and good wages which is another reason we must support this sustainable industry.

(E) PUBLICITY:

Environmental Assessment Regs Advert – expired 31.08.2018

Regulation 20 Advert Local Application – expired 24.08.2018

(F) REPRESENTATIONS:

MSP Objection

John Finnie MSP The Scottish Green Party 16/22 Market Hall Victorian Market
Inverness IV1 1PJ 29.08.2018

Objectors

Salmon & Trout Conservation Scotland, No address given 16.08.2018

Friends of The Sound of Jura, No address given 16.08.2018

RSPB c/o Andy Robinson South and West Scotland Regional Office, 10 Park Quadrant,
Glasgow 09.10.2018

Argyll Bird Club c/o Mr Nigel Scriven, 14 Taylor Avenue, Kilbarchan, Johnstone PA10
2LS 05.09.2018

Argyll and Bute Branch of the Scottish Green Party, c/o Anneliese O'Brien, Gate Lodge
Strachur, Argyll PA27 8BX 29.08.2018

Argyll and Bute Branch of the Scottish Green Party, c/o Mary MacCallum Sullivan No
Address Given 27.08.2018

Mr Dennis Archer, 2 The Meadows, Toward, Dunoon 26.08.2018

Mr Christopher Thornton, Fasgadh, Kilmartin, Lochgilphead 27.08.2018

Mr Philip Price, Hawthorn, Ardlarach Road, Ardfern, Lochgilphead 31.08.2018

Mr Nigel Scriven, 14 Taylor Avenue, Kilbarchan, Johnstone PA10 2LS 31.08.2018

Mrs Elaine Morrison-Jures, Heather Lea, Ardmish, Isle of Gigha 29.08.2018

Mrs Christine McLelland, Larachbeag, North Campbell Road, Innellan, Dunoon
27.08.2018

Ed Tyler, Ron Mara, North Beachmore, Muasdale PA29 6XD 27.08.2018

Carina Spink, Ron Mara, North Beachmore, Muasdale PA29 6XD 27.08.2018

Catherine M Cameron, No Address Given 28.08.2018

Lucy Hollingworth, Aonach Mor, Hamlet Hill, Cove, Helensburgh 28.08.2018

Anne Archer, 2 The Meadows, Toward, Dunoon PA23 7UP 28.08.2018

Toni Calam, Gleniffer, Victoria Park, Minard, Inveraray 28.08.2018

Supporters

Mr Ewen Ferguson, Ardmaleish Boat Building Company, Rothesay, Isle of Bute
01.10.2018

Mr David Huthchens, Geantrees, Ceum-Dhun-Righ, Benderloch, Oban 19.09.2018

Mr Finlay Oman, 2 Burnside Way, Largs KA30 9DL 19.09.2018

Mr William Mcsporrán, 10 Ardmish, Isle of Gigha PA41 7AB 12.10.2018

Rhuardh Douglas Edwards, 29 Achlonan, Taynult PA35 1JJ 20.09.2018

Fusion Marine Ltd, European Marine Science Park, Malin House, Suite 5, Dunbeg
20.09.2018

Mr Joseph Teale, Post Office House, Ardminish, Isle of Gigha 10.09.2018
Mr Ben Wilson, Bairneach, Lochdon, Isle of Mull 18.09.2018
Arran Workboats, Whiting Bay, Arran KA27 8PR 26.09.2018
Mr Jamie Young, 136 Anderson Street, Inverness IV3 8DH 19.09.2018
Mr John Bannatyne, 1 Grianan, Isle of Gigha PA41 7AE 04.10.2018
Mrs Audrey Dickie, Gigulum Cottage, Isle of Gigha PA41 7AD 18.09.2018
Mr Keith Helm, Gigulum, Isle of Gigha PA41 7AD 04.10.2018
Christopher Hyde, OTAQ Ltd, Office Scottish Marine Institute, Dunstaffnage, Dunbeg
Oban 17.09.2018
Ken Deacon, Gigha Hote,l Ardminish, Isle of Gigha 14.09.2018
Gavin Kerr, Drimdarroch, New Build Strathlachlan, Cairndow 20.09.2018
Mr Mark Johnstone, 1 Achahoish, Achahoish, Lochgilphead 19.09.2018

(i) Summary of issues raised

Objections

Disturbance to cetaceans

- ADDs should not be allowed on this fish farm as they will disturb porpoises and other cetaceans which regularly use the Sound of Jura.

Comment: In order to maintain containment in the interests of both securing production and avoiding escapees posing adverse consequences for wild fish, the applicants may need to resort to the use of ADD's as a non-lethal means of deterring persistent seal attack where there is risk of containment being lost. Successful use of ADD's avoids need to resort to the licensed shooting of seals, which are themselves a protected species. SNH as the government's nature conservation advisory body advises the Council as part of the planning process as to whether ADD use is appropriate at a particular site, and if so, under what circumstances. SNH has concluded in this case that although the development poses potentially significant effects, provided that ADD deployment is controlled via condition in the manner recommended by them, SNH does not object to the proposal.

Wild Fish Interactions

- Sea lice infections are likely to be transmitted to wild fish and the chemical treatments used cause pollution to surrounding waters.
- The sea lice produced by the fish farms in these regions will have severely damaged wild salmon and sea trout populations over the last three production cycles. If the company could not achieve CoGP levels at Tarbert East with only 600 tonnes biomass, what hope have they of doing better with 300% more fish?
- The sea lice larvae from East Tarbert Bay farm have a cumulative effect with those from Druimeyeon Bay. Together they are major threat to wild salmonids.

- There is clear evidence that fish farmers do not currently succeed in controlling sea lice on farms to the detriment of wild salmon and sea trout populations outside the cages.
- The SAMS Report for the ECCLR Committee has concluded that the main treatment methods used in Scotland are experiencing reduced efficacy in dealing with sea lice on farms.
- The Council has a duty to further the conservation of biodiversity in exercising its functions. That must include furthering the conservation of Priority Marine Features (PMF) such as wild salmon and sea trout and the likely impact of the application being made on that aim.
- The East Tarbert Fish Farm has had a poor record of controlling sea lice figures in the past. These used chemical sea lice treatments which will be relied on should the proposal be approved.
- It is considered that the Council cannot grant permission at the same time as meeting its duties under the Nature Conservation (Scotland) Act 2004.

Comment: See assessment

Nature Conservation Designations

- The Sound of Gigha is of significant environmental importance as identified by its designation as a proposed Special Protection Area under the Habitats Directive 1994. Of particular interest are the three qualifying species; Great Northern Diver, Common Eider and Red-breasted Merganser. Recorded Argyll Bird Club numbers show that spring numbers of Northern Divers can exceed 600.
- The EIA Report contains no assessment on the potential implications of the fish farm impacts on the pSPA with no consideration of impacts on supporting habitats and therefore prey species of the pSPA qualifying features. Insufficient information is contained within that to inform a formal Habitat Regulation Appraisal (HRA).
- Disagrees with previous advice provided by the Marine and Coastal Officer who has stated that burrowed mud PMF indicator species were not found at the site. Also questions the conclusions of the video survey report. It is contended that burrowed mud PMF within the Allowable Zone of Effect (AZE) will be destroyed by effluent from the farm, such that the Infaunal Trophic Index will be less than 30 – there will be only a few species of burrowing worms left.
- The survey in relation to the horse mussel PMF was not exhaustive and the PMF should be protected and allowed to recover.
- There is no indication of what kind of mitigation can protect the horse mussel PMF from harm, or the burrowed mud PMF. Has SNH advised that no significant impacts on species or habitats of national conservation importance will result from the proposed development?

- It would seem likely that Great Northern Divers could be affected by chemicals that are used to treat sea lice given the medicines effect as a nerve agent in arthropods and their inferred impact on marine bethos.
- The applicant's EMP envisages no monitoring of adaptive management and is totally inadequate to allow the Council to meet its duty under the Nature Conservation (Scotland) Act 2004 in respect of the conservation of biodiversity.
- The local seal population and many wild fish species are likely to suffer as a result as they are considered to be both predators (in the former instance) and prey (in the latter).

Comment: See assessment and appropriate assessments in appendices B and C

Amenity Considerations

- The EIA Report details mitigation measures to reduce disturbance by vessel movements, however, there does not appear to be any proposed mechanism to monitor the effectiveness of any of these mitigation measures.

Comment: It is the responsibility of the operator to conduct the activity in accordance with the EIA report. Under European Protected Species (EPS) legislation it is an offence to knowingly or recklessly disturb an EPS.

Tourism Impacts

- The island is dependent on tourism and a clean environment. Fish farming is damaging to the environment.

Comment: There is no demonstrable evidence to suggest that aquaculture materially influences the decisions of tourist to visit or to return to areas where developments have been carefully located under the auspices of the planning system.

Economic Considerations

- The proposal will do substantial harm to the environment and will only create one further FTE position.
- The area is prime creel and dredger fishing ground for prawns. Prawns and other crustaceans are poisoned by emamectin benzoate.
- There is a risk to local fishermen's livelihood through damage to the sea bed and marine life.

Comment: Anticipated economic benefits in terms of direct and indirect employment associated with the construction and operation of a fish farm, and downstream economic activity and benefits to the export economy will all be material considerations which weigh in favour of a development proposal, whilst adverse effects upon existing non-fish farm related businesses and activities

should be regarded as negative influences. It is for the decision-makers to weigh the relative merits of these in the balance of decision-making. It should be noted that SEPA's regulatory process is the appropriate function to control discharges (including chemical treatments) from the proposed development to the marine environment.

Procedural issues

- The Council is not capable of judging the significance of the harm to wild salmonids because it lacks critical expertise and is given ambiguous advice by Marine Scotland which it has described as "sitting on the fence".
- No new marine fish farms, including any increase in farmed fish biomass at existing sites, should be licenced until the environmental problems the industry causes as identified by the Environment, Climate Change and Land Reform Committee, are understood and resolved.
- Too little focus on the application of the precautionary principle has been applied by the sector and decision makers.

Comment: See assessment regarding sea lice. SPP advises that decisions should be taken in the context of available information and policy and that impediment should not be placed in the way of development on the grounds of anticipated changes in circumstances which do not pertain at the point of decision making. SPP requires that in the event of apprehended significant environmental damage, consideration should be given to elimination of that risk. That is clearly the preferential course of action and should be explored in the first instance. SPP goes on to note that if there is uncertainty, the potential for research, surveys or assessment to remove or reduce uncertainty should be considered. It is therefore legitimate in those circumstances to consider whether measures to reduce risk can render acceptable an otherwise unacceptable proposal. With regard to the precautionary principle, this would be adopted in cases of 'reasonable scientific doubt' in relation to European Habitats and Species. The conclusions of the accompanying appropriate assessments do not suggest that a precautionary approach is required.

Support

- The fish farming industry are major employers not only on Gigha but throughout the Kintyre area. They bring much needed employment to the area, which in turn keeps families living in our rural communities and supporting the rural economy.
- The fish farms are needed particularly on Gigha where there are limited employment opportunities. The employment helps to sustain the island population and local businesses.
- The fish farming industry is constantly monitoring and upgrading their operational systems to keep the local environment safe.

- Farmed salmon is now the largest food export from the UK and is contributing significantly to levelling the balance of payments of both Scotland and the UK's economy.
- Wild salmon populations were devastated long before the advent of salmon farming and continue to be pressurised by illegal fishing, seal predation and angling in the rivers, not to mention damaged gravel beds caused by afforestation.
- Aquaculture employment provides justification for young people to stay within or come back to a community they grew up in. A career in aquaculture offers multiple levels of employment.

Note: The foregoing comments represent a summary of the representations. Full details of all representations can be viewed on the Council's Public Access System at: www.argyll-bute.gov.uk

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) EIA Report: Yes

The EIA Report sets out the details of the proposal, site selection process; identifies the main characteristics, nature and scape of the impacts of the development and includes assessment of the impact of the proposals and necessary mitigation measures in respect of:

Benthic Impacts;

Water Column Impacts;

Interaction with wild salmonids and fisheries;

Impacts upon species or habitats of conservation importance, including sensitive species;

Landscape and Visual Impacts.

(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: Yes

Habitats Regulations 'appropriate assessments' are required as follows:

Sound of Gigha proposed Special Protection Area: The relocation of the fish farm will likely have a significant effect upon the designated species of interest as a result of potential effects on mortality, disturbance from vessel movements, displacement of foraging areas and loss or damage to supporting habitat.

Inner Hebrides and the Minches candidate Special Area of Conservation: The proposal is likely to have a significant effect on the harbour porpoise interest of the site.

These are attached as Appendices B and C to this report.

(iii) A design or design/access statement: No

- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes

East Tarbert Bay ADD Deployment and Usage Plan dated August 2018

Consultation Analysis Summary Report dated September 2018

Letter date 8th November 2018 in response to the consultation response from the Argyll District Salmon Fisheries Board (ADSFB).

It should be noted that these supporting statements have been provided for additional clarification and are not considered to constitute 'additional environmental information'. As such, these additional documents have not been advertised under the EIA Regulations.

(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 Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 5 – Supporting the Sustainable Growth of Our Economy

LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)

SG LDP ENV 2 – Development Impact on European Sites

SG LDP ENV 3 – Management of European Sites

SG LDP ENV 7 – Water Quality and the Environment

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

SG LDP ENV 14 –Landscape

SG LDP CST 1 - Coastal Development

SG LDP AQUA 1 – Aquaculture Development

Annex A – Planning Process for Aquaculture Development

Annex B – Council Adopted Marine and Coastal Plans

Annex C – Responsibilities of Statutory Authorities in Relation to Aquaculture Development

Annex D – Marine Planning Area for Aquaculture Development

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

Scotland's National Marine Plan (2015)

Scottish Planning Policy (2014)

Scottish Parliament Rural Economy and Connectivity Committee: Salmon Farming in Scotland (November 2018)

Circular 1/2007 'Planning Controls for Marine Fish Farming'

'A Fresh Start – the Renewed Strategic Framework for Scottish Aquaculture' (Scottish Government 2009)

Scottish Executive – *'Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters'* (updated March 2018)

'Argyll and Bute Economic Development Action Plan' 2013 -18 (Argyll and Bute Council)

-
- (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: Yes

In deciding whether to exercise the Council's discretion to allow respondents to appear at a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

The current Local Development Plan was approved in 2015 and the relevant policies within it are not considered to be outdated.

At the time of writing this application has attracted 19 objections and 17 expressions of support. Objection has been raised by the Argyll District Salmon Fishery Board in its capacity as a statutory consultee. Given the level of interest in the application and the complexity of the issues raised, it is considered that there would be merit in holding a pre-determination Local Hearing to allow Members to visit the site, question participants and consider the arguments on both sides in more detail. It is the view of officers that this would add value to the decision-making process.

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

This application seeks permission for the relocation, re-equipment and enlargement of an existing fish farm to a location approximately 280 metres to the east of an existing fish farm located off the north-east coast of the Isle of Gigha, at East Tarbert Bay. The proposed fish farm would comprise 12 No. 120m circumference cages (the existing farm has 12 No. 80m circumference cages). A feed barge is also proposed and this would have a capacity of 350 tonnes. The maximum stocked biomass would be increased to 2500 tonnes (the existing site is currently 600 tonnes). The proposal represents what would be,

in effect, an alternative enlarged farm to that which is currently authorised and the existing site would be de-equipped. In planning terms this has been viewed as a new fish farm site. An EIA Report accompanies this application.

The main determining issues relation to this application which are covered within the EIA Report include benthic (seabed) impacts, water column impacts, interaction with wild salmonid and fisheries, impacts upon species of conservation importance including sensitive species and landscape and visual impacts.

The proposal has been assessed against the polies of the adopted Local Development Plan with particular regard to the criteria based approach of the aquaculture supplementary guidance policy AQUA 1 as well as other material considerations and policies within the plan.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposal satisfies the criteria set out in Policy SG AQUA 1 . It is considered that there would be no significant seascape / landscape or visual impacts raised by the proposal and that effects on habitats, species and nature conservation would be acceptable subject to mitigation. The proposals for sea lice management contained within the Environmental Management Plan provides measures to address elevated sea lice levels should they occur. The positive economic contribution of the fish farm also gives weight in favour of this development.

The proposal also complies with other relevant policies of the Council's Local Development Plan and there are no material considerations, including matters raised by consultees and third parties, which would indicate that the provisions of the development plan ought not to prevail.

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

Not applicable

(T) Need for notification to Scottish Ministers or Historic Scotland: Not required.

Reviewing Officer: Richard Kerr

Date: 7/11/18

Angus Gilmour
Head of Planning, Housing and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.18/01561/MFF

1. The development shall be implemented in accordance with the details specified on the application form dated 5/7/18 and the approved drawings:

General Location of Proposed Development;
Location Plan showing surface equipment of existing sites and proposed site location;
Location Plan showing existing East Tarbert Bay location and proposed East Tarbert Bay location;
Location Plan showing proposed development location only;
KNN-01-0299 Rev 1;
T4003D120/48/BNSP;
MGL2x6TSSC ETB (1);
KNN-02-0370 rev 4;
Grid Layout Plan
GFE_SM_SSC_350_GA_00001 rev A 1of 3;
GFE_SM_SSC_350_GA_00001 rev A 2of 3;
GFE_SM_SSC_350_GA_00001 rev A 3of 3;
Admiralty chart extract showing proposed development;
Schematic diagram showing proposed development.

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

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

2. The stocking of the site shall not exceed a maximum biomass of 2,500 tonnes.

Reason: In order to restrict production to that assessed for the purposes of this application in the interests of managing wild fish interactions.

3. Notwithstanding the details provided with the Escapes Contingency Plan contained within Annex 6 of the EIA Report, gillnets shall not be used for recovering escaped fish during the period from mid-August to mid-May in any year (which is the over-wintering period which encompasses all pSPA qualifying species).

Reason: In the interests of the conservation of the qualifying species of the pSPA.

4. No anti-predator nets shall be used at the development hereby approved.

Reason: In the interests of the conservation of the qualifying species of the pSPA.

5. The new fish farm shall not be brought into use until the existing fish farm has been permanently de-equipped and the Crown Estate lease surrendered. The decommissioning of the existing fish farm and the installation of the fish farm hereby approved shall only take place between the beginning of June and the end of August in any year.

Reason: In the interests of the conservation of the qualifying species of the pSPA.

6. The code of conduct laid out in Table 32 of the EIA Report for boat movements shall be strictly adhered to during the construction and operational phases of the

development.

Reason: In the interests of the conservation of the qualifying species of the pSPA.

7. The development shall be operated with sea lice management shall be carried out fully in accordance with the Environmental Management Plan and the confidential Addendum dated November 2018, July 2018 contained within Annex 11a of the EIA Report.

Reason: In the interest of the protection of wild salmonids.

8. The development shall be carried out and operated in accordance with the mitigation measures identified in the EIA Report. Section 7 of the EIA Report provides a summary of all mitigation measures proposed.

Reason: In order to ensure that the development can be installed and brought into use without causing significant environmental effects.

9. Any deployment and use of Acoustic Deterrent Devices (ADD's) at this site shall be in accordance with the ADD deployment plan dated August 2018 included in the supporting information accompanying the application submission, or such alternative as may be agreed in advance in writing by the Planning Authority in consultation with Scottish Natural Heritage. In the event of ADD deployment, the operator shall maintain a log which details:

- a. the model and specification of any ADD deployed at the site;
- b. the dates and durations of ADD operation;
- c. the prompt for use (manual or auto sensor)
- d. details of any predation events;
- e. other anti-predation measures deployed at the time of ADD use;
- f. details of person(s) responsible for maintaining the log.

The log shall be maintained available for inspection on request by the Planning Authority.

Reason: In order to avoid disturbance of harbour porpoise and to maintain the favourable conservation status of this species within the Hebrides and Minches candidate Special Area of Conservation and to avoid disturbance of other marine mammals in the interests of nature conservation.

10. The moorings required for the fish farm hereby approved shall be attached using drop down video to allow them to be micro-sited to avoid any areas of horse mussel.

Reason: In order to protect this Priority Marine Feature.

11. In the event that the development or any associated equipment approved by this permission ceases to be in operational use for a period exceeding three years, the equipment shall be wholly removed from the site thereafter, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of visual amenity and to ensure that redundant development does not sterilise capacity for future development within the same water body.

12. In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoys, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment.

Reason: In the interest of visual amenity. The finished surfaces of all equipment above the water surface, excluding the feed barge, but inclusive of the surface floats and buoys associated with the development hereby permitted (excluding those required to comply with navigational requirements) shall be non-reflective and finished in a dark recessive colour in accordance with colour schemes to be agreed in advance of development commencing in writing by the Planning Authority (by way of BS numbers or manufacture's specifications) unless otherwise agreed in advance in writing by the Planning Authority. The feed barge shall be finished externally in a colour scheme which has been agreed in advance in writing by the Planning Authority and shall be maintained as such thereafter unless any variation thereof is subsequently agreed in writing.

Reason: In the interest of visual amenity.

NOTES TO APPLICANT

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. 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.
4. The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APBs) in relation to animal health requirements for aquaculture animals and products thereof, and on the presentation and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB Tel. 01224 295525 Email: ms.fishhealth@gov.scot
5. All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details of an existing marine licence (formally Coast Protection Act 1949 – Section 34 consent), please visit the Scottish Government's website at <http://www.scotland.gov.uk/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing MS.MarineLicensing@Scotland.gsi.gov.uk; or calling 01224 295 579.
6. It is an offence to recklessly or intentionally disturb a European Protected Species, other than in the event of an activity subject to a EPS Mitigation Licence. It is open to the operator to apply for such licensing from the Scottish Government in circumstances where operational activity would have impacts upon an EPS which would otherwise be illegal. This could arise from, for example, de-equipment of the existing farm during a sensitive time of year for protected birds or by activity likely to disturb cetaceans.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01561/MFF

PLANNING LAND USE AND POLICY ASSESSMENT

A. Introduction

This application is for the relocation re-equipment and enlargement of an existing fin fish farm to a site approximately 300 metres to the east of the existing farm at East Tarbert Bay off the north-east coast of the Isle of Gigha. The proposed site will comprise 12 x 120m circumference flotation rings from which nets will be suspended, held in one group within a 65 m by 65 m grid matrix. The net depth would be 10m. A feed barge is also proposed. The proposed maximum biomass for the site would be 2,500 tonnes.

This differs from the existing site which has 12 x 80m circumference cages within a 50m x 50m mooring grid. The feed at the existing site is delivered by cannon feeders based on a work boat and the maximum stocked biomass of the farm is 600 tonnes. The existing site has a stocking density of 19.5 g/m³, whereas the proposed fish farm would be 18.2 g/m³.

Feed for the existing fish farm is delivered by lorry to the shore base where it is then stored until required and then transported to the site by boat. As the new development includes a feed barge, feed will normally be delivered by boat although feed deliveries by road may still be required at the start of the production cycle. The overall number of road deliveries will, however, be significantly reduced when compared to the existing situation. Stocking and harvesting of fish would be by well boat.

B. Location

There has been a long standing fin fish site at East Tarbert Bay which was originally authorised under the Crown Estate leasing process, following consultation with the Council in 2001. The site has subsequently been granted planning permission by the Scottish Government under the Audit and Review process. In the event that permission is granted for this proposal, the existing site would be permanently de-equipped.

The application site lies off the LDP defined 'countryside' development management zone, which in turn confers 'undeveloped coast' status. The closest aquaculture development is a further fin fish farm at Druimeyeon Bay also operated by the applicant, which is to the south of the proposed site. The site lies outwith any marine, landscape, nature conservation or historic environment designations.

C. Planning Policy

The proposal benefits from general support from the Scottish Government's National Marine Plan and from Scottish Planning Policy, which together recognise the contribution of the aquaculture sector to the rural economy and which seek to support sustainable economic development. The National Marine Plan and Scottish Planning Policy both support the expansion of marine fish farming where it can take place in environmentally sustainable locations, where it does not exceed the carrying capacity of the water body within which it is to be located, and where it does not give rise to significant adverse effects

upon nature conservation, wild fish, historic environment or other commercial or recreational water users.

LDP Supplementary guidance SG LDP AQUA 1 – Aquaculture Development provides a general framework against which fish farm applications should be considered, along with other relevant LDP policy and SG.

The following Local Development Plan provisions are applicable to this development:

Policy LDP STRAT 1 – Sustainable Development supports the presumption in favour of sustainable economic development established by Scottish Planning policy and lends weight to aquaculture developments unless there are environmental considerations which outweigh this presumption.

Policy LDP DM 1 – Development within the Development Management Zones – Land immediately west of the site is designated as ‘countryside’ zone.

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment – seeks to control development in a manner which protects, conserves or where possible enhances the built, human and natural environment.

Policy LDP 5 – Supporting the Sustainable Growth of Our Economy – requires regard to be had to economic benefit and the spatial needs and locational requirements of business sectors.

Policy LDP 9 – Development Setting, Layout and Design – requires that regard should be had to the setting of developments, the sensitivity of the receiving environment and the need to secure appropriate forms of scale, design and appearance.

Supplementary Guidance SG LDP AQUA 1 – Aquaculture Development stems from Policy LDP 5 which identifies aquaculture as a key economic sector in Argyll & Bute. It sets out criteria against which the locational and operational characteristics of a development require to be assessed. Proposals are to be supported if direct, indirect or cumulative significant effects are avoided, or adverse effects can be minimised or mitigated by operational measures.

Beyond development plan considerations, in determining the application regard has to be had to the Council’s Economic Development Action Plan which identifies aquaculture as an important contributor to the local economy, and to national government economic and sectoral policy, the stated intention of which is to seek to expand the finfish sector substantially to meet internal and export demands and to help sustain direct and indirect employment in rural areas.

A further recent consideration prompted by continuing demands from wild fish interests for more stringent controls over marine fish farming, has been the Scottish Parliament’s Rural Economy and Connectivity Committee Inquiry into Salmon Farming in Scotland, the adopted remit of which is:

'to consider the current state of salmon industry in Scotland, identify opportunities for its future development and explore how the various fish health and environmental challenges it currently faces can be addressed'.

The report on salmon farming in Scotland was published on 27th November 2018. This contains 65 recommendations for the Scottish Government to consider. Whilst the report is critical of the way in which the salmon industry operates, recommendation 3 concludes that there is insufficient evidence to support a moratorium on new salmon farm development and the expansion of existing sites.

D. Assessment Against Policy Criteria

Assessment of the proposal in this case will primarily be against the criteria set out in sector specific supplementary guidance SG LDP AQUA1. There is a requirement to consider the locational and operational characteristics of the development against each of the specified criteria with the presumption that proposals will be supported where:

- Direct, indirect or cumulative significant adverse effects on the criteria are avoided in relation to the locational characteristics of the development (*this would be relevant in this case in terms of the impact of the development upon nature conservation designations, for example*);
- The applicant can demonstrate that the level of risk of potential impacts on criteria relating to the operation of the site can be effectively minimised or mitigated by appropriate operational measures (*this would be relevant in this case to the impact of the operation of the development upon wild fish interests*);

- Proposals are consistent with other local and national policies and guidance

The eight development criteria set out in SG LDP AQUA 1 are reviewed in the sections below.

1) Landscape/Seascape and Visual Amenity

The EIA Report includes a Seascape and Visual Impact Assessment. Following an initial site assessment and review of the Zone of Theoretical Visibility (ZTV) it was considered that any potentially significant effects on the seascape character and visual amenity would be likely to occur within 5km of the proposed development, therefore, a 5km radius study area from the proposed barge centre has been adopted.

In landscape and visual terms the key components of the proposed development have been identified as:

- Relocation of the farm into deeper water approx. 280m further offshore than the existing site;
- The replacement of 12 circular cages (80m circumference, 25.5m diameter) by 12 larger circular cages (120m circumference, 38m diameter).
- The existing cages have anti predator bird nets supported by a hamster wheel support structure, with a maximum height of 2m above sea level. The proposed cages have

nets supported by perimeter poles with top nets with a maximum of 5 metres above sea level.

- There is no feed barge on the existing site. Feeding is via a cannon feeder from a boat. It is proposed to install a Seamate 350T feeding barge (max 6m height above sea level, with displacement dependant on feed tonnage).

Visualisations have been produced from five viewpoints in accordance with SNH guidance.

There are no nationally designated landscapes / seascapes with the study area. In terms of the regional context, there is an Area of Panoramic Quality (APQ) 4km from the site, and, therefore this is included in the seascape assessment. There are also small stretches of isolated coast within the study area. These are limited to a number of small islets 1-5km from the site and these are also included within the seascape assessment.

Two Local Coastal Character Types (LCCTs) have been identified within the study area. These are:

LCCT1: Smooth shoreline with shingle margins and low, pastoral hinterland;

LCCT2: Indented, rocky shoreline with small sandy bay, low cliffs and knolly hinterland.

In terms of visual amenity, two categories of visual receptor have been identified. These are receptors in buildings and receptors on routes (roads, boats and land-based recreational routes). Receptors in buildings with theoretical visibility are limited to those in properties along the public road just north of Ardmish and at a distance from Point House / Point Sands Holiday Park on the mainland (although views from the latter are screened by foreground coniferous trees). Potential views from 'Kinerarach', the closest dwelling (1.2km away), are screened by a foreground conifer plantation. A house under construction nearby with a view unobstructed by trees was uninhabited at the time of the assessment. Potential views from the village of Ardmish are limited to the high point adjacent to the village store and post office.

Receptors on the roads with theoretical visibility are located on some of the minor roads between East Tarbert Bay and Ardmish. The mainland A83(T) lies outwith the ZTV study area.

Theoretical visibility on boats are indicated by the north-south Royal Yachting Association (RYA) sailing route. This is represented by Viewpoint 4 in the assessment. There are also two ferry routes between Islay and West Loch Tarbert to the north and the Gigha ferry to the south. These are in excess of 2km away and considered unlikely to experience any significant visual effects. Receptors on recreational routes with theoretical visibility of the development are located along the Kintyre Way long distance walking route.

In order to represent the views obtained by visual receptors five representative viewpoints have been selected. These are as follows:

VP1: Near Tarbert Farm on minor road;

VP2: East Tarbert Bay below minor road;

VP3: Ardminish, near shop;

VP4: Boat transit, shipping lane;

VP5: Kintyre Way near A83

The seascape assessment concludes that there would not be significant effects on the seascape character of the two LCCTs. This is largely due to the context of the existing fish farms reducing sensitivity to changes and the juxtaposition to the Gigha coastline which acts as a back-cloth to the development when experienced from seaward and mainland coastal seascapes. Potential views of the proposed development from 'Kinerarach' are screened by a foreground conifer plantation. It should however be noted that where commercial forestry is concerned cyclical felling and replanting will give rise to periods when the development would be more visible. Nearby landward views from roads are largely restricted to VP 2 and 3. However, there would be 'moderate' and therefore 'significant adverse effects' from VP2, 1.7km from the site. No other significant landward effects were identified.

In terms of boats, the study concludes that most would experience the development from a distance generally from a moving boat as part of a longer journey in which there are various point of visual interest in multiple directions, which would not lead to significant effects arising.

The report concludes that the proposed development would either be screened or viewed at a distance, and change would not be perceived as being significant. The new fish farm would be aligned with a longer, smoother stretch of coast rather than the more fragmented coastline of East Tarbert Bay. It would have relatively limited inter-visibility with both local coastal character areas and visual receptors due to screening from potential receptor locations by foreground topography and trees. Where there is theoretical visibility, effects are limited to the local area, where the difference in size, orientation and relationship could be perceived.

The conclusions of the assessment have been accepted by officers and have not been contested by SNH. The proposal does not present landscape/seascape character or visual amenity consequences of such a magnitude as to warrant refusal of planning permission on these grounds.

2) Isolated Coast and Wild Land

There are no designated areas of wild land which would be impacted by the proposal. The site itself lies within the designated 'undeveloped coast'. As noted above, there are small areas of more sensitive 'isolated coast' within the study area. These occur on the islets around Gigha and these have been fully considered in the Seascape and Visual Impact Assessment which has been considered in the previous section. This concludes that the proposal would not result in significant effects on either the seascape or visual resource and would not significantly degrade assets within the designated 'isolated coast'.

3) Historic or Archaeological Sites and their settings

The proposal does not lie within any protected wreck sites and does not pose significant impacts upon the settings of any terrestrial historic environment assets. Accordingly, the proposal may be accepted in terms of its implication for the historic environment.

4) Priority Habitats and Species (including wild migratory salmonids) and designated sites for nature conservation

SNH has advised that the proposal could affect a nationally important population of a protected species, details of which have been submitted in a confidential annex. In this regard SNH noted that they either object to the proposal until the further information requested is supplied or they object to the proposal unless conditions are put in place to mitigate the potential impacts on the population. Following further discussion between the applicant and SNH a confidential Addendum to the proposed Environmental Management Plan has been agreed. This addendum describes procedures for monitoring wild fish components in the vicinity of the fish farm, report on the results, and feedback mechanisms for adjusting management of the fish farm should concerns arise regarding impacts on the confidential protected species. SNH has subsequently withdrawn the objection.

The proposed site is located within the Sound of Gigha proposed Special Protection Area (pSPA) selected for its qualifying interest of wintering great northern diver, red-breasted merganser, eider and Slavonian grebe. SNH has indicated the need for the Council as determining authority to carry out a Habitats Regulations 'appropriate assessment' as part of the decision-making process. This can be found in Appendix B to this report. It concludes that although without mitigation the proposal could present significant effects, with identified mitigation in place, significant effects will not result upon the site's conservation objectives for its qualifying interest.

The proposed site also lies 1.5km south of the Inner Hebrides and Minches candidate Special Area of Conservation (cSAC) which has been selected for its qualifying interest of harbour porpoise. Again SNH has indicated the need for the Council as determining authority to carry out a Habitats Regulations 'appropriate assessment' as part of the decision making process which can be found in the Appendix C to this report. It concludes that although without mitigation the proposal could present significant effects, with identified mitigation in place, significant effects will not result upon the site's conservation objectives for its qualifying interest.

The operation of Acoustic Deterrent Devices employed to repel seals (ADD's) poses potential consequences for the harbour porpoise cSAC designation, and in response to this the applicant has submitted an ADD deployment plan, which has been produced in consultation with SNH. SNH has recommended that the deployment of ADD's be controlled by condition, and that their usage should be subject to monitoring and reporting. It is important to note that this can be secured by means of a condition; but if Members are minded to approve the application in the absence of such a condition, SNH's stance will in that circumstance be one of objection, in turn prompting notification to the Scottish Ministers before any decision may be made.

SEPA has responsibility under the Habitats Regulations to carry out an assessment as part of the CAR application process. This relates to the discharge of nutrients, organic waste and chemical therapeutants only. Their assessment concluded that the controlled activities would not have a likely significant effect on the designated features of the protected area.

In terms of benthic impacts, SNH has advised that the benthos directly beneath the site consists of mud habitat some of which may represent a Priority Marine Feature (PMF) habitat; Burrowed Mud. This is not considered to be a high quality example and due to the widespread distribution of this PMF in Argyll, including areas of much higher quality habitat, SNH does not consider any potential impacts as a result of this proposal to be of regional or even local significance.

Horse mussel beds are a further PMF and these have been identified to the north of the proposed site. SNH disagree with the survey which state that horse mussels present would not be considered a bed. SNH has defined horse mussel beds as being formed from clumps of horse mussels and shells covering more than 30% of the sea bed over an area of at least 5m x 5m. They contend that some of the areas identified in the survey appear as though they may meet this criteria and would therefore represent area of PMF habitat. It is estimated that the closest horse mussel record is approximately 80 – 100m from the closest cage edge, and the occurrence and density of the horse mussels generally increases with distance from the proposed development location, with denser areas appearing to occur mostly beyond approximately 150m from the cage edge. Whilst horse mussels are considered to be sensitive to the pressures associated with finfish farming, the energetic nature of this location is predicted to result in a very limited benthic footprint. SNH has concluded that the risk of any significant impacts occurring on any areas of horse mussel bed will be low. It is therefore considered unlikely that the proposal will result in any significant impacts on the national status of the horse mussel bed PMF habitat. It is further noted that it would appear as though the moorings could overlap the most southerly records of horse mussels. It is however likely to be possible to avoid direct impact on these areas through the placement of moorings by using drop down video to allow micro-siting to avoid any areas of horse mussel.

5) Wild Fish Interactions

a) Containment and risk of escapes

The EIA Report states that there have been no reported escape incidents at the existing Gigha sites whilst under the management of the applicant. However, it is recognised that there are various scenarios which may result in escape events including operational accidents, predator interaction, equipment failure or extreme weather events. The equipment that is installed on site is designed specifically for the conditions predicted at site and attestations for the site equipment have been provided. An Escapes Contingency Plan has been drafted for the proposed site which details the measures to be taken to reduce the potential risk of escape events. The measure contained within this plan are detail within the EIA Report.

It is further noted that the Scottish Government has published a Technical Standard for Scottish Finfish Aquaculture, which outlines requirements for training, equipment specifications and operating procedures with the aim of minimising the risk of escapes across the industry. The applicant is working towards all sites being able to meet the standard by 2020, which is the target date set by the Scottish Government for compliance.

b) Sea lice management

The most intractable issue influencing the interaction between farmed fish and wild fish species is that of sea lice transmission. Farmed fish are routinely hosts to parasitic sea lice, the numbers of which require to be controlled, in order to assure the health of farmed fish and to avoid lice dispersal into surrounding waters. Lice are distributed in the surface level of the sea by wind and tide, and available science suggests that they may travel up to 35km from their source. Wild salmon can be exposed to sea lice from fish farms close to salmon rivers during their migration periods, whilst sea trout tend to remain in coastal waters throughout the year, so are potentially at greater risk.

Sea lice are naturally occurring marine parasitic crustacea that attach to the skin of salmon, and harm the fish by feeding on skin and blood and by causing wounds. Eggs laid by female lice hatch into free-living young that are transported by water movements to both farmed and wild fish. Generally, lice prevalence will be expected to be greater in the second year of production when host fish are more developed. Wild fish interests consider that increased abundance of lice on farmed salmon may correlate with increased numbers of lice on wild salmon in the same water-body. However, cause and effect in the marine environment is difficult to substantiate, and hence whilst it is asserted that there is a correlation between increased numbers of farmed fish and declining wild fish numbers, it is not possible to be scientifically definitive. Wild salmon may be affected by a wide range of environmental conditions including climate change, river modification, and commercial fishing, and naturally occurring sea lice, as well as sea lice derived from farms, so lice transmission from farms is not the only factor affecting conservation status of wild fish populations. Indeed, sea lice levels themselves will be the subject of natural fluctuation in the environment, regardless of the presence of farmed fish.

The well-established method of controlling sea lice has been by chemical means, generally by way of a combination of in-feed treatments and periodic bath treatments. There are five chemicals licensed for use for the purposes of lice control and SEPA imposes limits on usage at individual sites via its CAR licensing process. Over time, resistance developed by lice to the effect of in-feed chemicals has diminished their effectiveness, although this has been offset to a degree by improved bath treatments some of which now take place in contained conditions on board well-boats moored alongside a farm, as an alternative to the more common practice of net shallowing using tarpaulins as a means of containing fish for the administration of chemicals in situ within the cages. The aquaculture industry accepts that consentable chemical treatments alone no longer provide an adequate means of controlling lice on farms, and operators have begun to introduce a broader suite of methods, including biological controls by the use of 'cleaner fish' (wrasse and lumpsucker) and freshwater, water temperature and mechanical cleaning processes, all of which are intended to reduce the lice burden on farmed fish.

The Scottish Salmon Producers Organisation has for some years adopted 'Code of Good Conduct' (CoGP) standards as a means of self-regulating the practices of its constituent members. These include a threshold for the presence of ovigerous lice per fish, based upon weekly counts. The criteria prompting lice treatment are an average of 0.5 adult female per fish (Feb – June) and an average of 1.0 per fish (July – January).

The stocking of greater numbers of fish necessarily increases the potential hosts for sea lice, so even when there is an ability to meet the Scottish Salmon Producers 'Code of Good Practice' (CoGP) targets for sea lice management, increased fish numbers necessarily mean that more sea lice will be released into surrounding waters. It is important therefore to bear in mind that even when adherence with CoGP trigger levels for treatment can be attained by operators, the expansion in the size and numbers of fish farms will in any event, as a result of the increased number of potential hosts, still prompt the release of lice into the environment in substantial numbers. However, it is not necessarily the case that additional biomass will increase the risk to wild fish proportionately to the additional tonnage. Biomass reflects the total permitted tonnage to be held rather than the number of fish to be stocked, so if fish are grown to a larger size before harvesting this will present a lesser number of hosts than if stocking density is higher and harvesting is sooner. Potential host numbers are therefore partly a result of production decisions and are not dependant solely upon maximum biomass.

Wild salmon are a European Protected Species, and having regard to the division of regulatory responsibilities acknowledged in the National Marine Plan, and as part of its biodiversity duty, the Council in its capacity as Planning Authority must assume responsibility for the consideration of the implications of aquaculture development for the welfare of this species. In considering aquaculture applications, the Council therefore has to satisfy itself that there is both an effective and a consentable sea lice strategy identified, and that there are controls in place to ensure that necessary steps are taken in the event that sea lice levels prove not to be capable of being controlled in a satisfactory manner using the measures identified at the application stage. Similarly, the Council has to satisfy itself that proposed containment is adequate in order to minimise the risk of escape events.

Marine Scotland's Fish Health Inspectorate have the responsibility for regulating the health of fish being produced on the farm, but this responsibility does not extend to the consideration of the effects of fish farming upon wild fish; although Marine Scotland does provide wild fish interaction advice to the Council to inform decision-making. SEPA are the regulatory body responsible for licensing biomass permitted to be held on farms and for the permitted use of chemicals, but the propagation of sea lice into the wider environment from within farms is not construed to be 'pollution', and therefore wild fish impacts are not considered as part of their licensing process.

The government is a participant in North Atlantic Salmon Conservation Organisation (NASCO) established by an inter-governmental Convention in 1984. The objective of NASCO is to conserve, restore, enhance and rationally manage Atlantic salmon through international co-operation, taking account of the best available scientific information. It seeks to avoid lice induced mortality which is attributable to the operation of marine farms.

In 2016, in response to declining wild salmonid numbers, NASCO urged operators and regulators to adopt additional corrective measures to ensure that convention obligations can be met.

In response, in July 2017, having regard to the demand by NASCO for more stringent controls, and the government's obligations under the Aquaculture and Fisheries (Scotland) Act 2007, Marine Scotland's Fish Health Inspectorate (FHI) introduced a new Sea Lice Management Policy which now obliges salmon farmers to develop site specific escalation action plans to be implemented when sea lice levels rise above an average of 3 female lice per farmed fish. Furthermore, if levels exceed an average of 8 female adult lice, the new policy prompts enforcement action by the FHI. This can include *inter alia* a requirement for measures such as medicinal treatment, topical bath treatment, mechanical removal, biological interventions, or reduction of the biomass held on the site. The FHI lice control standards have been prompted by Marine Scotland's responsibility for the health of farmed fish. They do not specifically take into account the conservation interests of wild fish, which are the separate responsibility of Planning Authorities. These new standards do, however, provide a regulatory 'backstop' which indirectly benefits wild fish, insofar as they prompt action when lice numbers on farmed fish are elevated well beyond CoGP limits.

In terms of sea lice management, the existing Druimyeon Bay site and the proposed East Tarbert Bay site lie within the Marine Scotland ISA Management Area (MA) 18b and Code of Good Practice (CoGP) Area M-46. The Scottish Salmon Company is the only operator in the CoGP Area M-46. A draft Farm Management Statement (FMS) for the proposed site is contained within Annex 10 of the EIA Report. The measures to be taken at East Tarbert Bay and threshold levels against which decisions regarding action will be taken are detailed in an Environmental Management Plan (EMP) which is contained within Annex 11a of the EIA Report. The purpose of the EMP is to illustrate the proposed actions to ensure effective sea lice management. It identifies strategies and procedures which apply to all SSC sites in the Sound of Gigha. SSC operated an Integrated Sea Lice Management Plan (ISLM) which aims to reduce the use of medicinal products whilst increasing the use of cleanerfish and systems which physically remove sea lice (e.g. hydrolicer). It is advised that the company intends to operate the proposed development in synchrony with the adjacent development at Druimyeon Bay in terms of fallowing, stocking, harvesting and sea lice treatments.

The site is located within the Add and Ormsary region for SSPO quarterly reporting of sea lice counts. There are six active farms in this region resulting in aggregated data, therefore, it is impossible to relate these figures to sea lice control at the Gigha Farm. MSS has advised that the sea lice for this region were 'medium' from October 17 to December 17 with an average lice count of 3.69 over this period. It is also noted that while the biomass is proposed to increase, the stocking density will be slightly lower than the existing farm.

The Argyll District Salmon Fishery Board (ADSFB) is of the view that an increase in biomass from 600 tonnes to 2,500 tonnes should not be permitted. It is the Board's view that this poses a significant increase in risk through sea lice infection and escaped farm

fish. Under the Conservation of Salmon (Scotland) Amendment Regulations 2018 all of the principal salmon and sea trout rivers in the area are categorised as Grade 3 meaning that stocks have already fallen below safe conservation levels. It is also noted that sea lice numbers during the reporting period were high in 2015 and 2106 and it is contended that an increase in biomass will further threaten fish stocks. It is advised that the applicant has not provided or agreed the scope of detail of an EMP in advance with the ADSFB. The ADSFB advise that the applicant needs to demonstrate how they will monitor the response of the environment and wild salmonid fish to the application. They consider that measuring and reporting key indicators are necessary to provide feedback and inform management decisions. The applicant has responded to this advising that the Scottish Salmon Company has developed a robust, integrated sea lice management plan which is outlined in the Environmental Management Plan. This focuses on keeping lice levels to a minimum all year round and details a number of options available and scenarios by which lice control can be achieved.

The nature of the sea lice issue is that the absence of reliable science means that it is not possible to attribute a magnitude of likely impact to a particular farm. Accordingly, judgement has to be made on a risk based approach having regard to what is understood about the characteristics of the receiving environment, background conditions, previous experience in sea lice control at or near the site, and the magnitude of the threat likely to be posed by a particular scale of development once mitigation has been applied.

What is understood in this case is that wild salmonids will be exposed to risk in the Sound of Gigha during the migratory period in the case of Atlantic Salmon, and on an all year round basis in terms of sea trout. It is known that the effectiveness of in-feed treatments against lice on farms is diminishing, and alternative methods are being employed (cleaner fish, mechanical treatments etc.) in order to reduce reliance on periodic chemical treatments. However, where a large increase in biomass is proposed, as in this case, even when SSPO Code of Good Conduct lice levels can be attained in terms of numbers of lice per fish, a substantial increase in the number of host fish will nonetheless still result in lice being released into surrounding waters in elevated numbers.

A development such as this will therefore inevitably pose some enhanced risk to wild salmonids and it is therefore necessary for decision-makers to conclude, on a risk basis, whether after the application of mitigation (lice treatments and the application of Environmental Management Plan obligations) the risk attributable to the operation of a particular farm, both in isolation and cumulatively with the operation of other farms within influencing distance, would be likely to be such as to warrant refusal of permission in terms of adverse impacts upon wild salmonids.

In this case, the East Tarbert Bay site benefits from only being associated with one other salmon farm, which has the additional benefit of being in the applicant's control and which would therefore be operated synchronously with the proposed farm. This is not a location with a high concentration of farms, nor is it one where a confined water body presents enhanced risk, (as may be experienced by salmonids associated with salmon rivers at the head of sea lochs, for example).

The Gigha area has experienced elevated lice levels in the past, but more recent experience has shown that the wider range of treatments at the disposal of the applicants has enabled better control to be achieved. The DSFB points out that wild salmonid numbers in surrounding waters have fallen drastically in recent years to below safe conservation levels. Whilst that is the case, a range of environmental factors may be responsible for this. Although it is reasonable to assume that elevated lice levels arising from the operation of fish farms may well be contributing to this trend, it is not known whether this is the primary cause. In particular, it is not possible to conclude reliably what the magnitude of impact would be likely to derive from a particular location and scale of farm, so the focus has to be upon the extent to which management and mitigation measures provide re-assurance that the operator will be able to minimise lice numbers, once those measures have been applied. Furthermore, should lice numbers escalate to levels posing significantly increased risk, there would need to be credible sanctions in place (such as reduction in biomass or premature harvesting) in order to ensure that increasing lice numbers could be addressed.

In this case, the applicants have advanced containment and lice treatment methods which are credible and which offer the prospect that a larger scale farm with new equipment and access to a wider range of lice control methods could be capable of operating in a manner which would not significantly prejudice wild fish interests. However, it could prove to be that despite the applicant's best endeavours, operation of the site does not progress as anticipated, and despite enhanced intervention, it transpires that lice numbers cannot be kept to low levels. In that event, the opportunity to require by condition that the site should be operated in accordance with an EMP would provide reassurance that if the operator were not to be able to control lice levels satisfactorily, then sanctions could be imposed in accordance with the escalating response provided for in the EMP. The EMP provides details of the proposed sea lice management with the strategies outlined in the EMP relating to all fish farms in the Sound of Gigha. This confirms that the company follows a quality assured, integrated sea lice management plan. This aims to actively reduce the use of medicinal products, whilst increasing the use of biological control (i.e. cleanerfish) and systems which physically remove lice (i.e. Hydrolicer flushing system). Lice monitoring is conducted as soon as the fish are able to be caught with food. Each stocked cage is checked on a weekly basis for both lice and gill health. The EMP also confirms that the company's sea lice thresholds for treatment are significantly lower than those stated in the CoGP.

The DSFB's position is that any increase in the number of farmed fish, irrespective of the efficacy of lice controls, of itself poses an unacceptable risk to wild salmonids. In that scenario there would be no capacity for additional biomass, either as a result of the establishment of new sites, or the enlargement of existing ones. The position of officers is rather that on a risk basis with identified mitigation in place and an EMP in effect, the enhanced threat posed to wild fish interests would not be such as to warrant the refusal of the application on grounds of unacceptable impacts upon the wild fish environment. This accepts that there will be some increased risk simply as a result of there being additional hosts (irrespective of whether lice numbers per fish can be managed to low levels), but that the additional risk is proposed to be managed to a low level by plausible means at the

disposal of the applicants, and there is a mechanism in place to curtail farming should that not prove to be the case.

6) Ecological Status of Water Bodies and Biological Carrying Capacity

The site is located within 'uncategorised' waters under Marine Scotland's Locational Guidelines, which indicates better prospects of fish farm developments being acceptable in environmental terms given the open situation, and the depth of water with unconstrained water exchange. SEPA are responsible for controlling water column impacts via its CAR licensing process and are in receipt of an application for a variation to address the revised siting, additional equipment and biomass proposed.

7) Commercial and Recreational Activity

In terms of non-commercial maritime use, it is considered unlikely that recreational interests will be significantly affected by the proposed development. Fish farms in this location off the east coast of the Isle of Gigha are a long established feature of the locality and have proven capable of co-existing with recreational boat traffic and inshore fishing. The Royal Yachting Association has no objections and the fishermen's associations consulted have not responded. ScotMAP July 2018 identifies the surrounding marine area of the farm of not being of high value for nephrops trawling and creel fishing. The overall change in seabed area that might interact with fishing activity is not considered significant. The proposal will not present adverse navigational safety issues, subject to navigational markings to satisfy Northern Lighthouse Board requirements.

8) Amenity issues arising from operational effects (waste, noise, light and colour)

The EIA Report mitigation notes that the site would be fallowed for approximately 8 weeks in every 24 months. Access to the site will be taken via the shore base at Highfield. Unlike the existing fish farm, this proposal includes the installation of a feed barge. This will remove the requirement for boat based canon feeding, thus reducing boat activity and noise around the site. The overall number of road deliveries of feed will also be reduced from the existing situation as feed will predominantly be delivered by boat direct to the barge although there may still be a requirement for deliveries by lorry at some points in the cycle. The EIA Report estimates that despite the increase in the scale of the farm, this will result in a 70% reduction in lorry deliveries required for feed transport.

There are no dwellings or sensitive receptors in close proximity to the site. The nearest dwelling is at 'Kinerarach' which is some 1.2km from the site. It should be noted that separation will be increased as a result of the movement of the farm further offshore. This dwelling is currently approximately 300m away from the existing site which is to be removed. It is not therefore considered that the proposal would raise any adverse issues on residential amenity grounds.

A Waste Management Plan has been included within Annex 15 of the EIA Report. This follows the 'waste hierarchy' set out in the revised EU Waste Framework Directive. This waste hierarchy has been transposed into UK law through The Waste (Scotland) Regulations 2012 and The Waste Management Licensing (Scotland) Regulations 2011

which places a duty on all persons who produce, keep or manage waste to apply the waste hierarchy. The waste hierarchy is on a sliding scale promoting prevention and recycling with disposal as a last resort. The Waste Management Plan details how the various types of waste streams are dealt with in the company.

Underwater maturation lighting is proposed for use January to July as per past practice. Navigational lighting would require a light to be visible at a range of two nautical miles.

9) Economic Impact

It is necessary to have regard to net economic impacts, taking account of any negative effects imposed upon existing businesses as well as economic benefits accrued by the applicants and any indirect benefits to the manufacturing/service sector. No adverse impact of significance has been identified in terms of commercial fishing or recreational boating, and there is no suggestion that expansion of the site would prejudice operator viability within any of these sectors. In the event that Members are persuaded that the proposal would seriously prejudice wild fish interests, then there could well in turn be some adverse implications for the tourism and economic value of the fisheries in the area, although the attribution of such effects to the scale of the project at hand and the quantification of those effects would be difficult.

The expansion of the aquaculture sector is being actively encouraged by government policy in view of the contribution it makes to the national and export economy, and in view of the employment it sustains. It is supported by development plan policy unless there are locally significant adverse effects which cannot be avoided, reduced or mitigated to an extent which renders development acceptable. The Council's Economic Development Strategy identifies the food and drink sector as being one of the areas key sustainable economic assets helping to retain and create jobs in rural areas.

The site currently support 10 FTE staff working between the East Tarbert Bay and Druimyeon Bay sites, with an average salary of £21,346.35. The proposed development would require one additional post to be created. The EIA Report notes that the Scottish Salmon Company sites on Gigha support local businesses both on the island and on mainland Kintyre. Local contractors will be used when required for special projects as well as dive teams on a regular basis. The report advises that in 2017, the Scottish Salmon Company spent £18,118.00 on businesses in Gigha. The company also provides in-kind support to various local businesses and community support. Economic benefits associated with the equipping and operation of this site, including indirect benefits arising from locally sources components, supplies and services, all lend weight to the application proposal in the balance of decision-making.

APPENDIX B – HABITATS REGULATIONS ‘APPROPRIATE ASSESSMENT’

HABITAT DIRECTIVE 92-43-EEC THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED

Purpose of the designation

The Habitats Directive aims to conserve biodiversity by maintaining or restoring Annex I Habitats or Annex II species to favourable conservation status. The Inner Hebrides and the Minches candidate Special Area of Conservation (cSAC) was identified in 2016 covering an area of 13,000 square kilometres between the Isle of Lewis and the Isle of Jura. It does not contain any Annex I habitats and is confined to a single Annex II species interest; namely harbour porpoise *Phocoena phocoena*.

Candidate SAC's are sites which have been identified as fulfilling European designation criteria and have been submitted to the European Commission for adoption. They are afforded protection in the interim in the same way as if they had been adopted

The purpose of this designation is to maintain the favourable conservation status of harbour porpoise in the marine Atlantic Biogeographic region, by providing protection for habitats that support high predicted and observed densities of this species, likely to be a consequence of the variety of sediments in the designated area and the prey species they support which provides a productive foraging area supporting the species in higher densities.

Consequences of the designation

In circumstances where European Protected Species could be subject to significant effects as a consequence of development proposals, the competent authority, in considering whether development should be consented, is required to undertake an 'appropriate assessment' to inform its decision-making process, on the basis that where unacceptable effects are identified, or in cases of 'reasonable scientific doubt', then permission ought not to be granted.

An 'appropriate assessment' is required to be undertaken in cases where any plan or project which:

- (a) Either alone or in combination with other plans or projects would be likely to have a significant effect on a European site designated for nature conservation; and
- (b) Is not directly connected with the management of the site.

It is considered by Scottish Natural Heritage that the development proposed by means of above planning application (reference 18/01561/MFF) has the potential to have a significant effect on the qualifying interests of The Inner Hebrides and the Minches candidate Special Area of Conservation (cSAC). The proposed site lies approximately 1km to the south of the boundary of the cSAC. As a consequence, Argyll and Bute Council has conducted an 'appropriate

assessment', as per the Conservation (Habitats and C.) Regulations 1994 (as amended), having regard to the anticipated effects of development and the conservation objectives for the site's qualifying interests. This assessment is detailed below.

Characteristics of the development

The proposal is for the equipment and operation of a marine fish farm in coastal waters with farmed fish to be contained in nets supported from flotation rings secured to a mooring grid anchored to the sea bed. The presence of farmed fish in large quantities poses an attraction to seals and attempted predation poses a risk to containment. In the event of net damage due to predation it poses the possibility of farmed fish escaping into the marine environment. Loss of containment of farmed fish would not be in the interests of production at the site and escapees would present a risk to the health of wild salmonids. This foreseeable operational characteristic and its undesirable consequences requires the operator to have a predator control plan in place with a range of measures available to deter seals and to avoid predation. The range of measures identified by the applicant in order to deter attacks by seals at this site includes the potential use of acoustic deterrent devices (ADD's), the operation of which would present conflicts to the conservation interests of harbour porpoise as a non-target species during the operational phases of the development when the cages are stocked with fish, but not during the equipping, fallowing or decommissioning of the farm.

Assessment

The assessment considers the impact of the proposals on harbour porpoise within the designated area and has regard to the applicant's submitted information in support of the planning application, and to consultation advice provided by Scottish Natural Heritage.

Scottish Natural Heritage has raised concerns about the submitted proposal on the basis that the operation of the farm, as envisaged by the applicants, is in their view likely to have significant effects on the conservation interests of the qualifying interests of the Hebrides and Minches cSAC.

The impact of the proposal has been considered in terms of the following:

Potential entanglement in equipment – cetacean entanglement is not a feature of fish farm operation and entanglement risk not considered to be significant;

Risk of auditory injury – the species is unlikely to spend significant periods of time within the distances likely to present risk of injury due to exposure to noise emitted from ADD's and therefore the risk presented is low.

Disturbance – The proposed fish farm site is located outside the cSAC will only impact on the southern boundary. SNH has advised that the area of the cSAC which could be impacted by the use of ADDs is open and unconstrained in nature and is not considered to be at high risk of cumulative impacts. However, the sound frequencies emitted from the ADDs proposed at this site will extend to within the boundary of the cSAC. Harbour porpoise are known to be sensitive to the frequencies of sound that are emitted by most 'standard frequency' ADD devices. On this

basis SNH conclude that the use of ADDs at this site has the potential to result in the disturbance of harbour porpoise within the cSAC.

The applicant has submitted an ADD deployment plan. This advises that various measures which are detailed in the Predator Control Plan (Annex 7 of EIA Report) will be employed prior to ADDs being considered necessary. The proposed ADD for this site is the QTAQ SealFENCE Seal Deterrent System. This system uses a bespoke ultrasonic transmission to create an acoustic fence around the cages, specifically for seals. The decision to activate the ADD will be made by the site manager in accordance with the ADD deployment decision flow diagram contained within the ADD deployment plan. The ADD deployment plan and decision flow will be followed if mortalities which are directly attributable to seal kills are recorded. The ADD will remain operational for as long as seal mortalities are no longer being recorded, within a 2 week period. The continued use of the ADD will be reviewed at the end of this period. Record will be kept by the applicant which detail deployment cues, operational dates, sound frequency and duration.

SNH has advised that if ADDs are to be activated continuously, whilst the farm is stocked, then this could result in a significant disturbance and long term exclusion of harbour porpoise from an area within the cSAC. However, the applicant's deployment plan outlines an appropriate decision-making process that will ensure that ADDs are not activated continuously. If they are required they will be activated and deactivated in response to the identification of fish mortalities that can be attributed to seal predation. This will ensure that ADDs will not be activated continuously over a long term period. SNH therefore conclude that this will avoid the risk of resulting in any significant disturbance to the harbour porpoise feature of the cSAC.

Recommended mitigation to be secured by planning condition

- a) ADD's to be deployed at the site shall be as per the East Tarbert Bay ADD Deployment and Usage plan dated August 2018 supplied as supporting information with the planning application.

Conclusion

The potential impacts of the development in relation to the conservation objectives cited in the cSAC designation have been considered in the light of the above and it has been concluded that with identified mitigation measures in place the impacts arising from the construction, operation and decommissioning of the development as proposed, in combination with the operation of other farms nearby will not with identified mitigation in place have a significant impact upon qualifying interests, and accordingly there is no reason to withhold permission on European nature conservation grounds.

Further to the consideration of the impact upon the wider European designation, there may be circumstances where individual porpoise could be subject to disturbance, either within or without the designated area, as a result of the operation of ADD's. Given that it is an offence to intentionally disturb a European Protected Species, other than in the event of an activity subject to a EPS Mitigation Licence, it would be open to the operator to apply for such licensing from the Scottish Government, in circumstances where operational activity would have impacts upon

an EPS which would otherwise be illegal. Such licensing is separate from the planning process and is not a material planning consideration.

APPENDIX C – HABITATS REGULATIONS ‘APPROPRIATE ASSESSMENT’

HABITAT DIRECTIVE 92-43-EEC THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED

Purpose of the designation

The Habitats Directive aims to conserve biodiversity by maintaining or restoring Annex I Habitats or Annex II species to favourable conservation status. The Sound of Gigha Proposed Special Protection Area (pSPA) comprised an area of 363.27 square kilometres. The site lies around the island of Gigha and extends northwards to Knapdale, Loch Caolisport and West Loch Tarbert and southwards from Gigha to Machrihanish. The qualifying species of the pSPA are:

Great northern diver (non-breeding): non-breeding season is October to mid-May (inclusive). Sound of Gigha pSPA supports the second largest aggregation of non-breeding great northern divers in Scotland. The proposed area for the relocation of the fish farm is within the greatest density of great northern divers;

Common eider (non-breeding) non-breeding season is September to mid-April, with moult taking place for eider between mid-June to October. The proposed area for the relocation of the fish farm is within the greatest density of eiders.;

Red-breasted merganser (non-breeding); Non-breeding season is mid-August to March (inclusive). Distribution of red-breasted mergansers is low in the proposed fish farm location.

Slavonian grebe (non-breeding): Non-breeding season is mid-September to April (inclusive). Slavonian grebes were an additional species following the original site selection documentation. Slavonian grebes are found in large numbers in the region near the fish farm.

Consequences of the designation

In circumstances where European Protected Species could be subject to significant effects as a consequence of development proposals, the competent authority, in considering whether development should be consented, is required to undertake an ‘appropriate assessment’ to inform its decision-making process, on the basis that where unacceptable effects are identified, or in cases of ‘reasonable scientific doubt’, then permission ought not to be granted.

An ‘appropriate assessment’ is required to be undertaken in cases where any plan or project which:

- (a) Either alone or in combination with other plans or projects would be likely to have a significant effect on a European site designated for nature conservation; and
- (b) Is not directly connected with the management of the site.

Characteristics of the development

The proposal is for the equipment and operation of a marine fish farm in coastal waters with farmed fish to be contained in nets supported from flotation rings secured to a mooring grid anchored to the sea bed. The nets which are used to contain the farmed fish have the potential

to cause injury and mortality to the qualifying bird species of the pSPA. The operation of the fish farm will also require the use of vessels to and from the fish farm. The noise and vibration generated by these has the potential to cause disturbance to the qualifying species. The proposed fish farm will occupy space within the pSPA. This may have the potential to cause damage and displacement to foraging areas used by the qualifying species. Organic waste in the form of uneaten fish food and fish faeces could also cause loss or damage to the habitat as could the chemicals used to treat the farmed fish. The proposal lies less than 1km from an existing farm and cumulative effects also require to be considered.

Assessment

The assessment considers the impact of the proposals on the qualifying species within the designated area and has regard to the applicant's submitted information in support of the planning application, and to consultation advice provided by Scottish Natural Heritage.

Scottish Natural Heritage has raised concerns about the submitted proposal on the basis that the operation of the farm, as envisaged by the applicants, is in their view likely to have significant effects on the designated species of interest within the Sound of Gigha proposed Special Protection Area.

The impact of the proposal has been considered in terms of the following:

Mortality: There is the potential for mortality of the qualifying bird species through entanglement with net. The details given for bird nets within the applicant's supporting information advises that 25mm mesh is use for bottom of walls and 100mm mesh for the top 3m of wall with 300mm mesh in the top section. The EIA Report advises that there are bird and cage netting daily checks for tensioning and high site husbandry standards. It is considered that these are necessary in order to mitigate potential entanglement effects. Procedures on daily net checks should continue, as should reporting to SNH should any entanglement event occur. SNH has recommended that no gill nets are to be used in the event of escaped fish when wintering birds are present (mid-August to mid-May: the period which encompasses all qualifying species). In addition anti-predator net should not be used for this proposal. No entanglements have been recorded for the current fish farm and it is considered unlikely that that there would be mortality through entanglement to such a level that it would cause significant mortality to the qualifying features as stated in the conservation objectives.

Disturbance from vessel movements: Red-breasted merganser and Slavonian grebes are classified as having very high sensitivity to vessel movements, great northern diver is classified as high and common eider as medium (Jarett et al 2018). The EIA Report notes that great northern divers and eiders have been seen around the site but red-breasted mergansers have not been recorded. The distribution maps recorded in the Sound of Gigha pSPA site selection documentation demonstrates that the fish farm is in the densest area of the pSPA for eiders and great northern divers, but in a low density area for red-breasted mergansers. Shore-based counts show that Slavonian grebes are in large numbers in the area close to the proposed fish farm location.

The greatest disturbance is likely to occur during the decommissioning of the old fish farm and the installation of the new one. It is proposed to carry this out between June and August to avoid the non-breeding periods of the qualifying species. SNH has advised that this is welcomed although it should be noted that eiders start to moult from mid-June onwards and are less able to move away from disturbance during this period. The timing of the equipping of the new site can be regulated by means of planning condition. There are no planning conditions associated with the current site which would enable control to be exerted over the timing of decommissioning of the existing site. Given that it is an offence to intentionally disturb a European Protected Species, other than in the event of an activity subject to a EPS Mitigation Licence, it would be open to the operator to apply for such licensing from the Scottish Government should it wish to undertake work at a sensitive time of the year, in circumstances where operational activity would have impacts upon an EPS which would otherwise be illegal. Such licensing is separate from the planning process and is not a material planning consideration.

SNH had advised that the code of conduct detailed in Table 32 of the EIA Report is strictly adhered to. This report advises that this includes the following practices:

- Restricting (to the extent possible) vessel movement to existing navigation routes;
- Maintaining direct transit routes (to minimise transit distances);
- Avoidance of over-revving of engines (to minimise noise disturbance); and
- Briefing of vessel crew on the purpose and implications of these vessel management practices (through, for example, tool-box talks).
- Larger vessels servicing the East Tarbert Bay site will be similar to the current route and measures will be taken to avoid any roosting sites of divers, eiders or Slavonian grebes.

During the operational phase of the fish farm no additional boat journeys are anticipated although these will take marginally longer as new fish farm is further away from the shore base. SNH advise that there is potential for disturbance during the operational phase, particularly for those species with high overlapping distributions (great northern diver and eider). All species are predicted to be sensitive to disturbance caused by vessel activity, which could cause displacement from areas used for foraging, moult and shelter. Therefore Likely Significant Effects are predicted for all species. However, there is not expected to be significant disturbance of the features, to the extent that the distribution of the species and ability to use the site would be compromised.

Subject to carrying out the decommissioning and installation operations outwith the non-breeding period of the qualifying species within the pSPA and following the practices on vessel movements detailed above, it is not considered that there would be any likely significant effects associated with vessel movements.

Displacement of foraging areas

The EIA Report assessed the area which would now be limited to birds as being 0.052% of the total area of the Sound of Gigha pSPA. SNH has taken issue with this as it is not considered that this presents a true representation of the amount of area available to the qualifying species. It is advised that the birds will, to some extent, be accustomed to where the current fish farm is, so may be displaced as a result of the relocation.

The depth profile from the EIA Report suggests that the fish farm footprint will be in water depths of between 10-50m, with the cages themselves being lowered to 10m within water of 50m depth. Great northern divers are capable of diving to depths in excess of 60m, whereas eiders and red-breasted mergansers are more likely to feed at depths not exceeding 15m (SNH 2016) and Slavonian grebes up to 25m depth (Furness et al 2012). Red-breasted merganser is low and none have previously been recorded in the site. Great northern divers and eiders are known to be in the area and therefore there is potential for them to be displaced. Slavonian grebes are recorded in greatest densities to the east of the proposed site and also have the potential to be displaced. The qualifying species will be feeding on a variety of fish but also on crustaceans and molluscs. As it is a relatively small area that they will be displaced from in relation to the entirety of the pSPA, it is unlikely to compromise the conservation objectives. Taking account of the above, it is anticipated that no adverse effect on site integrity would occur due to displacement during the operation of the fish farm.

Loss or damage to supporting habitat: The benthic habitat survey carried out as part of the proposal revealed burrowed mud, a potential horse mussel bed and muddy sand, all of which are high quality environments for diving birds. The increase of moorings area with the expansion is 188,372 sqm.

The area of horse mussel bed, if within the diving depths of the eiders, would be a potential foraging area for them. Depending upon the anchoring set up of the fish farm, this area could become damaged during installation which would reduce the food resource or the eiders in particular. From the benthic survey, it appears this horse mussel bed has already been disturbed by fishing activity and it is not known how important this horse mussel bed is for eider.

During the operational phase loss or damage to supporting habitat can occur due to organic waste from excess feed and farmed fish faeces is released into the environment. With the introduction of an automated feed system from the new feeding barge, it is predicted that there will be less waste feed reaching the seabed. This potentially means the supporting habitat will not be affected as much as the current set up. The EIA Report also notes that the hydrographic conditions at the site means the dilution and dispersion of nutrients occurs within the water column. The EIA Report proposes mitigation measures to ensure that waste is minimised.

Chemicals used in the treatment of farmed fish can also cause damage to habitat. The applicant intends to use emamectin benzoate or EMBZ. This has been known to reduce crustacean abundance which could have implications for the birds feeding on them. It is also a known neurotoxin to birds. It is the remit of SEPA to assess the potential effects of these chemicals on the surrounding environment and to ensure that measures are in place to minimise these effects, as part of its CAR licensing process.

The proposal does have the potential to affect the habitat, however, due to the relatively small area covered by the fish farm compared to the overall extent of the pSPA, it is anticipated that there would be no adverse effect on site integrity. Provided that the proposed mitigation measures are strictly adhered to and following SEPA's own assessment on water quality and environmental effects of the farm it is anticipated that there would be no significant adverse effects.

Cumulative Effects

SNH has noted that the EIA Report did not take into consideration the cumulative effects of nearby fish farms in relation to potential effects on the qualifying species. There is another fish farm less than 1km from the proposed new location less than 1km from the proposed location of the fish farm which means that there is the potential for a combined effect of disturbance and displacement from foraging areas. However as the existing fish farm which to be removed is also close to the applicant's Druimyeon Bay site there is not expected to be much change from the existing set up in terms cumulative effects. Though Likely Significant Effects are predicted for all species, there are not expected to be such significant further impacts on the features that the site is compromised subject to all mitigation measures being implemented.

Recommended mitigation to be secured by planning condition

- a. Gillnets are not to be used as a method of recovering escaped fish when wintering birds are present (mid-August to mid-May);
- b. Antipredator nets shall not be used;
- c. The proposed decommissioning of the existing fish farm and installation of the new one shall take place between the months of June and August.
- d. The code of conduct for boat movements laid out in Table 32 of the EIA Report shall be strictly adhered to.

Conclusion

The potential impacts of the development in relation to the qualifying species within the pSPA designation have been considered in the light of the above and it has been concluded that with identified mitigation measures in place the impacts arising from the construction, operation and decommissioning of the development as proposed, in combination with the operation of other farms nearby will not with identified mitigation in place have a significant impact upon qualifying interests, and accordingly there is no reason to withhold permission on European nature conservation grounds.



Location Plan Relative to planning application: 18/01561/MFF



1:25,000

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**Argyll and Bute Council
Development and Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling relating to application for consent to the Scottish Ministers under section 37 of the Electricity Act 1989 along with a request for a direction that planning permission be deemed to be granted under section 57 (2) of the Town and Country Planning (Scotland) Act 1997.

Reference No: 18/01700/S37

Planning Hierarchy: Major Application (Section 37 Consultation)

Applicant: Scottish Hydro Electric Transmission Plc

Proposal: Construction of approximately 81 km of 275 kV OHL from the existing Inveraray Switching Station to the existing Crossaig Substation and ancillary development including an additional section of Overhead Line as a tie in to Port Ann Substation

Site Address: Land Between Inveraray and Crossaig (route Via Environs of Lochgilphead and Tarbert)

DECISION ROUTE

(i) Section 37 of the Electricity Act 1989

(A) THE APPLICATION

Section 37 of the Electricity Act 1989

N/A – application for consent to construct and operate an 81 kilometre (km), 275 kilovolt (kV), overhead line (OHL), supported by lattice steel towers between Inveraray Switching Station and Crossaig Substation, Argyll, Scotland. The application for consent will be made to the Scottish Ministers under section 37 of the Electricity Act 1989 along with a request for a direction that planning permission be deemed to be granted under section 57 (2) of the Town and Country Planning (Scotland) Act 1997.

(ii) Other associated works

- Formation of new and upgraded vehicular access points to public roads
- Formation of new and upgrading of access tracks
- Construction of temporary and permanent water crossings
- Removal of existing 132kV OHL
- Formation of tower working areas
- Other ancillary operations

Members are requested to note that the applicant is the electricity transmission license holder in the north of Scotland and has the following duties under Section 9 of the Electricity Act 1989:

- to develop and maintain an efficient, co-ordinated and economical system of electricity transmission; and
- to facilitate competition in the supply and generation of electricity.

It is under these license obligations that the proposals have been brought forward.

(B) RECOMMENDATION:

It is recommended that no objection to the proposals be raised subject to the imposition of appropriate conditions.

(C) HISTORY: No. However pre application consultation and scoping request details submitted to Energy Consents Unit under S37 process set out below:

The applicant submitted a request for a Scoping Opinion from the Scottish Ministers on 31st July 2017. The request was accompanied by a Scoping Report, prepared by the applicant, which set out a summary of the proposals; identified the likely significant environmental effects, and summarised the proposed scope of the EIA. The Scoping Report was simultaneously issued to a list of statutory and non-statutory consultees.

A Scoping Opinion was received from the Scottish Ministers in December 2017. The contents of this and other consultation responses received are summarised in Technical Appendix 1.1: Consultation Register, along with a list of all bodies consulted during the scoping exercise.

In addition to seeking a Scoping Opinion, the applicant engaged with the local community and other stakeholders by holding drop-in public exhibitions and publishing a Consultation Document on the routeing process, inviting comments on the route and alignment selection process. Further detail on the key issues identified through the scoping and consultation process, and how they have influenced the route, alignment selection and consideration of alternative options are described in Chapter 3: Route Selection and Alternatives.

(D) CONSULTATIONS:

Members are requested to note that as this is a Section 37 proposal the consultation majority of the consultation responses have been to the Energy Consents Unit (ECU) and not to the Council. A link to the ECU website is set out below:

<https://www.energyconsents.scot/ApplicationDetails.aspx>

Scottish Natural Heritage (SNH) (Dated 2.10.18) – No Objection

SNH generally concur with the findings of the EIA Report in terms of the potential landscape and visual impacts of the proposed development. SNH note that particular sections of the proposed OHL line route are likely to give rise to significant adverse landscape and visual effects, including:

- Auchindrain area
- The Meadows / Crinan Canal area
- Lochgilphead – Ardrishaig - Inverneill area
- Kennacraig ferry area
- Tarbert area
- Part of northern Kintyre (including B8001 area, Crossaig area).
- Views and experience from the associated seascape, eg Lochranza- Claonaig ferry views/recreational watercraft, will also be compromised.

SNH agree with anticipated impacts of the proposed route and request from the applicants that should any opportunities for mitigation of these impacts become apparent, SNH would be happy to advise further.

Historic Environment Scotland (HES) (Dated 14.9.18) – No Objection

Do not wish to object to the application. Detailed comments on the application, EIA Report and mitigation are contained in the annex to their covering letter. HES view is that the proposals do not raise historic environment issues of national significance and therefore they do not object.

RSPB (Dated 2.10.18) – No Objection

RSPB Scotland have no objection to the proposal but recommend conditions and appropriate mitigation to minimise potential bird disturbance and collision.

Forestry Commission (Dated 1.10.18 and 31.1.19) - No Objection subject to conditions

Six separate areas of concern were outlined where objection was initially raised by the Forestry Commission by response dated 1.10.18. The main concern was the lack of detail or commitment to compensatory re-planting. By updated consultation response dated 31.1.19 the Forestry Commission have confirmed that:

In summary, FCS objections can all be removed assuming that suitably worded conditions are attached to the consent securing compensatory planting and Woodland Reports to an agreed scope.

It is further clarified in this updated response that total compensatory planting of approximately 272ha will be required to be brought forward through the submission of woodland reports to an agreed scope. The Forestry Commission request involvement in framing the wording of the appropriate condition.

SEPA (Dated 1.10.18) – Objection

Object on the grounds of a lack of information with which to identify impacts on Private Water Supplies (PWS). Commit to review this objection if an updated version of the submitted map showing the locations of all PWS sources in the vicinity of the proposed development. The applicant has made additional submissions to address this objection but at time of writing it has not been removed.

Transport Scotland (Dated 29.8.18) – No Objection

Note that a Traffic Management Plan will be provided, and that all construction traffic will be managed in consultation with Transport Scotland and the local roads authority. This is welcomed by Transport Scotland. Transport Scotland confirm that they are satisfied that the development will not give rise to any significant traffic or associated environmental impacts on the trunk road network.

Visit Scotland (Dated 30.8.18) – No Objection

Given the importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, Visit Scotland strongly recommend any potential detrimental impact of the proposed development on tourism - whether visually, environmentally and economically - be identified and considered in full.

Marine Scotland (Dated 3.9.18) – No Objection

MSS welcomes the appointment of an Environmental/Ecological Clerk of Works who will be responsible for the compliance of the CDEMP (in particular details relevant to a surface water management plan including the proposed water quality monitoring programme) and relevant conservation and wildlife legislation/ecological mitigation measures during construction.

Mountaineering Scotland (Dated 6.8.18) – No Objection

No comments to make on this proposal at this time.

AM Geomorphology (Dated September 2018) – Objection

(It should be noted that AM Morphology are consultants appointed by the Energy Consents Unit to advise them on the application and it will be a matter for them to address in considering the current S37 application).

On the basis of the review detailed in this checking report, the PLHRA requires resubmission due to shortcomings within the report. A summary of key issues is provided below:

- i) The desk study and field survey findings should be updated to include consideration of forestry, hydrology and slope throughout the site.
- ii) Figures in the report should be updated to show access tracks.
- iii) The likelihood approach should be reviewed to consider whether additional forestry and hydrology coefficients may better represent variation in site ground conditions and potential for peat instability than the current set of contributory factors.
- iv) The likelihood approach (whether revised or not) should consider tracks and not just towers.
- v) Receptors should be identified across the site, and if potential peat landslide impacts on these are not to be reported, justification should be provided as to why not.
- vi) Clear justification should be provided for the lack of consideration of engineering impacts on peat stability.

British Horse Society (Undated) - No Objection

Project is an excellent opportunity to improve connections in a community and hopefully resolve any problems in terms of, countryside access, transport and travel.

British Telecom (Dated 17.8.18) – No Objection

Confirm the Project indicated should not cause interference to BT's current and presently planned radio network.

Edinburgh Airport (Dated 31.8.18) – No Objection

The proposed development is outside of Edinburgh Airports Safeguarding zone, therefore we have no objections to this proposal.

Joint Radio Company (Dated 14.8.18) – No Objection

JRC does not foresee any potential problems based on known interference scenarios and the data you have provided.

NATS Safeguarding (Dated 13.8.18) – No Objection

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

A & B Biodiversity Officer (Dated 28.8.18 and 9.10.18) – No Objection

Has been involved in scoping request. Content with the findings of the surveys and the proposed mitigation. Welcomes the fact that an ECoW will be on site allied with overseeing the CDEMP.

Area Roads Engineer (Dated 28.8.18) - No Objection subject to conditions.

WOSAS (Dated 4.2.18) – No Objection subject to condition.

A & B Environmental Protection (Dated 6.2.19) – No Objection subject to conditions.

(E) PUBLICITY: N/A Section 37 Consultation

(F) REPRESENTATIONS: Yes

All representations in respect of S37 Consent applications require to be submitted to the ECU and not the Council.

Seven Individuals have submitted letters of Objection to the Energy Consent Unit who have clarified by e-mail dated 31.1.19 that:

Whilst we cannot provide you with specific addresses of the individuals who have made the representations, I can confirm that one is from Tarbert, two are from Lochgilphead and we do not have addresses for the others (only email addresses).

(i) Summary of issues raised by Objectors

- I. Failure to underground OHL at Crinan Canal contrary to Holforth approach
- II. Object to felling of 445 Ha of conifers with no compensatory planting
- III. Impact of huge pylons will be horrible.
- IV. Can see no reason to use pylons twice the size
- V. Freasdale and Escart allowed contrary to community views and landscape is becoming industrialised which will drive away tourists
- VI. Pylons would cause increased risk of cancer to children attending nursery and they would be a threat to the business as parents may not wish their children to attend a nursery in such close proximity to pylons.

These are matters for the Scottish Ministers to address in reaching a decision. One of the submissions is not considered to be a material planning consideration (VI).

In respect of matters relating to the appearance of the towers, their impact on the landscape, and the lack of undergrounding the cable at the Crinan Canal, and loss of woodland, these matters are addressed in the Officer report.

In respect of impact on tourism, there is currently no authoritative study which substantiates this stance and therefore this is not a matter which is addressed as a matter for detailed evaluation by Officers in respect of the current proposals. However Scottish Ministers will require to consider this representation and address it in coming to a decision on this application.

(G) SUPPORTING INFORMATION

Has the application been the subject of :

The EIA has sought to identify significant environmental effects resulting from the proposed development. Significant effects associated with the construction, operation and decommissioning of the proposed development are limited to potential effects on the following topics:

- (i) Environmental Statement: Yes**
- Seascape/Landscape and Visual Amenity;
 - Ecology and Nature Conservation;
 - Ornithology;
 - Cultural Heritage;
 - Traffic and Transport;
 - Amenity and Health: Noise;
 - Amenity and Health - Residential Visual Amenity; and
 - Forestry.

Volume 2 of the EIA report evaluates potential impacts and proposed mitigation with reference made to a number of supporting technical appendices which provide further detail on all of the above matters.

- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes
- (iii) **A design or design/access statement:** Refer to EIA Report
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**
Refer to EIA Report

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No

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

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

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

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 5 – Supporting the Sustainable Growth of Our Economy
LDP 6 - Supporting the Sustainable Growth of Renewables
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)
SG LDP ENV 13 –Development Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 14 –Landscape
SG LDP ENV 15 –Development Impact on Historic Gardens and Designed Landscapes
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 19 –Development Impact on Scheduled Ancient Monuments
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance

SG LDP REN 3 – Other (Non Wind) Forms of Renewable Energy Related Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 5 – Off-Site Highway Improvements

(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.

NPP3
Argyll and Bute Energy Action Plan
Argyll and Bute Landscape Wind Energy Capacity Study (Capacity Study 2017);
SNH (1996) Landscape Assessment of Argyll and the Firth of Clyde (Review No78)
SNH (2009) Loch Lomond and The Trossachs National Park Landscape Character Assessment.
Argyll and Bute Woodland and Forestry Strategy

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): No

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

The primary considerations associated with the proposals are considered to be

- a) Are the potential landscape effects acceptable when considered against the criteria set out in the Electricity Act 1989 ?
- b) Is the increased skylining from Auchendrain, Ardrishaig, open water and the A83 acceptable?
- c) Is potential Impact upon the Crinan Canal, a Scheduled Ancient Monument and the approach to Lochgilphead considered acceptable
- d) Is compensatory woodland and forestry planting properly addressed as required by SG LDP ENV 6.

Other matters which are material to the decision by Scottish Ministers are addressed, by other consultees, and are material planning considerations. Officers however defer to the expert inputs of consultees in their specialist fields and note that neither SNH or HES have objected to the proposals and that the Forestry Commission have clarified that they do not object subject to the imposition of an appropriate condition to secure compensatory woodland planting. The SEPA objection is expected to be removed and in any event a condition can address private water supply identification.

However, it is the issues at (a) to (d) above which Officers consider are the determining issues in the consideration of the current proposals and in recommending to Members that no objection should be raised to the proposals in this instance.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why no objection to the proposal should be raised

The EIA submitted with the application examines landscape and other impacts associated with the proposals and concludes that some significant landscape impact will occur, these are however localised in nature and the overall development proposals will not have a significant landscape impact and is therefore acceptable.

It is agreed by Officers that the overall scheme is acceptable in terms of landscape impact. In respect of the localised significant impacts identified in the EIA, it is the opinion of Officers that these are not sufficiently harmful to justify objecting to the current proposals, and do not outweigh the economic and sustainability benefits associated with the delivery of this nationally important infrastructure project which will transfer renewably generated energy to the grid.

The development will also improve landscape appearance in locations such as Port Ann and Minard where the towers will be less prominent and at Badden where the removal of the existing transmission line tower in the middle of the residential development will significantly improve residential amenity at this point.

Although some significant localised landscape effects will take place as identified in the EIA, these are considered largely unavoidable with an infrastructure project of this scale. The Council is supportive of delivering this renewable energy related infrastructure upgrade within its Renewable Energy Action Plan under TC1 and the proposals represent important National Infrastructure supported in NPP3.

Importantly, SNH have not raised objection on landscape, ornithology or ecological grounds and have expressed that they are in general agreement with the EIA evaluation and conclusions. Officers can identify no reasons to depart from the findings and conclusions of the EIA, and therefore consider that the overall proposals are considered acceptable in respect of landscape, ornithology and ecological impacts.

In respect of potential impacts upon cultural and historic assets, including designed gardens (and Inveraray Castle and grounds in particular), HES have raised no objection to the proposals. Again Officers can identify no reason to depart from the views of the expert consultee on such matters.

Extensive tree felling is proposed within the designed garden of Inveraray Castle and the Forestry Commission have expressed concerns over the lack of information in respect of compensatory planting associated with the overall scheme. Substantial tree felling is proposed and Officers agree with the Forestry Commission that appropriate conditions require to be imposed to secure appropriate compensatory planting for the woodland to be felled to facilitate the current proposals.

The EIA identifies various mitigation measures to address negative effects associated with the construction and dismantling of the lines, and it will be important that these are adhered to if the magnitude of environmental effects identified is to be adhered to.

Officers have raised concerns in respect of the proposed locations of specific towers. Whilst the impact of these towers is not considered such as to warrant a formal objection to these sections of the route, it is considered appropriate to require additional mitigation in the form of tree planting, to ensure that appropriate screening is provided.

Officers consider that overall the landscape, ecological, historic environment and other effects have been minimised in defining the proposed route, where a balanced judgement on competing interests must be reached. Appropriate mitigation can be secured through the imposition of conditions by the Scottish Ministers in line with the proposals set out within the EIA, or within the consultation responses submitted to the ECU.

It is therefore recommended that no objection be raised to the current proposals subject to the imposition of appropriate conditions by the Scottish Ministers.

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

N/A

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

Author of Report: David Moore

Date: 5.2.19

Reviewing Officer: Sandra Davies

Date: 5.2.19

Angus Gilmour
Head of Planning, Housing and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO S37 CONSULTATION REF. NO.18/01700/S37

Suggested Planning Conditions

1. The development shall be implemented in accordance with the details specified on the submitted Section 37 Application and associated Environmental Impact Assessment unless as otherwise agreed in writing by the Planning Authority.

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

2. No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the company of an independent and suitably qualified environmental consultant to assist the planning authority in monitoring compliance with the terms of the deemed permission and conditions attached to this consent, The terms of appointment shall:
 - Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent
 - Require the environmental consultant to submit a monthly report to the planning authority summarising the works undertaken on site; and
 - Require the environmental consultant to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity

The environmental consultant shall be appointed on the approved terms throughout the period of commencement of development to completion of post construction restoration works.

Reason: To enable the development to be suitably monitored to ensure compliance with the consent issued.

3. There shall be no transmission of electricity through the 275kV line until a woodland planting scheme to compensate for the removal of existing woodland ("the Replanting Scheme") has been submitted to and approved in writing by the Scottish Ministers in consultation with Forestry Commission Scotland and the Planning Authority.

The Replanting Scheme submitted for approval must include;

- a. details of the location of the area to be planted;
- b. details of land owners and occupiers of the land to be planted;
- c. the nature, design and specification of the proposed woodland to be planted;
- d. details of all Necessary Consents for the Replanting Scheme and timescales within which each shall be obtained;
- e. the phasing and associated timescales for implementing the Replanting Scheme;
- f. proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage; and
- g. proposals for reporting to the Scottish Ministers on compliance with timescales for obtaining the Necessary Consents and thereafter implementation of the

Replanting Scheme.

The approved Replanting Scheme (or, as the case may be, an amended Replanting Scheme as approved in accordance with paragraph 5) shall thereafter be implemented in full and in accordance with the phasing and timescales set out therein, unless otherwise agreed in writing by Scottish Ministers after consultation with Forestry Commission Scotland and the Planning Authority.

Reason: To ensure appropriate compensatory re-planting is secured in accordance with the requirements of SG LDP ENV 6

4. Unless otherwise agreed in writing by the Scottish Ministers, the development will not be commissioned to supply electricity on a commercial basis until all relevant Necessary consents for implementation of the Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained. The Company may submit an amended Replanting Scheme to the Scottish Ministers for approval and in this case-
 - (a) the development will not be commissioned to supply electricity on a commercial basis until the Amended Replanting Scheme has been approved in writing by the Scottish Ministers in consultation with Forestry Commission Scotland and the Planning Authority; and
 - (b) Unless otherwise agreed in writing by the Scottish Ministers, the development will not be commissioned to supply electricity on a commercial basis until all Necessary Consents for the Amended Replanting Scheme have been obtained.

Reason: To ensure appropriate compensatory re-planting is secured in accordance with the requirements of SG LDP ENV 6

5. No development shall be commenced on site until an updated Species Protection Plan has been submitted to and has been approved in writing by the Council as Planning Authority in consultation with Scottish Natural Heritage. This shall provide for a pre-construction survey to identify any presence of European Protected Species on or adjacent to the construction site, shall detail any mitigation required in terms of the timing of construction works and shall detail any other avoidance or mitigation proposed in response to any protected species likely to be affected by construction activities. The development shall be implemented in accordance with the requirements of the duly approved Species Protection Plan.

Reason: in the interests of nature conservation and to ensure updated surveys are provided.

6. No development shall be commenced until a full site specific Construction Environmental Management Plan has been submitted to and has been approved in writing by the Council as Planning Authority in consultation with the Scottish Environment Protection Agency. This shall address requirements arising from the construction, dismantling and reinstatement phases of the development, shall inform the production of construction method statements, and shall specify the siting of working areas, soil management practices, measures to prevent pollution of watercourses, environmental site monitoring and noise mitigation measures where identified to be required. The development shall be implemented in accordance with the requirements of any approved Construction Procedures Handbook, copies of which shall be maintained available on site for the duration of construction works.

Reason: In the interests of pollution and noise control.

7. For the duration of construction and dismantling works, cultural heritage assets falling within the construction corridor, as identified within the Environmental Appraisal, shall be temporarily fenced off from construction activities. Where such assets are specifically protected by designation as Scheduled Ancient Monuments, the fencing in that event shall enclose a 20 metre buffer around the extent of the scheduled area. Details of such measures shall be submitted to the Planning Authority for approval in consultation with Historic Environment Scotland.

Reason: In order to prevent damage to the historic environment.

8. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service”.

Reason: In the interests of archaeology.

9. Prior to development commencing, a Traffic Management Plan shall be submitted for the written approval of the Council as Planning Authority in consultation with the Council’s roads engineers. This shall detail approved access routes, agreed operational practices (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, reporting of verge damage) and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. The development shall be implemented in accordance with the duly approved Traffic Management Plan.

Reason: In the interests of road safety.

10. Prior to development commencing details of the layout and construction of the access points proposed to facilitate access for construction on all roads shall be agreed with the Council’s roads engineers and Transport Scotland where the access is to a trunk road. All construction will require to be in accordance with the Council’s standard junction details; the required standard detail in each case being dictated by the proposed usage of the access point. Minor accesses where the existing roadside fence is closer to the carriageway than 2m will require a bound surface extending to a point 2m back from the carriageway edge. Where the existing roadside fence is 2m or further from the edge of the carriageway, the bound surface shall extend to 5m back from the edge of carriageway. All accesses will be a minimum of 3m wide. Where accesses are proposed to be used more extensively they shall be 4.5m wide, and for the main compounds and depots they shall be 6m wide. Accesses serving main compounds and depots shall be constructed in accordance with roads engineers drawing SD08/001a. All new and extended passing places will be constructed to a minimum standard of roads engineers drawing SD08/003a, and where longer passing places are necessary, SD08/003a will be used for extrapolation.

Reason: In the interests of road safety.

11. Details and/or compliance with the following matters/actions require to be submitted and approved in consultation with the Area Roads Engineer prior to the commencement of development or as otherwise may be agreed in writing with the planning authority through an approved Traffic Management Plan;
 - a. All bridges, culverts and walls along the route to be inspected and the condition recorded before and after the project.
 - b. The routes used to be inspected and the condition recorded prior to use. Video recording is required. Survey to be submitted to Roads & Amenity Services prior to any work starting on site.
 - c. Any use of temporary signage to be approved by Roads & Amenity Services.
 - d. All access points from the public road to be constructed in accordance with the Council's standard details. The required standard detail will be relevant to the proposed usage.
 - e. All accesses to be surfaced in a bound material.
 - f. Minor accesses where the roadside fence is closer to the public road than 2.00 metres the bound surface will extend to a point 2.00 metres back from the carriageway edge. Where the existing roadside fence is 2.00 metres or further from the edge of public road the bound surface will extend 5.00 metres from edge of public road.
 - g. All accesses will be 3.00 metres wide. Where accesses are used more extensively they will be 5.50 metres wide and for main compounds and depots they will be 6.00 metres wide. Main compounds and depots will be constructed in accordance with standard detail drawing ref: SD 08/001 Rev a.
 - h. All new and extended passing places shall be constructed to the required standard. The minimum required standard will be SD 08/003 Rev a. Where longer passing places are necessary SD 08/003 Rev a will be used for extrapolation.
 - i. Where it is necessary to culvert the roadside ditches the minimum pipe size will be 450 mm diameter. All roadside culverts to be agreed in writing with Roads & Amenity Services prior to installation. All pipes to be twin wall polypropylene or similar approved. Headwall details to be agreed with Roads & Amenity Services.
 - j. A code of practice for drivers both on the site and for delivery drivers. The code of practice will detail how drivers should proceed at passing places, how they should allow following traffic to pass, avoid running in convoy, keep away from verges, locations where turning is possible, report verge damage they have caused so that it can be repaired, no parking on verges which cause obstructions; these are the minimum contents of the code of practice, further development will be required. All deliveries to the site will have instruction provided to the drivers relating to the Code of Practice, specific routes to follow etc.
 - k. Should any Argyll & Bute Council road suffer unacceptable damage, the Council will consider imposing restrictions to preserve the route.

Reason: In the interests of road safety.

12. Details in respect of the location, construction methodology, appearance and any proposed landscape mitigation of all proposed new or upgraded access tracks to serve the development shall be submitted for the approval of the Planning Authority prior to the construction of the access track.

Reason : To both clarify the detail of and retain control over the visual impact of access tracks within the landscape.

13. Prior to the construction of Towers 123, 124 and 205, (as identified on Figure 2.6,1a Dated October 2018), details of proposed landscape mitigation in the form of tree planting shall be submitted to the Planning Authority for their approval or such alternative tree planting proposals as may otherwise be agreed in writing by the Planning Authority.

Reason: To mitigate local landscape impacts of the development.

14. The applicant shall demonstrate that the wholesomeness and sufficiency of the private water supplies in the vicinity of the development shall not be compromised by the proposed development prior to the commencement of the development.

If during, or on completion of the works, surrounding private water supplies are effected or deemed not suitable, it shall be the responsibility of the applicant to ensure that any damage to said water supplies is rectified and addressed to ensure that the water supplies to the properties meet at least the standards which were in place prior to works of this S37 consent being implemented.

Reason: In order to provide adequate protection of the private water supplies in the vicinity of the proposed development.

15. The applicant shall ensure that no rock breaking takes place during the construction stage of the proposed development between the hours of 18.00 and 08.00, 7 days per week, no matter what the distance from a Noise Sensitive Receptor (NSR) unless as may be approved as part of the Construction Environmental Management Plan.

Reason: In order to protect NSR's in the vicinity of the development from the noise distribution and annoyance from the activity of rock breaking.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01700/S37

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposals represent major and nationally important infrastructure proposals. The routing of the proposal substantially through countryside locations is in accordance with normal land-use associated with such proposals and therefore the location of the proposals substantially outside settlements is in accordance with the objectives of LDP STRAT 1, LDP DM1 and Policy LDP 11.

B. Location, Nature and Design of Proposed Development

The existing electricity transmission network serving eastern Argyll and the Kintyre Peninsula was originally designed to serve a rural area with low demand for electricity. Requests from renewable generation developers to connect to the electricity transmission network in this area exceed the capacity of the existing transmission network. As a result, a new overhead line OHL is required between Inveraray Switching Station, in the north, and Crossaig Substation. The new OHL would replace the existing 132 kV OHL.

The majority of the line goes through conifer plantations and Upland Forest Moore Mosaic Landscape Character Type, which are generally less sensitive and able to accommodate infrastructure of this type and scale. Importantly, the applicant has sought to keep the line away from residential properties and settlements wherever possible whilst still allowing sufficient separation from the existing line to allow it to operate whilst the new line is being constructed. Residential amenity at Badden, near Lochgilphead, will be significantly improved by the removal of the existing line and in particular the tower currently located within the residential development.

The development comprises 81km of a replacement 275kV overhead line mounted on some 271 No. lattice steel towers which generally vary between 43m and 57m in height. The existing 132kV towers would be dismantled on completion of the new line.

The route substantially runs close to that of the existing line, located in some instances on higher ground where the towers will be more visible. On much of the route separation between the lines has been provided to allow continuity of service and construction of the new line whilst the existing line continues to operate. Alternative routing on the approaches to Port Ann/Lochgilphead and Tarbert are proposed.

The proposed towers are designed to safely carry the necessary energy loadings and are of a similar design to those used throughout the UK for such a function. The new OHL will not only provide electricity to town and settlements in Argyll but also export electrical energy associated with the many renewable energy generators in the area.

The proposals include the formation of access tracks and some will require road/junction improvements. Temporary and permanent water crossings will also be required.

C. Natural Environment

The dominant habitats within the proposed development are coniferous woodland plantation, marshy grassland and broad-leaved semi-natural woodland. Potential Ground Water Dependant Terrestrial Ecosystems (GWDTE) were recorded throughout the survey area. Protected species surveys identified a potential otter couch and the presence of pine marten, badger and red squirrel.

There are five sites with an ecological statutory designation within 1 km of the proposed development:

- Inverneil Burn Site of Special Scientific Interest (SSSI);
- Artilligan and Abhainn Srathain Burns SSSI;
- Tarbert Woods Special Area of Conservation (SAC);
- Glen Ralloch to Baravalla Woods SSSI; and
- Claonaig Wood SSSI.

There are several areas of woodland identified as ancient woodland or included on the semi-natural woodland inventory (non-statutory designations). Without application of mitigation the EIA predicts, significant effects on Tarbert Woods SAC (including Artilligan and Abhainn Srathain Burns SSSI and Glen Ralloch to Baravalla Woods SSSI), bats and invasive non-native species. Following the application of mitigation, no residual effects are predicted on designated sites, protected species and non-invasive species.

Ornithological field surveys were carried out between 2015 and 2018 to collect information on bird flight activity in key locations where flight activity was predicted to coincide with the proposed development. This has informed route selection and SNH have undertaken detailed discussions with the applicants to address such matters.

There are 12 sites with a statutory designation for ornithological interest with potential connectivity to the proposed development. Bird species present include: black grouse, red-throated diver, black-throated diver, osprey, golden eagle, hen harrier, golden plover, white-tailed eagle, short-eared owl and merlin.

The EIA confirms that no significant adverse effects are predicted during the construction phase through habitat removal or nest destruction. Disturbance effects associated with construction activities are predicted during the construction phase on the Crossaig golden eagle territory, prior to the implementation of mitigation. However, once the proposed mitigation has been undertaken, no significant residual construction effects are predicted.

During operation, a risk of golden eagles, white-tailed eagles, and gulls/seabirds colliding with the OHL is predicted to be significant in the absence of mitigation. Line marking is proposed at six sections of the OHL to divert these species and to mitigate effects. The marking would involve placing attachments (known as bird diverters) on the thinner, less visible, earth wire of the proposed development making lines more obvious to birds. The use of line marking on targeted areas of the proposed development means no significant operational effects are predicted.

There are no significant effects predicted during the decommissioning phase of the 132kV OHL once mitigation has been undertaken.

Both SNH and the Councils Biodiversity officer offer no objection to the current proposals subject to the proposed mitigation set out within the EIA. It is considered that all ecological and biodiversity related considerations have been appropriately addressed within the submitted EIA and subject to the imposition of appropriate conditions by the Scottish Ministers on any grant of consent no objection on these grounds is offered.

E. Fresh Water and Marine Environment

Marine Scotland have raised no objections to the proposals. In their consultation response they have stated that they welcome the appointment of an Environmental/Ecological Clerk of Works (ECoW) who will be responsible for the compliance of the CDEMP (in particular details relevant to a surface water management plan including the proposed water quality monitoring programme) and relevant conservation and wildlife legislation/ecological mitigation measures during construction.

SEPA at time of writing have raised objection based upon potential impacts on private water supplies, but have indicated that this can be withdrawn if further information is provided by the applicant. It is understood that the applicants are currently seeking to provide the required information and have the objection withdrawn. This is not considered to be a defining issue and a condition could be imposed by the Scottish Ministers to adequately address this matter should they be minded to grant S37 Consent. (This approach has previously been taken in respect of S36 proposals where impacts on private water supplies have required to be considered).

F. Impact on Woodland

The forestry assessment undertaken for the EIA considered the potential for significant effects on the forest resource, forest management and access during construction and operation. The proposed development would pass through 56.6 km of woodland, and potentially impact on up to 459.08 ha of woodland.

The loss of predominately low sensitivity coniferous woodland (412.06 ha) equates to approximately 0.21% of the regional resource (Argyll & Bute area). The proposed development would result in an impact on up to 50.21 ha of more sensitive Ancient Woodland, of which 19.69 ha is categorised as semi-natural woodland or scrub.

The Forestry Commission have expressed concern in relation to the lack of commitment or detail in respect of compensatory planting provided by the applicant at this stage. Members should be aware that discussions on this matter have been ongoing between the Forestry Commission, Energy Consents Unit/Scottish Ministers and the applicants as wider issues than those associated with the current application have been raised by the applicants approach on these matters.

Notwithstanding this ongoing discussion, Officers are in agreement with the Forestry Commission and consider that compensatory planting is an essential requirement of any consent which may be granted for this proposal under the S37 consenting process.

Supplementary policy LDP ENV 6 clarifies that:

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

The combined operational corridor and access track corridor (assuming a 20 m buffer of the proposed new tracks) where they intersect with woodland habitats would be 459.08

ha. A potential further area of 314.77 ha has been identified for additional felling, outside of the operational corridor and access track corridor, to address wind throw risk.

The Forestry Commission have confirmed that they consider approximately 272 ha of compensatory planting will be required to make the proposals acceptable to them. It is considered that securing appropriate replanting of some 272 ha, in line with the Forestry Commission requirements, (set out in their consultation response of 31.1.19), is a substantive planning matter in respect of the current proposals in accordance with the requirements of SG LDP ENV 6 and Scottish Government Policy advice. Therefore a condition requiring 272 ha of compensatory planting is considered an essential requirement of any consent issued by ECU/Scottish Ministers.

Members are requested to note that the ECU have confirmed by e-mail dated 29.1.19 that they agree that compensatory planting will be required in the event that consent is granted. They have stated that it is their intention to place such a condition upon any approval under the terms of a S37 control over the development and not as a planning condition. This would entail responsibility for ensuring its terms are met would not be a matter for the Planning Authority to monitor and control. An advantage of this approach is that the condition cannot be subject to any application to vary or remove it under Section 42 procedures. Officers are content with this approach but have in any event suggested an appropriate planning condition.

G. Landscape Character and Potential Impact on Settlements

At 81 km in length the proposals are viewed within the context of a number of landscape designations as set out in the LW ECS 2017 update. The constituent landscape and seascape character types (LCTs) within the study area that would be liable to residual effects as a result of the proposed development are listed and described in TA4.1, along with their sensitivity to the type of development proposed. The constituent LCTs and seascape Units comprise:

- Steep Ridgeland and Mountains (LCT 1);
- High Tops (LCT 2);
- Hidden Mountain Glens (LCTs 3 & 4);
- Upland Forest Moor Mosaic (LCT 6);
- Loch Fyne Upland Forest Moor Mosaic (LCT 6a);
- Knapdale Upland Forest Moor Mosaic (LCT 6b);
- Craggy Uplands (LCT 7);
- North Loch Awe Craggy Upland (LCT 7c);
- Upland Parallel Ridges (LCT 10);
- Rocky Mosaic (LCT 20);
- Open Hills (LCT LLT1);
- Forested Upland Glens (LCT LLT5);
- West Kintyre/South East Jura and South East Islay Seascape Unit; and
- Loch Fyne/Kilbrannan Sound Seascape Unit.

The location and geographical extent of these landscapes and seascapes are mapped in Figure 4.3a to 4.3d, and 4.4a to 4.4d of the EIA. The proposed development would be mainly located within the Upland Forest Moor Mosaic LCT, but would also cross an area of Rocky Mosaic north of Inveraray, another north of Lochgilphead, and at Tarbert and West Loch Tarbert, and terminates in the Mountain Glens LCT east of Inveraray.

Landscape Designations which have been considered as part of the submitted EIA include;

:

- Knapdale National Scenic Area (NSA);
- North Arran NSA;
- Bute and South Cowal Area of Panoramic Quality (APQ);
- East Loch Fyne APQ;
- Knapdale/Melfort APQ;
- West Loch Fyne APQ;
- West Kintyre APQ;

An APQ covers the western Strone Peninsula, Loch Striven and the western part of the peninsula that Dunoon is located on. Policy SG LDP ENV 13 makes clear that consideration must be given to proposals both within and that would potentially affect the special qualities of any APQ. The proposals will also be visible to varying degrees from a number of settlements: including:

- Inveraray;
- Furnace;
- Minard;
- Lochgilphead;
- Ardrishaig;
- Inverneil;
- Tarbert;
- Kennacraig; and
- Whitehouse.

Views from the following ferry routes were also considered within the EIA:

- Lochranza (Arran) to Tarbert Ferry;
- Kennacraig to Islay Ferry; and
- Lochranza (Arran) to Claonaig Ferry

The proposals will be visible within the landscape to a far greater degree than the existing 132Kv OHL (the towers of which generally range between 22-30m). The towers proposed are larger, mostly between 43-57m and as the existing line must be kept operational whilst the new line is constructed the larger towers cannot follow the existing route of the smaller towers. This has the inevitable consequence of increasing the visibility of the new OHL. Document TA4.3 within the EIA contains a detailed assessment of effects on landscape designations and classifications.

Following the detailed evaluation set out within the EIA documentation the applicants have identified significant effects on visual amenity were predicted at:

- Settlements: Lochgilphead, Ardrishaig and Tarbert;
- Roads: A83, A816, A842 and B8001;
- Ferries: Kennacraig to Islay Ferry and the Lochranza (Arran) to Claonaig Ferry; and
- Recreational Routes: NCR78 and at Kintyre Way.

However, the EIA concludes that: *...significant effects occurring in landscape character types and seascape units would be localised and should not be taken to represent an overall significant effect in the respective landscapes/seascapes.* Importantly, SNH have considered the EIA and its conclusions and have confirmed that:

We generally concur with the findings of the EIA Report in terms of the potential landscape and visual impacts of the proposed development.

Officers can identify no reason to deviate from the views of SNH on landscape effects given their expertise on such matters, and therefore accept the conclusions of the EIA that only localised significant impact, at the identified locations, will occur.

The EIA therefore concludes that although significant localised effects occur, the overall OHL will not have significant environmental or landscape effects which suggest that an objection should be raised on such matters. Officers are in agreement with this overall conclusion in considering the OHL proposal in its entirety.

Notwithstanding the above, in evaluating the proposals, and in considering the submissions within the EIA, officers considered that potential localised effects, which required further clarification/mitigation existed in the following areas:

1. Increased skylining from Auchendrain, Ardrishaig, open water and the A83 (Towers 53 to 57 and Towers 131 to 151)
2. The northerly approach to Lochgilphead (Towers 123 and 124)
3. The approach to South Tarbert (Tower 205)

A meeting with the applicants and ECU was held on 20.12.18 to discuss these concerns, and further information has been provided by the applicants. Further commentary on each of the above sections of OHL are set out below:

1. Increased skylining from Auchendrain, Ardrishaig, open water and the A83 (Towers 53 to 57 and Towers 131 to 151).

The applicants have confirmed that the routing of these towers was a balance of seeking to accommodate construction of the new OHL tower, avoiding /minimising impacts of other statutory ecological and/or Historic Environment designations and the fact that alternative routing also created potential issues in respect of landscape impact. No solution could successfully address all issues, and therefore a compromise was required in order to finalise the proposed route.

Officers requested that moving some of the towers further down the hill to reduce skylining was considered and to this effect the applicants commissioned some additional visualisations to illustrate this approach. Moving some of the towers closer to the A83 and by requiring an angle tower, has the consequence of increasing localised impact of the proposals on the landscape. It was the view of the applicants that no significant landscape benefit was afforded by the suggested alterations to the route made by officers.

Having considered the alternative tower configuration, and the updated information provided by the applicants in the form of new visualisations, Officers are in agreement that there would be no substantial landscape benefits associated with reconfiguring this section of the OHL. Therefore, on balance, the current proposals, are considered to represent an acceptable balance of addressing the competing issues which have imputed into route selection and it is not considered that a formal objection could be justified in respect of the increased skylining. However this will ultimately be a matter for the ECU/Scottish Ministers to consider and determine.

2. The northerly approach to Lochgilphead (Towers 123 and 124)

In response to a request that consideration be given to undergrounding this section of the line to remove potential impact upon the Crinan Canal the applicants clarified that this was not considered appropriate for the following reasons:

- a) Drilling under the canal (a Scheduled Ancient Monument) was a complex and difficult engineering solution given the need for high voltage cable separation distances and depth of drilling.
- b) There would still be a requirement for towers and substantial compound at either end of the underground section. It was also noted that there was unlikely to be a suitable location for a compound on the western side of the canal as the land begins to rise into the hills and therefore any compound would have to be very close to the canal even if a site could be identified. This could have more impact than the current proposals.
- c) The cost of undergrounding and the need for such additional costs would require to be agreed by Ofcom as part of the licensing requirements. This was considered to be potentially problematic as no clear justification was considered to exist for such undergrounding works.

Given the above, and proposed mitigation planting (set out below), officers have determined that requiring the undergrounding of this section of the OHL would not be a reasonable request.

In coming to this view, the benefits of the removal of the existing 132kV line and a tower located within the residential development at Meadows Road has also been considered material to the balance of this judgement.

Mitigation Proposals

Key views (i.e. those where the proposed towers would be particularly prominent) would occur on around a 1 km stretch of the A816 on the northern approach to the Achnabreach Cemetery, and a similar extent of the southern approach to the cemetery from the northernmost fringes of the Lochgilphead settlement.

The applicants have suggested additional mitigation in respect of these concerns and have provided the following clarification:

In order to avoid the establishment of anomalous vegetation and the foreshortening of views from the A816 the introduction of a combination of suitable locally native tree and shrub species (principally deciduous) is proposed on both sides of the carriageway along the identified stretches of this route (as indicated in the concept diagram in Figure 1a). This planting would not be continuous and would augment what is already present and strengthen the enclosure of the road, resulting in views of the towers becoming intermittent. This approach provides for the retention of important links with the landscape and visual context of the route whilst simultaneously enhancing the structure and condition of the local landscape. In addition to roadside planting the establishment of sub-canopy and shrubs species are proposed as riparian planting along the sides of the burn that bisects the field between Achnabreach Cemetery and Badden Farm in order to provide some screening of the base of Tower 123 in views from the A816, to the west. Selective sub-canopy, shrub and scrub planting is also proposed within the field within which Tower 124 would be located to aid the partial screening at the base of the tower. This field already contains similar vegetation and so the proposed mitigation planting would not be anomalous.

Officers are in general agreement with this approach which will require to be secured through the use of an appropriate condition.

3. The approach to South Tarbert (Tower 205)

Officers raised concerns over the scale and location of Tower 205 in particular given its potential prominence when viewed by southbound road users approaching Tarbert. The Applicants have proposed the following mitigation:

Mitigation Proposals

Tower 205 would affect southbound road users at the southern extents of the settlement from where the tower would occupy a prominent skyline position in views. Visibility from northbound vehicles within 1 km of the OHL would be far more restricted due to the incidence of structural vegetation along the southern side of this route which would screen part or all of the tower, the top of the tower being seen intermittently above such vegetation. Clearer views would be provided, however, close to the entrance of Stonefield Farm, where any felling associated with the construction of the OHL would expose views of the tower.

In order to reduce the visibility and prominence of the tower, the following measures are proposed (Ref. Figure LM2):

- *Retention, gapping and enrichment of all existing tree and shrub vegetation adjoining the tower to minimise disturbance and visual intrusion;*
- *Shrub underplanting around the tower to aid the screening of the base of the tower and aid the towers assimilation into the scarp slope landscape; and*
- *Off-site tree and shrub planting within the verge along the side of the A83 by Croft Park and Glen Park properties to interrupt and filter views of the tower from southbound vehicles leaving Tarbert.*

All planting would be of locally native species to match with established vegetation in the area. The planting alongside the A83 would be carefully designed to prevent obscuring current views of Tarbert Parish Church as this is a landmark feature and focal point in views from northbound vehicles on the A83.

Officers are in general agreement with this approach which will require to be secured through the use of an appropriate condition.

However it should be noted that the applicants have stated in submissions that:

The proposed planting would be located on land currently not within the Section 37 application and not under our control; therefore the detailed planting proposals will be subject to landowner agreement.

Given that no land is currently identified for mitigation or compensatory planting as part of the S37 proposals, and no details of proposed planting has been provided, it is considered that there will require to be a suspensive condition to ensure that the towers in question are not constructed until landscaping details, have been submitted to and approved by the Planning Authority. Otherwise there is no current planning controlled commitment to provide this necessary mitigation planting.

As well as the new OHL and the construction of the towers, the proposals also involved substantial works to create temporary access tracks, upgrade existing access tracks and form new permanent access tracks. Construction compounds will also have to be formed along the route to store materials appropriated with the construction of the OHL.

Limited detail of the exact construction methodologies and the final finish/appearance and routing of these tracks has been provided. No details of any proposed mitigation landscape planting for the access tracks have been submitted. It is therefore considered that an appropriate condition requiring further details to be provided, to allow further consideration of such matters should be required.

H Potential Visual and Noise impacts on Residential Properties

The residential visual amenity assessment within the EIA considered the effects the construction and operation of the proposed development would have on the visual amenity of individual properties in the vicinity of the proposed development.

The EIA identifies a total 89 properties are located within 500 m of the proposed development based on the proposed tower schedule. Based on the field survey carried out in November and December of 2017 a total of 10 properties were excluded from further assessment on the basis of either a lack of suitable access or on the grounds of their enclosed position which is likely to prevent visibility of the proposed development. The properties that were excluded are listed in Table 10.3 of the EIA, along with the reason for their omission.

With respect to impacts on individual properties the EIA concludes:

Whilst significant effects on the amenity of a number of residential properties is anticipated, the Residential Visual Amenity Assessment presented in Chapter 10 concludes that there would be no overbearing or overwhelming effects on properties within 0.5 km of the proposed development. Consequently, the effect on the amenity of these properties is not considered to be sufficient to represent a matter of public interest in planning terms.

Officers are in general agreement with this conclusion. Whilst the proximity of the towers to individual residential properties will undoubtedly detract from their local environment, no direct impacts on principle outlooks or views have been identified which would suggest that an objection on this ground should be raised.

In respect of potential noise impacts, the EIA concludes that:

Construction works have the greatest potential to generate noise. Noise sensitive receptors (NSRs) are classed as residential properties. The possibility of NSRs experiencing an effect due to noise was identified for those NSRs located within 300 m of the OHL. A total of 100 NSRs are located within this search radius. The noise assessment concluded that, with appropriate mitigation in place during construction and decommissioning, there would be no significant effects on NSRs. Noise level changes associated with construction traffic would not be significant. During operation of the proposed development, the noise level change is considered too small a change to be perceptible and therefore would not result in significant effects.

These conclusions are supported by detailed evaluation of such matters at Volume 2 Section 9 of the EIA. It is noted that the EIA acknowledges:

Final tower positions and access track routes would be subject to micrositing within their respective LODs on the basis of detailed ground investigation. At this stage, consideration would also be given to detailed local environmental sensitivities, including the proximity to NSRs. Towers and tracks would be microsited with the following limits:

- *Any towers located closer than 145 m from NSRs will result in significant impact and the use of a noise protection barrier is required (as specified below), with an absolute limit of 86 m from the tower to the nearest NSR;*
- *Any change to access tracks will retain at least 6 m separation distance to the closest NSR; and*
- *Any change to alignment will be such that no NSRs will be within 25 m from the OHL, thus ensuring any operational effect remains minor (not significant).*

It is considered that the use of appropriate noise conditions and mitigation measures can be used to ensure that no unacceptable impact would occur to sensitive receptors. These should be incorporated into the CEMP in respect of the details of construction and identified mitigation requirements within the vicinity of any identified sensitive receptor as identified in the EIA.

I. Historic Environment and Archaeological Matters

The EIA has identified a total of 192 heritage assets within the cultural heritage study area and 85 heritage assets have been identified within 100 m of the existing 132 kV OHL (which will be dismantled after the new OHL has been installed). These assets range in date from the prehistoric period to the post-medieval period, and consist principally of former medieval or later settlement remains and agricultural features.

The evaluation of the baseline data considered within the submitted EIA report included the potential effects of the proposed development on Scheduled Monuments and other archaeological features, Listed Buildings and other buildings of historic or architectural importance, Gardens, Designed Landscapes and Conservation Areas. It was concluded that no World Heritage Sites or Inventory Status Historic Battlefields would be affected by the proposed development.

The EIA clarifies that seventeen viewpoints, Figures 7.12-7.27, (see Technical Appendix 7.2 for details) were produced for cultural heritage assets within the Outer Study Area that were considered to be specifically sensitive to changes on their setting from the proposed development. The heritage assets were identified through consultation with HES and WoSAS (see Table 7.1 for summary of consultation responses) and from site visits. In addition, cross reference was made to Landscape and Visual (LVIA) viewpoints where appropriate (details of LVIA VPs cross-referenced within the following assessment are provided in Technical Appendix 7.2).

The EIA contends that the proposed development has been designed to reduce potential construction and operational effects on Inveraray Castle Garden and Designed landscape (GDL223); the proposed development alignment has been routed so as to avoid the majority of the heritage woodland within Inveraray Castle and to minimise woodland felling required along the route of the proposed development where it crosses the GDL. Officers are in agreement that sufficient distance and retained intervening tree screening will ensure no unacceptable impact on the setting of Inveraray castle.

The EIA also states that proposed development has also been designed so as to reduce the operational effects on Auchoish Cairn Scheduled Ancient Monument (SM173). In addition, the location of the proposed development where it crosses Crinan Canal (SM6501/CA461) was designed so as to provide the shortest and most direct route across the canal, while aiming to increase the distance between the proposed development and Lochgilphead town. The type of impacts on heritage assets identified within the EIA fall into two main categories:

- Direct, where there may be a physical effect on a heritage asset caused by the construction of the proposed development.
- Indirect, where elements of the proposed development would affect the setting of heritage assets present in the vicinity.

In the absence of mitigation, the EIA clarifies that there is potential for construction works for the proposed development to result in direct effects on 85 heritage assets, of which four are assessed as potential major adverse effects (classed as significant in EIA terms) and 20 are potential moderate adverse effects (classed as significant in EIA terms). Work to decommission the existing 132 kV OHL has the potential to directly impact 44 heritage assets located within 100 m of the existing OHL. The majority of which are of low heritage importance and sensitivity and most can be avoided during decommissioning works. Mitigation measures are proposed to offset the loss of the archaeological resource that could occur as a result of the construction of the 275 kV OHL and decommissioning of the 132 kV OHL.

During the operational phase indirect significant effects are predicted on the setting of Tarbert Castle which is a Scheduled Monument and also on Allt an Dubhair, a fort which is a Non- Statutory Register Site. All other indirect impacts from the operation of the proposed development are considered by the EIA evaluation to be not significant.

In respect of potential impacts upon Historic assets, HES has provided detailed consultation response on these matters. Importantly they have identified no impacts which they consider to be significance enough to object to the current proposals. In such circumstances Officers defer to the expertise of HES, and do not consider it would be appropriate to raise objection on such matters as the expert advisor has not.

Notwithstanding the conclusions of the EIA that :

Field surveys comprising site walkovers, indicated that extensive upstanding archaeological remains survive within open moorland and rough pasture areas and it is considered that there is a moderate/high potential for further buried archaeology to survive in these areas. However, given the limited land-take required by the proposed development the probability of undiscovered sites of archaeological importance during the construction work was assessed as unlikely.

However given the scale of the proposals, the length of the new OHL, and the extensive works to form access tracks, the Energy Consents Unit is requested to seek further input from WOSAS before making any favourable determination of this application to ensure Archaeological matters are properly addressed, and if considered necessary an appropriate condition is imposed.

WOSAS by consultation response dated 4.2.19 have endorsed this approach and therefore a general standard condition is suggested as part of this report but further more detailed consideration of the actual works required within specific locations will be necessary to ensure any requests for Archaeological access is proportionate and reasonable to the circumstances of the location. This will be informed by the CEMP, where details of the exact location, and construction details of the proposals will be clarified

J. Road Network, Core Paths and Associated Transport Matters.

The EIA acknowledges that during construction, and in the absence of mitigation, significant effects could arise for users of the B8001 road in relation to pedestrian delay. Significant effects could also arise for users of the B842 road in relation to severance, pedestrian delay, pedestrian amenity and fear and intimidation.

To mitigate for these effects the EIA confirms that, heavy good vehicle (HGV) traffic would not be permitted to use the B8001 or B842 to access the sections of alignment between Kennacraig and Crossaig, instead it would use the Freasdail wind farm access track which joins the A83 south west of Kennacraig or the forestry haul road from south of Tayinloan on the A83 to north of Grogport on the B842. Additionally, a Traffic Management Plan (TMP) would be produced which would include traffic management measures to avoid conflicts with general traffic, pedestrians using the Core Path network and cyclists using the NCN78.

Following the implementation of the proposed package of mitigation measures, the assessment of residual effects indicated that there would be no significant adverse effects associated with the construction of the proposed development. The consultation response from Transport Scotland, which raises no objection, welcomes the commitment to provide a detailed traffic management plan.

The Area Roads Engineer has requested a significant number of safeguards in his consultation response. These have been incorporated into a suggested condition. However it would seem possible that many of these matters could be incorporated into the proposed Traffic Management Plan and Officers would be content with this approach.

K. Other Key Policy Matters

It is considered material to note that the current proposal is not a planning application but an application under S37 of the 1989 Electricity Act. This is an important matter due to the fact that Schedule 9 of the Electricity Act makes clear that the following determining factors are paramount to the S37 determination and in determining whether objection should be raised by the Planning Authority.

The requirements when formulating Schedule 9 'relevant proposals' are that it:

“(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geographical or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what [it] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or any such flora, fauna, features, sites, buildings or objects.” (Electricity Act, 1989, Schedule 9 (1(1)).

Under Schedule 9 'relevant proposals', in the case of electricity distribution, mean any proposals:

“... b) for the installation (whether above or below ground) of an electric line; or (c) for the execution of any other works for or in connection with the transmission or supply of electricity.” (Schedule 9, 1(3))

The proposed development in facilitating the provision of a high voltage line to transmit energy created by renewable development is nationally important as recognised in NPPG 3 which clarifies that:

4. An Enhanced High Voltage Energy Transmission Network is needed to facilitate renewable electricity development and its export. The specific projects required for this network are set out in the Electricity Networks Strategy Group, and will continue to evolve as new opportunities emerge.Improvements to the distribution network are also important to many remote rural areas. We support the provision of new infrastructure, whilst acknowledging that full consideration of routes and development components will be required at the consenting stage.As part of this national development, we want to see planning enabling development of onshore links to support offshore renewable energy development. A strategy for the marine grid, connecting with the onshore network, will help to provide greater clarity on the offshore projects required.

In addition the Argyll and Bute Renewable Energy Action Plan clarifies that:

This Renewable Energy Action Plan has been developed to assist Argyll and Bute realise its vision for the development of renewable energy:....Argyll and the Islands will be at the heart of renewable energy development in Scotland by taking full advantage of its unique and significant mix of indigenous renewable resources and maximising the opportunities for sustainable economic growth for the benefits of its communities and Scotland.

More specifically the Action Plan under Ref TC1 specifically supports the current proposals and seeks to:

*Ensure the grid is fit for purpose to meet renewable energy opportunities – **Inveraray-Crossaig overhead line replacement**, Northern Argyll substation, overhead line to Taynuilt and submarine cable replacement programme*

Although none of the above would make an unacceptable development acceptable, it is recognised by officers that essential major infrastructure projects such as is proposed cannot be delivered without some impacts, including some significant localised impacts, for particular areas. However, in reaching a determination on such matters it is essential that the wider policy support for such proposals are taken into consideration and “weighed in the balance” in determining whether an objection to the current proposals is appropriate.

L. Conclusion

The EIA submitted with the application examines landscape and other impacts associated with the proposals and concludes that some significant landscape impact will occur, these are however localised in nature and the overall development proposals will not have a significant impact and is therefore acceptable.

Although some significant localised landscape effects will take place as identified in the EIA, these are considered largely unavoidable with an infrastructure project of this scale. The Council is supportive of delivering this renewable energy related infrastructure upgrade within its Renewable Energy Action Plan under TC1 and the proposals represent important National Infrastructure supported in NPP3.

Importantly, SNH have not raised objection on landscape, ornithology or ecological grounds and have expressed that they are in general agreement with the EIA evaluation and conclusions. Officers can identify no reasons to depart from the findings and conclusions of the EIA, and therefore consider that the overall proposals are considered acceptable in respect of landscape, ornithology and ecological impacts.

In respect of potential impacts upon cultural and historic assets, including designed gardens (and Inveraray Castle and grounds in particular), HES have raised no objection

to the proposals. Again Officers can identify no reason to depart from the views of the expert consultee on such matters.

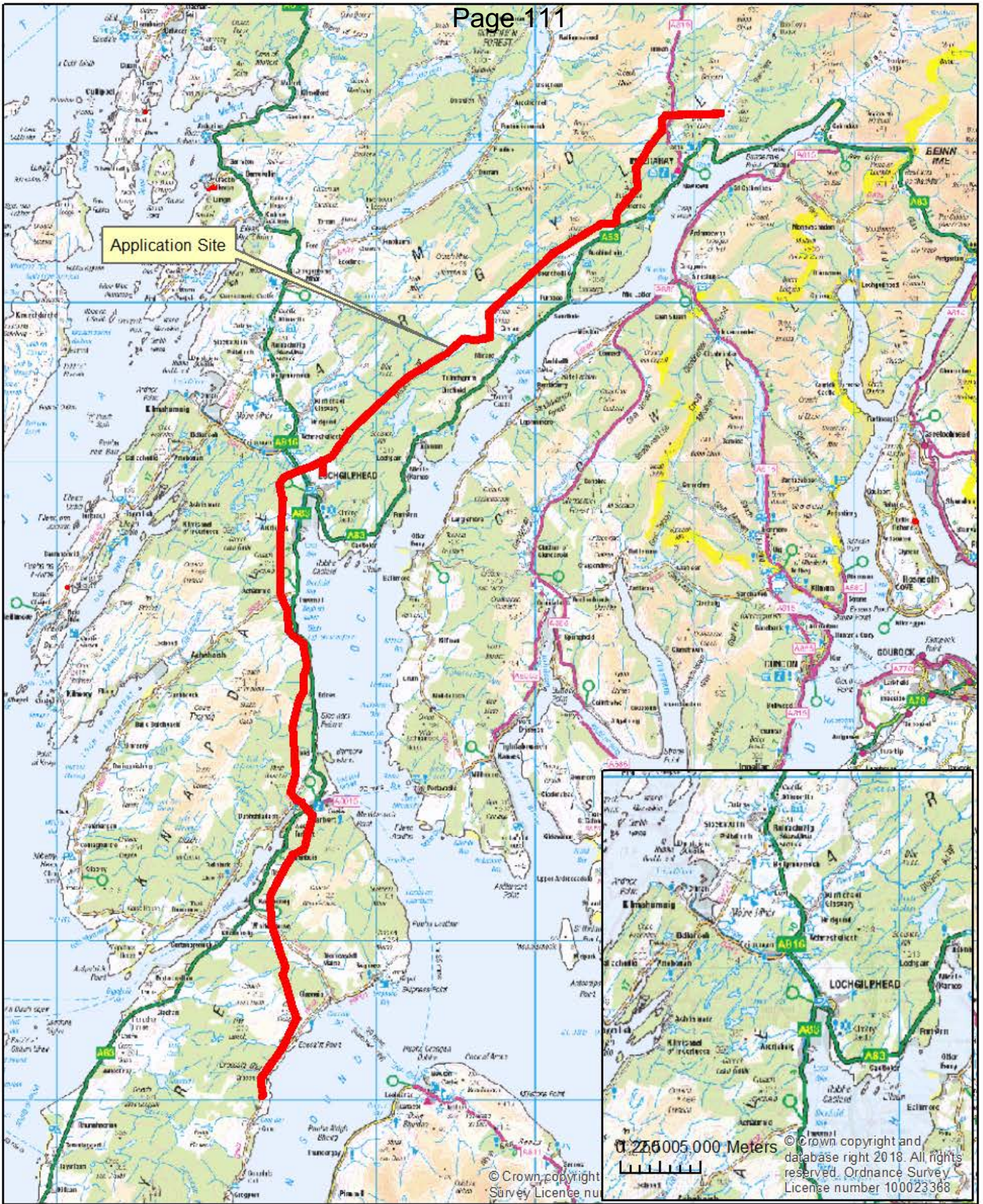
However extensive tree felling is proposed within the designed garden of Inveraray Castle and the Forestry Commission have expressed concerns over the lack of information in respect of compensatory planting associated with the overall scheme. Substantial tree felling is proposed and Officers agree with the Forestry Commission that appropriate conditions require to be imposed to secure appropriate compensatory planting for the woodland to be felled to facilitate the current proposals.

The EIA identifies various mitigation measures to address negative effects associated with the construction and dismantling of the lines, and it will be important that these are adhered to if the magnitude of environmental effects identified is to be adhered to.

Officers have raised concerns in respect of the proposed location of specific towers. Whilst the impact of these towers is not considered such as to warrant a formal objection to these sections of the route, it is considered appropriate to require additional mitigation in the form of tree planting, to ensure that appropriate screening is provided.

Officers consider that overall the landscape, ecological, historic environment and other effects have been minimised in defining the proposed route, where a balanced judgement on competing interests must be reached. Appropriate mitigation can be secured through the imposition of conditions by the Scottish Ministers in line with the proposals set out within the EIA, or within the consultation responses submitted to the ECU.

It is therefore recommended that no objection be raised to the current proposals subject to the imposition of appropriate conditions by the Scottish Ministers.



Location Plan Relative to planning application: 18/01700/S37



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Argyll and Bute Council
Development and 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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 18/02676/CONAC

Planning Hierarchy: Local

Applicant: Mr John Golding

Proposal: Demolition of workshop/garage

Site Address: Tighnaglaic, Crinan, Lochgilphead, Argyll and Bute PA31 8SW

DECISION ROUTE

- **Local Government Scotland Act 1973**

The planning application relates to a householder scale and nature of development which would normally be determined under the local delegated powers, however a report has been presented to committee for determination in this instance as the applicant is the partner of a senior member of the Council's Strategic Management Team.

(A) THE APPLICATION

(i) Development Requiring Conservation Area Consent

- Demolition of existing garage / workshop building

(ii) Other specified operations

- Removal of existing conservatory to dwellinghouse
 - Replacement of existing windows to dwellinghouse
 - Other alterations to dwellinghouse
 - Formation of garden 'pergola' style structure
 - Landscaping
-

(B) RECOMMENDATION:

That conservation area consent be approved.

(C) HISTORY:

18/02678/PP – Application for Planning Permission for alterations to dwellinghouse, erection of garden structure and landscaping – To be determined concurrently under a separate report of handling.

(D) CONSULTATIONS:

Historic Environment Scotland – 23.01.19 – No comments to make, however the application should be determined in accordance with national and local policy on conservation area consent, together with related policy guidance.

(E) PUBLICITY:

ADVLB - Listed Building / Conservation Advert – period for receipt of representations expired 15.02.19.

Site notice expiry 15/2/19

(F) REPRESENTATIONS:

(i) Representations received from:

None

(ii) Summary of issues raised:

Not applicable

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Statement: No

(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: NO

(iii) A design or design/access statement: No

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

(H) PLANNING OBLIGATIONS

(i) **Is a Section 75 agreement required:** No

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

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

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

Argyll and Bute Local Development Plan adopted March 2015

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

Supplementary Guidance

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

SG LDP ENV 18 –Demolition in Conservation Areas

SG LDP Sustainable Siting and Design Principles

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

Scottish Planning Policy

Historic Environment Scotland Policy Statement 2016 (HESPS)

Historic Environment Scotland Change in the Historic Environment – Demolition – October 2010

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

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

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

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

(O) Requirement for a hearing: No

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

This application is for the demolition of a small garage outbuilding. The building is sited to the front of a dwellinghouse and set back some from 12 metres from the edge of the adjacent C39 public road behind a parking forecourt. The property is located within the Crinan Canal Conservation Area. The building measures approx. 9.5 x 6.5 m and is modest in scale with a utilitarian appearance formed by stone-effect masonry walls with timber garage door and windows and low-pitched corrugated sheet material roof.

Given its modest size, unremarkable appearance and relatively unobtrusive siting within the landscaped curtilage of the dwellinghouse, it is considered that the building does not make any significant contribution to the character and appearance of the Conservation Area. Details of the replacement structure are considered in the associated planning application reference 18/02678/PP. Therefore its demolition is in accordance with Local Development Plan policies LDP 3, SG LDP ENV 18 and consistent with the approach recommended by Historic Environment Scotland in their "Managing Change in the Historic Environment" documents.

As such, it is considered that Conservation Area Consent should be approved. Given that it is proposed to landscape the resultant site, including erection of a pergola, there is no requirement to consider how the cleared site should be treated following demolition in the terms of this application. These details are assessed in application for planning permission reference 18/02678/PP.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why Conservation Area Consent should be granted

The proposed development (demolition) is wholly is considered to be acceptable with regard to all relevant material considerations including national and local planning policy and all other guidance and should be approved in the absence of any other material land-use considerations which would warrant refusal of development otherwise fully in accordance with the Local Development Plan.

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

Not applicable.

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

Author of Report: Norman Shewan

Date: 29.01.2019

Reviewing Officer: David Love

Date: 29/1/2019

Angus Gilmour

Head of Planning, Housing and Regulatory Services

APPENDIX A – PLANNING LAND USE AND POLICY ASSESSMENT

A. Location, Nature and Design of Proposed Development

The application building is a detached garage within the curtilage of a residential dwellinghouse located on the eastern side of the single track C39 adopted road directly south of the car parking area at the Crinan Canal sea lock basin.

The principal building is a cottage of traditional design and appearance, predominantly single storey in scale but with relatively large flat-roofed dormer windows on the front and rear elevations to serve accommodation at first floor level. The western gable of the dwellinghouse is directly adjacent to the road whilst the ridge runs at right angles such that the front elevation overlooks the canal basin at the foot of the hill.

The ancillary garage / workshop structure overlaps part of the front elevation of the house and runs at right angles with its principal elevation fronting the public road. Viewed from the public road, this building has the appearance of a stone-walled building with windows on either side of a garage door with shallow-pitched corrugated sheet roofing giving it a utilitarian character in appearance.

The yard area enclosed by the L-shaped configuration of the house and garage is surfaced with brick paviours and is used for car parking with access directly off of the public road.

It is proposed to demolish the existing garage / workshop and to landscape the cleared site to improve links between the house and the residential curtilage to the north. These landscaping works include the formation of a timber framed pergola feature on the site of the existing garage.

B. Historic Environment

The site is located within the Crinan Canal Conservation Area within which policies LDP 3 and SG LDP ENV 18 serve to operate a general presumption against development that does not preserve or enhance the character or appearance of that Conservation Area or its setting. SG LDP ENV 17 makes allowance for demolition of an unlisted building in a Conservation Area where it can be demonstrated that it does not make a positive contribution to the character, appearance, or history of the area. This best practice approach is consistent with the HES Managing Change advice which advocates a presumption in favour of retaining un-listed buildings within conservation areas where they make a positive contribution to the character, appearance or history of the area.

The character of the Crinan Canal Conservation Area is largely formed by the industrial / cultural / historical asset of the Crinan Canal including associated engineering and built structures as well as its immediate landscape setting. The ancillary residential garage is spatially separate from the canal and has no functional or historical relationship with the operating canal. As such it has negligible historic or cultural value relative to the principle heritage feature i.e. the canal.

By reason of its modest scale, low height and utilitarian domestic character in conjunction with its unobtrusive setting, nestled into the natural landform, and screened in longer views from the canal lock basin by vegetation, it is considered that the building does not make a

significant contribution to the character or appearance of the conservation area or its setting.

As such, officers are satisfied that the existing garage / workshop does not make a sufficient positive contribution to the character, appearance or history of the Crinan Canal Conservation Area. On this basis the proposed demolition works will have a neutral effect on the character and appearance of the Conservation Area in accordance with policies LDP 3, SG LDP ENV 17 & SG LDP ENV 18 as well as HES best conservation practice advice on managing change in the historic environment.

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Argyll & Bute COUNCIL **Location Plan Relative to planning application: 18/02676/CONAC**



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Argyll and Bute Council
Development and 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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 18/02678/PP

Planning Hierarchy: Local

Applicant: Mr John Golding

Proposal: Demolition of workshop/garage and conservatory, alterations to dwellinghouse, erection of garden structure and landscaping works

Site Address: Tighnaglaic, Crinan, Lochgilphead, Argyll and Bute PA31 8SW

DECISION ROUTE

(i) Local Government Scotland Act 1973

The planning application relates to a householder scale and nature of development which would normally be determined under the local delegated powers, however a report has been presented to committee for determination in this instance as the applicant is the partner of a senior member of the Council's Strategic Management Team.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of garden pergola style structure
- Replacement of existing windows
- Replace existing slate with timber cladding on dormer cheeks.

(ii) Other specified operations

- Removal of existing conservatory
 - Demolition of detached garage / workshop building (subject of separate conservation area consent)
 - Landscaping
-

(B) RECOMMENDATION:

That planning permission be approved subject to the conditions set out in this report.

(C) HISTORY:

18/02676/CONAC – Application for Conservation Area Consent for demolition of workshop/garage – To be determined concurrently under a separate report of handling.

(D) CONSULTATIONS:

(E) PUBLICITY:

ADVLB - Listed Building/Conservation Advert – period for receipt of representations expired 15.02.19.

Site notice expiry 15/2/19

(F) REPRESENTATIONS:

(i) Representations received from:

None

(ii) Summary of issues raised:

Not applicable

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Statement: No

(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No

(iii) A design or design/access statement: No

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

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: No

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

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

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

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

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

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

SG LDP ENV 18 –Demolition in Conservation Areas

Sustainable Siting and Design Principles

SG LDP TRAN 5 – Off-Site Highway Improvements

SG LDP TRAN 6 –Vehicle Parking Provision

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

Scottish Planning Policy

Historic Environment Scotland Policy Statement 2016

Historic Environment Scotland – Managing Change in the Historic Environment – Windows Jan 2019

Argyll and Bute Planning Service - Technical Note Argyll and Bute Windows – April 2018

(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: No

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

The proposed works are limited to external alterations including replacement windows to an existing dwellinghouse, part of a general refurbishment to raise the standard of accommodation and landscaping improvements to better link the cottage to the existing curtilage in front of it. This includes a detached pergola type structure on the site of an existing garage to be demolished. The demolition works are considered under a separate application for conservation area consent.

The site is within the curtilage of an existing property located within the settlement boundary for Crinan. The principle of the proposal is consistent with the Settlement and Spatial Strategy of the Argyll and Bute Local Development Plan specifically policy LDP DM 1 which supports appropriate forms of development on suitable sites.

The site lies within the Crinan Canal Conservation Area and the Knapdale National Scenic Area wherein development is expected to be of a high quality in order to preserve or enhance the character and appearance of the Conservation Area and to preserve the landscape qualities of the NSA. The proposed works are modest in scale and the good standard of design and material finishes will result in an up-lift to the appearance of the site whilst respecting the historic and landscape qualities of the setting in accordance with relevant policy.

All other material considerations including potential impact on the natural environment; residential amenity; and highways and transport matters have been investigated and do not raise any undue concerns. Officers are satisfied that the nature, scale and location of the proposed development does not give rise to any other issues which would require more detailed assessment.

As such it is recommended that the application be approved.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposed development is considered to be acceptable with regard to all relevant material considerations including national and local planning policy and all other guidance and should be approved in the absence of any other material land-use considerations which would warrant refusal of development otherwise fully in accordance with the Local Development Plan.

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

Not applicable.

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

Author of Report: Norman Shewan

Date: 29.01.2019

Reviewing Officer: David Love

Date: 30.01.2019

Angus Gilmour

Head of Planning, Housing and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 18/02678/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 12th December 2018 and the approved drawing reference numbers 1 to 12 and stamped approved by the planning authority unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

NOTES TO APPLICANT

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

APPENDIX A – PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site comprises an existing residential property located within the minor settlement of Crinan as identified in the Argyll and Bute Local Development Plan – March 2015 (LDP). Policy LDP DM 1 gives encouragement to sustainable forms of small scale development on appropriate sites subject to assessment against all other material policy considerations. As such, the proposed development is consistent with the Settlement and Spatial Strategy.

B. Location, Nature and Design of Proposed Development

The application site is a residential property located on the eastern side of the single track C39 adopted road directly south of the car parking area at the Crinan Canal basin. The principal building is a cottage of traditional design and appearance, predominantly single storey in scale but with relatively large flat-roofed dormer windows on the front and rear elevations to serve accommodation at first floor level. The western gable of the dwellinghouse is directly adjacent to the road and the ridge runs at right angles to the road such that the front elevation overlooks the canal basin at the foot of the hill.

A secondary structure, comprising a garage / workshop overlaps part of the front elevation of the house running at right angles. This building has the appearance of a stone-walled building with shallow-pitched corrugated sheet roof and is utilitarian in character and appearance. The yard area enclosed by the L-shaped configuration of the two buildings is surfaced with brick paviours and is used for car parking with access directly off of the public road.

The proposed development (requiring an application for planning permission) is as follows;

- Replacement of 13 no. existing white uPVC windows in the dwellinghouse with timber frames with grey coloured aluminium cladding externally and with double glazed units;
- Formation of 2 no. new window openings in the ground floor front elevation with externally clad aluminium framed double-glazed units to match proposed replacement windows (referred to above.)
- Additional insulation of existing large front porch to be externally clad with dark stained timber boards and replacement of the existing UPVC front door with a contemporary design clad in grey aluminium externally with vertical vision panel; and,
- Replacement of vertically hung slates on the cheeks of 4 no. existing dormer additions to the roof with dark stained timber cladding to match the porch.

It is also proposed to erect a pergola style garden structure of black stained timber columns and beams on a low plinth wall of white render adjacent to the house on the site of the existing garage. It is proposed to demolish the existing garage building. The demolition element of the works is being assessed concurrently under application for Conservation Area Consent reference 18/02676/CONAC.

C. Natural Environment

The works are completely non-invasive and limited to the confines of an established residential curtilage within an edge of settlement location. The site is not included within, or directly adjacent to, any European, national or locally designated sites and does not involve the loss of any trees / woodland or species habitat.

Although the garage building potentially offers a habitat for bats, site investigation of the exterior of the building did not reveal any evidence of bat habitat and as such further assessment is not warranted under this application report. However, the applicant should be reminded of his responsibilities with regards to protected species under the Conservation (Natural Habitats, & c) Regulations 1994 and advised to contact SNH prior to demolition of the building for further advice in respect of habitat protection / mitigation. An advisory note to this effect can be attached to any planning permission.

D. Built Environment

The wider built environment comprises a cluster of buildings around the periphery of the canal sea lock and basin, including the hotel and an informal grouping of smaller scale workshop buildings and traditional cottages. The application property is one of a much looser grouping of detached houses on the hill land south of the Crinan Lock, including a relatively recently developed house of traditional appearance adjacent to the east of the application site. Material finishes in the area are varied including a mix of white wet dash render, timer cladding and slate. The proposed development in terms of scale, design and material finishes is consistent with the existing character of built development.

The garage building is a modest ancillary structure which is sited unobtrusively and as such does not make a valuable contribution to the pattern of built development. Proposed demolition and replacement with an open pergola style landscaping structure of similar dimension will not have an adverse impact on the qualities of the local built environment and as such will have a neutral, if perhaps minor positive, effect on the wider locale. This is consistent with policies LDP 3, LDP 9 and Supplementary Guidance on Sustainable Siting and Design Principles.

E. Historic Environment

The site is located within the Crinan Canal Conservation Area within which policies LDP 3 and SG LDP ENV 17 serve to operate a general presumption against development that does not preserve or enhance the character or appearance of that Conservation Area or its setting. Whilst the canal is also a Scheduled Ancient Monument (SAM), the application property is located some 150 metres from the boundary of the SAM and as such proposed development will not have a direct, or indirect impact upon the SAM.

The character of the Conservation Area is largely formed by the industrial / cultural/ historical asset of the Crinan Canal including associated engineering and built structures as well as its immediate landscape setting. The traditional cottage, subject of this application, contributes to setting of the Conservation Area as part of the landward backdrop to the sea lock and as a prominent roadside structure on entering leaving the Conservation Area.

The use of timber cladding is not out of keeping with the established palette of material finishes within the wider Conservation Area and as such the proposed cladding of the dormer cheeks with dark-stained timber will satisfactorily preserve the character and appearance of the Conservation Area.

Statement 4 of the Council's Technical Working Note on Windows gives useful guidance on the replacement of non-traditional windows within Conservation Areas. The existing windows are UPVC. A sequential approach is required with the preferred option being the re-introduction of timber sliding sash and case units; followed by installation of better quality windows than currently installed such as good quality uPVC sliding sash or timber swing units for example then lastly, installation of units of any material which retain the distinct step of sash and case windows and which give the appearance of a sash and case windows in all respects except when open.

Fenestration pattern for the 13 no. proposed replacement windows and the additional 2 no. new windows is generally of the same proportions as the existing, and whilst the replacement window frames are timber construction with external grey coloured PVC aluminium cladding to the frame, as opposed to white painted finish to timber sash units, they are good quality windows which whilst contemporary in character, by virtue of recessive colour, slim profiles and fenestration pattern are sympathetic to the original character of the building and its setting within the Conservation Area. Given the incremental and varied additions and alterations to the cottage, it is not considered appropriate to insist upon painted timber sash frames, particularly when the proposed aluminium windows will result in a significant up-lift to the appearance of the cottage.

As such, officers are satisfied that the proposed works will preserve or enhance the character and appearance of the Conservation Area in accordance with policies LDP 3 and SG LDP ENV 17 as well as the Council's Working Note on Windows.

F. Landscape Character

The site is located within the Knapdale National Scenic Area (NSA) which is a statutory designation relating to areas of landscape quality considered to be of national value within which development having an adverse impact will be resisted.

The general Landscape Character Type of the wider area can be categorised as Rocky Mosaic, typified by uneven, hummocky landform with rocky outcrops and narrow glens; raised beaches and cliffs; rocky indented coastline with offshore islands and bays; relatively small-scale landscape with diverse colours and textures; and scattered isolated farm buildings and small villages in sheltered locations.

The scale of the proposed alterations is very modest and restricted to an established residential property within an unobtrusive landscape setting. It is considered that the general quality of design and material finishes will result in development which is sympathetic to the character of the existing building and will not have a detrimental impact on the landscape qualities of this NSA in accordance with policies LDP 3 and SG LDP ENV 12.

G. Road Network, Parking and Associated Transport Matters.

The proposed development is generated by an aspiration to improve existing accommodation and landscaping and not to increase the level of accommodation such that it will generate additional traffic or demand for parking.

It is noted that the proposed landscaping of over half of the existing parking court in front of the house, and formation of a low wall to separate it from the remaining depth of the driveway will reduce the area available for on-site parking. However, it should be acknowledged both that the said works qualify as Permitted Development under the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and that a depth of approximately 5 metres will be retained for parking at right angles to the road. Additionally, there is a grassed area on a slightly elevated level to the east of the existing garage which is indicated as existing additional parking.

Officers are satisfied that the proposed development can be implemented without impact upon the local road network and without an intensification of associated traffic or demand for off-road parking consistent with LDP 11 and SG LDP TRAN 4 & TRAN 6.

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Location Plan Relative to planning application: 18/02678/PP



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**Argyll and Bute Council
Development and 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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 18/01546/PP
Planning Hierarchy: Local Application
Applicant: Lucid Developments
Proposal: Erection of 7 hybrid accommodation units, community hub building, new access pathway, car parking and landscaping arrangements.
Site Address: Land to the North of Boat Yard, Rosneath Road, Kilcreggan, Argyll and Bute.

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION**i) Development Requiring Express Planning Permission**

Erection of 7 hybrid accommodation units (Class 9), community hub building, new private access serving the development, car parking and landscaping arrangements.

Ground source renewable energy system.

Photovoltaic panels on roof of recycling bin store.

ii) Other Specified Operations

Connection to public water and sewerage.

(B) RECOMMENDATION:

It is recommended that planning permission be refused.

(C) HISTORY:

None

(D) CONSULTATIONS:

Roads Helensburgh and Lomond - 15.10.2018 Advise refusal.

Marina Curran-Colthart - Local Biodiversity Officer - 22.08.2018. No objections.

Requires the applicant to provide ornithological surveys, otter and bat surveys. Details of a management plan as the burn is known to flood and the applicant liaise with Forestry Commission Scotland re felling license. The applicant provided this information by way of a Preliminary Ecological Appraisal. Report prepared by Echoes Ecology Ltd on 7th November 2018. Further consultation was made in which Local Biodiversity Officer advises no objections.

Flood Risk Manager – 21/12/18 and 24/1/19 – No objections.

A drainage layout has been supplied (Drawing No. 16.883-701 “Drainage layout”). The following comments are made upon this layout:

- A filter trench is shown on the northern and eastern fringe of the car parking area. It is unclear how this would operate as it appears to be located on the uphill side of the car park. Drawing No. 010 A “Site Plan as Proposed” shows a slope to the south east, away from the filter trench. In addition, the north easterly flow direction of the filter trench shown appears to be in an uphill direction.*
- The filter trench discharges to a 150 mm diameter surface water pipe with an ultimate discharge to the small water course at the southern boundary of the site.*
- Drainage from the proposed buildings appears to be direct to the 150 mm surface water pipes, and then the watercourse, with no attenuation.*

It is recommended that further information be supplied in order to ensure that the design is appropriate. This information is as follows:

- Clarification of the design and operation of the proposed surface water drainage on the northern side of the car park in the north eastern section of the site.*
- Pre and post-development runoff calculations. Given the receiving watercourse close to the site and the proximity of other properties, it is recommended that runoff calculations are supplied in order to demonstrate that the post development runoff is no greater than the pre-development 1 in 2 year greenfield runoff.*
- Maintenance information for the proposed drainage system.*

These matters were put to the applicant’s agent who provided surface water run-off calculations, attenuation design, greenfield run off rates and estimated site discharge. The Flood Risk Manager further advises no objection subject to safeguarding condition that the drainage design is in accordance with current legislation.

Core Paths - No response.

Scottish Water - 09.08.2018 - No objection

Development Policy Section - 25.09.2018 – advise refusal.

Taking into account the loss of trees which will be required to accommodate the proposed development, the risk of damage to many of the remaining trees during the construction stage and the potential subsequent pressure to remove trees because of proximity to the buildings both in terms of shading and risk of windblow as a result of root damage during construction, it is considered that the proposed development would not be compatible with Policy SG LDP REC/COM 2 and SG LDP 6. In addition to the above, the steeply sloping nature of the majority of the site, and the imaginative design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings, not effectively integrate with its setting, and unable to meet the reasonable expectations for special needs groups as required by Policy LDP 9.

SNH 08.08.2018 - No formal comment.

(E) PUBLICITY:

Advert Type: Regulation 20 Advert Local Application

Expiry Date: 06.09.2018

(F) REPRESENTATIONS:

- i) 11 representations received from the following parties:

Objection

Mr Jonathan Dean Tigh Corr Fort Road Kilcreggan 13.08.2018
Mr David Ross 93 East King Street Helensburgh 27.08.2018
Bill Stoops Rockfield Fort Road Kilcreggan 27.08.2018
Mrs Alison Barclay Craigarran Shore Road Kilcreggan 27.08.2018
H S Cathcart Aingarth Fort Road Kilcreggan 31.08.2018
The Woodland Trust Scotland, Shore Road, Perth. 11.09.2018

Support

Mr Patrick Hanley 14 Meikle Aiden Brae Kilcreggan 30.08.2018
Charlotte McLean Seymour Lodge Shore Road Cove 01.10.2018
Ms Helen de Main 0/1 27 Leven Street Glasgow 04.10.2018
James McLean Seymour Lodge Shore Road Cove 31.01.2019

Representation

Richard H West Lynton Park Fort Road Kilcreggan Helensburgh 04.09.2018

ii) **Summary of issues raised:**

• **Objections**

The hybrid units will create overlooking upon properties on Fort Road to the south.

Comment – See report.

Concern regarding increase in noise from residents.

Comment – Matters relating to anti-social behaviour is not a planning consideration but a Police matter. Separate Environmental Health legislation is available to the public who are experiencing anti-social noise problems.

Possible risk of flooding from burn/Potential for additional water run-off will put pressure on Scottish Water tank.

Comment – A burn is located on the boundary of the development site, the applicants engineer report confirms that there will be no additional run off from the site into the burn. The Council's Flood Risk Manager advises no objection subject to safeguarding condition that the drainage design is in accordance with current legislation.

Footpath through the site will require alteration to the boundary fence of the adjacent Health Centre, this would be a risk to users.

Comment – The development will not require alteration to any existing fences. The semi-public path is proposed to connect the pavement in front of the medical centre to the application site boundary. This does not involve access to the car park or adjustments of Health Centre paths or fences.

Unclear as to the actual use of the buildings.

Comment – The applicant has stated the proposal is for either rental use or permanent residential accommodation.

Woodland is not as described by the applicant, it isn't that bad.

Comment – This point is noted. See report.

Vehicle access/egress will be hazardous.

Comment – The Area Roads Manager advises refusal.

The proposal is regarded as overdevelopment.

Comment – The proposed 7 units are within the terms of Policy LDP DM 1.

The proposal is not in keeping with the surrounding area.

Comment – The proposed 7 units are within the terms of Policy LDP DM 1 however the steeply sloping nature of the majority of the site, and the imaginative design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings, not effectively integrate with the its setting, and unable to meet the reasonable expectations for special needs groups as required by policy LDP 9.

The public path through the site will not be wheelchair accessible.

Comment - The steeply sloping nature of the majority of the site, and the imaginative design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings, not effectively integrate with the its setting, and unable to meet the reasonable expectations for special needs groups. As a result the proposal is contrary to Policy LDP 9 Development Setting, Layout and Design and SG LDP HOU 2 Special Needs Access Provision in Housing Developments of the Argyll and Bute Development Plan 2015.

Extra tree planting will pose a danger to road users.

Comment – The Area Roads Manager advises refusal.

Concern regarding delivery of development if funding problems occur.

Comment – This matter is not a material planning consideration.

• **Support**

The development will improve an eyesore.

The proposal is an innovative development.

The proposal will visually improve the village.

Unique design and choice of materials blends into its surroundings

Good transport links within the surrounding area makes the proposal a good place to live.

Other shopfront/civic improvements within the village adds to the quality of the development.

Sustainability aspects of the design are to be applauded.

Comment – These points are noted.

• **Representation.**

Wishes road traffic safety and water run-off matters to be examined as part of the application process.

Comment – These matters have been fully examined as part of the assessment.

(G) SUPPORTING INFORMATION

- i) Environmental Statement: Not Required
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N
- iii) A design or design/access statement: N
- iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: **Yes**

Preliminary Ecological Appraisal

Report prepared by Echoes Ecology Ltd on 7th November 2018

The survey did not identify any plants regarded as European Protected Species but the non-native species Japanese knotweed (*Fallopia japonica*), Himalayan balsam (*Impatiens glandulifera*), rhododendron (*Rhododendron sp.*) and buddleia (*Buddleja sp.*) were identified within the site. The Code of Practice on Non-Native Species (Scottish Government, 2012) should be adhered to and any soil that may contain any non-native plant material should be moved in line with good practice guidance.

No evidence of badger, otter or water vole was identified within the survey area. There was one tree with potential roost features (PRFs) located within the site. As the tree is to be felled, an inspection of the PRF was carried out using an endoscope from a ladder during a second visit on 23.10.18. No evidence of bat use was identified. The feature was sealed to prevent future use by roosting bats. There is habitat within the site and its surroundings that is suitable for red squirrels and two potential dreys were identified. Two feeding stations monitored with trail cameras were installed on 23.10.18 for a period of two weeks to investigate if squirrels were present within the woodland. No red squirrels were recorded, only grey squirrels (*S. carolinensis*), and it is assumed that any dreys present belong to grey squirrels.

Surface Water Assessment

Report prepared by David Narro Associates on September 2018

A site investigation has been carried out by Mason Evans which found shallow bedrock across the site. It is therefore assumed that the existing surface water is percolating into the ground at a greenfield runoff rate of 5 l/s before discharging into the burns that run within the site. An asset plan for the surrounding area has found that there is an existing public combined sewer located at the road that runs to the North boundary of the site.

It is proposed that the surface water from the proposed hardstanding and roofs be collected by a new series of surface water drainage runs and discharged directly into the burn. A soakaway would not be possible in this location due to the bedrock present on site. Treatment to the water outflow from the road and car parking areas will be provided by a filter trench. Due to the nature of the existing site, the overall volume of water being discharged into the burn is not increasing and is being collected into single discharge points. Having considered all options, it is believed that discharging the surface water to the existing burn within the site is the most feasible option. It is the conclusion of this report that the suggested drainage solution includes sufficient measures to limit the impact of the development on surrounding environment. The proposed system will connect to the existing burn and not increase the overall flow of water currently being discharged into the burn.

Arboriculture Report

1st Report Arboricultural Survey - Arboricultural Impact Assessment and Arboricultural Method Statement To British Standard 5837 (2012) prepared by Mike Charkow MA, TechCertArborA, PTI on 12th June 2018

78 individual trees were surveyed. 16 trees could not be categorised. 7 trees were categorised as 'A'; 31 were categorised as 'B', 14 as 'C' and 10 as 'U'. The majority of trees were native species. The dominant species was the naturalised Sycamore (*Acer pseudoplatanus*), of which thirty-seven trees were recorded. 44 trees were in good condition, 8 were in moderate condition, 8 were in poor condition, 2 were dead and 16 could not be categorised. The surveyed trees were mostly native or naturalised species.

48 trees were recommended for works. The majority of recommended works (38 trees) refer to ivy growing on trees. It was possible to inspect most of the bases of these trees, however many of these trees' stems and some of their crowns were severely obscured. Ivy is an important native plant for wildlife habitat and as a food source, however its presence on trees can be problematic:

- It can impede the inspection of the tree;
- It can smother branches causing foliage to die;
- It can increase the 'sail-area' of the tree, making it more wind resistant and therefore prone to breakage.

It is usually costly and impractical to remove all of the ivy from a tree, however it can be severed from near ground level to around 1.5 metres. This should be done on an annual basis to prevent the ivy from regrowing. The ivy may take a year to die, but then it can be removed much more easily, or it will fall off over time. The reinspection would therefore take place once the tree could be seen. It is the decision of the tree owner whether the risk of the

tree warrants complete ivy removal or severing at base. 10 trees were recommended for removal due to their condition. 30 trees had no works recommended.

2nd Report prepared by AVArboriculture on 1st October 2018 in response to objections by The Woodland Trust.

The woodland is a category 2a (Ancient Woodland of Semi-Natural Origin). Scottish Natural Heritage does list the site as 'Ancient (of semi-natural origin). It is apparent that much of this designated woodland has already been developed. Forestry Commission Scotland do not list the application site as a native woodland.

Most of the trees (49 of 78, 63%) were classed as early-mature. Native trees included Silver Birch, Common Alder, Common Ash, Common Holly, Common Oak and Common Rowan. These account for 40 of the 78 (51%) trees surveyed. None of these are indicator plants for ancient woodland, however the indicator species list does consist of 74 vascular plants, most of which are not trees.

I was not commissioned to record ancient woodland indicator species, so I do not have this information. It is not clear from my investigations why the site has been classed as category 2a (Ancient Woodland of Semi-Natural Origin). I recommend that the procedure for the woodland classification of this site by Scottish Natural Heritage be disclosed. It may also be prudent to have an ancient woodland indicator species carried out.

Additional flood risk/drainage report and updated drainage layout plan (16.883-701A).

The applicant has provided additional information in relation to the observations made by the Council's Flood Risk Manager. A filter trench is now shown on the southern fringe of the car parking area discharging to a 150 mm diameter surface water pipe leading to a surface water attenuation tank. Drainage from the proposed buildings also leads to the tank. Discharge from the tank would be at the greenfield runoff rate to the watercourse. The tank has been designed with respect to a rainfall intensity of 70 mm/hr. The drainage layout drawing also states an intention to maintain the system in accordance with CIRIA C753.

(H) PLANNING OBLIGATIONS. None required

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

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

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

Argyll and Bute Local Development Plan adopted March 2015

- Policy LDP DM1 (Key Rural Settlements)
- Policy LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment
- Policy LDP 8 Supporting the Strength of Our Communities
- Policy LDP 9 Development Setting, Layout and Design
- Policy LDP 10 Maximising our Resources and Reducing Our Consumption
- Policy LDP 11 Improving our Connectivity and Infrastructure

Argyll and Bute Local Development Plan – Supplementary Guidance

- SG LDP ENV 6 Development Impact on Trees/Woodland

SG LDP HOU 1 General Housing Development Including Affordable Housing Provision
SG LDP HOU 2 Special Needs Access Provision in Housing Developments
SG LDP TOUR 1 Tourist facilities and Accommodation
SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas
SG LDP SERV 1 Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems
SG LDP SERV 2 Incorporation of Natural Features / Sustainable Drainage Systems
SG LDP SERV 3 Drainage Impact Assessment
SG LDP SERV 5(b) Provision of Waste Storage and Collection Facilities within New Development
SG LDP SERV 6 Private Water Supplies and Waste Conservation
SG LDP TRAN 3 Special Needs Access Provision
SG LDP TRAN 4 New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 Vehicle Parking Provision
SG LDP - Sustainable Siting and Design Principles

(ii) List of other material planning considerations taken into account in the assessment of the application.

Argyll & Bute Sustainable Design Guidance.
Consultation responses.
Community engagement during design process.

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

(L) Has the application been 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 hearing:

In deciding whether to exercise the Council's discretion to allow respondents to appear at a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

The current Local Development Plan was approved in 2015 and the relevant policies within it are not considered to be outdated.

Eleven representations have been received both for and against the proposal. There has been no comment from the community council. In this instance there are four reasons for refusal relating to design, impact on an Open Space Protection Area, loss of trees and road safety. Given the small number of representations when considered against the size of the settlement and the straightforward nature of the reasons for refusal, it is not considered that a hearing bring added value to this process.

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

The application site is an area of woodland located on the eastern approaches to the village of Kilcreggan. It is proposed to develop the steeply sloping site by way of a development comprising a hybrid of housing, tourist development, live-work development, community elements and co-housing elements. The development includes 7 two storey residential accommodation units, linked by bridges and footpaths.

These consist of small one bed units at 45 sq.m and small two bed units at 65 sq.m each with a small private terrace. They are raised up on steel foundations to allow the slope and the landscape to pass underneath uninterrupted. There are also small storage units and workshop/studios built into the slope at communal buildings to the north east. These can operate in tandem with the units or independently to maximise flexibility. It is intended that these main units or houses would retain as much flexibility as possible in terms of how they are used and there would be a mix of uses, ideally some full time and some part time, with others perhaps as tourist accommodation. The small community building is shared and co-owned/managed along with an underground renewable energy system and photo voltaic panels on bin store areas. This building also comprises a plant room for the renewable energy system, storage areas, small studios or workshops, bin-stores and recycling areas, external terraces, a sauna plus wc and a meeting/dining room with a small library. Off-street parking areas are provided to the north of the site and compensatory planting is provided as a number of trees are to be removed to accommodate the development.

The application site has significant amenity value in the immediate area and wider setting of Rosneath due to its mature tree cover and woodland appearance. The steeply sloping nature of the majority of the site, and the design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings. The proposal is therefore contrary to the terms of Policies LDP 3, LDP 9, and SG LDP ENV 14 of the Argyll and Bute Local Development Plan which, inter alia, resist development which does not maintain and enhance the character of existing residential areas.

The proposed development will result in the loss of part of this important woodland area, which occupies a prominent position within the locality and which successfully integrates and softens the impact of existing residential development into its wider landscape setting. As such the proposal does not accord with Policies LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and SG LDP ENV6 (Development Impact upon Trees/Woodland) of the Argyll and Bute Development Plan 2015.

The application site is designated as an Open Space Protection Area. The loss of this space and its replacement with buildings, access road, hardstanding and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. The proposal is therefore contrary to Policy SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas of the Argyll and Bute Local Development Plan.

The proposal is considered to be unacceptable in terms of road traffic safety for reasons of sightline visibility splays, pedestrian access, vehicle turning space and off street parking provision all of which do not accord with the supplementary guidance. As such the proposal is contrary to Policy SG LDP TRAN 4 – New and Existing Public Road and Private Access Regimes and SG LDP TRAN 6 –Vehicle Parking Provision of the Argyll and Bute Development Plan 2015.

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

(R) Reasons why Planning Permission or a Planning Permission in Principle should be refused.

1. The application site has significant amenity value in the immediate area and wider setting of Rosneath due to its mature tree cover and woodland appearance. The steeply sloping nature of the majority of the site, and the design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings. The proposed units are box like in appearance some 10.7 metres in height, 7.6 to 10 metres long, with a roof pitch of 48 degrees and built on stilts. The combination of tall, narrow buildings with a steep roof pitch on stilts on this prominent location set against existing development of varied design but conventional footprint and layout adjoining the site would result in a development that would have a detrimental impact upon the character and appearance of the locality by virtue of introducing built development that is out of character with its surroundings. The proposal is therefore contrary to the terms of Policies LDP 3, LDP 9, and SG LDP ENV 14 of the Argyll and Bute Local Development Plan which, inter alia, resist development which does not maintain and enhance the character of existing residential areas.
2. The proposed development will result in the loss of part of this important woodland area, which occupies a prominent position within the locality and which successfully integrates and softens the impact of existing residential development into its wider landscape setting. The loss of these trees and other vegetation cover and their replacement with buildings access road, hardstanding, paths, new drainage and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. The proposal will also prevent significant regeneration and replanting of trees by substantially reducing the areas available for tree cover and changing the character of the site from woodland to built form. Taking into account the loss of trees which will be required to accommodate the proposed development, the risk of damage to many of the remaining trees during the construction stage and the potential subsequent pressure to remove trees because of proximity to the buildings both in terms of shading and risk of windblow as a result of root damage during construction the proposed development would not be compatible with Policy. As such the proposal does not accord with Policies LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and SG LDP ENV6 (Development Impact upon Trees/Woodland) of the Argyll and Bute Development Plan 2015.
3. The application site is 0.41 hectares in size, has amenity value in the immediate area and wider setting of Kilcreggan and is designated as an Open Space Protection Area. In terms of mitigation the applicants propose a new communal hall to serve the village. Whilst this will have community benefit, the proposed development will result in the loss of this area which makes a specific contribution to the wider area as a green space, wildlife corridor and buffer between housing. The loss of this space and its replacement with buildings, access road, hardstanding and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. Consequently, the communal building is not considered to be an alternative provision of equal community benefit given its size and existing function. The proposal is therefore contrary to Policy SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas of the Argyll and Bute Local Development Plan which, inter alia, presumes against the development or redevelopment of formally established public or private playing fields or sports pitches or those recreational areas and open space protection areas shown to be safeguarded in the LDP Proposals Maps.
4. The proposed private access is contrary to the minimum standards set out in the Council's Road Development Guide in relation to adequate visibility splays and turning capacities. The applicant has not supplied the acceptable visibility sightline splays of 2.4m x 53m x 1.05 at the new junction and has not offered any mitigation for this in the absence of speed survey data. The off street parking provision is also contrary to policy as it shows the provision for 11 parking spaces, however, the residential units require 12 parking spaces, there is also no parking provision shown to support the Communal build which has the potential to be used

by local community groups. As such the proposal is contrary to Policy SG LDP TRAN 4 – New and Existing Public Road and Private Access Regimes and SG LDP TRAN 6 –Vehicle Parking Provision

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

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

Author of Report: Frazer MacLeod

Date: 31/1/19

Reviewing Officer: Howard Young

Date: 04/02/19

Angus Gilmour
Head of Planning, Housing and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION 18/01546/PP:

1. The application site has significant amenity value in the immediate area and wider setting of Rosneath due to its mature tree cover and woodland appearance. The steeply sloping nature of the majority of the site, and the design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings. The proposed units are box like in appearance some 10.7 metres in height, 7.6 to 10 metres long, with a roof pitch of 48 degrees and built on stilts. The combination of tall, narrow buildings with a steep roof pitch on stilts on this prominent location set against existing development of varied design but conventional footprint and layout adjoining the site would result in a development that would have a detrimental impact upon the character and appearance of the locality by virtue of introducing built development that is out of character with its surroundings. The proposal is therefore contrary to the terms of Policies LDP 3, LDP 9, and SG LDP ENV 14 of the Argyll and Bute Local Development Plan which, inter alia, resist development which does not maintain and enhance the character of existing residential areas.
2. The proposed development will result in the loss of part of this important woodland area, which occupies a prominent position within the locality and which successfully integrates and softens the impact of existing residential development into its wider landscape setting. The loss of these trees and other vegetation cover and their replacement with buildings access road, hardstanding, paths, new drainage and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. The proposal will also prevent significant regeneration and replanting of trees by substantially reducing the areas available for tree cover and changing the character of the site from woodland to built form. Taking into account the loss of trees which will be required to accommodate the proposed development, the risk of damage to many of the remaining trees during the construction stage and the potential subsequent pressure to remove trees because of proximity to the buildings both in terms of shading and risk of windblow as a result of root damage during construction the proposed development would not be compatible with Policy. As such the proposal does not accord with Policies LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and SG LDP ENV6 (Development Impact upon Trees/Woodland) of the Argyll and Bute Development Plan 2015.
3. The application site is 0.41 hectares in size, has amenity value in the immediate area and wider setting of Kilcreggan and is designated as an Open Space Protection Area. In terms of mitigation the applicants propose a new communal hall to serve the village. Whilst this will have community benefit the proposed development will result in the loss of this area which makes a specific contribution to the wider area as a green space, wildlife corridor and buffer between housing. The loss of this space and its replacement with buildings, access road, hardstanding and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. Consequently, the communal building is not considered to be an alternative provision of equal community benefit given its size and function and the community design consultation was not considered material to outweigh the restrictive open space policy. The proposal is therefore contrary to Policy SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas of the Argyll and Bute Local Development Plan which, inter alia, presumes against the development or redevelopment of formally established public or private playing fields or sports pitches or those recreational areas and open space protection areas shown to be safeguarded in the LDP Proposals Maps.
4. The proposed private access is contrary to the minimum standards set out in the Council's Road Development Guide in relation to adequate visibility splays and turning capacities. The applicant has not supplied the acceptable visibility sightline splays of 2.4m x 53m x 1.05 at the new junction and has not offered any mitigation for this in the absence of speed survey data. The off street parking provision is also contrary to policy as it shows the provision for 11 parking spaces, however, the residential units require 12 parking spaces, there is also no parking provision shown to support the Communal build which has the

potential to be used by local community groups. As such the proposal is contrary to Policy SG LDP TRAN 4 – New and Existing Public Road and Private Access Regimes and SG LDP TRAN 6 –Vehicle Parking Provision

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01546/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The land in question falls within the settlement boundary of Kilcreggan which is identified in the development plan as a Key Rural Settlement. Policy DM 1 allows development up to and including medium scale on appropriate sites. In terms of residential development a medium scale development is considered between 6 and 30 dwellings therefore the proposal accords with this Policy.

B. Location, Nature and Design of Proposed Development

The application site is an area of woodland located on the eastern approaches to the village of Kilcreggan. It is proposed to develop the steeply sloping site by way of a development comprising a hybrid of housing, tourist development, live-work development, community elements and co-housing elements. The development includes 7 two storey residential accommodation units, linked by bridges and footpaths.

The applicant has described community involvement prior to the submission of this application, this involved;

- Lucid Architecture were involved in the Glasgow Institute of Architects and Cove and Kilcreggan Community Council ideas competition in 2011 for the shore line of Kilcreggan and Cove. They were among the final group of architects selected to present proposals and initiatives for the village, their idea for this site was presented initially during that time.
- Presented a fully worked up proposal to the Cove and Kilcreggan Community Council in September 2016. Their comments fed into the proposals and the current design.
- Presented proposals to board members of Rosneath Peninsula West Community Development Trust in October 2016 in which areas of cross over with their Community Action Plan were identified.
- Meetings with Cove Park Artists Centre Julian Forrester and Alexia Holt in 2015 and 2017 to discuss the Ferry Brae project and any cross overs with their program.
- Domestic neighbours bordering onto the site were contacted at the start of the project and around the time of the main community consultations through 2015 and 2016. All of them were met face to face and kept up to date via email through the design process with drawings sent regularly to inform them of the progress of the design and take account of their suggestions and build in mitigations to the design as far as possible for any concerns that they had raised.
- Consultations with the Construction Scotland Innovation Centre through 2016 and 2017 to explore aspects of the design that can be developed and used as demonstrators for new ways of organising and delivering projects on site plus research into better building technologies and system

C. Impact on Woodland/Access to Countryside

A significant determinant of developing this site is the designation as Open Space Protection Area (OSPA) within the LDP. The area is part of a larger area which has had a longstanding protective designation. Historically this area was included in the 1999 Adopted Dumbarton District, District Wide Local Plan as Woodland, Park Land Retention designation. The area was shown as an OSPA in the 2009 Adopted Local Plan in which there were no objections to this designation, more recently there was also no objection to the OSPA designation at the last LPD PLI. (2015 plan).

This requires SG LDP REC/COM 2 (Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas) to be addressed. In addition the site falls within a section of Semi Natural Ancient

Woodland which requires SG LDP ENV6 (Development Impact upon Trees/Woodland) to be examined.

In terms of justification for development within an OSPA the applicant was asked to address if the proposal could “adequately demonstrate no loss of amenity through either partial, or complete development and that an alternative provision of equal benefit and accessibility be made available”.

The case now put to the Council demonstrates community/planning benefit in respect of the following;

- Community engagement during design process
- Woodland management plan and remediation via removing Himalayan balsam and Japanese Knotweed from site
- Creation of a Community Hub building
- Creation of new public walkway through the site rather than walking on public road
- Creation of contemporary designed tourist accommodation/workspace units in a woodland setting
- Creation of landmark development at the entrance to village promoting a sense of arrival.
- Potential positive economic impact upon the rural community in terms of small start-up business/community initiative projects and tourism.
- The benefit to the public in which they are able to access woodland previously out of bounds.

These matters will be assessed in further detail establishing if they may be considered material to outweigh the restrictive open space/woodland policies.

In addition to LDP DM1, other appropriate policies to be used are LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and Supplementary Guidance Policy.

In terms of SG LDP REC/COM 2 the amenity value of this area is due to its undeveloped woodland nature and the contribution it makes as a rising backdrop to the development on Fort Road. The policy states, inter alia, that there is a presumption against the development of open space protection areas shown to be safeguarded in the LDP Proposals Maps except where there would be no loss of amenity and alternative provision of equal benefit and accessibility would be made available taking into account long term strategy and recreational and amenity value.

Open Space Protection Area's designated for their amenity value within settlements cannot be readily replicated, particularly where they contribute to visual amenity in the form of woodland and trees. SG LDP 6 also recognises the importance of woodland within settlements in terms of the contribution they can make to amenity value, woodland setting and as key landscape features. Proposals which involve the loss of trees, fragmentation of woodland and the introduction of new uses within open space protection areas therefore require to be considered very carefully as they are likely to have unacceptable environmental impacts, not respect the landscape/townscape character of the area and have adverse effects on the amenity (including visual) of the surrounding area.

The Council has carefully considered the applicant's arboculturalists report and note that they recommend that the trees be removed in order to accommodate the development and that with regard to the remaining trees they state “most of the site is a root protection area (RPA)”. The sitings of the proposed buildings, paths and new drainage may conflict with RPAs. Due to the nature of the site, it would be necessary to infringe the RPAs of many trees during the construction phase.” The report also states that “the tree shading plan (section 2.3) shows that all of the proposed new buildings within the woodland will have all-day shade from retained trees”. Taking into account the loss of trees which will be required to accommodate the proposed development, the risk of damage to many of the remaining trees during the construction stage and the potential subsequent pressure to remove trees because of proximity to the buildings both in terms of shading and risk of windblow

as a result of root damage during construction, the proposed development would not be compatible with Policy SG LDP REC/COM 2 and SG LDP 6.

In addition to the above, the steeply sloping nature of the majority of the site, and the design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings, not effectively integrated with its setting, and unable to meet the reasonable expectations for special needs groups as required by policy LDP 9. The evidence of community involvement/planning benefit is not considered material enough to outweigh policy in this instance.

The application site has significant amenity value in the immediate area and wider setting of Rosneath due to its mature tree cover and woodland appearance. The steeply sloping nature of the majority of the site, and the design solutions proposed to address this, will result in a form of development which would appear out of context with the surroundings. The proposed units are box like in appearance some 10.7 metres in height, 7.6 to 10 metres long, with a roof pitch of 48 degrees and built on stilts. The combination of tall, narrow buildings with a steep roof pitch on stilts on this prominent location set against existing development of varied design but conventional footprint and layout adjoining the site would result in a development that would have a detrimental impact upon the character and appearance of the locality by virtue of introducing built development that is out of character with its surroundings. The proposal is therefore contrary to the terms of Policies LDP 3, LDP 9, and SG LDP ENV 14 of the Argyll and Bute Local Development Plan which, inter alia, resist development which does not maintain and enhance the character of existing residential areas.

The proposed development will result in the loss of part of this important woodland area, which occupies a prominent position within the locality and which successfully integrates and softens the impact of existing residential development into its wider landscape setting. The loss of these trees and other vegetation cover and their replacement with buildings, access road, hardstanding, paths, new drainage and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. The proposal will also prevent significant regeneration and replanting of trees by substantially reducing the areas available for tree cover and changing the character of the site from woodland to built form. Taking into account the loss of trees which will be required to accommodate the proposed development, the risk of damage to many of the remaining trees during the construction stage and the potential subsequent pressure to remove trees because of proximity to the buildings both in terms of shading and risk of windblow as a result of root damage during construction, the proposed development would not be compatible with Policy. As such the proposal does not accord with Policies LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and SG LDP ENV6 (Development Impact upon Trees/Woodland) of the Argyll and Bute Development Plan 2015.

The application site is 0.41 hectares in size, has amenity value in the immediate area and wider setting of Kilcreggan and is designated as an Open Space Protection Area. In terms of mitigation the applicants propose a new communal hall to serve the village. Whilst this will have community benefit the proposed development will result in the loss of this area which makes a specific contribution to the wider area as a green space, wildlife corridor and buffer between housing. The loss of this space and its replacement with buildings, access road, hardstanding and car park will be visually intrusive, visually discordant and will not maintain or enhance the character of the area. Consequently, the communal building is not considered to be an alternative provision of equal community benefit given its size and function and the community design consultation was not considered material to outweigh the restrictive open space policy. The proposal is therefore contrary to Policy SG LDP REC/COM 2 of the Argyll and Bute Local Development Plan which, inter alia, presumes against the development or redevelopment of formally established public or private playing fields or sports pitches or those recreational areas and open space protection areas shown to be safeguarded in the LDP Proposals Maps.

D. Road Network, Parking and Associated Transport Matters

A new private access may be considered appropriate if, inter alia, it serves no more than 20 units as in a housing court development as in this instance. However, the proposal is contrary to Policy SG LDP TRAN 4 – New and Existing Public Road and Private Access Regimes which provides additional detail to policy LDP 11 which considers place before movement and takes into account the principles regarding development setting, layout and design set out in policy LDP 9. The proposed private road is contrary to the minimum standards set out in the Council's Road Development Guide in relation to adequate visibility splays and turning capacities.

The applicant has not supplied the acceptable visibility sightline splays of 2.4m x 53m x 1.05 at the new junction and has not offered any mitigation for this in the absence of speed survey data.

The existing B 833 Rosneath Road currently has no pedestrian facility and the proposed pedestrian access intended for used to connect the site into the village is not suitable. Further details would be required to demonstrate that suitable vehicle turning is available to accommodate the service and emergency vehicles.

In addition the off street parking provision shown does not accord with SG LDP TRAN 6 –Vehicle Parking Provision as the details submitted show the provision for 11 parking spaces, however, the residential units require 12 parking spaces (the 4 No x 1 bedroom units require 1.5 spaces per unit equals 6, the 4 No x 2 bedroom units require 2 spaces per unit equals 6) Also there is no parking provision shown to support the Communal build which has the potential to be used by local community groups.

As such the proposal is contrary to Policy SG LDP TRAN 4 – New and Existing Public Road and Private Access Regimes and SG LDP TRAN 6 –Vehicle Parking Provision.

E. Infrastructure

It is proposed to connect the development to the public water and sewage system and Scottish Water has indicated no objections. Concern was initially raised by the Flood Risk Manager regarding the design and operation of the proposed surface water drainage on the northern side of the car park in the north eastern section of the site. This matter were put to the applicant's agent who provided surface water run-off calculations, attenuation design, greenfield run off rates and estimated site discharge. The Flood Risk Manager now advises no objection subject to a safeguarding condition.

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Location Plan Relative to planning application: 18/01546/PP



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**Argyll and Bute Council
Development and Infrastructure Services**

PROPOSAL OF APPLICATION NOTICE (PAN)

Reference: 18/02640/PAN

Applicant: Scottish Water

Proposal: Proposed new wastewater treatment works including vehicular access to site

Site Address: Land West Of Sewage Works, Clachan Seil, Isle Of Seil

1.0 BACKGROUND

The existing Clachan Seil sewerage and treatment system has failed to deliver the expected Shellfish Waters compliance improvements. There is insufficient storage and treatment capacity to deal with the high volume of rainfall-derived flow in the system (roof-water, road drainage, groundwater infiltration).

The poor compliance of Seil Sound waters with Shellfish Waters Regulations was identified by SEPA as being largely due to the proliferation of untreated sewage discharges and poorly maintained septic tanks on the Eastern side of the island fronting Seil Sound.

The initial scheme installed in 2008/9 by Scottish Water was intended to intercept the majority of these discharges with a public sewer which would convey the sewage to a new treatment plant. The responsibility for managing the sewage now draining to the public sewer rests firmly with Scottish Water. The design underestimated the amount of surface water, (predominantly from properties), entering the system and consequently the treatment plant was hydraulically overloaded resulting in poor operational performance of the system as a whole.

A number of options have been examined by Scottish Water in respect of the proposed development. They have concluded that the proposed site promotes the best environmental outcome for the residents of Seil, managing the sewage originating on the East side of the island close to point of origin, delivering high water quality in Seil Sound, and providing a significant reduction in the polluting effects of the small Seaview discharge. The discharge point from the new treatment works will be into a septic tank on the existing waste water treatment site and from there to Seil Sound. The discharge will be via the existing outfall.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The PAN seeks views on a proposed new water treatment works, with associated access road for the Isle of Seil. The existing water treatment works is no longer fit for purpose and will be decommissioned and landscaped as part of these proposals. The proposal involves the creation of a new tertiary treatment works away from the immediate community to replace the existing works. The works comprises the following:

- Site clearance
- Formation of access track
- Ground and other engineering works to form ground levels
- Formation of compound

- Installation of SuDS compliant drainage system
- Erection/Installation of plant/ building(s)/tanks and pipework
- Provision of landscaping
- Landscaping of existing site and provision of septic tank.
- Incidental works

2.0 SITE DESCRIPTION

The proposed site is located within open countryside outside the settlement boundary of Clachan Seil. The land upon which it proposed to construct the facility is designated within the LDP as both Countryside and forming part of the Knapdale/Melford APQ.

The site itself, although adjacent to generally rising ground forms a lower lying indentation within the landscape and will be accessed from a road constructed back to the village. The access point to the B844 will be immediately to the north of Taig Na Craig.

3.0 DEVELOPMENT PLAN POLICY

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 4 – Supporting the Sustainable Development of our Coastal Zone

LDP 9 – Development Setting, Layout and Design

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)

SG LDP ENV 7 – Water Quality and the Environment

SG LDP ENV 11 – Protection of Soil and Peat Resources

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

SG LDP ENV 14 –Landscape

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

SG LDP ENV 21 – Protection and Enhancement of Buildings

SG LDP DEP 1 – Departures to the Local Development Plan

SG LDP BAD 1 – Bad Neighbour Development

Sustainable Siting and Design Principles

SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems

SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)

SG LDP SERV 5 – Waste Related Development and Waste Management in Development

SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development

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

SG LDP TRAN 6 –Vehicle Parking Provision

5.0 POTENTIAL MATERIAL CONSIDERATIONS

The proposal has been subject to screening opinion (18/01871/SCREEN). Although an EIA was not determined to be required it was clarified that a number of planning matters would require to be addressed in any future planning submission as set out below:

- Landscape Impacts and Visual Amenity considerations.

- Proposed landscaping and screening to assist landscape integration and biodiversity enhancement. Including strategic landscaping and tree planting to integrate the development into its surroundings, which being an APQ, are particularly sensitive.
- Planning statement to address land use designations material to the proposal
- Ecology, Biodiversity and Nature Conservation; All submitted surveys will require to be updated and more detailed analysis in respect of the identified biodiversity interests and potential impacts on protected species will be required, together with any proposed mitigation.
- Hydrology, Hydrogeology and Soils: Detailed survey should be submitted in accordance with the conclusions of the Councils Biodiversity Officer together with any necessary mitigation/management proposals associated with the development.
- Construction Environmental Management Plan associated with safeguarding and mitigation in respect of ecological and biodiversity interests having regard to the comments of the Council Biodiversity Officer. A commitment to the provision of an ecological clerk of works on site to supervise development on or near sensitive habitat or wildlife interests (as may be identified in the required updated surveys) is considered to be required.
- Cultural Heritage(Archaeology)
- Design of SuDS proposals to promote biodiversity
- Traffic and Transport: A Transport Assessment, to include a Transportation Plan for construction, will be required for routing of traffic associated with transporting any large plant. All matters to be agreed with the Area Roads Engineer to avoid blocking or damage to the public road. The restricted width of Clachan Bridge, which is a Category A Listed Building, will require to be specifically addressed in submissions.
- Amenity and Health: Noise report indicating existing and predicted noise levels at nearest sensitive receptor associated with operation of the plant, and details of proposed lighting both during construction and when operational to avoid light pollution and disturbance to wildlife
- Recreation and Tourism; Details of proposed improved footpaths and access for recreation users indicated around the existing treatment works.
- A design and access statement
- Details of restoration and landscaping of the existing treatment works including re-profiling of the site to marry into the coastal edge.

As is clear from the matters outlined above, there are a number of material planning issues which require to be satisfactorily addressed in the future planning application and biodiversity protection and enhancement, landscape integration and safeguarding of protected species and sensitive ecosystems will all require to be carefully considered.

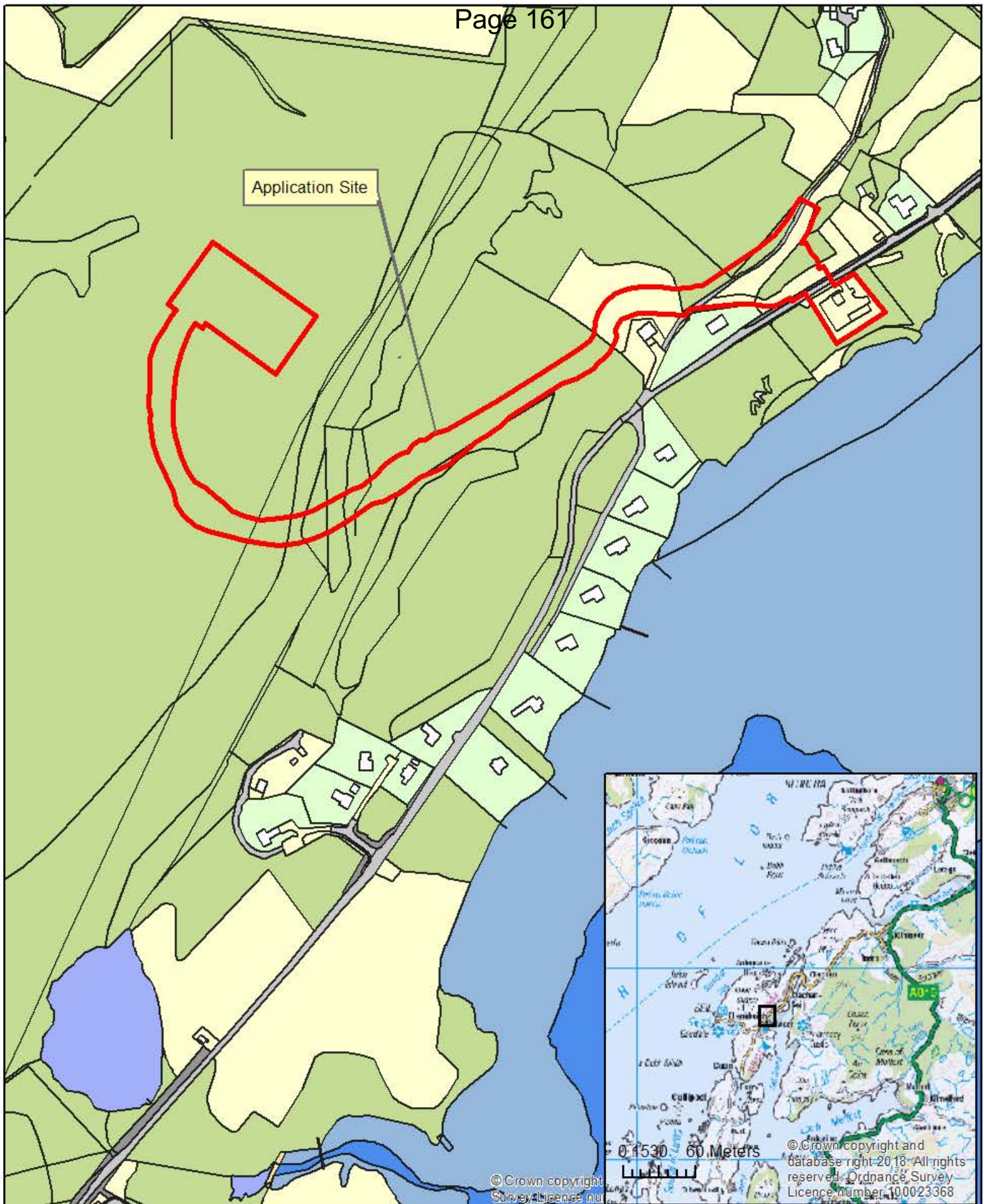
6.0 CONCLUSION

The report sets out the information submitted to date as part of the PAN. Summarised are the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

7.0 RECOMMENDATION

That Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN to allow these matters to be considered by the applicant in finalising any future planning application submission.

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Application Site



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Location Plan Relative to planning application: 18/02640/PAN



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ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE AND
LICENSING COMMITTEE

DEVELOPMENT AND
INFRASTRUCTURE SERVICES

20 February 2019

**DEVELOPMENT PLAN SCHEME ANNUAL UPDATE – LOCAL DEVELOPMENT
PLAN 2**

1.0 EXECUTIVE SUMMARY

1.1 The main purposes of this report are to:-

- Seek Planning, Protective Services and Licensing Committee approval of the attached updated Development Plan Scheme (DPS), including its associated Participation Statement. See Appendix A.
- Obtain authority to publish the approved updated DPS and submit it to the Scottish Ministers.

1.2 The first Argyll and Bute Local Development Plan was adopted in March 2015. The process of planning for its review and replacement began in January 2016 with the preparation of the first Development Plan Scheme (DPS), as agreed at [Council](#). This is the timetable for preparing the replacement Local Development Plan 2 (LDP2). An annual update of the DPS is required to ensure we are still on track in terms of preparation of the LDP2 and to make any necessary adjustments. The first update was approved in [January 2017](#) and the second update was approved in [January 2018](#) (item 6). The preparation of the DPS is a requirement under the Planning Etc. (Scotland) Act 2006.

1.3 This report presents the third update of the Development Plan Scheme. It sets out key milestones in the LDP2 process and how people can become engaged at those stages. It also provides a timetable that will deliver LDP2 by the third quarter of financial year 2020/21. This timetable reflects slippage in the preparation process and exceeds the 5 year period for renewal from adoption of the current Local Development Plan by 7 months.

1.4 Key points to note are:-

- Until the new Local Development Plan is adopted, the current Local Development Plan's statutory status remains. Planning applications will be dealt with as normal.
- The timescales have been revised, but there has been no other significant change to the original DPS in this update.
- the governance regime to ensure the LDP is delivered in an effective and efficient manner was agreed by Council, January 2016, including approval of the DPS by PPSL;

- the Council's statutory duty in respect of producing the Development Plan Scheme;

1.5 It is recommended that the PPSL:-

- i) Notes the contents of this report;
- ii) Approves the updated Development Plan Scheme (DPS) attached in Appendix A of this report for publication and submission to the Scottish Ministers.

ARGYLL AND BUTE COUNCIL

PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE

DEVELOPMENT AND
INFRASTRUCTURE COMMITTEE

20 February 2019

**DEVELOPMENT PLAN SCHEME ANNUAL UPDATE – LOCAL DEVELOPMENT
PLAN 2**

2.0 INTRODUCTION

- 2.1 The Planning Etc. (Scotland) Act 2006 requires each Planning Authority to prepare and keep up to date a Local Development Plan (LDP). This means the authority should aim to prepare a new plan within 5 years of Adoption of the current plan. Until the new Local Development Plan is adopted, the current Local Development Plan's statutory status remains. The current LDP was adopted in March 2020.
- 2.2 The process involves a number of statutory stages and significant engagement with communities, developers, key agencies, councillors and other stakeholders. The **Development Plan Scheme (DPS)** sets out the timetable and consultation process for Local Development Plan 2 and is required to be updated annually to reflect changes in timescale etc. This appendix to this report contains the updated DPS.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the PPSL:-
- i) Notes the contents of this report;
 - ii) Approves the updated Development Plan Scheme (DPS) attached in Appendix A of this report for publication and submission to the Scottish Ministers.

4.0 DETAIL

Background

- 4.1 The Planning Etc. (Scotland) Act 2006 requires each Planning Authority to prepare a Local Development Plan (LDP) at least every 5 years. Therefore the new Local Development Plan 2 was initially programmed to be in place by March 2020. There has been some slippage in the programme and it is now anticipated that the new Local Development Plan 2 will be adopted by the end of 2020. It should be noted that until the new Local Development Plan is adopted, the current Local Development Plan's statutory status remains. The current LDPs main proposals were set for the period up to year 10 from

adoption. Therefore planning applications will continue to be processed as normal during the short delay period.

- 4.2 The Act sets out the preparation process and procedures associated with the production of the Plan. Given the number of statutory phases, scale of Argyll and Bute, level of resource and nature of the issues to be addressed this process takes over 3 years to complete. The planning authority is measured on its performance in respect of an up to date Local Development Plan by the Scottish Government.
- 4.3 Section 20B of the Planning Etc. (Scotland) Act 2006 requires each Planning Authority to prepare a Development Plan Scheme (DPS) at least annually. The exact requirements for the content and process of the LDP and associated DPS are set out in the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.
- 4.4 The DPS sets out the Council's programme for preparing and reviewing the LDP and what is likely to be involved at each stage. The DPS includes a Participation Statement which details when, how and with whom consultation on the LDP will take place, and the Council's proposals for public involvement in the plan preparation process. In drawing up the DPS regard was had to the statutory requirements in terms of production of a Local Development Plan as well as to good practice as set out in Planning Advice Note 3/2010 Community Engagement. The proposed updated Development Plan Scheme is set out in Appendix A to this report.
- 4.5 The DPS also makes reference to the associated documents in the LDP process, which accompany the Proposed Local Development Plan to the Examination for information purposes. These include:-the Strategic Environmental Assessment draft Environmental Report (helps identify how we can implement development so that it minimises harm to the environment); the Habitat Regulation Appraisal Record (assesses where the LDP may have a significant effect on a European sites); the proposed Action Programme (contains the likely timescale and sequence of development and also actions required to deliver the plan).
- 4.6 Once this updated DPS has been approved by PPSL it is required to be published, copies placed in all public libraries within the planning authority area and 2 copies submitted to the Scottish Ministers. There is no requirement to consult on the content of the DPS. There has been some adjustment of timing in this DPS due to slippage in the work programme.
- 4.7 Since the second update of the DPS the Development Policy Team have undertaken the following actions in the LDP2 process:-
 - Published the updated DPS Jan 2018
 - Considered the responses to the Main Issues Report
 - Additional engagement with Key Agencies and stakeholders on specific issues
 - Held five Councillor Workshops.
 - Started preparation of the Proposed Local Development Plan strategy,

policies and allocations.

- Started preparation of the supporting documents
 - Strategic Environmental Assessment
 - Equality and Socio-Economic Impact
 - Habitat Regulation Appraisal Record
 - Action Programme

4.8 It should be noted that there is currently a planning review underway with the Planning (Scotland) Bill being introduced into Parliament on Dec 4th 2017. This proposes a number of changes, including to the development plan process and the introduction of local place plans, prepared by community bodies. The Bill has now reached stage 3, which is the stage for final consideration of the bill by the Parliament and a decision whether it should be passed or rejected. Interim procedures are liable to be introduced to cater for plans already part way through the current process such as this one.

Governance

4.9 The timeous preparation of development plans requires rigorous and carefully planned project management. The governance arrangements, that support the delivery of LDP2 are set out in the DPS and were approved by Council in January 2016.

- The key stages of i) the Proposed Local Development Plan consultation (setting out the Council's settled view); ii) the submission for Examination (Council's response to any outstanding objections); and iii) decision to Adopt, can go directly to full Council;
- Preparatory and sub stages of i) Main Issues Report (a range of alternatives for consultation), subsequent Development Plan Scheme revisions and Action Programme revisions go to Planning, Protective Services and Licensing Committee only.

Delivery

4.10 The general costs associated with the preparation of LDP2 are met from within the Development Policy budget. The original DPS was based on available resource following the Service Choices process. This was noted as placing a much stronger reliance on the use of e-planning services with some consultation stages conducted online only with assistance in libraries and at service points for those with no online facilities/capability. The reduction in resources has also meant reducing some elements of the process to the statutory minimum, for example in terms of deposit locations, and adverts. This is continued in the current updated DPS.

5.0 CONCLUSION

5.1 Engagement in the preparation of the LDP2 is a vital component in the new Planning Act. The updated DPS continues to set out a clear agenda for the LDP2 process and the associated public consultation as it progresses.

6.0 IMPLICATIONS

- 6.1 Policy The Development Plan Scheme sets out the timetable and consultation process for the production of the new Local Development Plan 2 that will replace the current Argyll and Bute Local Development Plan, adopted March 2015 in due course.
- 6.2 Financial The cost for preparation of the DPS is contained within the Development Policy budget.
- 6.3 Legal There is a statutory duty to approve annually, publish and submit to the Scottish Ministers a Development Plan Scheme.
- 6.4 HR None
- 6.5 Equalities The Development Plan Scheme shows how the Local Development Plan consultation process will be handled to encourage engagement from all. An Equality and Socio-Economic Impact Assessment is being prepared as part of the LDP2 process.
- 6.6 Risk The LDP2 process runs up to October 2020 and therefore there is an uncertainty regarding future resource levels. A further reduction in resource levels would impact further on the timetable set out in the DPS for delivery of the LDP2 Similarly increased demand on service over and above that committed in the DPS could also result in the failure to meet with the anticipated Adoption date shown in the DPS.
- 6.7 Customer Service The Development Plan Scheme sets out how our customers can get involved in the Local Development Plan process.

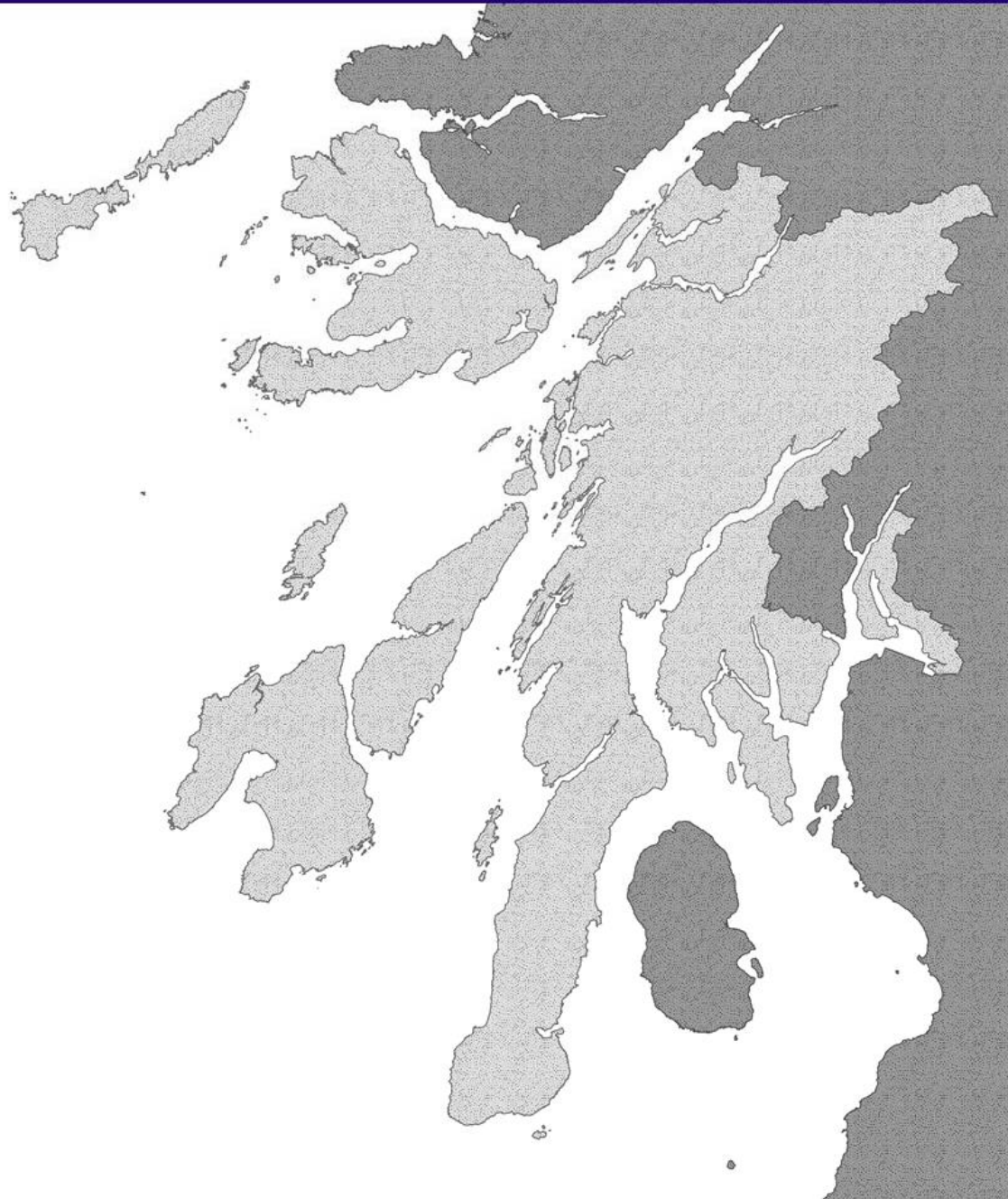
Executive Director of Development and Infrastructure : Pippa Milne
Policy Lead Cllr Kinniburgh
28/01/2019

For further information contact: Sybil Johnson 01546 604308

APPENDICES

Appendix A : Development Plan Scheme : Local Development Plan 2

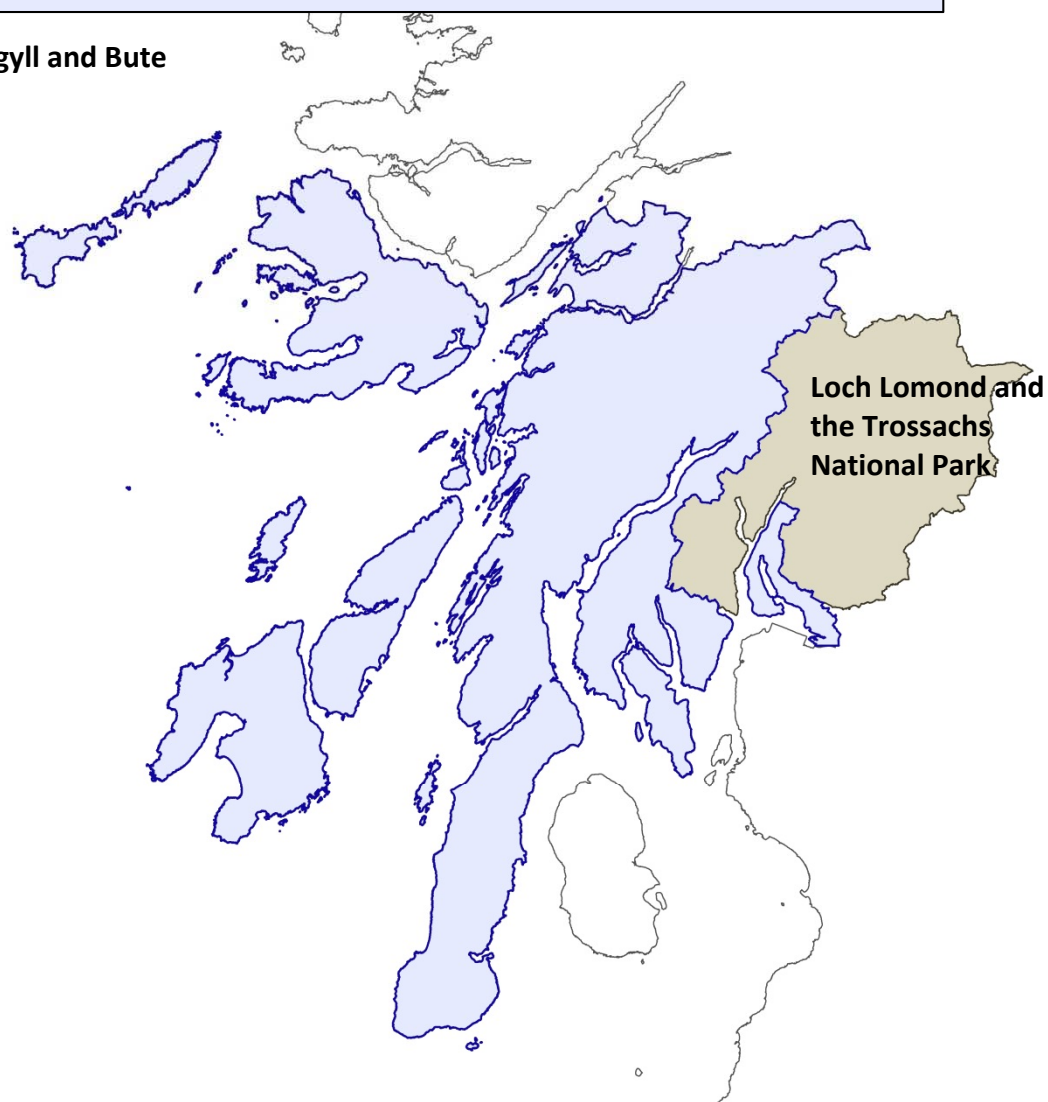
**Argyll and Bute Local Development Plan 2
Development Plan Scheme 2019**



Development Plan Scheme: Local Development Plan 2

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2	Why are we preparing a Local Development Plan?.....	2
3	What the process of preparing a Local Development Plan involves.....	3
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Argyll and Bute



1 | What is a Development Plan Scheme?

- 1.1 This Development Plan Scheme (DPS) has been prepared to provide our communities and partners with information on our progress in updating our Local Development Plan (adopted March 2015). The Local Development Plan is the main way for showing where new development should and should not take place and for determining planning applications.
- 1.2 Whether you are a resident, landowner, developer, community representative, agent or public body your input into the process is vital. The Development Plan Scheme aims to provide you with an easy to use guide as to when, where and how you can engage in the next plan preparation process.
- 1.3 The DPS includes a timetable of when we intend to reach key stages in the process of preparing our new Local Development Plan 2 (LDP2), which will eventually replace our current adopted Local Development Plan, and also includes a Participation Statement explaining how we will engage with our communities and stakeholders. The DPS outlines:
- ◆ Why we are preparing a Local Development Plan;
 - ◆ What the process involves;
 - ◆ Who should be involved;
 - ◆ When we will undertake the stages of preparation.
- 1.4 We will update the DPS on at least an annual basis to reflect the progress of Plan preparation. This is the third update since the Development Plan Scheme was prepared in January 2016.

3 | What the process of preparing a Local Development Plan involves

- 2.1 Argyll and Bute Council, as the planning authority for its area (excluding the Loch Lomond and the Trossachs National Park), has a statutory duty to prepare plans for guiding land use and development for up to ten years ahead. It is a requirement that these plans are kept up to date and so, the Local Development Plan is reviewed every five years post adoption.
- 2.2 Argyll and Bute Council adopted its current statutory plan to guide development in March 2015 – the Argyll and Bute Local Development Plan (Adopted March 2015). Supplementary Guidance which provides additional detail has also been prepared and sits alongside the Local Development Plan. Together these documents make up the statutory Development Plan. Since March 2015 the Local Development Plan has been the basis for providing advice on planning proposals, for guiding decision making on planning applications and for ensuring that the right development happens in the right place.
- 2.3 Under the legislation in the Planning etc. (Scotland) Act 2006, it is required that we review the Local Development Plan and prepare a new one within 5 years from adoption of the current plan. The aim is that this new plan should be concise, focused on areas of change, involve the community at an early stage and be updated regularly. Until the new Local Development Plan is adopted, the current Local Development Plan’s statutory status remains. Ministers expect LDPs to focus on their specific main proposals for the period up to year 10 from adoption.
- 2.4 The process for preparing the new Local Development Plan started in 2016. The first year involved work on evidence gathering:-

2016

- ◆ An assessment of all the current Allocations and Potential Development Areas to examine their effectiveness;
- ◆ A review of where major changes are occurring;
- ◆ An assessment of what we need to do to keep policies up to date and in alignment with current government policy and legislation.
- ◆ A call for and assessment of future development opportunity sites to accommodate future growth in Argyll and Bute for the next ten years, as well as giving an indication of potential into the longer term.

The work continued throughout 2017 with the Pre Main Issues Report engagement followed by the first statutory phase of widespread consultation on the Main Issues Report.

3 | What the process of preparing a Local Development Plan involves

2017

- ◆ Pre Main Issues Report engagement including:-
 - Call for Ideas and Place Standard Tool public consultation
 - Engagement with Key Agencies and other stakeholders
 - Community Council sessions
 - Councillor Workshop
- ◆ Main Issues Report consultation for 8 weeks, including:-
 - Community Council meetings,
 - Public Drop in events
 - Key Agencies and other stakeholders
- ◆ Publication of Monitoring Statement, Draft Environmental Report and draft Equalities Impact Assessment

During 2018 we analysed the responses to the Main Issues Report and started work on the Proposed Local Development Plan.

2018

- ◆ Main Issues Report Analysis
 - Officer assessment of the representations
 - Councillor Workshop
 - Further engagement with the Key Agencies and other stakeholders on specific issues.
- ◆ Proposed Local Development Plan
 - Drafting Vision, objectives and strategy
 - Drawing up the policies and allocations to deliver the strategy
- ◆ Started preparing Associated Documents
 - Habitats Regulations Assessment
 - Strategic Environmental Assessment
 - Equality and Socio-Economic Impact Assessment
 - Action Programme

3 | What the process of preparing a Local Development Plan involves

National Planning context

- 3.1 Local Development Plans are influenced by a number of statutory requirements with the main Acts being the Town and Country Planning (Scotland Act) 1997 and the Planning etc. (Scotland) Act 2006. At the national level, the Scottish Government has prepared a National Planning Framework (NPF3) and Scottish Planning Policy (SPP) which provides the national policies and priorities for major new development. These will influence the development of the new Local Development Plan. There is also a planning review underway. The Planning (Scotland) Bill was introduced into Parliament on Dec 4th 2017. This proposes a number of changes, including to the development plan process and the introduction of local place plans, prepared by community bodies. The Bill has now reached stage 3, which is the stage for final consideration of the bill by the Parliament and a decision whether it should be passed or rejected. Interim procedures are liable to be introduced to cater for plans already part way through the current process such as this one.

Argyll and Bute Outcome Improvement Plan

- 3.2 Local Development Plans are also influenced by a range of other plans, strategies and policies, in particular for Argyll and Bute, the [Outcome Improvement Plan](#) (formerly Single Outcome Agreement) is viewed as the overarching governing document. This is prepared jointly by the Council and the other Community Planning partners and establishes the overarching policies and actions for the management of Argyll and Bute. It has an outcome focused approach and ensures that the Community Planning Partnership's aims are delivered in an integrated manner and aligned with Scottish Government outcomes.
- 3.3 The policies and actions with development and land use implications of the Outcome Improvement Plan are reflected in the Local Development Plan (LDP). The Action Programme that has to accompany the LDP sets out how the Council proposes to implement the plan. These documents together are the drivers for change and action in Argyll and Bute and by keeping the documents updated we are able to respond to changing circumstances within the area and its communities. While the current Local Development Plan period is 2015-2020, the process to keep the Plan up to date is continual and the Outcome Improvement Plan will inform the review of the current plan and preparation of the new Local Development Plan, the timetable for which is set out in this Development Plan Scheme.

Local Authority and its Partners

- 3.4 Argyll and Bute Council has the statutory responsibility for planning in the Council area, excluding the Loch Lomond and the Trossachs National Park where the Park Authority controls the planning function. It is important that all the relevant services within the Council (for example Economic Development, Roads and Amenity Services and Education) are fully engaged in the plan preparation as they are integral to the delivery of the LDP2 strategy and aims. The LDP2 will also be influenced by the priorities of other stakeholders as set out in their own strategies and programmes. The stakeholders include key agencies which the Regulations have identified as Scottish Natural Heritage; Scottish Environment Protection Agency; Scottish Water; Scottish Enterprise; Highland and Islands Enterprise; Regional Transport Partnerships; Crofting Commission; and Health Boards. The Government also require the following bodies to have the same level of involvement in the development plan process: Historic Environment Scotland; Transport Scotland; Forestry Commission Scotland; Marine Scotland and any Regional Marine Planning Partnerships. Neighbouring authorities

3 | What the process of preparing a Local Development Plan involves

are also consulted throughout the LDP2 process.

Our Communities

- 3.5 The input of local communities is very important. The aspirations of local communities are communicated in a number of ways, including through formal documents such as Community Plans and via their community councils. The priorities for communities influence the outcomes of the planning process. It is also important that individuals get involved in shaping the future of our area.

Development Sector

- 3.6 Developers, landowners, businesses and investors are all important to this process. Through land that they own or finance they are looking to invest or businesses which they wish to grow or set up in the area. These interests are critical to realising the vision identified in the Local Development Plan.

Stages

- 3.7 The Local Development Plan process has a number of key stages as set out below:-

- ◆ Evidence Gathering – includes reviewing current policies, site assessment, call for sites and early engagement.
- ◆ Main Issues Report (MIR) – This is the first formal consultation. This focusses on the key areas of change since the last Local Development Plan was prepared. A range of options are presented and comments sought. A Monitoring Report accompanies the MIR. A draft Strategic Environmental Assessment Environmental Report also accompanies the MIR to demonstrate the environmental effects of the proposals. This is the main engagement phase of the plan process and helps the Council come to a view on what should be in the plan.
- ◆ Proposed Local Development Plan 2 – having considered the comments on the MIR the Council then prepare and consult on the proposed Local Development Plan 2. The proposed Local Development Plan 2 represents the “settled view” of the Council. This is in two parts i) Written Statement with a strategic vision for the area and policies and proposals to help deliver this vision ii) Proposals Maps which show where the allocations and other designations are. This consultation includes neighbour notification. It is accompanied by a draft Action Programme, a revised Strategic Environmental Assessment, a Habitat Regulation Appraisal record and a draft Equality and Socio-Economic Impact Assessment.
- ◆ Examination – If the Council receives valid objections to the Proposed Local Development Plan 2 that are not resolved they will be sent to the Scottish Ministers. An Examination would then be conducted by a Scottish Government Reporter into the unresolved objections and a report produced with recommendations.
- ◆ Adoption of Local Development Plan 2 - The Council then modifies the plan as necessary, submits it to the Scottish Ministers and advertises its intention to Adopt the plan. The plan may be adopted after 28 days unless the Scottish Ministers direct otherwise.

3 | What the process of preparing a Local Development Plan involves

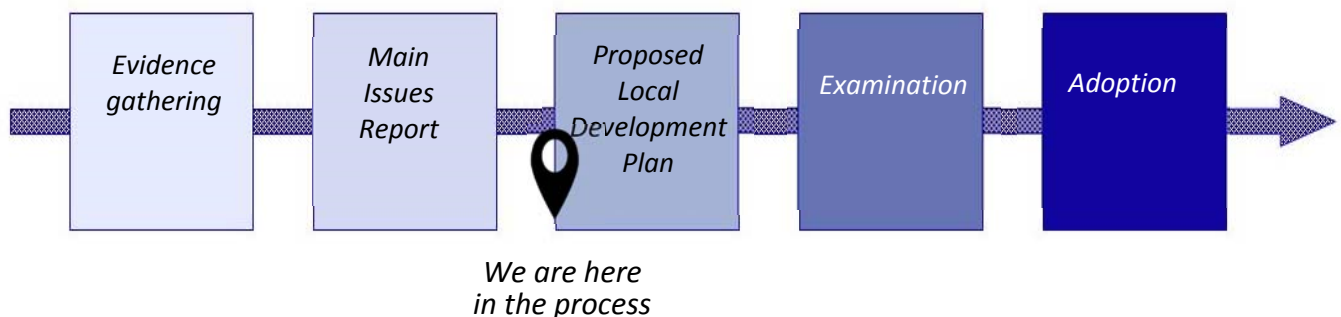
- ◆ Action Programme - this sets out how the policies and proposals are to be delivered. It must be published by the Council within three months of adoption of Local Development Plan 2 and is to be reviewed every two years.

Governance

- 3.8 The preparation of Local Development Plan 2 is governed by a statutory process, the key stages of which are set out in this Development Plan Scheme. [Circular 6/2013](#) describes the development planning system in Scotland, and explains the legislative process in more detail. The Council, as the planning authority, controls the overarching corporate management of the Local Development Plan. This is dealt with at key stages through the Council's committee procedures and at Strategic Management Team meetings. A Project Board is responsible for providing overall direction to the delivery of Local Development Plan 2. This consists of the Development and Infrastructure Departmental Management Team plus the Head of service from Community Services. The project manager is responsible for the day to day management of the delivery of the plan and team. A communications team will meet regularly throughout the LDP2 process to ensure communications are as effective as possible. The Proposed LDP2 will be approved by Full Council.

4 | Where we are now

- 4.1 The Local Development Plan was adopted in March 2015 and was followed by the publication of the Action Programme in June 2015. We then needed to think about preparing the new plan – Local Development Plan 2. The first step was evidence gathering to help us prepare Local Development Plan 2 (LDP2). We started this with an assessment of our current sites to retest their effectiveness. We also started gathering information, including a Call for Sites and got involved with communities taking forward community based plans for Tiree, Crinan Corridor and Rothesay, all of which will help inform LDP2.
- 4.2 During 2017 we moved into the pre Main Issues Report engagement phase. During this phase we assessed the sites proposed during the Call for Sites and sought further information on these from the Key Agencies. We engaged with the public and other stakeholders through the Call for Ideas and Place Standard Tool public consultation. In addition we held Community Council sessions and a Councillor Workshop.
- 4.3 Gathering these views helped us prepare the Main Issues Report which shows options to address the key areas of change in the area. The Council's preferred option was shown and questions asked about that option. Engagement included consultation for 8 weeks, including Community Council meetings, public drop in events, publicity – including social media, use of an interactive Storymap and an on line form. At the same time we also published a Monitoring Report, a draft Environmental Report for the Strategic Environmental Assessment and a draft Equalities Impact Assessment.
- 4.4 We have continued to gather names for our contacts list of those who require to or would like to be engaged in the Local Development Plan 2 process. If you would like to be added to this please let us know (find out how to contact us in section 8).
- 4.5 During 2018 we assessed the consultation responses we received during the Main Issues Report consultation. This included officer assessment, a Councillor workshop and further engagement with Key Agencies and stakeholders on specific issues.



5 | The Next Steps

- 5.1 All the information from the evidence gathering, pre Main Issues Report engagement and the Main Issues Report consultation will help us draw up the Proposed Local Development Plan for public consultation to take place during the second quarter of the financial year 2019/2020 (FQ2). This will contain the Council's "*settled view*". It will set out the long term vision and spatial strategy for directing development in Argyll and Bute. It will be clear about how this aligns with the Outcome Improvement Plan. The Proposed Local Development Plan will show the allocations to meet future needs for homes and employment on maps. It will also set out the policies to guide development in our area.
- 5.2 We will advertise the consultation in newspapers and on line. If you are in the contacts list you will receive a direct email about the consultation. We will notify site owners / agents, tenants and neighbours of proposed development sites.
- 5.3 There will be various other documents available to help you consider the Proposed Local Development Plan fully during the consultation period. These are a Strategic Environmental Assessment Environmental Report which shows how we think the policies and proposals will impact on a range of environmental factors; a Habitats Regulations Appraisal which looks at the potential impacts of the proposed Local Development Plan on European Sites; an Equality and Socio-Economic Impact Assessment which looks at the potential adverse impacts on the diverse groups of people within Argyll and Bute; and a draft Action programme which shows how the Local Development Plan will be delivered.
- 5.4 **It is important to respond to the Proposed Local Development Plan consultation during the formal consultation period if you wish your views to be taken into consideration.** Only elements of the plan that are objected to will go to a Scottish Government appointed Reporter for consideration through a process called "Examination". Any support for these elements can also be taken into consideration at this time.

6 | Participation Statement : how you can get involved

6.1 Community engagement is important in the Planning process and has influenced the current plans policies and proposals.

6.2 At key stages we will consult:

- ◆ stakeholders/key agencies in the public sector (such as key government agencies,
- ◆ the neighbouring local authorities and Loch Lomond and the Trossachs National Park, statutory bodies, and non-governmental organisations;
- ◆ the private sector (such as business interests, landowners and developers);
- ◆ the local community including residents, Community Councils, community representatives, community organisations and other interested bodies.

6.3 We will use a variety of engagement techniques detailed in the engagement section below. We want to continue a discussion with all sectors of the community across Argyll and Bute but we are particularly keen to secure the views and opinions of young people and families with children and people in full time employment. These groups have been under-represented in the past and their involvement could help us look at new ways to achieve population retention and growth.

Engagement

- ◆ Provide information and consultation documents through our website – www.argyll-bute.gov.uk/ldp2, promoted by social media, email and newsletter updates
- ◆ Provide updates via email at key stages to those who have requested to receive updates or responded to the earlier consultations
- ◆ Provide information through Community Councils, Council offices and local libraries
- ◆ Placing statutory adverts in local newspapers and promoting the LDP2 process with the media
- ◆ online interactive mapping of the Proposed Local Development Plan in the accessible Storymap format.
- ◆ Community consultation events to be offered in key locations
- ◆ Staff available to answer questions or provide information in person at our offices by appointment or via telephone and email
- ◆ Social media: Information feeds and sharing feedback through Facebook and Twitter
- ◆ Providing for formal comments to be submitted online
- ◆ Notify site owners, lessees or occupiers and also the owners, lessees or occupiers of neighbours of proposed development sites

We have set up and will maintain a mailing list of people who we regularly contact via email/post to update on the Plan progress. If you would like to be added to this please let us know (find out how to contact us in section 8).

6 | Participation Statement : how you can get involved

- 6.4 Appendix 1 sets out in greater detail the stages we will go through and the estimated timescales for engagement and consultation. It provides a detailed breakdown of the Local Development Plan process, indicative timescales and the opportunity for engagement including statutory periods of consultation.
- 6.5 Proposed Local Development Plan 2 will be presented to Full Council for approval during 2019/20 FQ1 (April or June committees). People are welcome to make representation on the Proposed Local Development Plan 2 and any draft Supplementary Guidance via the on line forms when it is opened for consultation during the second quarter of the financial year 2019/20 (FQ2 July - Sept). We will be conducting the consultation on line at www.argyll-bute.gov.uk/ldp2 and in local libraries.

7 | Impact Assessment of the Local Development Plan

- 7.1 As we progress through the Local Development Plan process we will make information on the Strategic Environmental Assessment, Habitats Regulations Appraisal and the Equality and Socio-Economic Impact Assessment available on line at www.argyll-bute.gov.uk/ldp2

Strategic Environmental Assessment

- 7.2 The Environmental Assessment (Scotland) Act 2005 requires us to carry out a Strategic Environmental Assessment of the Local Development Plan. This is a process for identifying and assessing the environmental effects of proposed strategies, plans and programmes so that these are taken into account before they are approved or adopted. It is a vital tool which places environmental considerations at the heart of decision-making process and ensures that alternatives are fully and transparently regarded before final decisions are taken.

- 7.3 We will consult with Scottish Natural Heritage, Historic Environment Scotland and the Scottish Environmental Protection Agency in preparing our Strategic Environmental Assessment. This will result in an Environmental Report. There will be opportunities for everyone to comment on this document as well as on the emerging Plan.

Habitats Regulations Appraisal

- 7.4 We will produce a new Habitats Regulations Appraisal of the potential impacts of the proposed Local Development Plan on European Sites. This requires to be submitted to Scottish Ministers alongside the proposed Local Development Plan. There are a number of designated 'Natura' sites within Argyll and Bute and so any emerging plans and policies will have to be considered with regards to potential adverse impacts on these protected sites and species.

Equality and Socio-Economic Impact Assessment

- 7.5 Under the Equality Act 2010 (Statutory Duties) (Scotland) Regulations 2011 we will undertake an Equality and Socio-Economic Impact Assessment (EqSEIA) of proposed policies and practices. In addition to the nine protected characteristics covered by the Equality Act 2010, the EqSEIA takes into account the Fairer Scotland Duty and the Islands (Scotland) Act 2018.

8 | How to keep up to date

- 8.1 You can keep up to date, access information on the Local Development Plan and contact the Argyll and Bute Council Local Development Plan Team as set out below.

Follow Local Development Plan progress at:

www.argyll-bute.gov.uk/ldp2



And on **Twitter** at:
@ABC_Planning or
@argyllandbute



On **Facebook** at:
www.facebook.com/argyllandbutecouncil

Hard copies of consultations will be made available during advertised consultation periods in local libraries and at the council office, Manse Brae, Lochgilphead.

Ask a question:

Email: ldp@argyll-bute.gov.uk

Tel: 01546 604158

Appendix 1 | Engagement Strategy for LDP2 – www.argyll-bute/ldp2

Activities	Stakeholders	Engagement Techniques	Communication Techniques	Indicative Timescale
Publish Development Plan Scheme – ANNUAL REFRESH				
Council approve the first DPS, submit to Scottish Government and publish. Updates are thereafter approved by PPSL	Council/PPSL	Planning, Protective Services and Licensing Committee process. Information dissemination.	DPS discussed at Committee. DPS available on the Council website, Development Policy Office (Manse Brae, Lochgilphead), public libraries DPS publicised through Council website www.argyll-bute/ldp2 , social media and direct e-mailshots to community councils, key agencies and others on the contacts database.	January 2016 COMPLETE January 2017 COMPLETE January 2018 COMPLETE February 2019
Pre Main Issues Report – STAGE COMPLETED				
LDP Review; Existing site appraisal re effectiveness;	Council (in particular Roads, Economic Dev, Environmental Health, Education, Housing, Development Management) Developers Homes for Scotland Key Agencies	Technical information exchange	Direct email - Developers Meetings with relevant Council officers and Key Agencies	9 months Nov 2015 - January 2017 Housing COMPLETE
Community Planning pilots – charrettes to inform MIR.	Communities (Tiree, Lochgilphead/Ardrishaig, Dunoon, Oban, Helensburgh) Key Agencies, Scottish Canals Council	Charrette Engagement Other Community Plans Engagement	Charrettes involving intensive community engagement ran over a number of days. Publicised on Council and community websites. Press release Social media	Throughout Plan Process Commenced Nov 2015. 4 Charrettes COMPLETE Oban Strategic Development Framework being progressed during 2019
Call for sites	Developers/Landowners Key Agencies	Information Gathering and analysis	Call for Sites on Council website including dedicated LDP2 page. Sites submitted through an On line form which will require key site information.	6 months June 2016 – February 2017 Call for Sites COMPLETE Analysis COMPLETE

Appendix 1 | Engagement Strategy for LDP2 – www.argyll-bute.gov.uk/ldp2

Activities	Stakeholders	Engagement Techniques	Communication Techniques	Indicative Timescale
Baseline information; contacts database	Council	Collation Publicity	Publicise LDP2 on Council website including dedicated LDP2 page	1 month August 2016 COMPLETE
Evidence Gathering/ data for monitoring report;	Council; Developers/ Landowners Key Agencies	Research, monitoring, data analysis; Engagement	Publicise; social media, press release; email shot to developers/landowners in contacts database; on line form for responses	3 months Sept 2016 – Jan 2017 COMPLETE
Pre Engagement (including on environmental effects)	Council (in particular Councillors, Roads, Economic Dev, Environmental Health, Education, Housing, Development Management) Key Agencies Communities Scottish Ministers; SEA Gateway; Adjoining Planning Authorities; Community Planning Partnership; Stakeholders – including the business community; Representative youth groups	Engagement; Meetings with key agencies and consultation authorities;	On line survey; Community/stakeholder events Meetings with stakeholders; Business Days; Social media; Direct email to community councils, key agencies and consultation authorities; Explore capacity building work with secondary schools.	4 months – Dec 2016 – March 2017 COMPLETE
Main Issues Report – STAGE COMPLETED				
Prepare MIR, SEA draft Environmental Report; draft EqIA. Council approve Main Issues Report	Council SEA Gateway /Consultation Authorities	Internal/external Liaison Planning, Protective Services and Licensing Committee Full Council – minutes of PPSL	Updates on dedicated Council web page www.argyll-bute.gov.uk/ldp2 Available on Council website	5 months April 2017 – September 2017 COMPLETE
Consult on MIR accompanied by draft SEA and Monitoring Report	Council Communities Developers Landowners Business community Consultation Authorities including Key Agencies, SEA Gateway; Scottish Ministers and adjoining	Engagement Meetings/Briefings with key stakeholders Publicity	Publicised and available on Council Website dedicated page www.argyll-bute.gov.uk/ldp2 E-Newsletter to all in contacts database Direct mail to Key Agencies, adjoining authorities; Scottish Ministers and community	2 Months October 2017 – Nov 2017 COMPLETE

Appendix 1 | Engagement Strategy for LDP2 – www.argyll-bute.gov.uk/ldp2

Activities	Stakeholders	Engagement Techniques	Communication Techniques	Indicative Timescale
	authorities.		councils Notice in local newspaper (s) Copies available in public libraries and Development Policy Office (Manse Brae, Lochgilphead) Social media. Community events -Story boarding / Meetings with stakeholders; Business Days Site specific publicity information On line representation form	
Proposed Local Development Plan – CURRENT STAGE				
Consider MIR Responses PLDP prepared	Councillors Key Agencies	Councillor Workshop Information dissemination. Meetings with Key Agencies	Updates on dedicated Council web page www.argyll-bute.gov.uk/ldp2 available on Council website Direct updates through Newsletters	12 months Jan 2018 – December 2018
PLDP prepared	Key Agencies	Information dissemination	Direct mail	January – March 2019
Submitted to Full Council for approval. Settled view of Council Prepare consultation for publication	Full Council	Council process.	Report	April – June 2019
Consultation on PLDP and draft Action Programme Draft SEA Environmental Report updated.	Council Communities Developers Landowners	Consultation Briefings with community councils Publicity	Publicised and available on Council Website dedicated page www.argyll-bute.gov.uk/ldp2 E-Newsletter to all in contacts	2 months July 2019 – September - Sept 2019)

Activities	Stakeholders	Engagement Techniques	Communication Techniques	Indicative Timescale
	Consultation Authorities including Key Agencies, SEA Gateway; Scottish Ministers and adjoining authorities.		database Direct mail to Key Agencies, adjoining authorities; Scottish Ministers, contacts database and community councils Notice in local newspaper (s) Copies available in public libraries and Development Policy Office (Manse Brae, Lochgilphead) Direct mail - Neighbour notification Social media On line representation form Storymap Consultation events for communities, including a web based session for Community Councils.	
Consider responses on PLDP. Prepare response (Schedule 4s) and prepare Report of Conformity with Participation Statement	Council	Council process Internal liaison	Updates on dedicated Council web page www.argyll-bute/ldp2	3 months September 2019 - November 2019
Examination				
Submit Proposed Plan to the Scottish Ministers with all the supporting documents (including Habitats Regulation Appraisal record) and all the outstanding objections	Council Scottish Ministers	Planning, Protective Services and Licensing Committee/Council process. Information Publicity	Updates on dedicated Council web page www.argyll-bute/ldp2 and social media Notice in local newspaper (s) Copies available in public libraries and Development Policy Office (Manse Brae, Lochgilphead) Publish Proposed Local Development Plan as submitted	2 months December 2019- Jan 2020

Appendix 1 | Engagement Strategy for LDP2 – www.argyll-bute.gov.uk/ldp2

Activities	Stakeholders	Engagement Techniques	Communication Techniques	Indicative Timescale
			on Council website	
Examination of proposed plan; Reporters Report issued	Scottish Government Reporter(s) Council Objectors	Examination by written submissions/in public –Reporters remit Publicity	Updates on dedicated Council web page www.argyll-bute.gov.uk/ldp2 and social media	6 months Feb 2020 –July 2020
Post Examination - Consider reporters recommendations; Prepare modifications Submit to Scottish Ministers. Publish Modifications and Proposed Plan as modified. Revise SEA Environmental report, publish and send copies to Scottish Ministers alongside Habitats Regulation Appraisal Advertise Intention to Adopt	Council	Council process. Information Publicity	Updates on dedicated Council web page www.argyll-bute.gov.uk/ldp2 and social media	3 months August 2020 - Oct 2020
Adoption				
Adopt LDP2 Publish post adoption SEA Statement and submit to SEA Gateway	Council	Council process. Information Publicity	Adopted Local Development Plan 2 available in public libraries and Development Policy Office (Manse Brae, Lochgilphead) and published on dedicated Council web page www.argyll-bute.gov.uk/ldp2 Notice in local newspaper (s) Direct mail to all those who made representations on the proposed plan. Direct mail to Scottish Ministers	October 2020
Action Programme				
Publish Action Programme	Council	Council process	Publication of Action Programme	Jan 2021

Appendix 1 | Engagement Strategy for LDP2 – www.argyll-bute.gov.uk/ldp2

Activities	Stakeholders	Engagement Techniques	Communication Techniques	Indicative Timescale
			on dedicated Council web page www.argyll-bute.gov.uk/ldp2 ; Copies available in public libraries; Copies sent to Scottish Ministers	



Argyll and Bute Council
Development and Infrastructure
Director: Pippa Milne

www.argyll-bute.gov.uk

Chomhairle Earra-Ghàidheal is Bhòid



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ARGYLL & BUTE COUNCIL

Planning, Protective Services and Licensing
CommitteeDEVELOPMENT AND
INFRASTRUCTURE SERVICES

20 February 2019

PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS

1. INTRODUCTION

Over the past 6 years a series of short training sessions (or workshops) have been delivered for all elected Members with an aim to improve knowledge of the planning system on a wide range of issues. The training has usually taken place in the hour before the Planning, Protective Services and Licencing Committee (PPSLC), although workshops and site visits have also been organised.

In 2018/19 a number of training events were undertaken covering diverse topics including processing a planning application, simplified planning zones and minerals training.

This report seeks endorsement of the training programme from April 2019 to March 2020. The reports suggest a range of topics some of which have been carried over from the previous year and others which are new. Further suggestions on any additional topics would also be most welcome. With this in mind a slot has been left vacant in order to accommodate any additional training requirements identified through the course of the year.

It is intended to continue to deliver training by way of short sessions associated with the PPSL calendar of meetings. However, any topics which require more time could be delivered by separate half day sessions.

As before, it would not be intended to restrict the availability of training to the PPSL Committee membership, so there would be an open invitation to all Council Members to attend any of the sessions.

2. SUGGESTED PROGRAMME FOR 2019/20

Date	Committee day training	Half day workshop	Visit
April 2019	Oban Strategic Development Framework Kirsteen Macdonald		

May 2019	LDP Update Sybil Johnson		
June 2019	Planning Act – Development Policy		
August 2019	Planning Act – Development Management		
September 2019	Aquaculture SD		
October 2019	Use of Storybook and interactive consultation in the LDP Process Sybil Johnson		
November 2019	LDP – Placemaking – residential policies etc Mark Lodge		
December 2019	Low carbon technology and new development Mark Lodge		
January 2020	Delivery of affordable housing through SHIP and the LDP - Douglas White		
February 2020	To be advised by Members		
March 2020	Digital Planning		

3. RECOMMENDATION

It is recommended that Members:

- i) Agree to continuing 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 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: Sandra Davies

Date: 04.02.2019

Angus J Gilmour
Head of Planning, Housing & Regulatory Services

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ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE SERVICES AND
LICENSING COMMITTEE****DEVELOPMENT AND
INFRASTRUCTURE SERVICES****20TH FEBRUARY 2019**

JOINT PUBLIC HEALTH PROTECTION PLAN 2019-20

1.0 EXECUTIVE SUMMARY

- 1.1 Purpose:** This report asks Members to endorse the Public Health Protection Plan which outlines our health protection priorities for the period 1st January 2019 to 31st December 2019. This is a statutory plan, required under the Public Health etc (Scotland) Act 2008, which has been developed in conjunction with Argyll and Bute Council, Highland Council and NHS Highland. It is also consistent with the Councils corporate priorities.
- 1.2** The Public Health etc (Scotland) Act 2008 outlines a range of statutory powers available for the purpose of health protection for use in a situation when action needs to be taken to protect public health, sometimes against the expressed wishes of an individual or organisation. Under the Act, health boards assume the lead role for health protection activities relating to people, and local authorities retain the lead role for premises and property.
- 1.3** The plan strengthens the partnership approach between the three agencies and ensures that appropriate “health protection arrangements” are in place between the Council’s environmental health service and the Consultant in Public Health Medicine, NHS Highland, This ensures that we are able to respond effectively to an outbreak or public health incident (e.g. E.coli 0157 outbreak; norovirus; blue-green algae, etc.), deliver our preventative work to protect public health and illness and meet the expectations of society.
- 1.4** Financial: The work will be undertaken principally by the Councils environmental health service with support from other areas of Regulatory Services. The plan has been developed having regard to our available resource and budget.
- 1.5 Recommendations**
Members are asked to:-
- (i) Endorse the Joint Public Health Protection Plan for 2019-20 (Appendix I), recognising the key role of local authorities and environmental health
 - (ii) Formally reaffirm the appointments of the Regulatory Services Manager, as the Council’s Designated Competent Person under the Public Health etc. (Scotland) Act 2008, and the appointments of Depute Designated Competent Persons as they relate to Argyll and Bute Council as detailed in section 5.2

- (iii) Agree that the Regulatory Services Manager signs the plan on behalf of the Council, and takes the necessary steps to deliver the plan including appointing appropriate competent authorised officers, and to update on progress in delivering the Joint Public Health Protection Plan.

JOINT PUBLIC HEALTH PROTECTION PLAN 2019-20

2.0 INTRODUCTION

- 2.1** Local authorities have a significant role to play in public health and health protection. The Public Health etc. (Scotland) Act 2008 place a requirement on NHS Boards to prepare, in conjunction with local authorities a Joint Public Health Protection Plan (hereafter referred to as JPHPP) every 2 years. The plan requires to be formally approved by each agency, and must outline the health protection priorities for the forthcoming period of the plan.
- 2.2** The Joint Public Health Protection Plan 2019-20 has been developed by the three agencies and having regard to the 2015-17 Plan, our achievements; and emerging national and local priorities. The key section which outlines the national and local priorities for action is in Table 1 on pages 9-12. The national priorities are common to all of NHS Scotland but some of the local issues highlighted are specific to our own area. Progress will be monitored by the respective partners and the plan will continue to be subject to annual review although the formal Act only requires a new plan to be produced every two years.

3.0 RECOMMENDATIONS

Members are asked to:-

- (i) Endorse the Joint Public Health Protection Plan for 2019-20 (Appendix I) recognising the key role of local authorities and environmental health
- (ii) Formally reaffirm the appointments of the Regulatory Services Manager, as the Council's Designated Competent Person under the Public Health etc. (Scotland) Act 2008, and the appointments of Depute Designated Competent Persons as they relate to Argyll and Bute Council as detailed in section 5.2
- (iii) Agree that the Regulatory Services Manager signs the plan on behalf of the Council, and takes the necessary steps to deliver the plan including appointing appropriate competent authorised officers, and to update on progress in delivering the Joint Public Health Protection Plan.

4.0 JOINT PUBLIC HEALTH PROTECTION PLAN 2019-20

- 4.1** There is an expectation by the public, that the NHS and Local Authorities undertake work which keeps people and communities safe, and have adequate arrangements in place to deal with any incidents of disease which pose a risk to public health. This Plan

details the extent of the health protection work which is being undertaken. It focuses our Health Protection activity and resources on key national and local priorities, provides a means to highlight our intentions and to report on our actions/progress.

Health Protection work largely goes unnoticed, other than during a major outbreak or incident where the investigation and control of disease is paramount. The day-to-day work is undertaken principally by Environmental Health in the Local Authorities and colleagues within the Health Protection team in NHS Highland. The Plan seeks to ensure that the standards defined by statute, or expected by society are met, namely that food is safe to eat from commercial premises, that water is safe to drink, that air is safe to breathe, that workplaces and other facilities/attractions (e.g. leisure facilities etc) are safe to use and that we have a good and healthy environment. An info gram on the impact of environmental health on public health is attached in Appendix II. This demonstrates pictorially the important role environmental health and local authorities play in securing, promoting and tacking public health.

4.2 The Joint Public Health Protection Plan 2019-20 has been developed in partnership at an officer level, and is currently going through the committee approval process at NHS Highland, and Highland Council. The recommendation is that the plan be endorsed.

4.3 The Plan, in Appendix I, targets resources at key national and local priorities and provides a number of key benefits:

- (i) It ensures that there are effective arrangements in place between Councils and the NHS to deal with any incidents of disease or which pose a risk to public health.
- (ii) This Plan details the details the extent of the health protection work which is being undertaken on a proactive and preventative basis
- (ii) It focusses our activity and resources on key national and local priorities, provides a means to highlight our intentions and to report on our actions/progress.
- (iii) It raises the profile of 'health protection' which largely goes unnoticed, other than during a major outbreak or incident where the investigation and control of disease is paramount. The day-to-day work is undertaken principally by environmental health, and seeks to ensure that the standards defined by statute, or expected by society are met.
- (v) It provides confidence to elected members, and others, that appropriate arrangements are in place to respond to any suspected or confirmed outbreak or public health incident.

4.4 Key priorities to highlight in the plan are:-

- (i) Continued delivery of core statutory duties and functions through the environmental health operational service plans, including the review of local air quality, public health related work including investigation of food poisoning and communicable disease.
- (ii) Continuing with the program of reviewing procedures, exercising plans and improving our level of preparedness to deal with any public health incident or outbreak
- (iii) Continuing to focus on delivering specific work which will contribute towards meeting the Scottish Governments national strategies including the public health reform, strategies for targeting E.coli O157/STEC, Lyme disease, tobacco and novel Vaping

- Products (NVP and e-cigarettes), and Private Water Supply Action Plan;
- (iv) Implementing the new requirements of new legislation relating to private water supplies, improving the quality and infrastructure of private water supplies through the improvement grant scheme and formal enforcement, radon, monitoring of local air quality, working with business to promote compliant businesses across a wide range of areas including food safety, health and safety and private rented accommodation, and the national inoculation programme.

5.0 COMPETENT PERSONS

- 5.1** In order to effect the powers accorded to the Public Health etc. (Scotland) Act 2008, Local Authorities and NHS Boards are required to designate an appropriate number of suitably qualified individuals as Competent Persons. The persons who may be designated, their qualifications, the training and other requirements are laid down in The Public Health etc. (Scotland) Act Designation of Competent Persons Regulations 2009 that support the Act. The Plan details the competent persons from each agency.
- 5.2** The existing arrangements in Argyll and Bute Council have been to appoint the Competent Public Health Person, Deputes, and thereafter appointment of officers by the Local Authority Competent Person. Accordingly, environmental health officers and other professional staff are authorised under the Act. This provides flexibility in authorising officers to meet specific circumstances, workload and demand, or new staff without having to amend the Plan or obtain Committee approval.

It is recommended that these arrangements continue and the following appointments are made:

Local Authority Designated Competent Person	Alan Morrison, Regulatory Services Manager
Depute Local Authority Designated Competent Person	Jo Rains, Environmental Health Manager (East)
Depute Local Authority Designated Competent Person	Iain MacKinnon, Environmental Health Manager (West)
Depute Local Authority Designated Competent Person	Jacqui Middleton, Environmental Health Officer

6.0 REVIEW OF JOINT PUBLIC HEALTH PROTECTION PLAN 2015-17

- 6.1** Work progressed well against the previous plan. Good progress was noted against all of the national and local priorities. Some particular completed areas of work to highlight include:
- a) Implementation of several new immunisation programmes
 - b) Work done to address the potential risks from pandemic influenza.
 - c) The three bodies have updated many joint plans including those to tackle norovirus infection, port health, and various enteric diseases. This has included updating

information leaflets that are provided to the public.

- d) Joint training has taken place on the management of water incidents.
- e) Exercises were also undertaken which looked at the “Recovery” phase of major incidents including one based on a radionuclide releases from a nuclear site (HMND Faslane). Following the emergency phase of an incident the Councils have responsibility for coordinating the effective recovery phase to ensure the community returns to normal as quickly as possible
- f) Progressed the delivery of the national E.coli/VTEC Action Plan at a national and local level, with the National multiagency Group being chaired by the Councils Regulatory Services Manager.

6.2 We were unable to complete some of our intended priorities due to other unplanned work impacting on our resources, or pending the outcome of national decisions or reviews. These areas are detailed below and have been carried forward into the 2019-20 plan:

- g) Work on port health procedures which was delayed awaiting national guidance on implementation of the International Health Regulations;
- h) Plans to consider local arrangements for health protection following a national Public Health Stock take Review are only now progressing through the Public Health Reform Programme
- i) Plans to develop key performance indicators for the response and investigation of public health incidents were not taken forward due to competing priorities;
- j) We intend to build upon the initial work we undertook on promoting the risks from ticks and Lyme disease, given its increasing prevalence.

7.0 CONCLUSIONS

7.1 Local authorities have a significant role to play in public health and health protection, and it is not solely for NHS services. Much of the work of local authorities is preventative and reduces the burden at primary care level.

7.2 The Public Health Protection Plan for 2019-20 meets the Council’s statutory obligations under the Public Health (Scotland) Act 2008, and the Council’s Corporate priorities. As the Council’s Designated Competent Person, under the Act, the Council’s Regulatory Services Manager recommends to members to endorse the plan and in particular the appointments of the Designated Competent Person and the Depute Designated Competent Persons as they relate to Argyll and Bute Council.

8.0 IMPLICATIONS

- 8.1 Policy** Consistent with Council priorities – safe communities (CO11) sustainable environment (CO13), partnership working (CO8).
- 8.2 Financial** The plan will be delivered within our current service, although progress is dependent upon resource levels, other workload, and no reduction in resources
- 8.3 Legal** Meets the Council’s legal obligations under the Public Health (Scotland) Act 2008.
- 8.4 HR** None.

- 8.5 Equalities** There are no equality or sustainability issues associated with the plan.
- 8.6 Risk** The risks to the Council are:
- (i) Priority will be given to delivering this plan, and the risks will be actively managed.
 - (ii) Delivery of the plan is dependent on resources and will be impacted by staff absence, vacancies, new service demands, service cuts, or significant reactive work.
 - (iii) In the event of an outbreak of incident, resources will be redirected from routine operational work
- 8.7 Customer Service** No significant issues.

Executive Director Development and Infrastructure: Pippa Milne
Policy Lead: Councillor David Kinniburgh

For further information contact: Alan Morrison, Regulatory Services Manager,
Tel: 01546 604292, email: alan.morrison@argyll-bute.gov.uk

Appendix 1: Joint Health Protection Plan 2019-20

Appendix II: Infogram illustrating the role of environmental health in public health

Appendix I



NHS HIGHLAND AREA
JOINT HEALTH PROTECTION PLAN

January 2019 – December 2020

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Introduction

The Public Health etc. (Scotland) Act 2008 requires NHS Boards, in consultation with Local Authorities, to produce a Joint Health Protection Plan which provides an overview of health protection (communicable disease and environmental health) priorities, provision and preparedness for the NHS Board area. Guidance on the content of joint health protection plans has been published by the Scottish Government.¹

This is the fourth Highland Joint Health Protection Plan, with the first plan being in 2010, and this plan covers the period 1st January 2019 to the 31st December 2020.

It is a public document and is available to members of the public on the NHS Highland website (www.nhshighland.co.uk) and on request. We hope that you will find this plan to be of interest, and of value, and that its production will contribute to protecting the health of the people who visit, work and live in the Highlands and Argyll & Bute.

Signed

.....
Dr Ken Oates
Consultant in Public Health Medicine (Health Protection)
NHS Highland
Larch House, Stoneyfield Business Park, Inverness IV2 7PA

.....
Mr Alan Morrison
Regulatory Service Manager
Argyll & Bute Council, Kilmory, Lochgilphead. PA31 8RT

.....
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¹ www.scotland.gov.uk/Resource/Doc/924/0079967.doc

SECTION 1 – OVERVIEW

1. The Joint Health Protection Plan

- 1.1 This plan has been created following the requirements set out in the Public Health etc. (Scotland) Act 2008. NHS Highland, Argyll and Bute Council and Highland Council have prepared this plan in collaboration and consultation. This plan is herewith referred to as the Joint Health Protection Plan.
- 1.2 The plan relates to the period 1st January 2019 to the 31st December 2020.
- 1.3 The plan requires to be formally approved by the NHS Highland Board and the appropriate Committees of the local authorities.
- 1.4 The format of the plan meets the details of Annex D of the Scottish Government Guidance “Joint Health Protection Plans”.
- 1.5 The purposes of the plan are:-
 - i. To provide an overview of health protection priorities, provision and preparedness for NHS Highland, Highland Council and Argyll & Bute Council.
 - ii. To outline the joint arrangements which Argyll and Bute Council, Highland Council and NHS Highland, have in place for the protection of public health.
 - iii. To improve the level of “preparedness” to respond effectively to a health protection incident and emergency.
 - iv. To clarify the priorities for the period of the plan 2019 – 2020.
 - v. To identify and subsequently secure the resources which are required to meet the plan.
 - vi. To detail the liaison arrangements between NHS Highland, the two Local Authorities and other Agencies (e.g. Scottish Water, SEPA etc.).
 - vii. To develop “learning” across the agencies.
 - viii. To provide a mechanism for reviewing and recording outcomes and achievements.
- 1.6 The plan will be reviewed annually by the multi-agency Environmental Health Liaison Committee and any necessary changes made. However the plan will only be formally changed and updated in accordance with the legislation which requires this every 2 years.

2. Health Protection Planning

- 2.1 The prevention, investigation and control of communicable diseases and environmental hazards require specialist knowledge and skills. These include risk assessment, risk management and risk communication amongst others. These specialist skills and knowledge are applicable to a wide range of potential incidents or scenarios and are often facilitated by the existence of agreed plans and procedures for specific disease or situations. There are many such national and local plans.
- 2.2 Effective working arrangements are in place to support partnership working between NHS Highland and the environmental health services within Argyll and Bute Council and Highland Council. This is evidenced through the work undertaken to develop common plans to ensure a systematic and consistent approach to tackling common public health issues, learning from best practice in both local authority areas.
- 2.3 A list of the plans which are common to all three agencies are in [Appendix 1](#).

3. Risks and Challenges

- 3.1 The geographical profile of the area presents several challenges to effective and timely management of a health protection incident. This poses a significant risk to the delivery of the service. The area covered by the health board is vast; travelling arrangements must be factored into the planning of a response to an incident. This is especially the case for island communities where access is dependent on ferries. Many communities, within the NHS Highland area, are remote and can be isolated, particularly during periods of adverse weather. Maps of the areas are provided in [Appendix 2](#).
- 3.2 All three agencies are heavily dependent on effective telecommunications systems. Lack of mobile telephone network coverage is a common problem in remote areas and some island communities. The response to a public health incident would be compromised in the event of a significant failure of the telecommunications system.
- 3.3 Staff from all three agencies may be required to travel to the site of a public health incident. This may necessitate several hours of journey time, increased by the need for specific transport or adverse weather conditions. As such the duration of deployment is increased. It is accepted that any reduction in staffing for any of the agencies would impact even further on capacity to respond appropriately and timeously to health protection incidents.
- 3.4 Collection and analysis of samples forms a key step in the management of a disease outbreak. The specimens are delivered to the regional or national laboratories by road. There may be a longer turnaround time from submitting the sample to receiving a result depending on the analysis required. In some more urgent circumstances couriers and specialist transport should be used in order to reduce sample transit time.
- 3.5 NHS Highland collates the surveillance data and information relating to disease outbreaks and environmental incidents. Local Authorities have systems in place for the recording of investigative and monitoring work associated with health protection. These systems include in-house systems and also include the use of the national Food Surveillance System, supported by Health Protection Scotland. These systems may also utilise Geographical

Information Management Systems (GIS). HP Zone Scotland was introduced by all NHS Boards prior to the Commonwealth Games in 2014 and is now in daily use. This aims to provide a standardised Health Protection IT system for national surveillance and managing cases and incidents across the country.

- 3.6 All three organisations have local risk registers. These highlight specific high risk facilities, events or scenarios within each area and are also available through the Regional and Local Resilience Partnerships –West of Scotland Regional Resilience Partnership and the Highlands and Islands Local Resilience Partnership (HILRP) and North of Scotland RRP.

4. Capacity and Resilience

- 4.1 Capacity and resilience are ongoing challenges - , particularly in response to the current pressure on all services to reduce expenditure.
- 4.2 Human resource capacity of specialist health protection skills in NHH, Argyll and Bute Council and Highland Council is limited. [Appendix 3](#) lists designated competent persons in terms of the Act. NHH services are located in Inverness. The local authorities deliver their services from a number of geographical centres. This approach is an efficient use of limited human resources. However this also creates small teams where the absence of an individual staff member stretches the resources available to respond to an incident. The occurrence of two or more simultaneous incidents in different parts of the board area would present significant challenges.
- 4.3 As a consequence of small team size, individuals may be required to take on both strategic and operational roles during a large incident. Regular multi agency training exercises and debriefs give strategic leads flexibility in the roles taken during an outbreak.
- 4.4 Staff from the wider department of public health are utilised as required in a large incident and beyond that staff from other teams/departments in NHS Highland. Formal arrangements for mutual aid with other NHS Boards in the North of Scotland are in place and reviewed through the Resilience procedures. Informal arrangements for mutual aid exist within the local authorities and act to support the provision of the service in remote and isolated areas.

5. Supporting information

- 5.1 [Appendix 4](#) provides the following background information in support of the plan:
1. Health Protection definitions
 2. Overview of NHS Highland and its local authority partners
 3. Resources and operational arrangements for Health Protection
 4. Information and Communication Technology
 5. Emergency Planning and Business Continuity
 6. Inter-organisation collaboration
 7. Mutual Aid
 8. Out-of Hours arrangements
 9. Maintenance of competencies for Health Protection staff
 10. Public Feedback

SECTION 2 - HEALTH PROTECTION: NATIONAL AND LOCAL PRIORITIES

6. National Priorities

- 6.1 The Chief Medical Officer, Scottish Government and Health Protection Scotland have previously identified various national health protection priorities (see Table 1 below). NHS Highland commits to meeting these in the term of this plan.
- 6.2 Further national priorities may arise out of the Scottish Government's current Review of the public health function. Further work may be directed by the Health Protection Oversight Group (HPOG) and the Scottish Health Protection Network (SHPN).
- 6.3 Developing areas that will require further work in future years includes:
- improving health in early years especially through new and existing vaccination programmes;
 - ensuring the effective implementation of the next Sexual Health and Blood Borne Virus Framework; the Scottish TB Framework and the VTEC Action Plan;
 - enhancing the prevention and management of life threatening or lifelong conditions (as is already occurring with HPV vaccine for cervical cancer);
 - further implementing a coherent, measurable strategy to reduce the risks to health from environmental risk factors such as air pollution and radon;
 - improving food, water and environmental safety;
 - protecting vulnerable groups, especially older people in health and social care, against exposure to hazards and their adverse effects;
 - the impact of climate change e.g. the impact of drought and increased blue green algae blooms on local water supplies.

7. Local Priorities

- 7.1 Health Protection is a core part of the services delivered by NHS Highland, and Argyll & Bute Council and Highland Council, particularly through protective services remits (environmental health, trading standards and animal health and welfare). The plan recognises that work is undertaken on a daily basis relating to areas of responsibility and service delivery:
- Preventing the spread of communicable diseases in the community
 - Improving standards of food safety
 - Ensuring safe and potable drinking water supplies
 - Improving standards of workplace health and safety standards
 - Ensuring adequate plans are in place to respond to incidents and emergencies.
- 7.2 In addition, a number of local health protection priorities requiring joint action have been identified through a variety of mechanisms including regular review of surveillance data, and joint meetings.
- 7.3 The local priorities, which are detailed in Table 1 below, will be progressed through them being incorporated within the operational service plans of each Local Authority or NHS Highland, and where they are common, delivered through effective working and partnership between

the agencies.

Table 1. National and Local Priorities

Ref	Source	Outcome	Work plan	Agencies involved
1	National priority	Reduce Vaccine Preventable Diseases	1. Deliver the Vaccination Transformation Programme by implementing models of delivery that fit a rural area and ensure continued high levels of vaccine uptake in all childhood and adult programmes.	NHSH THC ABC
2	National priority	Addressing health inequalities	1. Utilise Private Landlord Registration scheme to assist with improving housing conditions in the private rented sector and reducing antisocial behaviour. 2. Continue working on strategies to improve Housing conditions including licensing of HMO's and Residential Mobile Home sites. 3. Review approaches to incivilities to identify good practice and specific projects to implement. Incivilities can include issues such as vandalism, graffiti, litter, dog-fouling and fly-tipping.	ABC THC
3	National priority	Minimise the risk to the public from E.coli (VTEC) infection	1. To implement the VTEC Action Plan for Scotland 2. Improve the safety of private water supplies and ensure that public health interventions are taken for any failing drinking water supply, whether public or private. 3. Promotion of safe practices and procedures where there is contact with livestock at animal parks and farms 4. Implement recommendations on the safe use of agricultural ground for recreational events.	THC ABC NHSH
4	National priority	Monitoring and Improving drinking water quality	1. Collaboration between all three agencies and Scottish Water in the monitoring and improvement of public and private water supplies 2. Work with DWQR to deliver the new legal requirements on Private Water Supplies	THC ABC NHSH
5	Local priority	Control Environmental exposures which have an	1. Tackle the effects of antisocial or excessive noise in the communities 2. Deliver on air quality standards within each local authority area.	ABC THC NHSH

		adverse impact on health	<p>3. Review approach to swimming pools and spas to ensure appropriate controls are in place regarding infection control</p> <p>4. Blue-green algae - Promotion of safe usage of recreational waters where there is a risk of BGA and responding to incidents</p> <p>5. Progress Contaminated Land strategies</p> <p>6. Monitoring of bathing water quality (designated beaches/lochs) with SEPA.</p> <p>7. Apply the regulations for legionella safety in public buildings</p> <p>8. Monitor the levels of lead in drinking water in public building especially schools and in relevant private establishments such as nurseries.</p>	
6	Local priority	Resilience to respond to a Pandemic Flu outbreak through effective multi-agency response	1. Review business continuity plans and Pandemic Flu Plans	THC ABC NHS
7	Local priority	Effective sea and airport health plans to provide adequate disease control measures	<p>1. Review existing sea and airport health plans across Argyll and Bute Council and Highland Council to include arrangements for any imported disease e.g. MERS, Ebola.</p> <p>2. Hold a desktop exercise to test these plans.</p> <p>3. Review the current situation concerning Port Health and identify whether Argyll and Bute should become a designated Port Health Authority.</p>	THC ABC NHS
8	Local priority	Enhance recovery planning for a major incident	<p>1. Review and further develop the generic Recovery Plan outlining multi-agency responses.</p> <p>2. Exercise recovery plan e.g. for major flood.</p> <p>3. Contribute to Regional Resilience Partnerships.</p> <p>4. Continue implementation of Care for People guidance</p>	THC ABC NHS
9	Local priority	Effective and proportionate arrangements in place to protect public health	<p>1. Revise joint health protection policies and procedures between all three parties.</p> <p>2. Review existing arrangements/plans as a routine part of each incident that occurs.</p> <p>3. Undertake specific exercises for the purposes of training and evaluation of contingency plans relating to water and wastewater incidents; recovery phase following a</p>	THC ABC NHS

			<p>radionuclide incident.</p> <p>4. Consider key performance standards for the response, investigation and actions for public health incidents</p> <p>5. Joint training in managing incidents/outbreaks and chairing these meetings such as STAC.</p> <p>6. To investigate and take appropriate action in response to service requests which have the potential to impact adversely on the environment or to public health.</p> <p>7. Joint protocol to be devised to deal with vulnerable persons with mental illness who are hoarders or whose lifestyle behaviour affects others</p>	
10	Local priority	Minimise the risk to the public from Lyme Disease	<p>1. Assist with on-going research and reviews.</p> <p>2. Continue to raise public awareness.</p> <p>3. Review and develop websites/links to provide suitable information</p>	THC ABC NHSH
11	Local priority	Reducing the impact of tobacco, alcohol and other harmful substances on public health	<p>1. Continued regulation of the smoking ban in enclosed and public places</p> <p>2. Continued work with licensed trade in respect of responsible drinking and minimum pricing</p> <p>3. Continue regulatory work on Age - related sales activity of cigarettes and other products</p> <p>4. Promotional campaign targeted at reducing the under-age sale of tobacco to children and young adults.</p> <p>5. Joint working with the police relating to the sale of Novel Psychoactive Substances (NPS) - ("Legal Highs")</p> <p>6. Continue to review and consider possible health issues related to e-cigarettes.</p>	ABC THC NHSH
12	Local priority	Strong and Safe Communities	<p>1. To investigate and implement effective controls to minimise the spread of suspected and confirmed cases of communicable and notifiable diseases in the community</p> <p>2. The protection of the vulnerable in communities from the impact of cold calling and rogue traders</p>	ABC THC
14	Local priority	Radon protection	<p>1. Ensure that the public in radon affected areas are provided with adequate information relating to the risks of radon and the mitigation measures which can be taken to reduce the risk.</p> <p>2. Raising awareness of radon monitoring</p>	ABC THC NHSH

			responsibilities to employers and landlords. 3. Produce a Radon Strategy for ABC to include council owned property and rented property	
15	Local priority	Education and advice programme	<ol style="list-style-type: none"> 1. Raising awareness of the Outdoor Code and communicable disease and controls through improved public information. 2. Development and review of existing information leaflets and improvements to website 3. Where possible, consider and co-ordinate seasonal promotions e.g. summer - ticks, barbecue's 4. Increase awareness of health protection issues with local businesses through use of alternative enforcement plans 	THC ABC NHSH
16	Local priority	Preventing and minimising the spread of infection	<ol style="list-style-type: none"> 1. Investigation of suspected and confirmed cases of communicable disease and implementation of appropriate controls to prevent further spread 2. Monitoring trends by enhanced surveillance and reporting 3. Implement the national microbiology strategy locally and ensure appropriate access to testing in the public analyst labs 4. Ensure public health actions are taken to minimise risks from zoonotic infections reported by SVS. 	THC ABC NHSH
17	Local priority	Food safety priorities	<ol style="list-style-type: none"> 1. To undertake the statutory duties of the food authority in protecting food safety in the food industry, and deliver the Councils Food Safety Law Enforcement Work plan 2. Work with other agencies to reduce impact of illegal shellfish harvesting and distribution. 	ABC THC
18	Local priority	Health and safety at work initiatives	<ol style="list-style-type: none"> 1. To complete the Councils Health and Safety at Work Law Enforcement Plan. 	ABC THC
19	Local Priority	Horizon Scanning and Emerging Infections	<ol style="list-style-type: none"> 1. Be aware of new and emerging infections and plan how to minimise their impact locally. E.g. MERS 	
19	Local priority	Minimise the adverse impact of climate change	<ol style="list-style-type: none"> 1. Work together to mitigate the effects of climate change. 	ABC THC NHSH

Key

THC – The Highland Council

ABC – Argyll and Bute Council

NHSH – NHS Highland

SECTION 3 – REVIEW

8. Review of Joint Health Protection Plan 2015-17

8.1 In preparing the JHPP 2019-2020, we have considered the findings of the review of the JHPP 2015-17.

This review identified that:

- Good progress had been made in delivered the national and local priorities in the plan.
- The established working arrangements promoted through this plan, proved to be effective in responding to controlling communicable disease outbreaks and general incident management (e.g. blue-green algae, drinking water incidents)
- Areas which we did not achieve or complete have been taken forward into the 2019-20 JHPP.

9. Review of Health Protection Standard Operating Procedures, Protocols and Plans

9.1 NHS Highland and its two local authorities have numerous standard operating procedures and policies. These concern a variety of health protection issues including food safety.

9.2 Each policy held by NHS Highland has a scheduled date of review.

9.3 The Environmental Health Liaison Group provides an opportunity for members to highlight policies that may require revision in light of new evidence or legislation and to discuss issues of common interest.

APPENDIX 1 List of joint NHS/Council Plans

There are an increasing number of national plans for managing many health protection infectious diseases and environmental hazards.

Some key examples are:

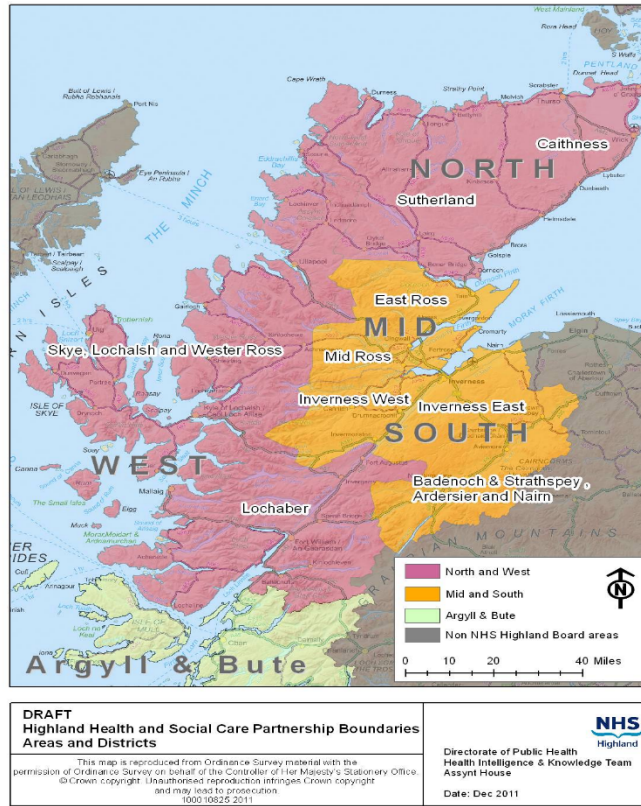
1. **Management of Public Health Incidents: Guidance on the Roles and Responsibilities of NHS led Incident Management Teams. Scottish Guidance No 12 (2017 edition)**
<https://www.hps.scot.nhs.uk/resourcedocument.aspx?id=6038>
2. **Scottish Government Exotic diseases of animals: Contingency framework plan**
<https://www.gov.scot/publications/scottish-governments-exotic-diseases-animals-contingency-framework-plan/>
3. **Scottish Waterborne Hazard Plan**
4. **Scottish Water Wastewater Pollution Incidents Plan**

In addition to national plans sometimes there is a requirement to have, or added value in having, a specific joint local plan. Some key examples are listed below:

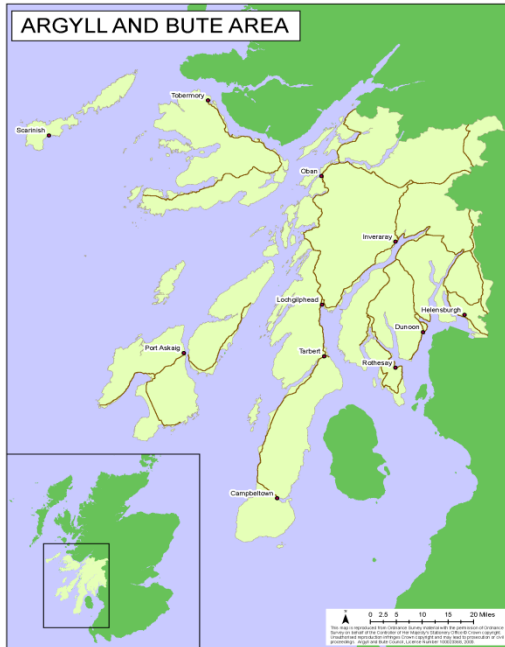
	Title
1	Investigation of Enteric disease protocol
2	Protocol for failures following scheduled statutory sampling of Private Water Supplies
3	Lead in Water Supplies
4	Blue Green Algae in Inland and Inshore Waters: Assessment and Control of Risk. Action Plan
5	Protocol for the investigation and management of viral outbreaks in the Tourist and leisure Industry
6	Protocol for the investigation and Management of viral outbreaks in Care homes
7	Procedure for cases of illness in vessels arriving at ports/harbours in Highland & Argyle & Bute
8	Procedure for cases of illness in aircraft arriving at Inverness airport

Appendix 2

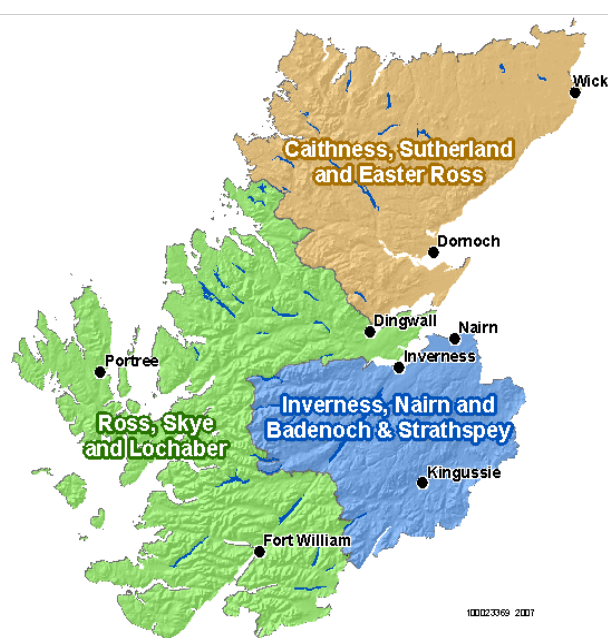
NHS Highland Area Map



Argyll and Bute Council Area Map



Highland Council Area Map



Appendix 3

Designated Competent Persons under the Public Health etc. (Scotland) Act 2008

NHS Highland

Dr Hugo Van Woerden

Dr Ken Oates

Dr Cameron Stark

Dr Rob Henderson

Dr Jenny Wares

Liz Smart

Lorraine McKee

Lynda Davidson

Highland Council EH

Alan Yates

Helen Gordon

Andy Hurst

Jane Cutting

Clifford Smith

Robin Fraser

Fiona Yates

Carol Rattenbury

Gregor MacCormick

Zoe Skinner

Patricia Sheldon

Karen Johnstone

Robert Murdoch

Stephen Cox

Coila Hunter

Sharon Stitt

Graeme Corner

John Murray

Argyll & Bute Council EH

Lead Local Authority competent person: Alan Morrison,

Depute Local Authority competent persons: Iain MacKinnon,

Depute Local Authority competent persons: Jo Rains

Depute Local Authority competent persons: Jacqueline Middleton

The Council policy is that professional staff are authorised by the Regulatory Services Manager according to competency, and experience

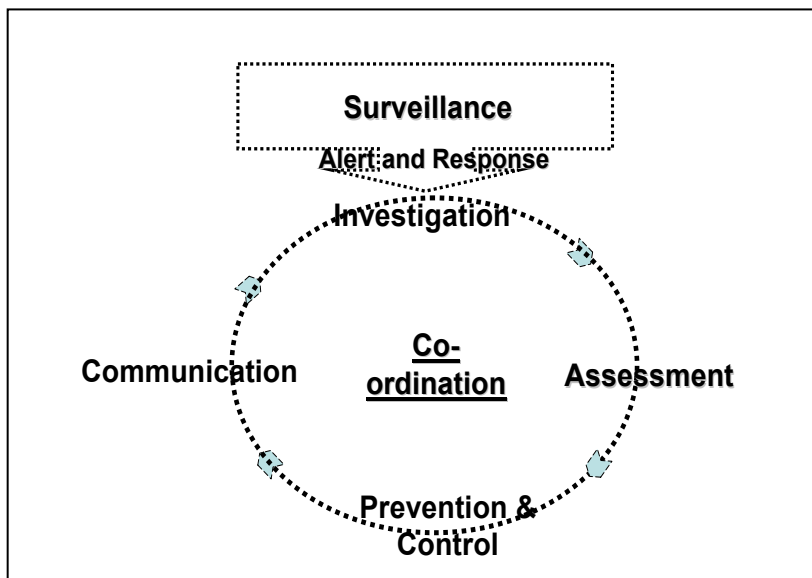
Appendix 4 Supporting information

1. Health Protection - Definitions

- 1.1 Health Protection** is the area of public health which seeks to protect the public from being exposed to hazards which damage their health and to limit any impact on health when such exposures cannot be avoided. The hazards are categorised as biological (e.g. bacteria, viruses), chemical and radiological.

Health Protection historically was known as Communicable Disease and Environmental Health (CD&EH). More recently Resilience and Emergency Planning, for Public Health Incidents is also an integral part of Health Protection services in NHS Highland.

Health Protection services carry out a range of functions as indicated in the figure below.



- 1.2 Environmental Health** is the branch of Public Health that is concerned with all aspects of the natural and built environment that may affect human health. This remit is delivered within local authorities.

The Environmental Health Service has a lead role in Health Protection through its regulatory core functions of Food Safety, Health and Safety at Work, Communicable Disease control, Public and Private Water Supplies, Monitoring bathing water quality, Contaminated Land, Air Quality, Noise control, Nuisance abatement, Smoking Enforcement, and prevention and control of Zoonotic diseases.

- 1.3 The Trading Standards** Service performs the Council's Consumer protection function, which includes tobacco controls; product and consumer safety; licensing of persons,

explosive and petroleum; feeding stuffs and fertilisers; age related sales and weights and measures.

2. **Overview of NHS Highland and its Local Authority partners**

NHS Highland's territorial area is shared between two local authorities, Highland Council and Argyll and Bute Council. The resident population is estimated to be 321,990. The population is ageing, this profile is increased by the large number of young people leaving to continue education or seek employment in other urban settlements. Immigration, from outside of and within the European Union has increased in recent years.

The territorial area covers 32,566 km², which represents approximately 41% of the Scottish land surface. It extends across the most northerly and westerly fringes of the Scottish mainland and includes 29 inhabited islands. A large proportion of the population lives in remote rural towns and settlements.

Transport infrastructure across much of the Highlands and Argyll and Bute consists of single road or rail networks. Island communities are reliant on ferries with few inter island connections.

Due to the geographical profile of the region, a higher than average proportion of people have a private water supply.

A large number of tourists visit the area throughout the year pursuing a variety of activities. This influx, particularly to remote and rural areas increases demands on both health and local authority services. In order to facilitate trade and tourism, the area contains several air and sea ports providing local and international connections.

3. **Resources and Operational Arrangements for Health Protection**

The human resources available for delivering health protection services are outlined in the table below.

3.1 **NHS Highland – Health Protection Team**

Job Title	Role and Responsibility	WTE
Director of Public Health	Strategic and Operational Lead for Public Health activities in NHS Highland.	1
Consultant(s) in Public Health Medicine (Health Protection)	Provide leadership and strategic oversight for health protection development and implementation in NHS Highland. To co-ordinate the provision of an effective service for the control of communicable disease, and environmental health hazards 24/7.	1.4

Health Protection Nurse Specialist	Coordinate, lead and deliver activities surrounding the prevention, investigation and control of communicable disease and immunisation programmes.	2
TB Liaison Nurse	Co-ordinate the contact tracing for TB cases/contacts	0.4
Public Health Surveillance Officer	Responsible for disease surveillance records and reports.	0.2
Emergency Planning Officer	Ensuring NHS Highland is prepared for a major incident.	1
Administration	Provision of administrative support.	1.4

3.2 Argyll and Bute Council

Job Title	Role and Responsibility	WTE
Regulatory Services Manager	Strategic and operational management of environmental health, animal health and trading standards, including debt counselling within the Council. Delivery of effective health protection interventions. Lead and support the development of staff. Effective management of resources. Council's Head of Food Safety.	1
Environmental Health Managers	Management and delivery of the environmental health service within a geographical area of Argyll and Bute – east and west regions	2
Environmental Health Officer (Food Control and Service Support)	Provide specialist food safety advice and expertise within Argyll and Bute Council. Provides specific advice and supports the development of protocols, service plans and ensure that they are in line with current legislation. The inspection of high risk and EC approved food premises.	1
Environmental Health Officer Health and Safety and Service Support)	Provide specialist health and safety advice and expertise within Argyll and Bute Council. Provides specific advice and supports the development of protocols, service plans and ensure that they are in line with current legislation.	1
Environmental Health Officers	Full range of environmental health duties including public health, food safety, environmental protection and health and safety.	9.8
Environmental Protection Officer	Carrying out the Council's statutory duty to identify contaminated land and local air quality. To deal with historic contamination under the planning process and by programmed inspection; to carry out risk assessments in accordance with legislation, statutory	1

	guidance and the Council's published Strategy.	
Regulatory Services Officers	To undertake a specific range of environmental health duties principally in food safety.	3.6
Technical Assistants/Sampling Officers	To support the environmental health service and undertake environmental sampling and monitoring programmes.	5.2
Senior Animal Health and Welfare	To supervise the delivery of animal health and welfare service. To undertake programmed visits relating to animal health and welfare and primary food production. Investigate all cases of notifiable animal disease including zoonotic diseases.	1
Animal Health and Welfare	To undertake programmed visits relating to animal health, welfare and primary food production. Investigate all cases of notifiable animal disease including zoonotic diseases	1
Civil Contingencies Manager	Ensuring Argyll & Bute Council is prepared for a major incident.	1
Civil Contingencies Officer	Ensuring Argyll & Bute Council is prepared for a major incident.	1
Trading Standards Manager	Manage, co-ordinate, lead and support activities surrounding Trading Standards. Develop protocols, service plans in line with current legislation.	1
Trading Standards Officers and Regulatory Services Officers	Carry out Trading Standards interventions in accordance with current plans, protocols and legislation	6

3.3 Highland Council

Job Title	Role and Responsibility	WTE
Environmental Health Manager	Strategic and Operational Lead for Environmental Health and Public Health activities in Highland Council.	1
Senior EHOs	Operational Lead in respective areas for Environmental Health and Public Health activities.	5
Environmental Health Officers	Carry out Environmental Health and Public Health interventions and inspections in accordance with current plans, protocols and legislation.	16.3
Environmental Health Technical Officers	To undertake a specific range of environmental health duties principally in food safety and Health & Safety.	6.2
Environmental Health Technical Officers – sampling	To support the environmental health service and undertake environmental sampling and monitoring programmes.	5.1

Scientific Officer (Contaminated Land)	Carrying out the Council's statutory duty to identify contaminated land.	1.91
Information Technician (Contaminated Land)	Maintenance of the Council's contaminated land information records.	1
Animal Health & Welfare Officer	Carry out Council's statutory duty in relation to Animal Health and Welfare.	2
Emergency Planning and Business Continuity officers	Strategic and Operational Lead for Emergency Planning and Business Continuity	2
Administration	Provision of administrative support.	
Trading Standards Manager	Strategic and Operational Lead for Trading Standards.	1
Trading Standards Team Leader	Coordinate, lead and support activities surrounding Trading Standards.	1
Trading Standards Officers & Assistant Trading Standards Officers	Carry out Trading Standards interventions in accordance with current plans, protocols and legislation.	12

3.4 Laboratory Services

Arrangements to access laboratory facilities vary across the two local authorities. Argyll and Bute services tend to be provided by laboratories located in Glasgow for logistical and practical convenience. Further details on laboratory services are detailed below.

Sample type	Argyll and Bute Council	Highland Council	NHS Highland
Public Analyst services including food examination	Glasgow Scientific Services	Edinburgh Scientific Services	n/a
Environmental monitoring including drinking water analysis	Glasgow Scientific Services	Scottish Water, Inverness	n/a
Faeces and blood samples etc.	Royal Alexandra Hospital Paisley	Raigmore Hospital, Inverness	Raigmore Hospital, Inverness and various Glasgow
	Inverclyde Royal		

Sample type	Argyll and Bute Council	Highland Council	NHS Highland
			hospitals
			National reference laboratories
Shellfish Biotxin analysis	Weymouth	Weymouth	n/a
Chemical and Biological Toxins e.g. anthrax			Porton Down

4. Information, Communication Technology

- Video conferencing and tele-conferencing are widely used for communication across the health board and within the local authorities.
- The majority of incidents are remotely managed due to the geographical constraints of the area. Reliable network coverage is essential to remote management.
- NHSH is responsible for disease surveillance. Since mid-2014 information collected is entered onto HP Zone. Routinely collected surveillance data and reports are fed back to the local authority. Databases can be adapted to suit the needs of individual outbreaks. The limitation on this service is the few individuals available who can create or manipulate databases as information requirements change. This limitation could delay the collection and dissemination of essential data during a large outbreak.
- Adequate arrangements are in place for the reporting and recording of work electronically within local authorities. However, these systems, with the exception of the Food Surveillance system, are not compatible with the NHS systems or between local authorities.

5. Emergency Planning and Service Continuity

The NHS Highland Emergency Planning & Business Continuity Group (EPBCG) convenes as a strategic forum to shape and inform the emergency planning and business continuity agenda. The Group meets on a quarterly basis and the work programme consists of reviewing and updating all Major Incident Plans and Business Continuity Plans for operational units, overseeing a programme of training and exercising, and ensuring arrangements are in place to warn and inform the public.

The Group links with the work carried out by the Emergency Planning Groups located within each of the operational Units, ensuring a co-ordinated and integrated response to any emergency or crisis that might arise.

Following the formation of Police Scotland, national arrangements for resilience changed significantly. Highland Council and NHS Highland are members of the North Regional Resilience Partnership. Argyll & Bute Council and NHS Highland are members of the West Regional Resilience Partnership. In addition there is the Highland & Islands Local Resilience Partnership and various locality groups as well.

6. Inter-organisational collaboration

- Feedback on disease surveillance collected as part of routine and statutory monitoring is given from NHSH to both Highland Council and Argyll and Bute Council quarterly.
- The Environmental Health Liaison Group which meets twice per year provides an opportunity to evaluate the management of significant incidents. Lessons learnt can be shared and disseminated within each partner agency.

Meeting / Group	Membership	Frequency
Environmental Health Liaison Group	NHSH, ABC, HC, Scottish Water, SEPA, Animal Health, SRUC, FSA, HPS	6 monthly
Scottish Water Liaison Group	Scottish Water, NHSH ABC, HC, DWQR	6 monthly

- Following a significant incident, debriefing is organised routinely for the involved agencies. This provides an opportunity for those involved operationally and strategically to evaluate the management of the incident and provides a forum for critical reflection. A final incident report should be produced within 6 weeks of the debrief.

The 3 agencies are fully committed to the principles of co-operation for planning and preparing for emergencies. Much of this work is carried out under the auspices of the Regional and Local Resilience Partnerships. NHS Highland has appropriate representation at strategic and tactical levels ensuring the obligations as a Category 1 responder under the Civil Contingencies Act are met. This work has led to the creation of a number of multi-agency contingency plans, many of them site specific, detailing NHS Highland's role during the response and recovery phases of an incident or emergency.

7. Mutual Aid

Due to the vast geography of NHS Highland, it has been necessary to develop arrangements with NHS Greater Glasgow and Clyde in relation to the initial response to major incidents

occurring within Argyll and Bute. In particular, there are specific arrangements written into the HM Naval Base, Clyde, Off Site Contingency Plan, which is designed to cover radiation emergencies at HM Naval Base, Clyde and the Faslane, Coulpport and Lochgoil berths. While NHS Highland retains overall responsibility for the NHS response, they would be assisted, particularly in the initial stages, by personnel from NHS Greater Glasgow and Clyde, with staff from both boards being deployed to manage the incident from the Clyde Off-Site Centre. Additionally, depending on the extent and volume of casualties, designated receiving hospitals would be nominated within NHS Greater Glasgow and Clyde for the reception of casualties.

Across the North of Scotland Public Health Network all participating public health departments have signed a mutual aid agreement which states that each Board will assist any of the others which has pressures it cannot meet on its own. For example, in a large outbreak or incident.

There is also an informal mutual local authority support arrangement in place with neighbouring authorities.

8. Out-of-hours arrangements

NHS Highland

A senior member of public health staff is available 24 hours a day 7 days a week. Outside of office hours, this service is provided by health board competent persons which comprise medical and non-medical public health consultants, health protection nurses, public health specialists, as well as training grade public health doctors. The service can be accessed through the Raigmore hospital switchboard on 01463 704000. Raigmore laboratory provides a microbiology service out of hours. Urgent sample requests can be performed for some diseases following discussion with the on call microbiology team. National Reference laboratories will also perform analysis of urgent specimens following discussion of their appropriateness.

Highland Council

No on-call service is provided by the Council, however there are out-of-hours arrangements in place to access the service in case of emergency. This can be accessed through the following number: 01349 886690. Arrangements are in place to access public analyst or other appropriate laboratory services out with normal hours.

Argyll and Bute Council

No on-call service is provided by the Council, however there are out-of-hours arrangements in place to access the service in case of emergency. This can be done through the Regulatory Services Manager or the Civil Contingencies Manager (Telephone 01436 658988). Similar arrangements are in place to access laboratory services outwith normal hours.

9. Maintenance of Competencies for Health Protection Staff

NHS Highland

NHS Highland staff undergo an annual appraisal to ensure that their knowledge and skills remain up to date. The health protection team run regular update sessions for their more generic on call colleagues. Staff are encouraged to identify their own learning needs and attend external conferences and meetings as part of continuing professional development (CPD) activities. Nursing staff meet the requirements of the Knowledge and Skills Framework.

Highland Council

Highland Council has a corporate performance and development review process. Actions and competencies are identified periodically and objectives set for CPD. Details of this are held centrally on a register which managers review at regular intervals and as part of the employee appraisal process. The individual learning needs of each member of staff can be identified and targeted through this mechanism.

Argyll and Bute Council

Argyll and Bute Council has a corporate performance and development review process with its entire staff. Appraisals are carried out on an annual basis. Details of this are held centrally on a register which managers review at regular intervals and as part of the employee appraisal process. The individual learning needs of each member of staff can be identified and targeted through this mechanism. Within Regulatory Services, professional and technical officers are required to meet the continued development requirements in the Royal Environmental Health Institute of Scotland's CPD scheme.

10. Public Feedback

NHS Highland

Information is provided to the public through the use of local media and the NHS Highland website along with targeted written information where required. NHS Highland Health Protection Team does not have any formal processes for obtaining feedback from the public.

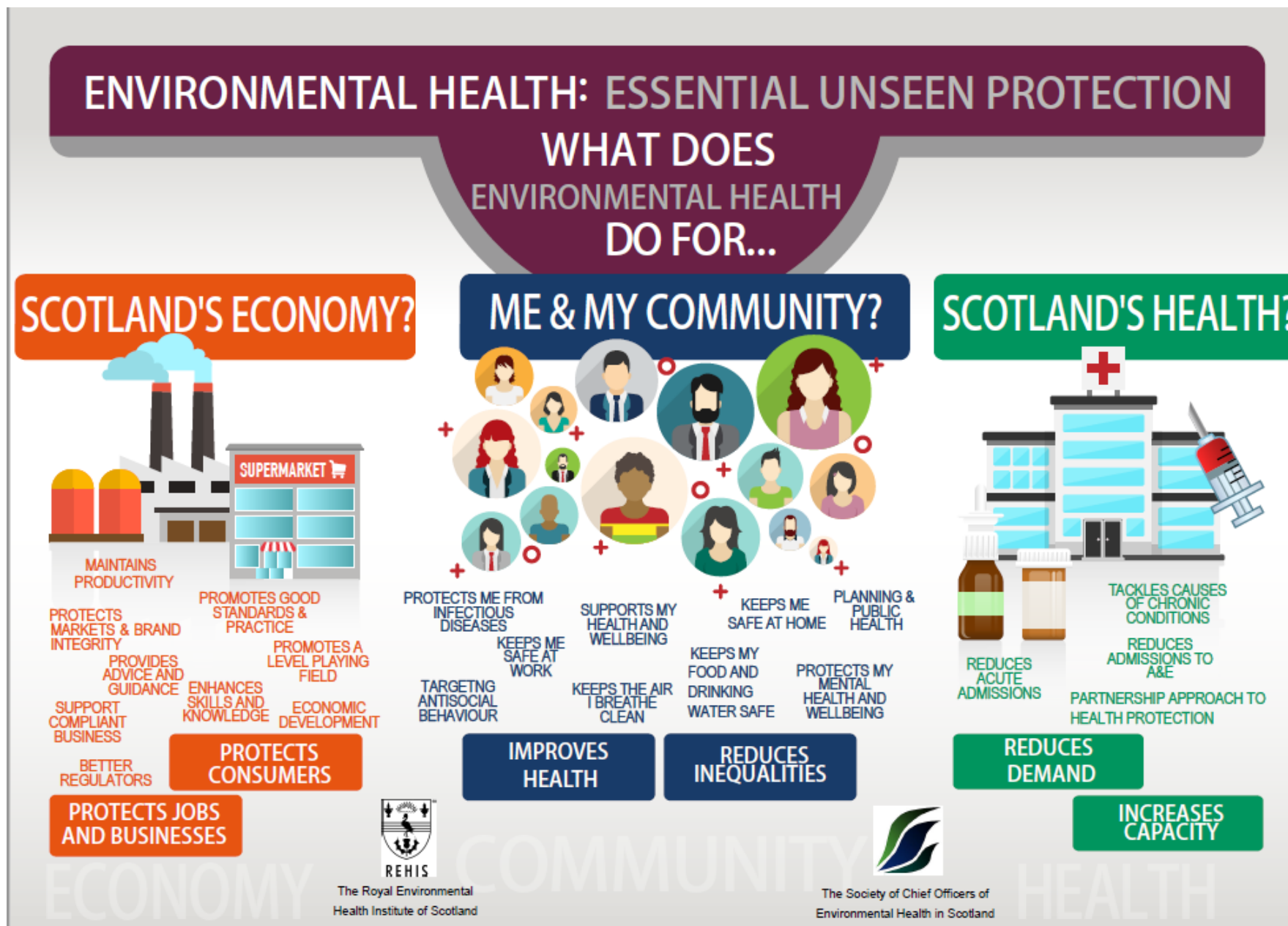
Argyll and Bute Council

Customer and business surveys are regularly undertaken as part of the customer engagement strategy. Whilst not specific to health protection, these surveys provide useful information about the service provided and are used to inform improvements and developments. Recent surveys have indicated that on average 94% of customers are satisfied with the service provided to them.

Highland Council

Information is provided to the public through the use of local media and the Highland Council website along with written information where required. Business surveys are regularly undertaken.

Appendix 1: Infogram illustrating the role of environmental health in public health



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of Schedule 7A of the Local Government(Scotland) Act 1973

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