



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
13 March 2019

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 20 MARCH 2019** at **11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. MINUTES**
 - (a) Planning, Protective Services and Licensing Committee 20 February 2019 at 10.45 am (Pages 3 - 14)
 - (b) Planning, Protective Services and Licensing Committee 20 February 2019 at 2.00 pm (Pages 15 - 20)
- 4. MR R MUNN: ERECTION OF DWELLINGHOUSE, FORMATION OF ACCESS AND INSTALLATION OF SEPTIC TANK AND SOAKAWAY: LAND APPROXIMATELY 82M SOUTH EAST OF KILMALUAIG, ISLE OF TIREE (REF: 17/02909/PP)**

Report by Head of Planning, Housing and Regulatory Services (Pages 21 – 42)
- 5. SCOTTISH SALMON COMPANY: VARIATION TO PLANNING CONDITION 2 RELATIVE TO PLANNING PERMISSION 17/00427/MFF (MODIFICATION OF EXISTING FIN FISHFARM SITE TO INCLUDE 1 ADDITIONAL CAGE AND INCREASE IN EXTENT OF MOORING AREA) PROPOSED DELETION OF BIOMASS LIMIT IN FAVOUR OF OBLIGATION TO OPERATE IN ACCORDANCE WITH AN APPROVED ENVIRONMENTAL MANAGEMENT PLAN: ARDCASTLE FISH FARM, LOCHGAIR (REF: 18/01813/MFF)**

Report by Head of Planning, Housing and Regulatory Services (Pages 43 – 62)

6. **SCOTTISH SALMON COMPANY: VARIATION TO PLANNING CONDITION 2 RELATIVE TO PLANNING PERMISSION 17/00425/MFF (MODIFICATION OF EXISTING FIN FISH FARM SITE TO INCLUDE; INCREASE OF GRID SIZE (CAGE SPACING) FROM 60 METRES TO 70 METRES, ADDITIONAL 4 NO CAGES TO NORTH END OF SITE AND INCREASE IN EXTENT OF MOORING AREA) PROPOSED DELETION OF BIOMASS LIMIT IN FAVOUR OF OBLIGATION TO OPERATE IN ACCORDANCE WITH AN APPROVED ENVIRONMENTAL MANAGEMENT PLAN: ARDGADDAN BARR FISH FARM, KILFINAN (REF: 18/01814/MFF)**

Report by Head of Planning, Housing and Regulatory Services (Pages 63 – 82)

7. **SCOTTISH SALMON COMPANY: VARIATION TO PLANNING CONDITION 2 RELATIVE TO PLANNING PERMISSION 17/00429/MFF (INCREASE TO GRID SIZE (CAGE SPACING) FROM 40 METRES TO 60 METRES) PROPOSED DELETION OF BIOMASS LIMIT IN FAVOUR OF OBLIGATION TO OPERATE IN ACCORDANCE WITH AN APPROVED ENVIRONMENTAL MANAGEMENT PLAN: FISH FARM, CAMAS NA BAN-TIGHEARNA, TARBERT (REF: 18/01815/MFF)**

Report by Head of Planning, Housing and Regulatory Services (Pages 83 – 102)

8. **SCOTTISH SALMON COMPANY: VARIATION TO PLANNING CONDITION 2 RELATIVE TO PLANNING PERMISSION 17/00428MFF INCREASE IN GRID SIZE FROM 60 METRES TO 70 METRES, ADDITIONAL CAGE INCREASING NUMBER FROM 9 TO 10 AND RETROSPECTIVE PERMISSION FOR RAFT TO SUPPORT FEED PIPES (NO INCREASE IN BIOMASS) PROPOSED DELETION OF BIOMASS LIMIT IN FAVOUR OF OBLIGATION TO OPERATE IN ACCORDANCE WITH AN APPROVED ENVIRONMENTAL MANAGEMENT PLAN: QUARRY POINT FISH FARM, CRARAE (REF:18/01816/MFF)**

Report by Head of Planning, Housing and Regulatory Services (Pages 103 – 122)

9. **PLANNING AND REGULATORY SERVICES PERFORMANCE REPORT FQ3 - 2018-19**

Report by Executive Director – Development and Infrastructure Services (Pages 123 – 130)

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair
Councillor Robin Currie
Councillor Lorna Douglas
Councillor George Freeman
Councillor David Kinniburgh (Chair)
Councillor Roderick McCuish
Councillor Alastair Redman
Councillor Richard Trail

Councillor Rory Colville (Vice-Chair)
Councillor Mary-Jean Devon
Councillor Audrey Forrest
Councillor Graham Hardie
Councillor Donald MacMillan
Councillor Jean Moffat
Councillor Sandy Taylor

Contact: Fiona McCallum

Tel. No. 01546 604392

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 FEBRUARY 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Richard Trail
Councillor George Freeman	

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning, Housing and Regulatory Services
Sandra Davies, Major Applications Team Leader
Angus Morrison, Regulatory Services Manager
David Moore Senior Planning Officer
Sybil Johnson, Senior Planning and Strategies Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Mary-Jean Devon, Graham Archibald Hardie and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTE

The Minute of the Planning, Protective Services and Licensing Committee held on 23 January 2019 was approved as a correct record.

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)

The Major Applications Team Leader spoke to the terms of the report. 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 dwelling houses further to determination at a discretionary hearing by the Committee on 24 June 2013. This permission was subsequently renewed under 16/01767/PP on 26 August 2016 and remains live and capable of implementation on site. The previous permission proposed a shared access to serve the two dwelling houses. 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 service Plot 2. All other aspects of the development remain as previously approved. The majority of the application site which will contain all built development is located within the defined 'settlement' boundary of Kilmore. 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 considered to be acceptable as a minor departure to the LDP in this case. The application has elicited 20 objections and Kilmore and Kilbride Community Council expressed concern. It is not considered that the objections raise any complex or technical issues that have not been addressed, both by the existing and extant planning permission and/or in the current report of handling and it is not considered that the holding of hearing would add value to the process in this case. The application is recommended for approval subject to the conditions and reasons detailed in the report.

Decision

The Committee agreed to grant planning permission as a minor departure to the Local Development Plan subject to the following conditions and reasons:

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 dwelling houses.

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.

Having moved an Amendment which failed to find a seconder, Councillor Robin Currie asked for his dissent from the foregoing decision to be recorded.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 31 January 2019, submitted)

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)

The Major Applications Team Leader spoke to the terms of the report. This application seeks the relocation, re-equipment and enlargement of an existing fish farm at 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. A feed barge is also proposed and this would have a capacity of 350 tonnes. The maximum stocked biomass would be increased from 600 to 2500 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 Environmental Impact Assessment report accompanies this application. The proposal has attracted 19 objections and 17 expressions of support. Gigha Community Council have written in support of the application. Objection has been raised by the Argyll District Salmon Fishery Board in its capacity as 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 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.

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 7 November 2018, submitted)

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)

The Senior Planning Officer spoke to the terms of the report advising of an application being 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. The application for consent is to construct and operate an 81 kilometre, 275 kilovolt, overhead line, supported by lattice steel towers between Inveraray Switching Station and Crossaig Substation, Argyll, Scotland along with other associated works. The applicant is the electricity transmission licence holder in the north of Scotland and under Section 9 of the Electricity Act 1989 has a duty 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 licence obligations that the proposal has been brought forward. Having assessed the proposal in detail It is recommended that no objection to the proposals be raised subject to the imposition of appropriate conditions by the Scottish Ministers.

Decision

The Committee agreed not to raise any objection to the current proposals subject to the imposition of appropriate conditions by the Scottish Ministers.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 5 February 2019, submitted)

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

The Major Applications Team Leader spoke to the terms of the report. This 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. This application is for the demolition of a small garage outbuilding. The property is located within the Crinan Canal Conservation area. Given the modest size, unremarkable appearance and relatively unobtrusive siting within the landscape curtilage of the dwelling house, it is considered that the building does not make any significant contribution to the character and appearance of the Conservation Area and, as such, it is considered that Conservation Area Consent should be approved.

Decision

The Committee agreed that Conservation Area Consent be approved.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 29 January 2019, submitted)

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

The Major Applications Team Leader spoke to the terms of the report. This 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. The proposed works are limited to external alterations including replacement windows to an existing dwelling house, 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. The site is within the curtilage of an existing property located within the settlement boundary for Crinan. The site lies within the Crinan Canal Conservation Area and the Knapdale National Scenic Area. The proposal is considered to be acceptable with regard to all relevant material considerations

including national and local planning policy and is recommended for approval subject to one condition and reason detailed in the report.

Decision

The Committee agreed to grant planning permission subject to the following condition and reason:

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.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 30 January 2019, submitted)

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)

The Major Applications Team Leader spoke to the terms of the report. 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 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 proposed development will result in the loss of part of this important woodland area, which occupies a prominent position within the locality. The application site is designated as an Open Space Protection Area. The proposal is considered contrary to Policies LDP 3, LDP 9, SG LDP ENV 14, LDP 3, SG LDP ENV 6 and SG LDP REC/COM2 of the Argyll and Bute Local Development Plan. The proposal is also considered unacceptable in terms of road traffic safety and as such is also considered contrary to Policies SG LDP TRAN 4 and SG LDP TRAN 6 of the Local Development Plan and it is recommended that planning permission be refused for the reasons stated in the report of handling.

Decision

The Committee agreed to refuse planning permission for the following reasons:

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.

Having moved an Amendment which failed to find a seconder, Councillor George Freeman asked for his dissent from the foregoing decision to be recorded.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 4 February 2019, submitted)

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)

The Senior Planning Officer spoke to the terms of the report. A Proposal of Application Notice (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 proposed site is located within the open countryside outside the settlement boundary of Clachan Seil. The land upon which it is proposed to construct the facility is designated within the Local Development Plan as both Countryside and forming part of the Knapdale/Melfort Area of Panoramic Quality (APQ). 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) The tanks should be covered; and
- b) Moving the location of the pathway away from the only green field in the area.

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

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

Consideration was given to a report presenting the third update of the Development Plan Scheme. The report sets out the 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.

Decision

The Committee agreed to:

1. note the content of the report; and
2. approve the updated Development Plan Scheme attached in Appendix A of the report for publication and submission to the Scottish Ministers.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 28 January 2019 and Development Plan Scheme 2019: Local Development 2, submitted)

12. PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS

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. A report seeking endorsement of a training programme from April 2019 to March 2020 was before the Committee for consideration.

Decision

The Committee agreed to:

1. continue 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; and
2. 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.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 4 February 2019, submitted)

13. JOINT PUBLIC HEALTH PROTECTION PLAN 2019-20

A report seeking endorsement of the Public Health Protection Plan which outlines health protection priorities for the period 1 January 2019 to 31 December 2019 was before the Committee for consideration. 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 Council's corporate priorities.

Decision

The Committee agreed:

1. to endorse the Joint Public Health Protection Plan for 2019-20 (set out in Appendix I to the report), recognising the key role of local authorities and environmental health;
2. to 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 at section 5.2 of the report; and
3. 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.

(Reference: Report by Executive Director – Development and Infrastructure Services and Joint Health Protection Plan 2019, submitted)

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

14. ENFORCEMENT REPORT - REFERENCE 18/00053/ENAMEN

A report providing an update on Enforcement Case reference 18/00053/ENAMEN was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 1 February 2019, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 FEBRUARY 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
Allegra Evan-Jones, Trainee Solicitor
John Berry, Applicant
John Black, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Mary-Jean Devon, George Freeman, Graham Archibald Hardie and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest. Dr Black raised a point of order which the Chair responded to.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR LICENCE (J BERRY, DUMBARTON)

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

APPLICANT

Mr Berry advised that he was aware of Dr Black's attempt to take the Council to court for granting a Private Hire Licence to Mr Haddow. He stated that he believed this was a deliberate attempt by Dr Black to influence the Committee in respect of his application and he asked that Dr Black's objection be thrown out.

QUESTIONS FROM OBJECTOR

Dr Black commented that he had noted that Mr Berry had been cited and was present at the court yesterday unlike other people. He asked Mr Berry why he thought this was an attempt to influence the Committee today. Mr Berry advised that he did not receive a citation to appear at the court but attended as he wished to do so.

OBJECTOR

Dr Black advised that he had been here many times before. He stated that the Committee had no idea what they were doing and that there were similar problems in Helensburgh, Oban and Islay. He said the Committee had no idea how many taxis were needed and how many there currently were. He stated that they were all incompetent and should resign.

MEMBERS' QUESTIONS

Councillor Kinniburgh sought and received confirmation from Mr Berry that he was applying for a Private Hire Operator Licence. He asked Mr Berry to clarify how he would operate this licence. Mr Berry advised that a Private Hire vehicle was in one sense not classed as a taxi as it could only take bookings from an office or phone and that it could not pick up passengers or sit on the taxi rank. He confirmed that he would take hires off the system.

Councillor Kinniburgh asked if taking hires from the system was the main part of Mr Berry's business or did he have cars that sat on the rank a lot of the time. Mr Berry replied that the main part of any business of this type was taking hires through the system. He said there were more hires from the system than from the rank and that he had facts and figures to prove that.

Councillor Kinniburgh sought and received clarification from Mr Berry that the business did have cars that sat on the rank but they would leave there if a hire came through on the system.

Councillor Colville sought and received confirmation from Mr Berry that he would only be operating in the Helensburgh area.

Councillor Colville asked Mr Berry if he phoned up to request a taxi to pick him up in Helensburgh would it be a taxi or private hire vehicle that would be sent. Mr Berry said that it could be either.

Councillor Currie sought and received confirmation from Mr Berry that private hires could only be taken over the phone and they could not stop in the street.

Councillor Currie also sought and received confirmation from Mr Berry that he currently held a Taxi Driver's Licence with Argyll and Bute Council and a Taxi Operator's Licence with Argyll and Bute Council and that this application was for an additional car for Private Hire.

Councillor Moffat referred to Mr Berry having a Taxi Driver's Licence and that he now wanted a Private Hire Licence. She also referred to Mr Berry advising that most of the taxi drivers took their business from a central number and that it was only occasionally that a hire was taken from the rank. She commented that with his Taxi Driver's Licence Mr Berry could already sit on the rank and take calls, she asked him why he needed to have a Private Hire Licence. Mr Berry advised that there were currently 48 taxis operating in Helensburgh. He stated that a lot of the drivers were of pension age and now only worked a few days. He said there were not enough taxis in the area and the only way he could get more cars was to get Private Hire vehicles. He advised that the demand was there and that they needed more cars to

cover the work. He advised that people were phoning up for taxis and were sometimes having to wait up to 30 minutes.

Councillor Moffat sought and received confirmation from Mr Berry that he was not seeking a Private Hire Licence for himself personally to use and that it was for his firm.

Councillor Kinniburgh sought and received confirmation from Mr Berry that the Private Hire vehicles were working in the same way as taxis apart from sitting on the rank and picking up hires from the street. Mr Berry advised that this happened in most areas.

SUMMING UP

Objector

Dr Black said that the Committee were slowly getting the hang of the situation and were beginning to understand about taxis. He referred to taking a bus from Glasgow city to the Airport and he had spoken with a gentleman who had taxi plates on Islay. He stated that Councillor Redman had cut this gentleman's earnings by issuing plates on Islay. He said the same thing was happening in Oban and in Helensburgh. He stated that issuing more plates lowered the wages of other drivers. He referred to Councillor Colville asking if the private hire vehicle could go to Campbeltown. Dr Black advised that this car could operate anywhere in Argyll and Bute and could operate anywhere in Scotland and probably England too. Dr Black then stated he wished to withdraw his objection.

Mr Reppke advised that if that was Dr Black's position the Committee would take account of that. Dr Black advised that in view of the statement made by Mr Berry that the existing drivers were old and not doing their jobs properly he said that they should be sacked and that he would withdraw his objection and now support this application.

Applicant

Mr Berry advised that he had nothing further to add.

Both parties were asked if they had received a fair hearing. Mr Berry replied that he could not say if this was the case as his opening statement had not been addressed and that it would depend on the outcome of this Hearing. Dr Black confirmed that he had received a fair hearing. The Chair explained that it was the process followed today he was seeking clarity on. Mr Berry said he did not know as he had not had a decision yet.

DEBATE

Councillor Colville referred to the decision taken by the PPSL Committee on 23 January 2019 to commission a survey to ascertain if there was any significant unmet demand for taxis and that included within this survey was to ascertain if there was over provision of Private Hire vehicles. He said that in view of this decision he believed the Committee should continue consideration of this application until the survey was concluded.

Councillor Trail advised that he concurred with that view. He also advised that in his experience if he has ever had to phone for a taxi on a Friday evening he has never had to wait longer than 5 or 10 minutes.

Councillor Currie said that he would be worried about putting off a decision on this application until the new survey was concluded as it was not known how long that would take. He advised that the application was in front of the Committee today and that the Committee should take a decision on it and not put it off till another day.

Councillor Kinniburgh sought advice from Mr Reppke. He said that it was his understanding that there had to be evidence of over provision for a Private Hire Licence to be refused. He referred to Dr Black withdrawing his objection and asked Mr Reppke where the Committee stood in this respect. Mr Reppke advised that the Committee would need to take account of the fact that if there was no objection originally to this application then it would have been dealt with administratively. He advised that he appreciated the comments made by Councillor Colville and logically that would be the stance to take if there was an objection but as this has now been withdrawn Members should take account of that.

Councillor Redman said that in light of there being no objection the Committee should follow Dr Black's advice and approve the application.

Councillor Colville acknowledged what had been said and advised that he stood by what he had said. He said that he may or may not have to stand up in a court and justify his decision and based on what was before him today he had no way of knowing the number of Private Hire vehicles there were in the area.

Councillor Douglas referred to comments made about taxis and private hire vehicles almost operating in the same way and that a taxi could still pick up business over the phone. She advised that she supported Councillor Colville. She said that it was difficult to put another car on the road as although it was not a taxi it was still providing a similar service and it was difficult to establish whether or not there were enough vehicles or not.

Councillor Kinniburgh advised that it was his understanding the Committee had two options when it came to refusing a Private Hire Operator Licence. The first was whether or not the person was a fit and proper person to hold the licence and the other was if it was established that there was over provision. He advised that at this time the Committee had nothing to say there was over provision and if there was no objection to an application it would be granted. He said that it was as simple as that. He advised that now the objection had been withdrawn he would find it difficult to continue the application. He said that he was still in favour of the new study being carried out as it will give the Committee figures to base decisions on in the future but in this particular instance he said that he would be uncomfortable continuing the application. He advised that at the appropriate time he would move that the application be granted.

Councillor Moffat advised that the Committee had asked for advice and this had been received from Mr Reppke. She stated that in the end this application would have been granted unhindered if it hadn't been for Dr Black and that the Committee had no alternative.

DECISION

The Committee unanimously agreed to grant a Private Hire Operator's Licence to Mr Berry.

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

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Argyll and Bute Council
Development & Infrastructure Services

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

Reference No: 17/02909/PP
Planning Hierarchy: Local
Applicant: Mr R Munn
Proposal: Erection of dwellinghouse, formation of access and installation of septic tank and soakaway
Site Address: Land Approx 82M South East of 13 Kilmaluag, Isle of Tiree, Argyll and Bute

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank and soakaway

(ii) Other specified operations

- Connection to public water main
-

(B) RECOMMENDATION:

That planning permission be **REFUSED** for the reasons appended to this report.

(C) CONSULTATIONS:

Area Roads Officer

No objection subject to condition. Report dated 17th January 2018

West of Scotland Archaeology Service

No objection subject to condition. Letter dated 2nd February 2018

Historic Environment Scotland

Raises concerns regarding the impact of the proposal on the setting of the neighbouring Category A listed building. HES comment that the setting of the A-listed 13 Kilmaluag is characterised by its relatively isolated location with commanding views across the open landscape. They consider that the proposal to

build a large single-storey T-shaped dwellinghouse together with its associated substantial access infrastructure would have a significant impact on the way that this early 19th Century cottage is understood and experienced within its landscape setting. Whilst HES have raised no formal objection, they have explained that this is because they only raise a formal objection where they believe issues of national significance are raised. HES further comment that their decision not to object should not be taken as support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance. Letter dated 1st March 2018

Scottish Water

No objection. Letter dated 18th January 2018

Crofting Commission

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

Scottish Natural Heritage (SNH)

No objection subject to conditions. 6th February 2018

Highlands and Islands Airports Limited

No objection. E-mail dated 2nd February 2018

(D) HISTORY:

N/A

(E) PUBLICITY:

The proposal has been advertised in terms of listed building procedures, closing date 15th February 2018.

(F) REPRESENTATIONS:

No representations have been received during the determination of the planning application.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---|----------------------------|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | Yes – See Appendix B below |

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

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

Policy

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 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 LDP CC 1 - Climate Change and Sustainable Development
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 14 – Landscape
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP HOU 1 – General Housing Development including Affordable Housing Provision
SG LDP SERV 1 – Private Sewage Treatment Plants and Waste Water Systems
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision
Sustainable Siting and Design Principles

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

Scottish Planning Policy (SPP) 2014
Isle of Tiree Sustainable Design Guidance 2006
Tiree Landscape Capacity Study 2006
Managing Change in the Historic Environment: Setting (Historic Scotland)
Historic Environment Scotland Policy Statement 2016
Planning Advice Note (PAN) 60 – Natural Heritage 2000
Planning Advice Note (PAN) 67 – Housing Quality 2003
Planning Advice Note (PAN) 68 – Design Statements 2003
Planning Advice Note (PAN) 72 – Housing in the Countryside 2005
Planning Advice Note (PAN) 2/2011 – Archaeology 2011
New Design in Historic Settings (Historic Scotland)
Consultation responses

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

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

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

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

- (O) **Requirement for a hearing:** No
-

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

This is a detailed application for planning permission for the erection of a dwellinghouse on land approximately 82m south-east of 13 Kilmaluaig, Isle of Tiree.

The site is located within a Rural Opportunity Area (ROA) wherein Policy LDP DM 1 of the Local Development Plan (LDP) gives encouragement to sustainable forms of small scale development on appropriate sites within the open countryside as well as small scale infill, rounding off, redevelopment and change of use of existing buildings. The site is also located within the Kilmaluaig conservation area where policy LDP 3 and associated supplementary guidance LDP SG ENV 17 sets out a presumption against development that does not preserve or enhance the character or appearance of a conservation area and states that new development within such areas must be of the highest quality and must respect and enhance their architectural and other special qualities.

The determining factors in the assessment of this application are whether or not

the scale, design and location of the proposed development is appropriate having regard to its visual impact upon both its landscape setting and the special qualities of the historic environment, including the Kilmaluaig Conservation Area, an area of potential archaeological importance and its impact upon the setting of a nearby Category A listed building.

In this instance, it is considered that the design, detailing, orientation and location of the proposed development would be materially harmful to its immediate built-landscape setting having regard to those special characteristics which the landscape exhibits, including the special character of this part of the Kilmaluaig Conservation Area, and would result in encroachment upon a prominent and important Category A listed building, which itself is a key landscape feature, to the detriment of its character and setting, contrary to local and national planning policy.

The applicant has stated that the site also forms part of a croft. However no croft boundary plan has been submitted and the application is not accompanied by a croft management plan. As the site is located within an ROA, it appears that the development the subject of this application is simply for a new dwellinghouse with no identified locational or operational need. Without a plan showing the boundaries of the croft and in the absence of any statement from the applicant relating to 'crofting need' it is impossible to determine whether or not this is a 'bareland croft'. The applicant has been asked on more than one occasion to justify any locational requirement for the development on this specific site and instead of any other site within the croft which might be more suitable but, to date, no response has been forthcoming. Members are therefore advised that, in the absence of this information, they should place little weight on any concept of 'crofting need' in their consideration of this application.

In relation to the above, it should be noted that there are identified alternative sites within the ROA and within the ownership of the applicant which would not pose the same detrimental impact upon the setting of the historic environment. The planning authority have tried to positively engage with the applicant towards the identification of an alternative site within his landholding. A site meeting has been held with the applicant within which two alternative sites were identified, one of which appeared to be favourable, both to the applicant and the planning authority. To date, however, the applicant has not been prepared to fully consider any of the alternative development opportunities within the croft or to offer any explanation as to why they might not be considered acceptable, despite an invitation requesting him to do so. Whilst the Council is eager to support appropriate and sustainable development, including croft development, and to help sustain local rural populations and the rural economy, such development must not be outweighed by other material planning considerations including, in this case, the identified material harm caused by the proposed development to the historic environment.

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

(R) Reasons why Planning Permission or Planning Permission in Principle should be refused:

Section 25 of the Town and Country Planning (Scotland) Act 1997 establishes that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this case the development is contrary to the policies of the development plan and there are

no other material considerations which would justify a departure from these policies.

(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: Andrew Barrie **Date:** 1st March 2019

Reviewing Officer: Tim Williams **Date:** 4th March 2019

Angus Gilmour
Head of Planning & Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 17/02909/PP

1. The proposed development would have a materially harmful and unacceptable impact upon the historic environment including the setting of the adjacent Category A listed building and upon the character and quality of the conservation area.

The proximity of the proposed dwellinghouse and its associated access roadway to the listed building along with its modern design creates an uncomfortable relationship between them. At present the listed building currently enjoys a prime position, located slightly offset atop a rocky hillock, which has open outward views and which is free from development around its periphery. This area of open elevated and rural character contributes to the setting of the listed building, both on inward and outward views, and development of this site would erode the sense of space and openness which it currently enjoys, compromising its visual prominence and devaluing its historical value. The listed building is a key landscape feature and the proposed development would adversely affect the way the listed building is appreciated and experienced in the landscape, diminishing its visual significance by visually intruding into the visual prominence and exclusivity the building currently enjoys.

Kilmaluig Conservation Area has been designated due to its traditional settlement pattern and orientation of the buildings within it, together with the presence of historically important thatched cottages which are also listed due to their unique physical characteristics.

This is not an acceptable site for development in terms of the council's settlement strategy as expressed through policy LDP DM 1 as well as being contrary to the provisions of Policy LDP 3 and associated Supplementary Guidance SG LDP ENV 16(a) and SG LDP ENV 17 of the LDP as well as SPP and the Historic Environment Scotland Policy Statement 2016 and Historic Environment Scotland Managing Change: Setting, New Design in Historic Settings (Historic Scotland) which presume against development that detrimentally affects the setting of listed buildings and the quality and special character of conservation areas.

2. Notwithstanding Reason 1 above, it is considered that the proposed development would, due to its inappropriate design, detailing, orientation and location, have an unacceptable and materially harmful impact upon its immediate landscape and, in particular, the built-landscape which comprises a key component of Tiree's unique and special character.

The proposed development fails to respect the specific settlement pattern, local distinctiveness and built-form of this part of Kilmaluig as recognised within the Council's 'Isle of Tiree Sustainable Design Guidance' or the 'Island of Tiree: Landscape Capacity Study for New Housing' (Final Report, published May 2006)', and as underpinned by the inclusion of this site within the Kilmaluig Conservation Area.

The development consists of a relatively large three-bedroomed 'T-shaped' detached bungalow of largely unimaginative design and materials and which does not properly capture the essence of Tiree's unique and special design character. This impression is materially heightened when considering the context of the proposed development and its siting within the immediate setting of the important traditional Tiree "blacktop" building and within the Kilmaluig Conservation Area, as expressed within refusal reason 1 above. Specifically, the proposed development is considered unacceptable for the following reasons:

- The orientation of the proposed dwellinghouse would be perpendicular to the listed building 13 Kilmaluig and to the majority of the existing buildings within

the wider landscape. This is contrary to the traditional settlement pattern of this part of Tiree and will result in a development which will appear unduly prominent, particularly when experienced from the immediate setting of the listed building.

- The modern 'T-shaped' plan of the proposed dwellinghouse would result in a development which would have a scale and massing inconsistent with its setting and with the local distinctiveness of this part of the Island and which would erode the typical, simple proportions of the area in general and the Category A listed building in particular, namely a long, low, narrow building with a simple plan form.
- The proposed development does not retain the traditional window and wall relationships which form an important part of the unique character of Tiree's built environment. In addition, the proposed dwellinghouse incorporates uPVC windows and doors of a design and quality which are not considered appropriate within this part of the conservation area or that they pay sufficient regard to the traditional window and door detailing of the nearby listed building.

In addition, the site of the proposed development falls within the 'North Tiree Study Area' as identified within the Council's published "Island of Tiree: Landscape Capacity Study for New Housing" (Final Report, published May 2006), which recognises that the site the subject of this application is located within an area of distinct landscape and visual character which the Study describes as 'Extensive Crofting' which consists of some limited opportunities for development which reflects the dispersed spacing and distinct relationship of existing settlement with the crofting inbye land. The Study states that new development should be set one field distance from the public road and a minimum of one field (no less than 100 metres) apart from existing croft houses. The study recommends that new development should be oriented facing a road and usually on a NE/SW axis where this predominates. Similarly, the Study states that where a distinct alignment of existing houses occurs, new development should be sited to fit with this. The Study also states that additional overhead lines and access tracks should be avoided.

In the case of the proposed development, the new dwellinghouse would be located more than 100 metres from the public road but less than 100 metres from the nearest croft house (the listed building 13 Kilmaluag). The proposed development would be located approximately 80 metres to the south east of the listed building at its closest point (building to building) and within the existing field which includes 13 Kilmaluag at its northern boundary. In addition, the proposed development includes a significant length of proposed new access track; approximately 120 metres in length and cutting across the field which is currently solely occupied by the listed building.

In addition, the proposed development would be oriented upon a broadly east to west axis and does not reflect the existing settlement pattern which consists of buildings located upon a distinct NE/SW axis, this being a specific part of the established and distinctive character of the area.

It is therefore considered that the proposed development would not sufficiently maintain the existing dispersed, low density settlement pattern of this part of Tiree or its distinctive NE/SW orientation of buildings and would involve the construction of a substantial new access trackway.

The proposed development is therefore considered contrary to the identified constraints and opportunities for new development as described within the "Island of Tiree: Landscape Capacity Study for New Housing" and contrary to Policy LDP 3, Supplementary Guidance

SG LDP ENV 14, the Isle of Tiree Sustainable Design Guidance and the Sustainable Siting and Design Principles of the LDP.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 17/02909/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The Isle of Tiree is the most westerly island of the Inner Hebrides, sixty miles west of Oban and twenty-two miles west of Ardnamurchan, the nearest point on the Scottish mainland. The small islet of Gunna and the Isle of Coll lie close by to the north-east. Tiree is about twelve miles long and six miles wide at its widest point, and is mostly low-lying, with wide open skies and sea views in all directions. There are two hills; Ben Hynish in the south rises to 462 ft and Ben Hough in the north-west tops at 390 ft. The island's beaches extend most of the way around the Island's shoreline, a distance of forty-six miles altogether. These unspoiled and expansive white sand beaches give the Island much of its unique character.

The site the subject of this application is located within the small crofting settlement of Kilmaluag within the north-eastern fringe of the designated conservation area as well as being located adjacent to a Category A listed Building. The applicant has stated that the site forms part of a croft. However no croft boundary plan has been submitted and the application is not accompanied by a croft management plan. As the site is located within an ROA, it appears that the development the subject of this application is simply for a new dwellinghouse with no identified locational or operational need. Without a plan showing the boundaries of the croft and in the absence of any statement from the applicant relating to 'crofting need' it is impossible to determine whether or not this is a 'bareland croft'. The applicant has been asked on more than one occasion to justify any locational requirement for the development on this specific site and instead of any other site within the croft which might be more suitable but, to date, no response has been forthcoming. The applicant's address as stated on the submitted application form is 'The Farm House', Kennovay, Tiree; approximately 2.5 km to the east of the site the subject of this current application. However, it is not known whether the applicant owns any other property in the locality, either on or closer to his croft land.

The Argyll and Bute Local Development Plan sets out the Council's land use vision for how its area should be developed over the period to 2024 and beyond, along with the key objectives for achieving this vision. These reflect the overall approach to planning set out by the government in Scottish Planning Policy (SPP) which is to enable sustainable economic development. LDP objectives seek to maintain population in rural areas and to help secure economic and social regeneration in smaller communities, particularly in terms of the growth of key sectors, including agriculture. However, sustainable growth needs to avoid harming our outstanding natural and historic environment.

Local Development Plan policy LDP STRAT 1 – 'Sustainable Development' expands upon the key planning policy objective of delivering sustainable development and states, as a matter of general principle, that in preparing new development proposals, developers should seek to demonstrate a range of sustainable development principles identified in the policy which the Planning Authority will use in deciding whether or not to grant planning permission.

Spatial planning strategy policy LDP DM 1 – 'Development within the Development Management Zones' states that within the Rural Opportunity Areas (ROAs), encouragement shall be given to sustainable forms of small scale development (in this case no more than five dwellinghouses) on appropriate sites within the open

countryside as well as small scale infill, rounding off, redevelopment and change of use of existing buildings, having due regard to all other relevant planning policy and other material planning considerations.

In this case the proposed development occupies a sensitive location which, along with its design, has a materially adverse impact on the setting of the neighboring Category A listed building. The development does not take sufficient account of its relationship with this listed building nor does it have an acceptable impact on the environment. This not considered to be an appropriate site which meets the sustainable development objectives of the LDP.

In this case there are identified alternative sites within the ROA and within the ownership of the applicant which would not pose the same detrimental impact on the setting of the listed building. The planning authority have tried to positively engage with the applicant towards the identification of an alternative site within his landholding. A site meeting has been held with the applicant within which two alternative sites were identified, one of which appeared to be favourable, both to the applicant and the planning authority. To date, however, the applicant has not been prepared to fully consider any of the alternative development opportunities within the croft or to offer any explanation as to why they might not be considered acceptable, despite an invitation requesting him to do so. Whilst the Council is eager to support appropriate and sustainable croft development and to help sustain local rural populations and the rural economy, such development must not be outweighed by other material planning considerations including, in this case, the identified material harm caused by the proposed development to the historic environment.

The proposal is considered to be contrary to the relevant provisions of the LDP, particularly with regard to Policies LDP 3, LDP 8 and LDP 9 and Supplementary Guidance SG LDP ENV 16(a), SG LDP ENV 17 and the Sustainable Siting and Design Principles of the LDP which seek to ensure that development is sited and positioned so as to pay regard to the context within which it is located.

B. Location, Nature and Design of Proposed Development

The site is located on an area of fairly flat land set part way down the eastern slope of a small rocky hillock, some 90 metres to the south-east of the residential property 13 Kilmaluag, which is a category A listed building. The site is back-dropped to the west by a rocky outcrop and the surrounding land slopes downwards and away to areas of open croft land to the north, south and east, which is generally bound by post and wire fencing and/or stone dykes.

Kilmaluag is generally characterised as having a strong grid pattern of enclosed fields overlaying a broad gently undulating open landscape. An unclassified public road lies some 430 metres to the west and the B8068 public road lies some 700m to the east. The predominant settlement pattern in the area is of single dwellinghouses set-back from the public roads and well-spaced apart as well as the small cluster of development to the north of the site.

The proposed design of the dwellinghouse is a result of requested changes to the original which was deemed to be unacceptable within the conservation area due to its suburban appearance having an "L" plan with integral garage and modern window openings. The revised design has been reduced in scale by removing the integral garage. It is single storey and now comprises of a "T" shaped plan with gable ends and pitched roofs. The design features chimneys at the gables and windows generally with a vertical emphasis. Nevertheless, the proposed development, although improved from

the initial submission, remains inappropriate given its impact upon the historic environment; specifically the setting of the Category A listed building. The applicant has sought to justify his design and siting choices through the submission of a brief supporting statement which states *inter alia* that:

“The gable widths have been kept down to 6.5m to give the house a traditional linear appearance. The roof pitch will be 45 degrees in keeping with most of the surrounding properties.

The siting of the house was chosen to keep any visual impact to a minimum. The high rocky outcrop to the west means that the house will not be visible from the west. The house will be visible from the B8068 on the east but the impact will be lessened greatly as the house will blend into the black cloak of the high rocky ridge behind it on the west. This also ensures the house will not skyline.

The design has taken the Council’s Isle of Tiree Design Guidance into consideration.”

In this case, however, it is not considered that the proposed development has been designed or sited to take adequate account of the ‘local distinctiveness’ of the site or its immediate surroundings. This is a site characterised by an important Category A listed building, 13 Kilmaluaig, and its open setting. 13 Kilmaluaig is a traditional stone walled and partly thatched / partly felted single storey “blacktop” dwellinghouse with two small subservient structures to each of its gables, typical of the traditional small-scale croftsteading which forms such a unique and distinctive feature of Tiree. It is low-lying due to its low ceiling heights, with wide stone walls outlying its roofs which have distinctive curved ridges. It has a typical narrow plan and a limited number of openings with a large proportion of wall to window/door openings. These openings are small, symmetrically placed, recessed deeply into the walls and vertically proportioned which allows the plane of the walls to visually dominate.

The Council’s ‘Isle of Tiree Sustainable Design Guidance’ recognises that Tiree’s landscape is unique among the Inner Hebrides and that its built form manifests, for the most part, a balanced and unified historical and cultural tradition which new development needs to respect. Tiree is a Special Built Environment Area (SBEA) within Argyll and Bute and there is therefore a requirement that all new development on the island be of an appropriately high quality design and that it adopts sensitive siting and detailing.

Notwithstanding the applicant’s design statement summarised above, it is not considered that the proposed development respects the unique built environment qualities of Tiree or that it represents a high quality design and detailing or sensitive siting.

The development proposed by this application consists of a relatively large three-bedroomed ‘T-shaped’ detached bungalow of largely unimaginative design and materials and which does not properly capture the essence of Tiree’s unique design character. This impression is materially heightened when considering the context of the proposed development and its siting within the immediate setting of the important traditional Tiree “blacktop” building described above and within the Kilmaluaig Conservation Area.

With specific reference to the ‘Isle of Tiree Sustainable Design Guidance’, the proposed development is considered unacceptable for the following reasons:

- The orientation of the proposed dwellinghouse would be perpendicular to the listed building 13 Kilmaluaig and to the majority of the existing buildings

within the wider landscape. This is contrary to the traditional settlement pattern of this part of Tiree and will result in a development which will appear unduly prominent, particularly when experienced from the immediate setting of the listed building.

- The modern 'T-shaped' plan of the proposed dwellinghouse would result in a development which would have a scale and massing inconsistent with its setting and with the local distinctiveness of this part of the Island and which would erode the typical, simple proportions of the area in general and the Category A listed building in particular, namely a long, low, narrow building with a simple plan form.
- The proposed development does not retain the traditional window and wall relationships which form an important part of the unique character of Tiree's built environment. In addition, the proposed dwellinghouse incorporates uPVC windows and doors of a design and quality which are not considered appropriate within this part of the conservation area or that they pay sufficient regard to the traditional window and door detailing of the nearby listed building.

An interrelated key factor in the determination of this planning application is its impact on the historic environment which is considered in more detail in Section D.

Policy LDP 3 - 'Supporting the protection, Conservation, and Enhancement of Our environment' states that all applications for planning permission will be assessed with the aim of protecting conserving and where possible enhancing the built, human and natural environment. Applications will not be supported in the following circumstances:

- Where they do not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape and seascape in terms of its location, scale, form and design
- Where they do not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design.
- When it has not been ascertained that it will avoid adverse effects, including cumulative effects, on the integrity or special qualities of international or nationally designated natural and built environment sites.

Policy LDP 8 - 'Supporting the Strength of our Communities' supports new sustainable development proposals that seek to strengthen communities, making them better places to live, work and visit. This includes the delivery of new sustainable development opportunities in order to facilitate population growth and in particular attract more economically active families to live and work in Argyll and Bute. In order to achieve this new housing must be delivered in the in the right place that meets the needs and aspirations of the wide variety of households across Argyll and Bute. The Council also recognises the important role which crofting can play in sustaining our fragile rural communities and aims to support new crofts and croft houses where these help to revitalise fragile communities and maintain viable crofting enterprises.

Policy LDP 9 – 'Development Setting, Layout and Design' seeks developers to produce and execute a high standard of appropriate design and to ensure that development is sited and positioned so as to pay regard to the context within which it is located. Development layout and density shall effectively integrate with the urban, suburban or countryside setting of the development and the design of developments and structures shall be compatible with the surroundings. Particular attention shall be given to

massing, form and design details within sensitive locations such as, *inter alia*, Conservation Areas and the settings of listed buildings. Within such locations, the quality of design will require to be higher than in other less sensitive locations.

The Sustainable Siting and Design Principles expands on this policy seeking developments to be compatible with the existing settlement pattern and to take into account its relationship with neighbouring properties.

Supplementary Guidance SG LDP HOU 1 – ‘General Housing Development including Affordable Housing Provision’ provides general support to new small scale housing in the ROAs on appropriate sites, provided there are no unacceptable environmental, servicing or access issues.

In this case the proposed development occupies a sensitive location which, along with its design, has a materially adverse impact on the character of a neighboring Category A listed building, the Kilmaluag Conservation Area and the unique qualities and special character of Tiree. The development does not take sufficient account of its relationship with this listed building nor does it have an acceptable impact on the environment. This not considered to be an appropriate site which meets the sustainable development objectives of the LDP.

C. Natural Environment and Landscape Considerations

Supplementary Guidance SG LDP ENV 14 – ‘Landscape’ states that the council will resist development when its scale, location or design will have a significant adverse impact on the character of the landscape unless it is demonstrated that:

- A. Any such effects on the landscape quality are clearly outweighed by social, economic or environmental benefits of community wide importance; AND
- B. The Council is satisfied that all possible mitigation measures have been incorporated into the development proposal to minimise adverse effects.

The site is located on part way down the eastern slope of a rocky hillock. This hillock is a prominent landscape feature which rises above the surrounding low lying croft land where the majority of built development can be found. The exception to this is a small stone built cottage with a thatched roof dating from the early 19th century which has an almost central position atop this hillock which benefits from commanding views across the countryside. This cottage is a Category A listed building.

Whilst the proposal will not be visible in the wider landscape from the west nor will it be unduly prominent from the north and south, it will be visible from the east although set against an immediate rocky backdrop with Beinn Hough providing some containment. Notwithstanding this, the proposed dwellinghouse must also be viewed in the context of its immediate surroundings, particularly the distinctive settlement pattern for the area described by existing buildings located to the north and north west.

The site of the proposed development falls within the ‘North Tiree Study Area’ as identified within the Council’s published “Island of Tiree: Landscape Capacity Study for New Housing” (Final Report, published May 2006). Whilst this study makes no specific detailed capacity appraisal for the dispersed crofting settlement of Kilmaluag, it does recognise that the site the subject of this application is located within an area of distinct landscape and visual character which the Study describes as ‘Extensive Crofting’.

The identified constraints and opportunities for new housing within the ‘Extensive Crofting’ landscape character type consists of some limited opportunities for

development which reflects the dispersed spacing and distinct relationship of existing settlement with the crofting inbye land. The Study states that new development should be set one field distance from the public road and a minimum of one field (no less than 100 metres) apart from existing croft houses. The study recommends that new development should be oriented facing a road and usually on a NE/SW axis where this predominates. Similarly, the Study states that where a distinct alignment of existing houses occurs, new development should be sited to fit with this. The Study also states that additional overhead lines and access tracks should be avoided.

In the case of the current development, the proposed dwellinghouse is located more than 100 metres from the public road but less than 100 metres from the nearest croft house (the listed building 13 Kilmaluag). The proposed development would be located approximately 80 metres to the south east of the listed building at its closest point (building to building) and within the existing field which includes 13 Kilmaluag at its northern boundary. In addition, the proposed development includes a significant length of proposed new access track; approximately 120 metres in length and cutting across the field which is currently solely occupied by the listed building.

In addition, the proposed development would be oriented upon a broadly east to west axis and does not reflect the existing settlement pattern which consists of buildings located upon a distinct NE/SW axis, this being a specific part of the established and distinctive character of the area.

It is therefore considered that the proposed development would not sufficiently maintain the existing dispersed, low density settlement pattern of this part of Tìree or its distinctive NE/SW orientation of buildings and would involve the construction of a substantial new access trackway. The proposed development is therefore considered contrary to the identified constraints and opportunities for new development as described within the "Island of Tìree: Landscape Capacity Study for New Housing" and contrary to Policy LDP 3, Supplementary Guidance SG LDP ENV 14 and the Sustainable Siting and Design Principles of the LDP in terms of its impact on landscape character.

D. Historic Environment

SG LDP ENV 16(a) – 'Development Impact on Listed Buildings' states that development affecting a listed building or its setting shall preserve the building or its setting, and any features of special architectural or historic interest that it possesses. All developments that affect listed buildings or their settings must be of the highest quality, and respect the original structure in terms of setting, scale, design and materials and conform to any relevant national policy.

Where development would affect a heritage asset or its setting the developer will be expected to satisfactorily demonstrate that the impact of the development upon that asset has been assessed and that measures will be taken to preserve and enhance the special interest of the asset. The use of appropriate design statements and conservation plans are expected to facilitate this assessment. Where the development may have a significant impact, measures of assessment will be expected to follow, the principles set out in the joint guidance "New Design in Historic Settings" produced by Historic Environment Scotland, Architecture and Place, Architecture and Design Scotland.

SG LDP ENV 17 – ‘Development in Conservation Areas and Special Built Environment Areas’ states has a similar theme which states that there is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting, or a Special Built Environment Area.

Historic Environment Scotland’s “New Design in Historic Settings” sets out general principles for successfully integrating new buildings within the historic environment and requires consideration of scale, materials and detailing, landscape, views and landmarks, and historical development to guide successful new developments. The following are considered to be of particular relevance to the current application:

Scale: “New design should consider the surrounding scale, hierarchy and massing of the existing built form.”

Materials and Detailing: “The sensitive use of appropriate colour, texture and pattern of materials, whether traditional or contemporary is also important. Their use and detailing, particularly near to open landscapes, is crucial in making a development stand out or blend in.”

Landscape: “A thorough understanding of the topography of the area – its prevailing landform – is essential for design that responds to setting. Scotland has a wealth of historic communities that appear to ‘grow’ out of the landscape because of their form, texture and colour. New development should aspire to blend and coalesce with the existing built form without replicating it.”

Views and Landmarks: “Often historic buildings or clusters and features within rural, designed or urban landscapes are locally, regionally or nationally important landmarks because their distinctive character contributes strongly to the identity of an area.”

Historical Development: “Layers of history and associated development generate patterns within an area. An understanding of the historic evolution of a place is essential in determining whether a historic setting needs enhancement or whether lost elements should be restored. New design should consider and respond to these layers of history – the ‘narrative’ of the place”.

The proposed development is located approximately 80 metres to the south-east of 13 Kilmaluag, which is a Category A listed building. Historic Environment Scotland (HES) states that these are buildings of national or international importance, either architectural or historic; or fine, little-altered examples of some particular period, style or building type (about 7% of total listed buildings). The listing schedule describes the building as “an earlier 19th century traditional single storey 2 bay cottage flanked by barn/byre at each gable. Dry stone construction with some mortar and white-wash to frontage. Gable end stacks. Piended thatched roofs to cottage and one barn; tarred felt to second.”

The applicant’s design statement makes no meaningful mention of this important listed building and it does not demonstrate how the proposed development has taken this into account; how it would not adversely affect its setting.

Consultation with HES has been undertaken. HES comment that the setting of the A-listed 13 Kilmaluag is characterised by its relatively isolated location with commanding views across the open landscape. They consider that the proposal to build a large single-storey T-shaped dwellinghouse together with its associated substantial access

infrastructure would have a significant impact on the way that this early 19th Century cottage is understood and experienced within its landscape setting.

Whilst it is acknowledged that HES have not raised a formal objection to the proposal, this advice is carefully worded and follows closely their usual advice protocols and procedures whereby a formal objection is unlikely to be raised if the development does not materially raise issues of *national* significance. Whilst not objecting, it is clear that HES have material and legitimate concerns with the proposed development and they note in their response that their decision not to object should not be taken as their support for the proposals, stating that this application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

It is considered that the proposed development does not preserve or enhance the setting of the listed building nor does it preserve or enhance the character or setting of the conservation area. The proximity of the proposed dwellinghouse and its associated access roadway to the listed building along with its modern design creates an uncomfortable relationship between them. At present the listed building currently enjoys a prime position, located slightly offset atop a rocky hillock, which has open outward views and which is free from development around its periphery. This area of open elevated and rural character contributes to the setting of the listed building, both on inward and outward views, and development of this site would erode the sense of space and openness which it currently enjoys, compromising its visual prominence and devaluing its historical value.

13 Kilmaluaig is experienced predominantly as a building enjoying a sense of openness and isolation. It represents an important and intrinsic part of a wider and long-established low density and dispersed pattern of development reflecting the Island's crofting heritage and informing the sustainable and appropriate development of its crofting future. This listed building occupies a position at the northern boundary of a single field of grazing land demarked by simple post and wire fences. It is elevated above its croft land and its setting is clearly defined by this historic field pattern such that any substantial new development within this single field would disrupt the openness of setting.

It is acknowledged that there are very few dominant public vantage points from which either the existing listed building or the proposed dwellinghouse would be observed at close distance. Nevertheless, the impact of a development upon the historic environment cannot be appropriately mitigated by a simple reliance on 'public view'. It must be considered in the context of its immediate site and surroundings; in the way in which a place is experienced and how it has developed over time. It is considered that the proposed development would, in terms of its scale, dominate the existing listed building and erode the hierarchy of the existing built form by introducing a substantial new residential building into its direct setting and when the adjacent developments are experienced one from the other, including at various points along the proposed new access driveway to the new dwelling.

It is considered that the proposed development would, in terms of its design and detailing, fail to pay appropriate account of the traditional form of this existing 'blacktop' building in terms of its proportions, its plan form, its modern wall to openings ratio, its non-traditional gabled roof with its pointed ridge and relatively tall wall-head height, its 'T-shaped' footprint and its proposed use of uPVC windows and doors. All of these factors would result in a substantial new development which 'stands out' rather than 'blends in' and thus competes with the listed building for dominance within its immediate setting. The proposed development would not adequately respect and reflect the form, texture and colour of the adjacent listed building and it is considered

that whereas the existing building appears to 'grow' out of its immediate landscape, the proposed new dwellinghouse would not.

It is considered that the proposed development would, in terms of its landscape impact discussed in Section C above, fundamentally fail to respond to the setting of the listed building or those scattered buildings within its vicinity (including those within the conservation area) due to its 'off-axis' orientation, its requirement for a lengthy new access way and its failure to adequately respect appropriate separation distances between developments.

Having regard to the above it is considered that the proposed development has a significant adverse impact on the setting of the Category A listed building as well as on the setting of the conservation area. The listed building is a key landscape feature and the proposed development would adversely affect the way the listed building is appreciated and experienced in the landscape, diminishing its visual significance by visually intruding into the visual prominence and exclusivity the building currently enjoys.

Kilmaluag Conservation Area has been designated due to the presence of historically important thatched cottages which are also listed due to their unique physical characteristics. New development by way of design and proximity can have the potential to detract from the appearance of these buildings and their settings, as is the case here. The new modern dwellinghouse and its juxtaposition with a traditional thatched cottage as described above is considered materially harmful to the special qualities and characteristics that comprise the Kilmaluag conservation area together with its character and historic context when experienced from within the conservation area and specifically the inter-visibility that would exist between the two competing and conflicting developments.

The special character of this part of Tiree is acknowledged, at least in part, within the Council's published "Island of Tiree: Landscape Capacity Study for New Housing" (Final Report, published May 2006). As has been seen in Section C above, the proposed development would not sufficiently maintain the existing dispersed, low density settlement pattern of this part of Tiree or its distinctive NE/SW orientation of buildings, both of which are considered important components of the historic and landscape value of the Kilmaluag conservation area. In addition, the proposed development would involve the construction of a substantial new access trackway which is also considered harmful, both to the setting of the listed building and to the character and quality of the conservation area.

The proposed development is contrary to the provisions of Policy LDP 3 and Supplementary Guidance SG LDP ENV 16(a) and SG LDP ENV 17 of the LDP as well as SPP and the Historic Environment Scotland Policy Statement 2016, Historic Environment Scotland's Managing Change in the Historic Environment: Setting 2016, and New Design in Historic Settings

E. Archaeology

West of Scotland Archaeology Service (WOSAS) has advised that the site is within an area of archaeological sensitivity and they have requested that an archaeological monitoring condition be attached to any grant of planning permission. Supplementary Guidance SG LDP ENV 20 – 'Archaeology' and PAN 2/2011 on 'Archaeology and

Planning' aims to protect and preserve archaeological sites in situ wherever feasible. Where preservation in situ is not possible, planning authorities should consider applying conditions t to ensure that an appropriate level of excavation, recording, analysis, publication and archiving is carried out before and/or during development. With an appropriate condition, the proposed development is considered to comply with Policy LDP 3 and Supplementary Guidance SG LDP ENV 20 as well as PAN 2/2011.

F. Habitats and Species

The site is located close to the Sleibhtean agus Cladach Thiriodh (Tiree Wetlands and Coast) Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and RAMSAR site as well as the Tiree Machair Special Area of Conservation (SAC). Extensive in area, these designated sites are of international importance for a variety of breeding and wintering wader species, wintering geese and habitats such as machair.

As such the requirements of the Conservation (Natural habitats &c) Regulations 1994 as amended (the "Habitats Regulations") apply. Before development can be granted, it must be screened to determine whether or not an appropriate assessment is required. Article 6(3) of the Habitats Directive requires an 'appropriate assessment' to be undertaken when a plan or development project is likely to have a significant effect upon a European site.

SNH have advised the proposal is unlikely to have a significant effect on any qualifying interests of the SPA or SAC either directly or indirectly and therefore an appropriate assessment is not required. They have further advised that the proposal will not impact on any interests of the SSSI or the RAMSAR site. It is consider that the proposal in in accordance with Policy LDP 3 and Supplementary Guidance SG LDP ENV 2 and SG LDP ENV 4 of the LDP.

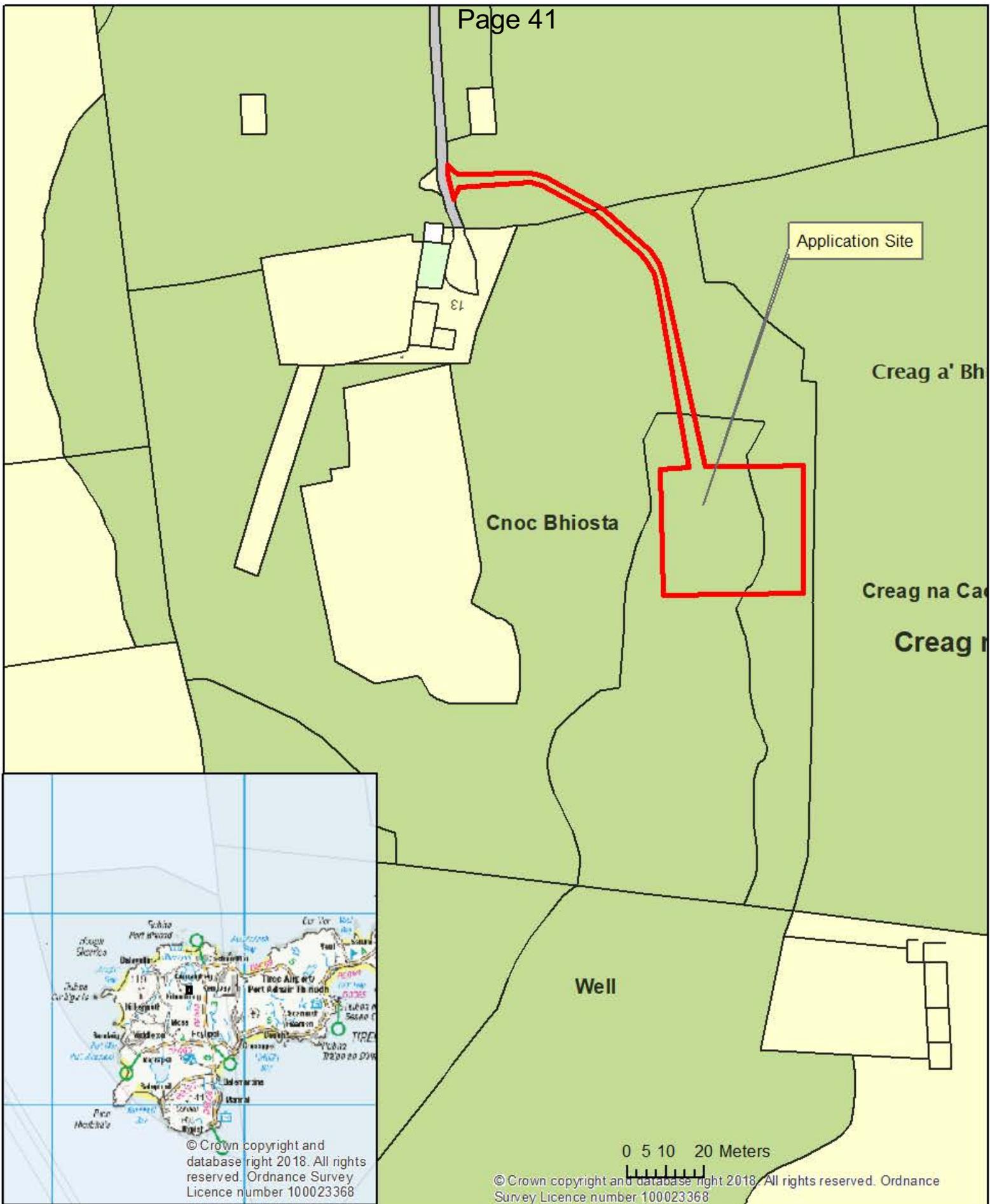
G. Road Network and Parking

The Area Roads Engineer has confirmed that he has no objection to the application subject to a condition regarding parking and turning. The proposal will therefore accord with the provisions of LDP 11, SG LDP TRAN 4, and SG LDP TRAN 6 of the Local Development Plan which requires all development proposals to have an appropriate standard of access and an adequate level of parking and turning.

H. Infrastructure

A connection is to be made to the public water main and Scottish Water has not raised any objections to the proposal. A new septic tank and soakaway is proposed and this will be assessed as part of the building warrant process. The development is in accordance with Policy LDP 11 and Supplementary Guidance SG LDP SERV 1 of the LDP.

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Location Plan Relative to planning application: 17/02909/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: 18/01813/MFF

Planning Hierarchy: Local Application

Applicant: Scottish Salmon Company

Proposal: Variation to planning condition 2 relative to planning permission 17/00427/MFF (Modification of existing fin fish farm site to include 1 additional cage and increase in extent of mooring area) Proposed deletion of biomass limit in favour of obligation to operate in accordance with an approved Environmental Management Plan

Site Address: Ardcastle Fish Farm Lochgair Argyll and Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Variation to planning condition 2 relative to planning permission 17/00427/MFF to permit increase in maximum biomass on the basis of the operation of the site in accordance with an Environmental Management Plan.

(ii) Other specified operations

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to the conditions and reasons listed in the report.

(C) HISTORY:

Scottish Government Audit and Review consent FF/ABC/013 – Granted July 2010

10/01859/MFF – Modification of approved grid size and cage layout and addition of feed barge – granted 11.03.2011

12/2393/MFF – Multi Tropic Aquaculture Development
(Oysters/Mussels/Scallops/Seaweed Species) comprising a block of 20 No. 220 metre longlines suspended from flotation buoys – granted 11.01.13

16/02410/SCRSCO – EIA screening and scoping for alterations to fin fish farm –
Negative screening opinion issued 28.10.16.

17/00427/MFF - Modification of existing fin fish farm site to include 1 additional cage and increase in extent of mooring area. Approve subject to conditions 14/8/17.

(D) CONSULTATIONS:

Marine Scotland Science (dated 25/9/18, 1/11/18, 14/12/18, 18/12/18 and 1/2/19): MSS has reconsidered the application in the light of the recent update to SEPA's Interim Position Statement with regard to the use of emamectin benzoate. Given that the CAR licence for Ardcastle already permits the biomass being proposed in this application, it is assumed that there will be no change to the permitted quantities of emamectin benzoate at this time.

The information that has been provided within the EMPs for the Ardcastle, Ardgaddan, Tarbert South and Quarry Point is satisfactory with regard to there being satisfactory measures in place for the control and reduction of parasites in site with regards to aquaculture animal health.

Argyll and District Salmon Fishery Board (dated 13/9/18): Condition 2 of planning permission 17/00425 should be retained in full. Atlantic salmon are a nationally significant natural heritage resource. There is sound evidence that such development can cause irreversible damage to this resource. The precautionary principle should be applied in accordance with the provisions of Para 204 of UN "Rio" Convention, to which the UK is a signatory, to ensure due consideration is given to wild salmonid fish.

Argyll Fisheries Trust: No response

Scottish Natural Heritage (dated 11/9/18): No designated sites with a wild salmonid related feature are likely to be impacted by this proposal and therefore we are content for Marine Scotland Science and the District Salmon Fisheries Board to take the lead on advising on the local significance of this proposal.

SEPA (dated 22.11.18): No comment on the proposed variation of condition 2.

Biodiversity Officer (dated 7/3/18): The objectives of the Convention of Biological Diversity, to be pursued in accordance with its relevant provisions both legal and practical, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies and by appropriate funding.

In terms of A&BC as the Planning authority, we consult with a number of agencies including SNH, SEPA and Marine Scotland- in this case these are public bodies who have a biodiversity duty too; they are responsible for licencing, consents and monitor/regulate aquaculture in this case the Fin Fish Industry. Irrespective of whether planning permission is granted or not, the appropriate licencing and consents need to be in place, something that is out of the planning authorities control.

Reference to Sea lice; which are naturally occurring parasites (in the form of small crustaceans-copepods) of salmonids includes sea trout and a normal wild salmon can harbour several sea lice. I note in my research that infections on wild salmonids were common and well documented before the establishment of salmonid farming as research shows that various species of wild salmonids have been assessed and found to be infected with larval, adult and gravid female sea lice.

(E) PUBLICITY:

Regulation 20 Advert Local Application. Expiry Date: 28.09.18

(F) REPRESENTATIONS:

Objection

Salmon and Trout Conservation Scotland, c/o Guy Linley-Adams Solicitor, Second Floor Offices, 12 Castle Street, Hereford HR1 2NL (dated 27/9/18 and 13/11/18)

(i) Summary of issues raised

S&TCS does not believe that the Council can grant the applications made and at the same time meet the statutory duties placed on the Council under the Nature Conservation (Scotland) Act 2004.

Comment: It is considered that the applicant's EMP is acceptable and provides suitable mitigation in terms of wild fish interactions. The industry is also regulated by SEPA and Marine Scotland who provide expertise, licensing and controls for fin fish farms and who also have a biodiversity duty as public bodies.

If the Council is minded to grant the application, the S&TCS would refer the Council to the precedent EMP conditions provided by S&TCS to aquaculture zone planning authorities. The draft EMP submitted by the Scottish Salmon Company falls very far short of what is required.

Comment: In consultation with Marine Scotland Science, officers are of the view that the applicant's EMP is acceptable and provides suitable mitigation in terms of wild fish interactions.

Given the imminent report due from the Rural Economy and Connectivity Committee, the S&TCS would urge the Council to suspend any determination in these applications until the detail of the report is known.

Comment: This report was issued in November 2018 and it does not recommend a moratorium for fish farm applications.

The conclusions of MSS in their consultation response contrasts dramatically with the earlier statements made by MSS in the letter of 29th September 2018.

The earlier letters state that "Difficulties have been experienced with the management of sea lice at this site and other sites in this farm management area (FMA) (M42) in recent production cycles. Sea lice numbers were above the suggested for the criteria as detailed in the CoGP, above the MS reporting level (average three adult females per fish), and also above the intervention limit (average 8 adult females per fish) for several months on multiple sites in the FMA during the 2016/17 production cycle. Average numbers of adult female lice on the Ardgaddan site in particular were above the CoGP suggested criteria for treatment during the 2016/17 production cycle but did not go above the MS reporting level. In the current production cycle, sea lice levels have been very low to date with only one incidence of average adult female lice numbers above the CoGP suggested criteria.

It is of serious concern that MSS should then provide the bare statements of 5th November that the attestation demonstrates the applicant has been successful in controlling lice within the last two production cycles, when this is clearly not the case.

Comment: MSS has comment on this objection and their response is noted below:

“Marine Scotland Science requested an additional attestation for the farm sites at Ardcastle, Ardgaddan and Tarbert South regarding the control of sea lice. It is the interpretation of the additional attestations as demonstrating success in controlling lice that has been questioned by Mr Linley-Adams. As previously noted in responses provided by MSS, in the 2016/2017 production cycle there were difficulties experienced managing sea lice within the farm management area (FMA) (42), where the farms are situated.

In response to the requested attestations, the applicant stated that the adopted criteria for treatment is triggered by numbers of adult female sea lice per fish below that recommended by the CoGP. When this threshold is reached treatment is discussed taking into account other factors such as proximity to harvest, or other health challenges.

The levels of sea lice experience at the farms did exceed the CoGP suggested criteria during the 2016/2017 production cycle. However, the applicant considered that the anti-sea lice treatments were successful.

The sites at Ardgaddan and Tarbert South did not exceed the MS reporting level. Where adult sea lice numbers per fish exceeded the MS reporting level, at the Ardcastle site, they did reduce following treatment.”

Please note that full details of all representations can be viewed on the Council's Public Access system www.argyll-bute.gov.uk

(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: yes**
An Environmental Management Plan (EMP) (August 2018)
Supporting statement dated 4/10/18 in response to comments from the Argyll District Salmon Fishery Board and further details on the EMP and Monitoring Plan (MP) that will allow the Planning Authority to control the source of the perceived issues.
-

(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 4 – Supporting the Sustainable Development of our Coastal Zone

LDP 5 – Supporting the Sustainable Growth of Our Economy

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG LDP Aqua 1 – 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)

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes

16/02410/SCRSCO – EIA screening and scoping for alterations to fish farm. No EIA required. Opinion issued 28/10/16

(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): Not required

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

This is a Section 42 application which is an application for a new planning permission for a development but with different conditions from those attached to a previous permission for that development. In determining such an application, the planning authority can only consider changes to the conditions on the previous permission. The principle of the development is not under consideration and the original planning permission remains live.

This section 42 application seeks the removal of condition no. 2 of planning permission 17/00427/MFF which limits the maximum biomass on the site to 1,372 tonnes and its replacement with a condition requiring the site to be operated in accordance with an Environmental Management Plan (EMP). Whilst an equipment change was approved through this application, a limit on the maximum biomass was considered appropriate at

the time. The reason this condition was imposed was because it was considered that an increase in biomass was inappropriate in the absence of operating experience to demonstrate that sea lice levels were capable of being managed to a level which would be unlikely to significantly prejudice the interests of wild salmonids.

The main determining issue in this case is whether the proposed EMP provides acceptable mitigation in relation to wild fish interactions and whether the applicant has demonstrated that the management of sea lice in the farm area is no longer problematic.

An EMP has been submitted in support of the current section 42 application. The purpose of this EMP is to provide additional information to the planning authority and statutory consultees in relation to sea lice management and overall environmental compliance. In addition the applicant has demonstrated that through improved practices in husbandry and sea lice treatment, sea lice levels have been brought under control since the 2016/17 production cycle.

In these circumstances the proposed variation of condition 2 is considered to be acceptable as the proposed EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

(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 applicant's EMP along with the evidence to demonstrate that sea lice control has improved since the 2016/17 production cycle gives comfort that it would be appropriate to vary condition 2 which currently limits biomass. The alternative condition proposed which requires the fish farm to be operated in accordance with an EMP provides a credible means of controlling the sea lice issue. Should sea lice numbers get out of control, the EMP would ultimately require the company to consider a cull. It is therefore considered that the requirement to operate in accordance with an EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

Taking account of the above, it is considered that the proposal would accord with the LDP and in particular supplementary guidance policy SG LDP AQUA 1 which is supportive of proposal where the applicant can demonstrate that the level of risk of potential impacts on any Development Criteria, relating to the operation of the site, can be effectively minimised or mitigated by appropriate operational measures.

It is, therefore, recommended that planning permission be approved and condition 2 varied as detailed in this report.

(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:** Not required.

Author of Report: Sandra Davies

Date: 5/3/19

Reviewing Officer: Peter Bain

Date: 6/3/19

Angus Gilmour

Head of Planning, Housing and Regulatory Services

VARIED CONDITION NO.2 RELATIVE TO PLANNING APPLICATION 18/01813/PP

2. The site shall be operated in accordance with the submitted Environmental Management Plan dated August 2018 or any amendments thereto as may be agreed in writing with the planning authority. This shall require adherence to the Sea Lice Management Plan or Escapes Prevention and Contingency Plan, and the response to sea lice shall follow the sequence set out in the associated integrated Sea Lice Action Plan. In the event that average ovigerous lice levels exceed Scottish Salmon Producers Organisation (SSPO) 'Code of Good Practice' trigger thresholds for more than one SSPO reporting period, this shall prompt the need for monitoring in accordance with the submitted Wild Fisheries / Sea Lice Monitoring Strategy. Those locations to be monitored and the methodology to be employed shall be agreed with the planning authority in consultation the District Salmon Fisheries Board and the results shall be conveyed to both parties. Monitoring shall continue until lice incidence on the farm has been reduced to below 'Code of Good Practice' levels. Trends from such monitoring shall be taken into account in management decisions arising from the Sea Lice Action Plan process. A record of average lice levels recorded on farmed fish, and potential lice pressure on wild fish when monitoring is required, along with intervention decisions arising from the operation of the Sea Lice Action Plan shall be maintained available for inspection by the Planning Authority. In addition, biannual meetings with the Argyll District Salmon Fisheries Board and Marine Scotland as referenced in para 7.8 of the EMP shall be required. The planning authority shall be advised of the dates of these meetings in advance and shall also attend.

Reason: In order to ensure the adoption of proportionate mitigation to wild fish in the interests of nature conservation and to provide a data and intervention record to help inform future decisions by the planning authority.

REMAINING CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.17/00427/MFF

1. The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details unless the prior written approval of the Planning Authority is obtained for a non-material amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997:
 - Application Form dated 10.02.17;
 - Plan 1 of 11 – location plan;
 - Plan 2 of 11 – existing site plan;
 - Plan 3 of 11 – proposed site plan;
 - Plan 4 of 11 – Admiralty chart;
 - Plan 5 of 11 – site layout;
 - Plan 6 of 11 – mooring grid arrangement;
 - Plan 7 of 11 – cage arrangement;
 - Plan 8 of 11 – cage elevation;

- Plan 9 of 11 – net dimensions;
- Plan 10 of 11 – net construction;
- Plan 11 of 11 – site co-ordinates.

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

3. 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.

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

Reason: In the interest of visual amenity.

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.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01813/MFF

PLANNING LAND USE AND POLICY ASSESSMENT

A. Introduction

This application relates to one of a suite of Atlantic salmon farms operated by the Scottish Salmon Company in Loch Fyne. The site is located inshore on the western side of upper Loch Fyne to the north of the settlement of Lochgair. The location is removed from the A83 trunk road by a large intervening area of commercial forestry which extends down to the coast. There are no sensitive receptors at very close quarters, the nearest occupied properties being two isolated dwellings at Kilmichael Beg, some 700m to the north. Public access is available within the forested area to the south of the site, with Ardcastle Woodland Walks leading to a shoreside picnic site, from which the fish farm site is readily visible in the principal view towards the head of the loch. There is a multi-trophic aquaculture site (oysters/mussels/scallops/seaweed) immediately south of the fish farm and a recently consented temporary timber pier beyond that.

The site was originally established under a lease granted by the Crown Estate in 1998 when it was consented for 14 x 80m cages (without any feed barge). The Scottish Government granted planning permission under their Audit and Review process in July 2010 for 9 No. 100m circumference fish cages within a ten grid mooring unit. Retrospective planning permission was sought later that year to regularise the composition and layout of equipment on site, which had been modified following the amendment of the grid layout to secure a reduced stocking density to satisfy SEPA requirements. Permission was sought to address changes which were not able to be regularised through the Scottish Government Review process, and to take account of the addition of an automated feeding system.

On 14th August 2017 planning permission (17/00427) was granted for the modification of the existing fin fish farm site which included an increase of cage numbers from 9 to 10 100 metre circumference cages with the existing mooring grid along with an enlargement in the extent of the mooring area from 16ha to 35ha. Condition 2 of this planning permission contained a condition limiting the maximum biomass of the site to 1,372 tonnes because at this time it was considered that there was not sufficient assurance that there would be satisfactory measure in place to address the additional biomass proposed. Marine Scotland recommended that the company should demonstrate that the management of sea lice in the farm area is no longer problematic prior to any increased biomass being considered.

B. Wild Fish Interactions

The assessment of fish farm planning applications are primarily assessed against the criteria contained within supplementary guidance policy SG LDP AQUA 1.

As this is a section 42 application which is solely related to the removal of a planning condition which limits biomass and its replacement with a condition which requires the use of an Environmental Management Plan, the only relevant criteria in this instance relates to wild fish interactions. The increased biomass has already been consented by

SEPA and the reason the condition was imposed relates to the potential impacts on wild salmonids. In this regard, there is a presumption that proposal will be supported where “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.”

The main determining issue in this case is whether the proposed EMP provides acceptable mitigation in relation to wild fish interactions and whether the applicant has demonstrated that the management of sea lice in the farm area is no longer problematic.

The Proposed EMP

The applicant has advised that the proposed EMP would be a live document which would be maintained and reviewed alongside the company’s Veterinary Health Plan and associated documents relating to sea lice and containment.

The objectives of the EMP are noted as being:

- To illustrate the improved Sea Lice Management Strategy;
- To provide an overview of the current and ongoing Sea Lice Management Strategy;
- To provide an overview of the Veterinary Health Plan;
- To provide a framework for compliance auditing and monitoring to allow the statutory stakeholders to be assured that the necessary levels of sea lice management are being met.

It is further stated in the EMP document that these objectives will be achieved through:

- Ensuring specific compliance requirements with Code of Good Practice;
- Ensuring specific compliance requirements with threshold for treatment consideration;
- Ensuring compliance with the Sea Lice Action Plan;
- Ensuring regular sea lice monitoring;
- Ensuring sea lice treatments are undertaken;
- Ensuring data reporting and monitoring.

In terms of the Sea Lice Management Plan, the company advises that it follows a quality assured Integrated Sea Lice Management Plan (ISLM). This plan aims to actively reduce the use of medicinal products whilst introducing the use of biological control and systems which physically remove sea lice.

All of the sites within this suite of applications are located within Code of Good Practice Management Area 42 (MA42). The company operate this site in synchrony with its existing site in Loch Fyne, stocking and following the site synchronously and administering treatments in a coordinated and strategic way.

The EMP further advises that the company operate to a threshold for treatment below that of the National Treatment Strategy (NTS) Code of Good Practice (CoGP). The NTS recommends a threshold of 0.5 female lice per fish from February to June and one female louse per fish from July to January. The Scottish Salmon Company’s threshold is

0.25 female lice when the water temperature is above 10 degrees centigrade and 0.5 adult female lice when the temperature is below 10 degrees centigrade. In addition, it is advised that the company adheres to the revised MSS guidelines for lice reporting, namely, a reporting limit where there is an average of three adult female sea lice per fish on any fish farming site.

The EMP also makes a commitment to biannual meetings with the ADSFB and Marine Scotland with the planning authority also in attendance. This will allow for the sharing of data on sea lice and will facilitate further consideration on the effectiveness on the EMP.

The Management of Sea Lice

As previously noted the site is located within Farm Management Area (FMA) 42. In their consultation response Marine Scotland Science (MSS) has confirmed that sea lice levels were above the criteria for treatment as detailed in the CoGP, above the MSS reporting level (3 adult female lice per fish) and also above the intervention limit (8 adult female lice per fish) on multiple sites within this FMA during the 2016/17 production cycle. The Ardcastle site had average numbers of adult female lice above reporting levels for 20/28 weeks, with 10 of these weeks being above the intervention limit in the period from October 2016 to May 2017. However, the site was not above the intervention limit for more than 2 consecutive weeks and average numbers of adult female lice did reduce following treatments. It should be noted that the applicant operates all of the other sites with the Loch Fyne FMA (FMA 42).

In the current production cycle, however, MSS has advised that sea lice levels have been very low to date.

The EMP includes details of changes and improvements that have been made to decision making and husbandry and treatments due to improved health monitoring since the 2016/17 production cycle. It is also noted by MSS that changes to husbandry practices that may impact on the ability to manage sea lice on site have also taken place to improve the overall health of stocks and keep sea lice levels to an absolute minimum prior to the final stages of the production cycle when sea lice levels are often higher.

The applicant has submitted an attestation which demonstrates that they have been successful at controlling lice within the last two production cycles at the Ardcastle site.

Whilst the development has the potential to increase the risks to wild salmonids, the applicant appears to be aware of these impacts and has indicated that the site will be managed as part of the overall management of the FMA. The EMP would require the company to follow a sea lice action plan when lice numbers increase to trigger levels.

C. Objection from Statutory Consultee

The Argyll District Salmon Fishery Board (ADFSB) has objected to this planning application as the Board considers that the proposal would pose a significant risk to wild salmon and sea trout through sea lice infections and escaped farm fish. There is concern that the applicant has not provided or agreed the scope or detail within an EMP

with the ADFSB and that the applicant needs to demonstrate how they will monitor the response of the environment and wild salmonid fish. The Board further considers that it has not been demonstrated how the applicant will manage sea lice at the site to safeguard wild fish.

Wild salmon are priority marine feature and are protected in fresh water by the Wildlife and Countryside Act. 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 the 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. Similar the Council has to satisfy itself that the proposed containment is adequate in order to minimise the risk of escape event.

In their response to the ADFSB's comments the applicant has stated that their EMP describes in detail how they can effectively manage sea lice on the farm and how off site monitoring can be triggered and managed. MSS, another statutory consultee, has advised the Council in their consultation response that they consider the EMP to be satisfactory with regard to there being appropriate measures in place for the control and reduction of parasites with regards to aquaculture animal health.

The biomass of a fish farm is an issue for SEPA in terms of the CAR licence. This is a separate legislative process and it is SEPA who are responsible for the amount of biomass permitted on any particular fish farm. In the previous application the level of biomass was restricted purely in the interests of wild fish interactions. It is considered that this is a rather crude measure when compared to that of a robust EMP.

The applicant has also raised concerns about restricting biomass to control sea lice levels. In this regard it is noted that biomass does not relate to specific number of fish. In addition, it cannot be related to sea lice levels as it is possible that a poorly managed farm with less fish could generate more sea lice than a well run farm with more fish.

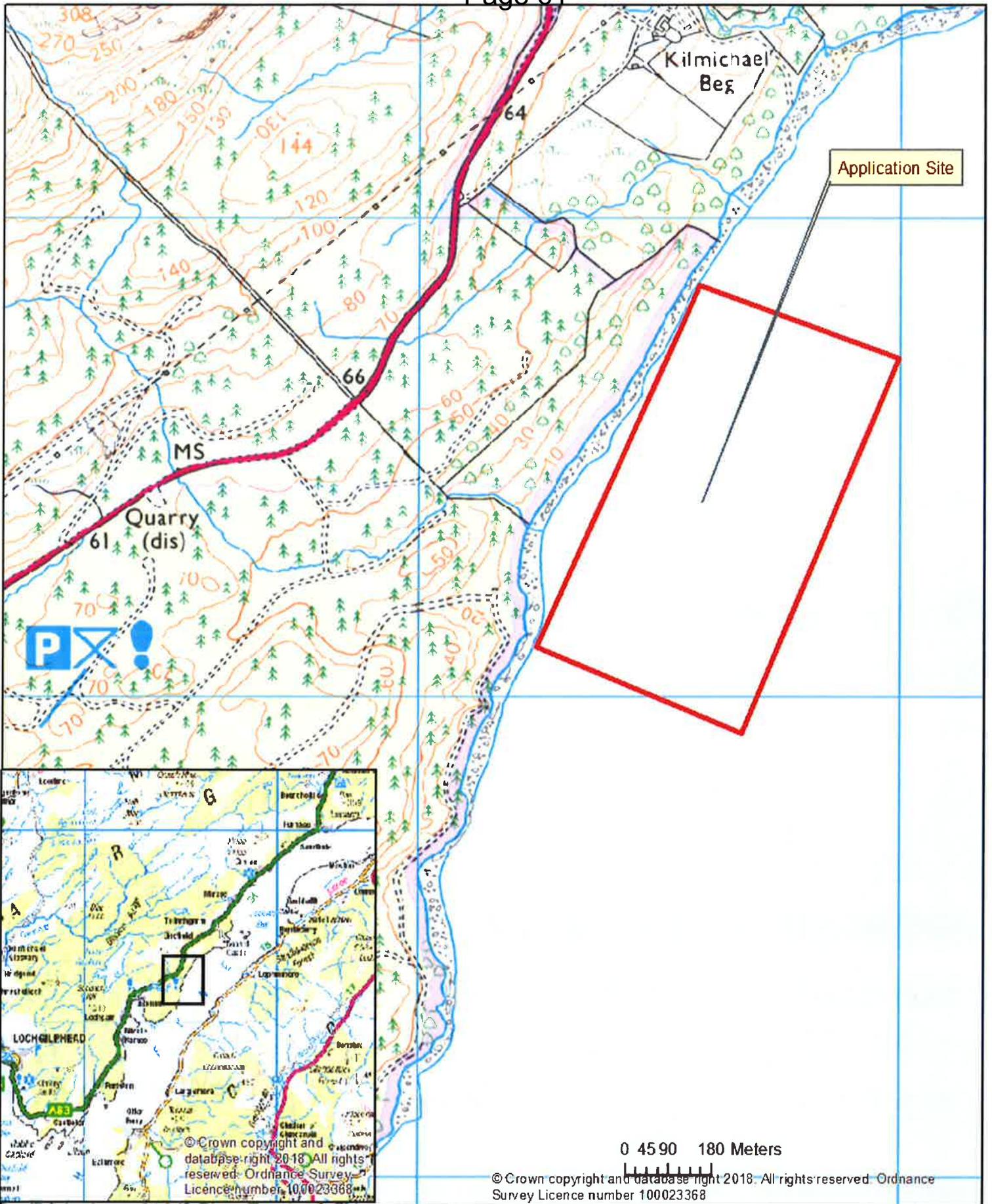
It is considered that the use of an EMP will provide a live document which will monitor and collect data and allow actions to be taken when triggers are reached. Should increased sea lice levels not be brought under control there would be an ultimate backstop which would result in the removal of the fish.

D. Conclusion

The applicant's EMP along with the evidence to demonstrate that sea lice control has improved since the 2016/17 production cycle gives comfort that it would be appropriate to vary condition 2 which currently limits biomass. The alternative condition proposed which requires the fish farm to be operated in accordance with an EMP provides a credible means of controlling the sea lice issue. Should sea lice numbers get out of control, the EMP would ultimately require the company to consider a cull. It is therefore considered that the requirement to operate in accordance with an EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

Taking account of the above, it is considered that the proposal would accord with the LDP and in particular supplementary guidance policy SG LDP AQUA 1 which is supportive of proposal where the applicant can demonstrate that the level of risk of potential impacts on any Development Criteria, relating to the operation of the site, can be effectively minimised or mitigated by appropriate operational measures.

It is, therefore, recommended that planning permission be approved and condition 2 varied as detailed in this report.



Location Plan Relative to planning application: 18/01813/MFF



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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: 18/01814/MFF

Planning Hierarchy: Local Application

Applicant: Scottish Salmon Company

Proposal: Variation to planning condition 2 relative to planning permission 17/00425/MFF (Modification of existing fin fish farm site to include; increase of grid size (cage spacing) from 60 metres to 70 metres, additional 4 no cages to north end of site and increase in extent of mooring area) Proposed deletion of biomass limit in favour of obligation to operate in accordance with an approved Environmental Management Plan

Site Address: Ardgaddan Barr Fish Farm Kilfinan Argyll and Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Variation to planning condition 2 relative to planning permission 17/00425/MFF to permit increase in maximum biomass on the basis of the operation of the site in accordance with an Environmental Management Plan.

(ii) Other specified operations

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to the conditions and reasons listed in the report.

(C) HISTORY:

99/00350/MFF – proposed marine salmon fish farm. Approved 07.06.1999

02/01257/MFF - Mooring of empty fish farm cages for a temporary period. Approved 09.09.2004

04/02509/MFF – Installation of barge and feed management systems. Approved 29.04.2005

13/01275/SCRSCO – Extension to an existing fish farm.

13/01353/SCRSCO – Extension to existing fish farm.

16/02408/SCRSCO – Screening and scoping for extension to fin fish farm.

17/00425/MFF - Modification of existing fin fish farm site to include; increase of grid size (cage spacing) from 60 metres to 70 metres, additional 4 no cages to north end of site and increase in extent of mooring area. Approved 14.08.2017

(D) CONSULTATIONS:

Marine Scotland Science (dated 25/9/18, 1/11/18, 14/12/18, 18/12/18 and 1/2/19): MSS has reconsidered the application in the light of the recent update to SEPA's Interim Position Statement with regard to the use of emamectin benzoate. Given that the CAR licence for Ardgadden Bar already permits the biomass being proposed in this application, it is assumed that there will be no change to the permitted quantities of emamectin benzoate at this time.

The information that has been provided within the EMPs for the Adrcastle, Ardgaddan, Tarbert South and Quarry Point is satisfactory with regard to there being satisfactory measures in place for the control and reduction of parasites in site with regards to aquaculture animal health.

Argyll and District Salmon Fishery Board (dated 13/9/18): Condition 2 of planning permission 17/00425 should be retained in full. Atlantic salmon are a nationally significant natural heritage resource. There is sound evidence that such development can cause irreversible damage to this resource. The precautionary principle should be applied in accordance with the provisions of Para 204 of UN "Rio" Convention, to which the UK is a signatory, to ensure due consideration is given to wild salmonid fish.

Argyll Fisheries Trust: No response

Scottish Natural Heritage (dated 11/9/18): No designated sites with a wild salmonid related feature are likely to be impacted by this proposal and therefore we are content for Marine Scotland Science and the District Salmon Fisheries Board to take the lead on advising on the local significance of this proposal.

SEPA (dated 22.11.18): No comment on the proposed variation of condition 2.

Biodiversity Officer (dated 7/3/18): The objectives of the Convention of Biological Diversity, to be pursued in accordance with its relevant provisions both legal and practical, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies and by appropriate funding.

In terms of A&BC as the Planning authority, we consult with a number of agencies including SNH, SEPA and Marine Scotland- in this case these are public bodies who have a biodiversity duty too; they are responsible for licencing, consents and monitor/regulate aquaculture in this case the Fin Fish Industry. Irrespective of whether planning permission is granted or not, the appropriate licencing and consents need to be in place, something that is out of the planning authorities control.

Reference to Sea lice; which are naturally occurring parasites (in the form of small crustaceans-copepods) of salmonids includes sea trout and a normal wild salmon can harbour several sea lice. I note in my research that infections on wild salmonids were common and well documented before the establishment of salmonid farming as research shows that various species of wild salmonids have been assessed and found to be infected with larval, adult and gravid female sea lice.

(E) PUBLICITY:

Regulation 20 Advert Local Application. Expiry Date: 28.09.18

(F) REPRESENTATIONS:

Objection

Salmon and Trout Conservation Scotland, c/o Guy Linley-Adams Solicitor, Second Floor Offices, 12 Castle Street, Hereford HR1 2NL (dated 27/9/18 and 13/11/18)

(i) Summary of issues raised

S&TCS does not believe that the Council can grant the applications made and at the same time meet the statutory duties placed on the Council under the Nature Conservation (Scotland) Act 2004.

Comment: It is considered that the applicant's EMP is acceptable and provides suitable mitigation in terms of wild fish interactions. The industry is also regulated by SEPA and Marine Scotland who provide expertise, licensing and controls for fin fish farms and who also have a biodiversity duty as public bodies.

If the Council is minded to grant the application, the S&TCS would refer the Council to the precedent EMP conditions provided by S&TCS to aquaculture zone planning authorities. The draft EMP submitted by the Scottish Salmon Company falls very far short of what is required.

Comment: In consultation with Marine Scotland Science, officers are of the view that the applicant's EMP is acceptable and provides suitable mitigation in terms of wild fish interactions.

Given the imminent report due from the Rural Economy and Connectivity Committee, the S&TCS would urge the Council to suspend any determination in these applications until the detail of the report is known.

Comment: This report was issued in November 2018 and it does not recommend a moratorium for fish farm applications.

The conclusions of MSS in their consultation response contrasts dramatically with the earlier statements made by MSS in the letter of 29th September 2018.

The earlier letters state that "Difficulties have been experienced with the management of sea lice at this site and other sites in this farm management area (FMA) (M42) in recent production cycles. Sea lice numbers were above the suggested for the criteria as detailed in the CoGP, above the MS reporting level (average three adult females per fish), and also above the intervention limit (average 8 adult females per fish) for several months on multiple sites in the FMA during the 2016/17 production cycle. Average numbers of adult female lice on the Ardgaddan site in particular were above the CoGP suggested criteria for treatment during the 2016/17 production cycle but did not go above the MS reporting level. In the current production cycle, sea lice levels have been very low to date with only one incidence of average adult female lice numbers above the CoGP suggested criteria.

It is of serious concern that MSS should then provide the bare statements of 5th November that the attestation demonstrates the applicant has been successful in controlling lice within the last two production cycles, when this is clearly not the case.

Comment: MSS has comment on this objection and their response is noted below:

“Marine Scotland Science requested an additional attestation for the farm sites at Ardcastle, Ardgaddan and Tarbert South regarding the control of sea lice. It is the interpretation of the additional attestations as demonstrating success in controlling lice that has been questioned by Mr Linley-Adams. As previously noted in responses provided by MSS, in the 2016/2017 production cycle there were difficulties experienced managing sea lice within the farm management area (FMA) (42), where the farms are situated.

In response to the requested attestations, the applicant stated that the adopted criteria for treatment is triggered by numbers of adult female sea lice per fish below that recommended by the CoGP. When this threshold is reached treatment is discussed taking into account other factors such as proximity to harvest, or other health challenges.

The levels of sea lice experience at the farms did exceed the CoGP suggested criteria during the 2016/2017 production cycle. However, the applicant considered that the anti-sea lice treatments were successful.

The sites at Ardgaddan and Tarbert South did not exceed the MS reporting level. Where adult sea lice numbers per fish exceeded the MS reporting level, at the Ardcastle site, they did reduce following treatment.”

Please note that full details of all representations can be viewed on the Council's Public Access system www.argyll-bute.gov.uk

(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: yes**
An Environmental Management Plan (EMP) (August 2018)
Supporting statement dated 4/10/18 in response to comments from the Argyll District Salmon Fishery Board and further details on the EMP and Monitoring Plan (MP) that will allow the Planning Authority to control the source of the perceived issues.
-

(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 4 – Supporting the Sustainable Development of our Coastal Zone

LDP 5 – Supporting the Sustainable Growth of Our Economy

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG LDP Aqua 1 – 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)

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes

16/02408/SCRSCO – EIA screening and scoping for alterations to fish farm. No EIA required. Opinion issued 28/10/16

(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): Not required

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

This is a Section 42 application which is an application for a new planning permission for a development but with different conditions from those attached to a previous permission for that development. In determining such an application, the planning authority can only consider changes to the conditions on the previous permission. The principle of the development is not under consideration and the original planning permission remains live.

This section 42 application seeks the removal of condition no. 2 of planning permission 17/00425/MFF which limits the maximum biomass on the site to 1,696 tonnes and its replacement with a condition requiring the site to be operated in accordance with an Environmental Management Plan (EMP). Whilst an equipment change was approved through this application, a limit on the maximum biomass was considered appropriate at

the time. The reason this condition was imposed was because it was considered that an increase in biomass was inappropriate in the absence of operating experience to demonstrate that sea lice levels were capable of being managed to a level which would be unlikely to significantly prejudice the interests of wild salmonids.

The main determining issue in this case is whether the proposed EMP provides acceptable mitigation in relation to wild fish interactions and whether the applicant has demonstrated that the management of sea lice in the farm area is no longer problematic.

An EMP has been submitted in support of the current section 42 application. The purpose of this EMP is to provide additional information to the planning authority and statutory consultees in relation to sea lice management and overall environmental compliance. In addition the applicant has demonstrated that through improved practices in husbandry and sea lice treatment, sea lice levels have been brought under control since the 2016/17 production cycle.

In these circumstances the proposed variation of condition 2 is considered to be acceptable as the proposed EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

(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 applicant's EMP along with the evidence to demonstrate that sea lice control has improved since the 2016/17 production cycle gives comfort that it would be appropriate to vary condition 2 which currently limits biomass. The alternative condition proposed which requires the fish farm to be operated in accordance with an EMP provides a credible means of controlling the sea lice issue. Should sea lice numbers get out of control, the EMP would ultimately require the company to consider a cull. It is therefore considered that the requirement to operate in accordance with an EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

Taking account of the above, it is considered that the proposal would accord with the LDP and in particular supplementary guidance policy SG LDP AQUA 1 which is supportive of proposal where the applicant can demonstrate that the level of risk of potential impacts on any Development Criteria, relating to the operation of the site, can be effectively minimised or mitigated by appropriate operational measures.

It is, therefore, recommended that planning permission be approved and condition 2 varied as detailed in this report.

(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:** Not required.

Author of Report: Sandra Davies

Date: 5/3/19

Reviewing Officer: Peter Bain

Date: 6/3/19

Angus Gilmour

Head of Planning, Housing and Regulatory Services

VARIED CONDITION NO.2 RELATIVE TO PLANNING APPLICATION 18/01814/PP

2. The site shall be operated in accordance with the submitted Environmental Management Plan dated August 2018 or any amendments thereto as may be agreed in writing with the planning authority. This shall require adherence to the Sea Lice Management Plan or Escapes Prevention and Contingency Plan, and the response to sea lice shall follow the sequence set out in the associated integrated Sea Lice Action Plan. In the event that average ovigerous lice levels exceed Scottish Salmon Producers Organisation (SSPO) 'Code of Good Practice' trigger thresholds for more than one SSPO reporting period, this shall prompt the need for monitoring in accordance with the submitted Wild Fisheries / Sea Lice Monitoring Strategy. Those locations to be monitored and the methodology to be employed shall be agreed with the planning authority in consultation the District Salmon Fisheries Board and the results shall be conveyed to both parties. Monitoring shall continue until lice incidence on the farm has been reduced to below 'Code of Good Practice' levels. Trends from such monitoring shall be taken into account in management decisions arising from the Sea Lice Action Plan process. A record of average lice levels recorded on farmed fish, and potential lice pressure on wild fish when monitoring is required, along with intervention decisions arising from the operation of the Sea Lice Action Plan shall be maintained available for inspection by the Planning Authority. In addition, biannual meetings with the Argyll District Salmon Fisheries Board and Marine Scotland as referenced in para 7.8 of the EMP shall be required. The planning authority shall be advised of the dates of these meetings in advance and shall also attend.

Reason: In order to ensure the adoption of proportionate mitigation to wild fish in the interests of nature conservation and to provide a data and intervention record to help inform future decisions by the planning authority.

REMAINING CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.17/00425/MFF

1. The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details unless the prior written approval of the Planning Authority is obtained for a non-material amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997:
 - Application Form dated 10.02.17;
 - Plan 1 of 11 – location plan;
 - Plan 2 of 11 – existing site plan;
 - Plan 3 of 11 – proposed site plan;
 - Plan 4 of 11 – Admiralty chart;
 - Plan 5 of 11 – site layout;
 - Plan 6 of 11 – mooring grid arrangement;
 - Plan 7 of 11 – cage arrangement;
 - Plan 8 of 11 – cage elevation;

- Plan 9 of 11 – net dimensions;
- Plan 10 of 11 – net construction;
- Plan 11 of 11 – site co-ordinates.

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

3. 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.

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

Reason: In the interest of visual amenity.

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.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01814/MFF

PLANNING LAND USE AND POLICY ASSESSMENT

A. Introduction

This application relates to one of a suite of Atlantic salmon farms operated by the Scottish Salmon Company in Loch Fyne. The site is located inshore on the eastern side of lower Loch Fyne between the minor settlements of Balliemore and Kilfinan. The location is removed from habitation and the public road, being separated by a large intervening area of commercial forestry which extends down the coast. The site is one which would not be routinely experienced from frequented locations on land and is primarily experienced from the sea. The site has been operated for fish farming purposes for many years having been originally consented under Crown Estate leasing arrangements. The farm has been latterly subject to approval by means of the Scottish Government's Audit and Review process.

On 14th August 2017 planning permission (17/00425) was granted for the modification of the existing fin fish farm site which included an increase of grid size (cage spacing) from 60 metres to 70 metres and the addition of 4 cages to the north end of the site with an increase in the extent of the mooring area. Condition 2 of this planning permission contained a condition limiting the maximum biomass of the site to 1,696 tonnes because at this time it was considered that there was not sufficient assurance that there would be satisfactory measure in place to address the additional biomass proposed. Marine Scotland recommended that the company should demonstrate that the management of sea lice in the farm area is no longer problematic prior to any increased biomass being considered.

B. Wild Fish Interactions

The assessment of fish farm planning applications are primarily assessed against the criteria contained within supplementary guidance policy SG LDP AQUA 1.

As this is a section 42 application which is solely related to the removal of a planning condition which limits biomass and its replacement with a condition which requires the use of an Environmental Management Plan, the only relevant criteria in this instance relates to wild fish interactions. The increased biomass has already been consented by SEPA and the reason the condition was imposed relates to the potential impacts on wild salmonids. In this regard, there is a presumption that proposal will be supported where "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."

The main determining issue in this case is whether the proposed EMP provides acceptable mitigation in relation to wild fish interactions and whether the applicant has demonstrated that the management of sea lice in the farm area is no longer problematic.

The Proposed EMP

The applicant has advised that the proposed EMP would be a live document which would be maintained and reviewed alongside the company's Veterinary Health Plan and associated documents relating to sea lice and containment.

The objectives of the EMP are noted as being:

- To illustrate the improved Sea Lice Management Strategy;
- To provide an overview of the current and ongoing Sea Lice Management Strategy;
- To provide an overview of the Veterinary Health Plan;
- To provide a framework for compliance auditing and monitoring to allow the statutory stakeholders to be assured that the necessary levels of sea lice management are being met.

It is further stated in the EMP document that these objectives will be achieved through:

- Ensuring specific compliance requirements with Code of Good Practice;
- Ensuring specific compliance requirements with threshold for treatment consideration;
- Ensuring compliance with the Sea Lice Action Plan;
- Ensuring regular sea lice monitoring;
- Ensuring sea lice treatments are undertaken;
- Ensuring data reporting and monitoring.

In terms of the Sea Lice Management Plan, the company advises that it follows a quality assured Integrated Sea Lice Management Plan (ISLM). This plan aims to actively reduce the use of medicinal products whilst introducing the use of biological control and systems which physically remove sea lice.

All of the sites within this suite of applications are located within Code of Good Practice Management Area 42 (MA42). The company operate this site in synchrony with its existing site in Loch Fyne, stocking and following the site synchronously and administering treatments in a coordinated and strategic way.

The EMP further advises that the company operate to a threshold for treatment below that of the National Treatment Strategy (NTS) Code of Good Practice (CoGP). The NTS recommends a threshold of 0.5 female lice per fish from February to June and one female louse per fish from July to January. The Scottish Salmon Company's threshold is 0.25 female lice when the water temperature is above 10 degrees centigrade and 0.5 adult female lice when the temperature is below 10 degrees centigrade. In addition, it is advised that the company adheres to the revised MSS guidelines for lice reporting, namely, a reporting limit where there is an average of three adult female sea lice per fish on any fish farming site.

The EMP also makes a commitment to biannual meetings with the ADSFB and Marine Scotland with the planning authority also in attendance. This will allow for the sharing of data on sea lice and will facilitate further consideration on the effectiveness on the EMP.

The Management of Sea Lice

As previously noted the site is located within Farm Management Area (FMA) 42. In their consultation response Marine Scotland Science (MSS) has confirmed that sea lice levels were above the criteria for treatment as detailed in the CoGP, above the MSS reporting level (3 adult female lice per fish) and also above the intervention limit (8 adult female lice per fish) on multiple sites within this FMA during the 2016/17 production cycle. On the Ardgaddan site in particular the numbers of lice were above the CoGP limit but did not go above the MSS reporting level. It should be noted that the applicant operates all of the other sites with the Loch Fyne FMA (FMA 42).

In the current production cycle, however, MSS has advised that sea lice levels have been very low to date with only one incidence of average adult female lice numbers above the CoGP suggested criteria.

The EMP includes details of changes and improvements that have been made to decision making and husbandry and treatments due to improved health monitoring since the 2016/17 production cycle. It is also noted by MSS that changes to husbandry practices that may impact on the ability to manage sea lice on site have also taken place to improve the overall health of stocks and keep sea lice levels to an absolute minimum prior to the final stages of the production cycle when sea lice levels are often higher.

The applicant has submitted an attestation which demonstrates that they have been successful at controlling lice within the last two production cycles at the Ardgaddan site.

Whilst the development has the potential to increase the risks to wild salmonids, the applicant appears to be aware of these impact and has indicated that the site will be managed as part of the overall management of the FMA. The EMP would require the company to follow a sea lice action plan when lice numbers increase to trigger levels.

C. Objection from Statutory Consultee

The Argyll District Salmon Fishery Board (ADFSB) has objected to this planning application as the Board considers that the proposal would pose a significant risk to wild salmon and sea trout through sea lice infections and escaped farm fish. There is concern that the applicant has not provided or agreed the scope or detail within an EMP with the ADFSB and that the applicant needs to demonstrate how they will monitor the response of the environment and wild salmonid fish. The Board further considers that it has not been demonstrated how the applicant will manage sea lice at the site to safeguard wild fish.

Wild salmon are priority marine feature and are protected in fresh water by the Wildlife and Countryside Act. As part of it 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 the 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. Similar the Council has to satisfy itself that the proposed containment is adequate in order to minimise the risk of escape event.

In their response to the ADSFB's comments the applicant has stated that their EMP describes in detail how they can effectively manage sea lice on the farm and how off site monitoring can be triggered and managed. MSS, another statutory consultee, has advised the Council in their consultation response that they consider the EMP to be satisfactory with regard to there being appropriate measures in place for the control and reduction of parasites with regards to aquaculture animal health.

The biomass of a fish farm is an issue for SEPA in terms of the CAR licence. This is a separate legislative process and it is SEPA who are responsible for the amount of biomass permitted on any particular fish farm. In the previous application the level of biomass was restricted purely in the interests of wild fish interactions. It is considered that this is a rather crude measure when compared to that of a robust EMP.

The applicant has also raised concerns about restricting biomass to control sea lice levels. In this regard it is noted that biomass does not relate to specific number of fish. In addition, it cannot be related to sea lice levels as it is possible that a poorly managed farm with less fish could generate more sea lice than a well run farm with more fish.

It is considered that the use of an EMP will provide a live document which will monitor and collect data and allow actions to be taken when triggers are reached. Should increased sea lice levels not be brought under control there would be an ultimate backstop which would result in the removal of the fish.

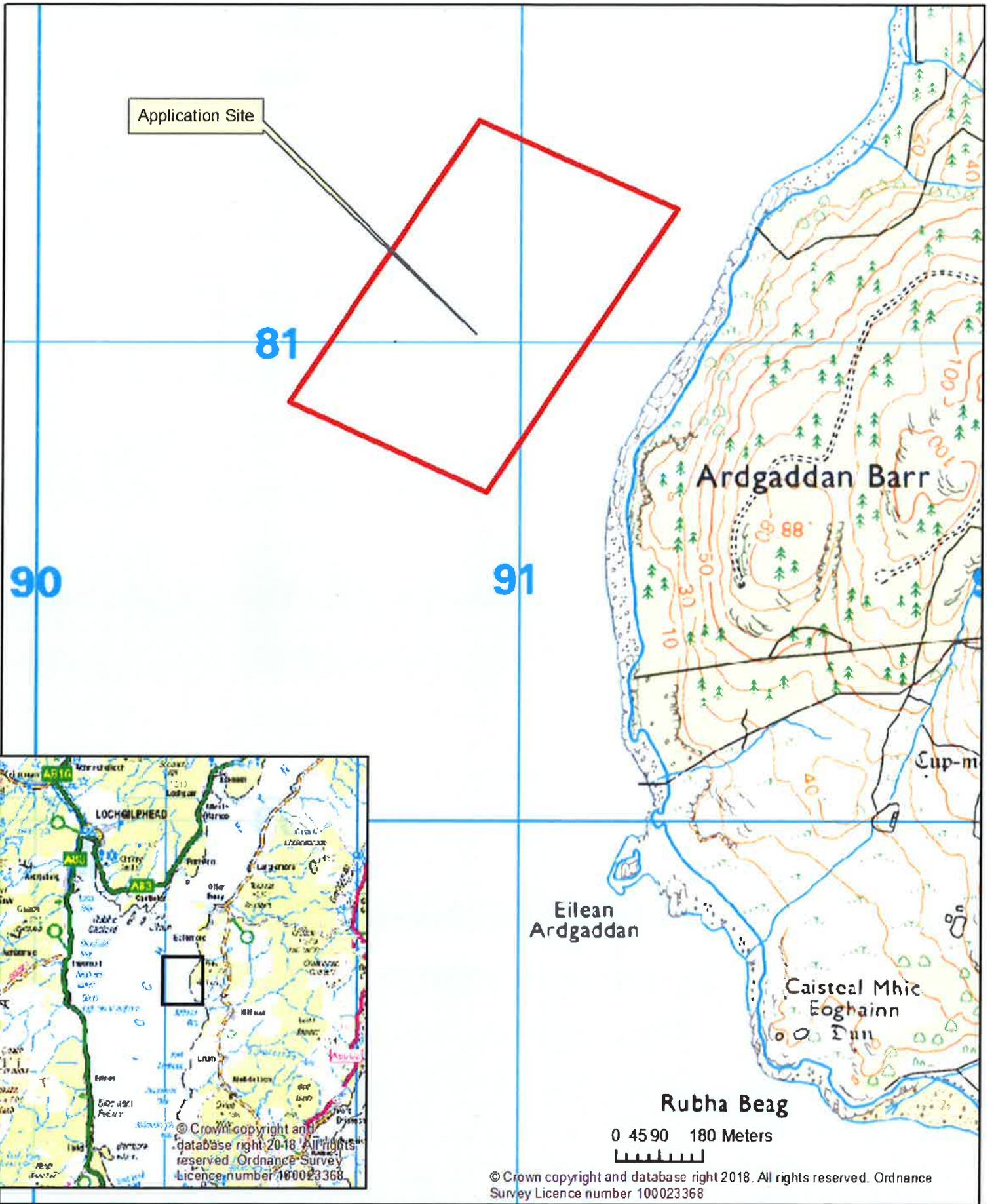
D. Conclusion

The applicant's EMP along with the evidence to demonstrate that sea lice control has improved since the 2016/17 production cycle gives comfort that it would be appropriate to vary condition 2 which currently limits biomass. The alternative condition proposed which requires the fish farm to be operated in accordance with an EMP provides a credible means of controlling the sea lice issue. Should sea lice numbers get out of control, the EMP would ultimately require the company to consider a cull. It is therefore considered that the requirement to operate in accordance with an EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

Taking account of the above, it is considered that the proposal would accord with the LDP and in particular supplementary guidance policy SG LDP AQUA 1 which is supportive of proposal where the applicant can demonstrate that the level of risk of potential impacts on any Development Criteria, relating to the operation of the site, can be effectively minimised or mitigated by appropriate operational measures.

It is, therefore, recommended that planning permission be approved and condition 2 varied as detailed in this report.

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Argyll & Bute Council

Location Plan Relative to planning application: 18/01814/MFF

1:10,000

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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: 18/01815/MFF

Planning Hierarchy: Local Application

Applicant: Scottish Salmon Company

Proposal: Variation to planning condition 2 relative to planning permission 17/00429/MFF (Increase to grid size (cage spacing) from 40 metres to 60 metres) Proposed deletion of biomass limit in favour of obligation to operate in accordance with an approved Environmental Management Plan

Site Address: Fish Farm Camas Na Ban-Tighearna, Pier Road, Tarbert

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Variation to planning condition 2 relative to planning permission 17/00429/MFF to permit increase in maximum biomass on the basis of the operation of the site in accordance with an Environmental Management Plan.

(ii) Other specified operations

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to the conditions and reasons listed in the report.

(C) HISTORY:

04/02328/MFF – Installation of barge and feed management system – no objection
11.05.2005

06/00412/MFF – Marine fish farm comprising 14 cages and semi-submersible feed
barge – no objection 03.04.2007

Scottish Government Audit and Review consent FF/ABC/012 – Granted March 2011.

13/01359/SCRSCO – EIA screening and scoping for alterations to fin fish farm –
Negative screening opinion issued 30.08.2013.

16/02481/SCRSCO - EIA screening and scoping for alterations to fin fish farm –
Negative screening opinion issued 28.10.2016

17/00429/MFF - Increase to grid size (cage spacing) from 40 metres to 60 metres (to
facilitate increase in biomass from 1030 tonnes to 1568 tonnes). Approved subject to
conditions 14/8/17.

(D) CONSULTATIONS:

Marine Scotland Science (dated 25/9/18, 1/11/18, 14/12/18, 18/12/18 and 1/2/19): MSS has reconsidered the application in the light of the recent update to SEPA's Interim Position Statement with regard to the use of emamectin benzoate. Given that the CAR licence for Ardcastle already permits the biomass being proposed in this application, it is assumed that there will be no change to the permitted quantities of emamectin benzoate at this time.

The information that has been provided within the EMPs for the Ardcastle, Ardgaddan, Tarbert South and Quarry Point is satisfactory with regard to there being satisfactory measures in place for the control and reduction of parasites in site with regards to aquaculture animal health.

Argyll and District Salmon Fishery Board (dated 13/9/18): Condition 2 of planning permission 17/00425 should be retained in full. Atlantic salmon are a nationally significant natural heritage resource. There is sound evidence that such development can cause irreversible damage to this resource. The precautionary principle should be applied in accordance with the provisions of

Para 204 of UN “Rio” Convention, to which the UK is a signatory, to ensure due consideration is given to wild salmonid fish.

Argyll Fisheries Trust: No response

Scottish Natural Heritage (dated 11/9/18): No designated sites with a wild salmonid related feature are likely to be impacted by this proposal and therefore we are content for Marine Scotland Science and the District Salmon Fisheries Board to take the lead on advising on the local significance of this proposal.

SEPA (dated 22.11.18): No comment on the proposed variation of condition 2.

Biodiversity Officer (dated 7/3/18): The objectives of the Convention of Biological Diversity, to be pursued in accordance with its relevant provisions both legal and practical, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies and by appropriate funding.

In terms of A&BC as the Planning authority, we consult with a number of agencies including SNH, SEPA and Marine Scotland- in this case these are public bodies who have a biodiversity duty too; they are responsible for licencing, consents and monitor/regulate aquaculture in this case the Fin Fish Industry. Irrespective of whether planning permission is granted or not, the appropriate licencing and consents need to be in place, something that is out of the planning authorities control.

Reference to Sea lice; which are naturally occurring parasites (in the form of small crustaceans-copepods) of salmonids includes sea trout and a normal wild salmon can harbour several sea lice. I note in my research that infections on wild salmonids were common and well documented before the establishment of salmonid farming as research shows that various species of wild salmonids have been assessed and found to be infected with larval, adult and gravid female sea lice.

(E) PUBLICITY:

Regulation 20 Advert Local Application. Expiry Date: 28.09.18

(F) REPRESENTATIONS:

Objection

Salmon and Trout Conservation Scotland, c/o Guy Linley-Adams Solicitor, Second Floor Offices, 12 Castle Street, Hereford HR1 2NL (dated 27/9/18 and 13/11/18)

(i) Summary of issues raised

S&TCS does not believe that the Council can grant the applications made and at the same time meet the statutory duties placed on the Council under the Nature Conservation (Scotland) Act 2004.

Comment: It is considered that the applicant's EMP is acceptable and provides suitable mitigation in terms of wild fish interactions. The industry is also regulated by SEPA and Marine Scotland who provide expertise, licensing and controls for fin fish farms and who also have a biodiversity duty as public bodies.

If the Council is minded to grant the application, the S&TCS would refer the Council to the precedent EMP conditions provided by S&TCS to aquaculture zone planning authorities. The draft EMP submitted by the Scottish Salmon Company falls very far short of what is required.

Comment: In consultation with Marine Scotland Science, officers are of the view that the applicant's EMP is acceptable and provides suitable mitigation in terms of wild fish interactions.

Given the imminent report due from the Rural Economy and Connectivity Committee, the S&TCS would urge the Council to suspend any determination in these applications until the detail of the report is known.

Comment: This report was issued in November 2018 and it does not recommend a moratorium for fish farm applications.

The conclusions of MSS in their consultation response contrasts dramatically with the earlier statements made by MSS in the letter of 29th September 2018.

The earlier letters state that "Difficulties have been experienced with the management of sea lice at this site and other sites in this farm management area (FMA) (M42) in recent production cycles. Sea lice numbers were above the suggested for the criteria as detailed in the CoGP, above the MS reporting level (average three adult females per fish), and also above the intervention limit (average 8 adult females per fish) for several months on multiple sites in the FMA during the 2016/17 production cycle. Average numbers of adult female lice on the Ardgaddan site in particular were above the CoGP suggested criteria for treatment during the 2016/17 production cycle but did not go above the MS reporting level. In the current production cycle, sea lice levels have been very low to date with only one incidence of average adult female lice numbers above the CoGP suggested criteria.

It is of serious concern that MSS should then provide the bare statements of 5th November that the attestation demonstrates the applicant has been successful in controlling lice within the last two production cycles, when this is clearly not the case.

Comment: MSS has comment on this objection and their response is noted below:

“Marine Scotland Science requested an additional attestation for the farm sites at Ardcastle, Ardgaddan and Tarbert South regarding the control of sea lice. It is the interpretation of the additional attestations as demonstrating success in controlling lice that has been questioned by Mr Linley-Adams. As previously noted in responses provided by MSS, in the 2016/2017 production cycle there were difficulties experienced managing sea lice within the farm management area (FMA) (42), where the farms are situated.

In response to the requested attestations, the applicant stated that the adopted criteria for treatment is triggered by numbers of adult female sea lice per fish below that recommended by the CoGP. When this threshold is reached treatment is discussed taking into account other factors such as proximity to harvest, or other health challenges.

The levels of sea lice experience at the farms did exceed the CoGP suggested criteria during the 2016/2017 production cycle. However, the applicant considered that the anti-sea lice treatments were successful.

The sites at Ardgaddan and Tarbert South did not exceed the MS reporting level. Where adult sea lice numbers per fish exceeded the MS reporting level, at the Ardcastle site, they did reduce following treatment.”

Please note that full details of all representations can be viewed on the Council's Public Access system www.argyll-bute.gov.uk

(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: yes**
An Environmental Management Plan (EMP) (August 2018)
Supporting statement dated 4/10/18 in response to comments from the Argyll District Salmon Fishery Board and further details on the EMP and Monitoring Plan (MP) that will allow the Planning Authority to control the source of the perceived issues.
-

(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 4 – Supporting the Sustainable Development of our Coastal Zone

LDP 5 – Supporting the Sustainable Growth of Our Economy

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG LDP Aqua 1 – 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)

- (K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes**

16/02481/SCRSCO – EIA screening and scoping for alterations to fish farm. No EIA required. Opinion issued 28/10/16

- (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): Not required**
-

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

This is a Section 42 application which is an application for a new planning permission for a development but with different conditions from those attached to a previous permission for that development. In determining such an application, the planning authority can only consider changes to the conditions on the previous permission. The principle of the development is not under consideration and the original planning permission remains live.

This section 42 application seeks the removal of condition no. 2 of planning permission 17/00429/MFF which limits the maximum biomass on the site to 1,030 tonnes and its replacement with a condition requiring the site to be operated in accordance with an Environmental Management Plan (EMP). Whilst an equipment change was approved through this application, a limit on the maximum biomass was considered appropriate at

the time. The reason this condition was imposed was because it was considered that an increase in biomass was inappropriate in the absence of operating experience to demonstrate that sea lice levels were capable of being managed to a level which would be unlikely to significantly prejudice the interests of wild salmonids.

The main determining issue in this case is whether the proposed EMP provides acceptable mitigation in relation to wild fish interactions and whether the applicant has demonstrated that the management of sea lice in the farm area is no longer problematic.

An EMP has been submitted in support of the current section 42 application. The purpose of this EMP is to provide additional information to the planning authority and statutory consultees in relation to sea lice management and overall environmental compliance. In addition the applicant has demonstrated that through improved practices in husbandry and sea lice treatment, sea lice levels have been brought under control since the 2016/17 production cycle.

In these circumstances the proposed variation of condition 2 is considered to be acceptable as the proposed EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

(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 applicant's EMP along with the evidence to demonstrate that sea lice control has improved since the 2016/17 production cycle gives comfort that it would be appropriate to vary condition 2 which currently limits biomass. The alternative condition proposed which requires the fish farm to be operated in accordance with an EMP provides a credible means of controlling the sea lice issue. Should sea lice numbers get out of control, the EMP would ultimately require the company to consider a cull. It is therefore considered that the requirement to operate in accordance with an EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

Taking account of the above, it is considered that the proposal would accord with the LDP and in particular supplementary guidance policy SG LDP AQUA 1 which is supportive of proposal where the applicant can demonstrate that the level of risk of potential impacts on any Development Criteria, relating to the operation of the site, can be effectively minimised or mitigated by appropriate operational measures.

It is, therefore, recommended that planning permission be approved and condition 2 varied as detailed in this report.

(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:** Not required.

Author of Report: Sandra Davies

Date: 5/3/19

Reviewing Officer: Peter Bain

Date: 6/3/19

Angus Gilmour

Head of Planning, Housing and Regulatory Services

VARIED CONDITION NO.2 RELATIVE TO PLANNING APPLICATION 18/01815/PP

2. The site shall be operated in accordance with the submitted Environmental Management Plan dated August 2018 or any amendments thereto as may be agreed in writing with the planning authority. This shall require adherence to the Sea Lice Management Plan or Escapes Prevention and Contingency Plan, and the response to sea lice shall follow the sequence set out in the associated integrated Sea Lice Action Plan. In the event that average ovigerous lice levels exceed Scottish Salmon Producers Organisation (SSPO) 'Code of Good Practice' trigger thresholds for more than one SSPO reporting period, this shall prompt the need for monitoring in accordance with the submitted Wild Fisheries / Sea Lice Monitoring Strategy. Those locations to be monitored and the methodology to be employed shall be agreed with the planning authority in consultation the District Salmon Fisheries Board and the results shall be conveyed to both parties. Monitoring shall continue until lice incidence on the farm has been reduced to below 'Code of Good Practice' levels. Trends from such monitoring shall be taken into account in management decisions arising from the Sea Lice Action Plan process. A record of average lice levels recorded on farmed fish, and potential lice pressure on wild fish when monitoring is required, along with intervention decisions arising from the operation of the Sea Lice Action Plan shall be maintained available for inspection by the Planning Authority. In addition, biannual meetings with the Argyll District Salmon Fisheries Board and Marine Scotland as referenced in para 7.8 of the EMP shall be required. The planning authority shall be advised of the dates of these meetings in advance and shall also attend.

Reason: In order to ensure the adoption of proportionate mitigation to wild fish in the interests of nature conservation and to provide a data and intervention record to help inform future decisions by the planning authority.

REMAINNG CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.17/00429/MFF

1. The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details unless the prior written approval of the Planning Authority is obtained for a non-material amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997:
 - Application Form dated 10.02.17;
 - Plan 1 of 11 – location plan;
 - Plan 2 of 11 – existing site plan;
 - Plan 3 of 11 – proposed site plan;
 - Plan 4 of 11 – Admiralty chart;
 - Plan 5 of 11 – site layout;
 - Plan 6 of 11 – mooring grid arrangement;
 - Plan 7 of 11 – cage arrangement;

- Plan 8 of 11 – cage elevation;
- Plan 9 of 11 – net dimensions;
- Plan 10 of 11 – net construction;
- Plan 11 of 11 – site co-ordinates.

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

3. 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.

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

Reason: In the interest of visual amenity.

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.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01815/MFF

PLANNING LAND USE AND POLICY ASSESSMENT

A. Introduction

This application relates to one of a suite of Atlantic salmon farms operated by the Scottish Salmon Company in Loch Fyne. The site is located inshore on the western side of lower Loch Fyne to the south of Tarbert. It lies off a wooded and largely inaccessible stretch of coast where it is removed from visibility from both habitation and transport routes. Despite the absence of roads, public access is taken between Tarbert and Skipness via a section of the Kintyre Way long distance footpath, although due to intervening forestry plantation and deciduous woodland on the coast there is no visibility of the farm from this route. This is therefore a site which is only really capable of being experienced from the sea, or at a long distance from the coast of Cowal.

The site was originally established as a 6 cage farm under a lease granted by the Crown Estate. No objection was raised by the Council to an increase in the number of cages to 14 in 2007. Subsequently, the Scottish Government granted planning permission under their Audit and Review process in July 2011 for 14 No. 80m circumference fish cages plus a feed barge.

On 14th August 2017 planning permission (17/00429) was granted for the modification of the existing fin fish farm site which included an increase in grid size (cage spacing) from 40 metres to 60 metres and the enlargement of the seabed mooring area from 11.3ha to 19.6ha. Condition 2 of this planning permission contained a condition limiting the maximum biomass of the site to 1,030 tonnes because at this time it was considered that there was not sufficient assurance that there would be satisfactory measure in place to address the additional biomass proposed. Marine Scotland recommended that the company should demonstrate that the management of sea lice in the farm area is no longer problematic prior to any increased biomass being considered.

B. Wild Fish Interactions

The assessment of fish farm planning applications are primarily assessed against the criteria contained within supplementary guidance policy SG LDP AQUA 1.

As this is a section 42 application which is solely related to the removal of a planning condition which limits biomass and its replacement with a condition which requires the use of an Environmental Management Plan, the only relevant criteria in this instance relates to wild fish interactions. The increased biomass has already been consented by SEPA and the reason the condition was imposed relates to the potential impacts on wild salmonids. In this regard, there is a presumption that proposal will be supported where “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.”

The main determining issue in this case is whether the proposed EMP provides acceptable mitigation in relation to wild fish interactions and whether the applicant has demonstrated that the management of sea lice in the farm area is no longer problematic.

The Proposed EMP

The applicant has advised that the proposed EMP would be a live document which would be maintained and reviewed alongside the company's Veterinary Health Plan and associated documents relating to sea lice and containment.

The objectives of the EMP are noted as being:

- To illustrate the improved Sea Lice Management Strategy;
- To provide an overview of the current and ongoing Sea Lice Management Strategy;
- To provide an overview of the Veterinary Health Plan;
- To provide a framework for compliance auditing and monitoring to allow the statutory stakeholders to be assured that the necessary levels of sea lice management are being met.

It is further stated in the EMP document that these objectives will be achieved through:

- Ensuring specific compliance requirements with Code of Good Practice;
- Ensuring specific compliance requirements with threshold for treatment consideration;
- Ensuring compliance with the Sea Lice Action Plan;
- Ensuring regular sea lice monitoring;
- Ensuring sea lice treatments are undertaken;
- Ensuring data reporting and monitoring.

In terms of the Sea Lice Management Plan, the company advises that it follows a quality assured Integrated Sea Lice Management Plan (ISLM). This plan aims to actively reduce the use of medicinal products whilst introducing the use of biological control and systems which physically remove sea lice.

All of the sites within this suite of applications are located within Code of Good Practice Management Area 42 (MA42). The company operate this site in synchrony with its existing site in Loch Fyne, stocking and following the site synchronously and administering treatments in a coordinated and strategic way.

The EMP further advises that the company operate to a threshold for treatment below that of the National Treatment Strategy (NTS) Code of Good Practice (CoGP). The NTS recommends a threshold of 0.5 female lice per fish from February to June and one female louse per fish from July to January. The Scottish Salmon Company's threshold is 0.25 female lice when the water temperature is above 10 degrees centigrade and 0.5 adult female lice when the temperature is below 10 degrees centigrade. In addition, it is advised that the company adheres to the revised MSS guidelines for lice reporting, namely, a reporting limit where there is an average of three adult female sea lice per fish on any fish farming site.

The EMP also makes a commitment to biannual meetings with the ADSFB and Marine Scotland with the planning authority also in attendance. This will allow for the sharing of data on sea lice and will facilitate further consideration on the effectiveness on the EMP.

The Management of Sea Lice

As previously noted the site is located within Farm Management Area (FMA) 42. In their consultation response Marine Scotland Science (MSS) has confirmed that sea lice levels were above the criteria for treatment as detailed in the CoGP, above the MSS reporting level (3 adult female lice per fish) and also above the intervention limit (8 adult female lice per fish) on multiple sites within this FMA during the 2016/17 production cycle. Average numbers for adult female lice on the Tarbert South site in particular was above the CoGP suggested criteria for treatment during the 2016/17 production cycle but did not rise above the MS reporting level. It should be noted that the applicant operates all of the other sites with the Loch Fyne FMA (FMA 42).

In the current production cycle, however, MSS has advised that sea lice levels have been very low to date.

The EMP includes details of changes and improvements that have been made to decision making and husbandry and treatments due to improved health monitoring since the 2016/17 production cycle. It is also noted by MSS that changes to husbandry practices that may impact on the ability to manage sea lice on site have also taken place to improve the overall health of stocks and keep sea lice levels to an absolute minimum prior to the final stages of the production cycle when sea lice levels are often higher.

The applicant has submitted an attestation which demonstrates that they have been successful at controlling lice within the last two production cycles at the Tarbert South site.

Whilst the development has the potential to increase the risks to wild salmonids, the applicant appears to be aware of these impacts and has indicated that the site will be managed as part of the overall management of the FMA. The EMP would require the company to follow a sea lice action plan when lice numbers increase to trigger levels.

C. Objection from Statutory Consultee

The Argyll District Salmon Fishery Board (ADFSB) has objected to this planning application as the Board considers that the proposal would pose a significant risk to wild salmon and sea trout through sea lice infections and escaped farm fish. There is concern that the applicant has not provided or agreed the scope or detail within an EMP with the ADFSB and that the applicant needs to demonstrate how they will monitor the response of the environment and wild salmonid fish. The Board further considers that it has not been demonstrated how the applicant will manage sea lice at the site to safeguard wild fish.

Wild salmon are priority marine feature and are protected in fresh water by the Wildlife and Countryside Act. As part of it 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 the 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. Similar the Council has to satisfy itself that the proposed containment is adequate in order to minimise the risk of escape event.

In their response to the ADSFB's comments the applicant has stated that their EMP describes in detail how they can effectively manage sea lice on the farm and how off site monitoring can be triggered and managed. MSS, another statutory consultee, has advised the Council in their consultation response that they consider the EMP to be satisfactory with regard to there being appropriate measures in place for the control and reduction of parasites with regards to aquaculture animal health.

The biomass of a fish farm is an issue for SEPA in terms of the CAR licence. This is a separate legislative process and it is SEPA who are responsible for the amount of biomass permitted on any particular fish farm. In the previous application the level of biomass was restricted purely in the interests of wild fish interactions. It is considered that this is a rather crude measure when compared to that of a robust EMP.

The applicant has also raised concerns about restricting biomass to control sea lice levels. In this regard it is noted that biomass does not relate to specific number of fish. In addition, it cannot be related to sea lice levels as it is possible that a poorly managed farm with less fish could generate more sea lice than a well run farm with more fish.

It is considered that the use of an EMP will provide a live document which will monitor and collect data and allow actions to be taken when triggers are reached. Should increased sea lice levels not be brought under control there would be an ultimate backstop which would result in the removal of the fish.

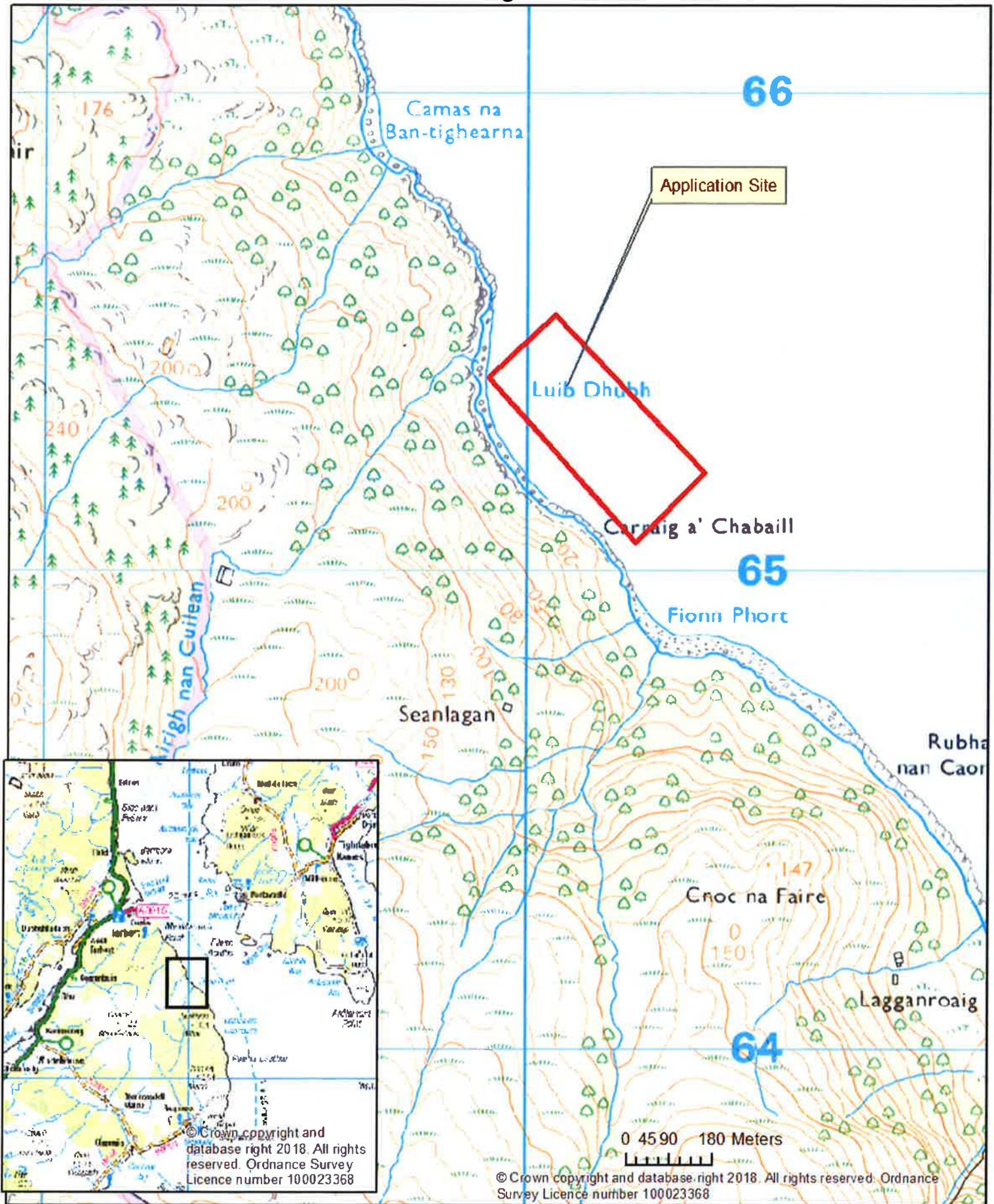
D. Conclusion

The applicant's EMP along with the evidence to demonstrate that sea lice control has improved since the 2016/17 production cycle gives comfort that it would be appropriate to vary condition 2 which currently limits biomass. The alternative condition proposed which requires the fish farm to be operated in accordance with an EMP provides a credible means of controlling the sea lice issue. Should sea lice numbers get out of control, the EMP would ultimately require the company to consider a cull. It is therefore considered that the requirement to operate in accordance with an EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

Taking account of the above, it is considered that the proposal would accord with the LDP and in particular supplementary guidance policy SG LDP AQUA 1 which is supportive of proposal where the applicant can demonstrate that the level of risk of potential impacts on any Development Criteria, relating to the operation of the site, can be effectively minimised or mitigated by appropriate operational measures.

It is, therefore, recommended that planning permission be approved and condition 2 varied as detailed in this report.

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Location Plan Relative to planning application: 18/01815/MFF



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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: 18/01816/MFF

Planning Hierarchy: Local Application

Applicant: Scottish Salmon Company

Proposal: Variation to planning condition 2 relative to planning permission 17/00428/MFF (Increase in grid size from 60 metres to 70 metres, additional cage increasing number from 9 to 10 and retrospective permission for raft to support feed pipes (no increase in biomass). Proposed deletion of biomass limit in favour of obligation to operate in accordance with an approved Environmental Management Plan

Site Address: Quarry Point Fish Farm, Crarae, Argyll and Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Variation to planning condition 2 relative to planning permission 17/00428/MFF to permit increase in maximum biomass on the basis of the operation of the site in accordance with an Environmental Management Plan.

(ii) **Other specified operations**

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to the conditions and reasons listed in the report.

(C) HISTORY:

FFR/ABC/042 – Audit and Review Consent 16.06.11 for 9 No. 100m circumference cages

16/02409/SCRSCO – EIA screening and scoping for extension to fin fish farm – Negative screening opinion issued 28.10.16

17/00428/MFF - Increase in grid size from 60 metres to 70 metres, additional cage increasing number from 9 to 10 and retrospective permission for raft to support feed pipes (no increase in biomass) Approved subject to conditions 29/5/17.

(D) CONSULTATIONS:

Marine Scotland Science (dated 25/9/18, 1/11/18, 14/12/18, 18/12/18 and 1/2/19): MSS has reconsidered the application in the light of the recent update to SEPA's Interim Position Statement with regard to the use of emamectin benzoate. Given that the CAR licence for Ardcastle already permits the biomass being proposed in this application, it is assumed that there will be no change to the permitted quantities of emamectin benzoate at this time.

The information that has been provided within the EMPs for the Ardcastle, Ardgaddan, Tarbert South and Quarry Point is satisfactory with regard to there being satisfactory measures in place for the control and reduction of parasites in site with regards to aquaculture animal health.

Argyll and District Salmon Fishery Board (dated 13/9/18): Condition 2 of planning permission 17/00425 should be retained in full. Atlantic salmon are a nationally significant natural heritage resource. There is sound evidence that such development can cause irreversible damage to this resource. The precautionary principle should be applied in accordance with the provisions of Para 204 of UN "Rio" Convention, to which the UK is a signatory, to ensure due consideration is given to wild salmonid fish.

Argyll Fisheries Trust: No response

Scottish Natural Heritage (dated 11/9/18): No designated sites with a wild salmonid related feature are likely to be impacted by this proposal and therefore we are content for Marine Scotland Science and the District Salmon Fisheries Board to take the lead on advising on the local significance of this proposal.

SEPA (dated 22.11.18): No comment on the proposed variation of condition 2.

Biodiversity Officer (dated 7/3/18): The objectives of the Convention of Biological Diversity, to be pursued in accordance with its relevant provisions both legal and practical, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies and by appropriate funding.

In terms of A&BC as the Planning authority, we consult with a number of agencies including SNH, SEPA and Marine Scotland- in this case these are public bodies who have a biodiversity duty too; they are responsible for licencing, consents and monitor/regulate aquaculture in this case the Fin Fish Industry. Irrespective of whether planning permission is granted or not, the appropriate licencing and consents need to be in place, something that is out of the planning authorities control.

Reference to Sea lice; which are naturally occurring parasites (in the form of small crustaceans-copepods) of salmonids includes sea trout and a normal wild salmon can harbour several sea lice. I note in my research that infections on wild salmonids were common and well documented before the establishment of salmonid farming as research shows that various species of wild salmonids have been assessed and found to be infected with larval, adult and gravid female sea lice.

(E) PUBLICITY:

Regulation 20 Advert Local Application. Expiry Date: 28.09.18

(F) REPRESENTATIONS:

Objection

Salmon and Trout Conservation Scotland, c/o Guy Linley-Adams Solicitor, Second Floor Offices, 12 Castle Street, Hereford HR1 2NL (dated 27/9/18 and 13/11/18)

(i) Summary of issues raised

S&TCS does not believe that the Council can grant the applications made and at

the same time meet the statutory duties placed on the Council under the Nature Conservation (Scotland) Act 2004.

Comment: It is considered that the applicant's EMP is acceptable and provides suitable mitigation in terms of wild fish interactions. The industry is also regulated by SEPA and Marine Scotland who provide expertise, licensing and controls for fin fish farms and who also have a biodiversity duty as public bodies.

If the Council is minded to grant the application, the S&TCS would refer the Council to the precedent EMP conditions provided by S&TCS to aquaculture zone planning authorities. The draft EMP submitted by the Scottish Salmon Company falls very far short of what is required.

Comment: In consultation with Marine Scotland Science, officers are of the view that the applicant's EMP is acceptable and provides suitable mitigation in terms of wild fish interactions.

Given the imminent report due from the Rural Economy and Connectivity Committee, the S&TCS would urge the Council to suspend any determination in these applications until the detail of the report is known.

Comment: This report was issued in November 2018 and it does not recommend a moratorium for fish farm applications.

The conclusions of MSS in their consultation response contrasts dramatically with the earlier statements made by MSS in the letter of 29th September 2018.

The earlier letters state that "Difficulties have been experienced with the management of sea lice at this site and other sites in this farm management area (FMA) (M42) in recent production cycles. Sea lice numbers were above the suggested for the criteria as detailed in the CoGP, above the MS reporting level (average three adult females per fish), and also above the intervention limit (average 8 adult females per fish) for several months on multiple sites in the FMA during the 2016/17 production cycle. Average numbers of adult female lice on the Ardgaddan site in particular were above the CoGP suggested criteria for treatment during the 2016/17 production cycle but did not go above the MS reporting level. In the current production cycle, sea lice levels have been very low to date with only one incidence of average adult female lice numbers above the CoGP suggested criteria.

It is of serious concern that MSS should then provide the bare statements of 5th November that the attestation demonstrates the applicant has been successful in controlling lice within the last two production cycles, when this is clearly not the case.

Comment: MSS has comment on this objection and their response is noted below:

"Marine Scotland Science requested an additional attestation for the farm sites at Ardcastle, Ardgaddan and Tarbert South regarding the control of sea lice. It is the interpretation of the additional attestations as demonstrating success in controlling

lice that has been questioned by Mr Linley-Adams. As previously noted in responses provided by MSS, in the 2016/2017 production cycle there were difficulties experienced managing sea lice within the farm management area (FMA) (42), where the farms are situated.

In response to the requested attestations, the applicant stated that the adopted criteria for treatment is triggered by numbers of adult female sea lice per fish below that recommended by the CoGP. When this threshold is reached treatment is discussed taking into account other factors such as proximity to harvest, or other health challenges.

The levels of sea lice experience at the farms did exceed the CoGP suggested criteria during the 2016/2017 production cycle. However, the applicant considered that the anti-sea lice treatments were successful.

The sites at Ardgaddan and Tarbert South did not exceed the MS reporting level. Where adult sea lice numbers per fish exceeded the MS reporting level, at the Ardcastle site, they did reduce following treatment.”

Please note that full details of all representations can be viewed on the Council's Public Access system www.argyll-bute.gov.uk

(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: yes**
An Environmental Management Plan (EMP) (August 2018)
Supporting statement dated 4/10/18 in response to comments from the Argyll District Salmon Fishery Board and further details on the EMP and Monitoring Plan (MP) that will allow the Planning Authority to control the source of the perceived issues.
-

(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 4 – Supporting the Sustainable Development of our Coastal Zone

LDP 5 – Supporting the Sustainable Growth of Our Economy

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG LDP Aqua 1 – 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)

- (K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes**

16/02481/SCRSCO – EIA screening and scoping for alterations to fish farm. No EIA required. Opinion issued 28/10/16

- (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): Not required**
-

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

This is a Section 42 application which is an application for a new planning permission for a development but with different conditions from those attached to a previous permission for that development. In determining such an application, the planning authority can only consider changes to the conditions on the previous permission. The principle of the development is not under consideration and the original planning permission remains live.

This section 42 application seeks the removal of condition no. 2 of planning permission 17/00428/MFF which limits the maximum biomass on the site to 1,061 tonnes and its replacement with a condition requiring the site to be operated in accordance with an Environmental Management Plan (EMP). Whilst an equipment change was approved through this application, a limit on the maximum biomass was considered appropriate at

the time. The reason this condition was imposed was because it was considered that an increase in biomass was inappropriate in the absence of operating experience to demonstrate that sea lice levels were capable of being managed to a level which would be unlikely to significantly prejudice the interests of wild salmonids.

The main determining issue in this case is whether the proposed EMP provides acceptable mitigation in relation to wild fish interactions and whether the applicant has demonstrated that the management of sea lice in the farm area is no longer problematic.

An EMP has been submitted in support of the current section 42 application. The purpose of this EMP is to provide additional information to the planning authority and statutory consultees in relation to sea lice management and overall environmental compliance. In addition the applicant has demonstrated that through improved practices in husbandry and sea lice treatment, sea lice levels have been brought under control since the 2016/17 production cycle.

In these circumstances the proposed variation of condition 2 is considered to be acceptable as the proposed EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

(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 applicant's EMP along with the evidence to demonstrate that sea lice control has improved since the 2016/17 production cycle gives comfort that it would be appropriate to vary condition 2 which currently limits biomass. The alternative condition proposed which requires the fish farm to be operated in accordance with an EMP provides a credible means of controlling the sea lice issue. Should sea lice numbers get out of control, the EMP would ultimately require the company to consider a cull. It is therefore considered that the requirement to operate in accordance with an EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

Taking account of the above, it is considered that the proposal would accord with the LDP and in particular supplementary guidance policy SG LDP AQUA 1 which is supportive of proposal where the applicant can demonstrate that the level of risk of potential impacts on any Development Criteria, relating to the operation of the site, can be effectively minimised or mitigated by appropriate operational measures.

It is, therefore, recommended that planning permission be approved and condition 2 varied as detailed in this report.

(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:** Not required.

Author of Report: Sandra Davies

Date: 5/3/19

Reviewing Officer: Peter Bain

Date: 6/3/19

Angus Gilmour

Head of Planning, Housing and Regulatory Services

VARIED CONDITION NO.2 RELATIVE TO PLANNING APPLICATION 18/01816/PP

2. The site shall be operated in accordance with the submitted Environmental Management Plan dated August 2018 or any amendments thereto as may be agreed in writing with the planning authority. This shall require adherence to the Sea Lice Management Plan or Escapes Prevention and Contingency Plan, and the response to sea lice shall follow the sequence set out in the associated integrated Sea Lice Action Plan. In the event that average ovigerous lice levels exceed Scottish Salmon Producers Organisation (SSPO) 'Code of Good Practice' trigger thresholds for more than one SSPO reporting period, this shall prompt the need for monitoring in accordance with the submitted Wild Fisheries / Sea Lice Monitoring Strategy. Those locations to be monitored and the methodology to be employed shall be agreed with the planning authority in consultation the District Salmon Fisheries Board and the results shall be conveyed to both parties. Monitoring shall continue until lice incidence on the farm has been reduced to below 'Code of Good Practice' levels. Trends from such monitoring shall be taken into account in management decisions arising from the Sea Lice Action Plan process. A record of average lice levels recorded on farmed fish, and potential lice pressure on wild fish when monitoring is required, along with intervention decisions arising from the operation of the Sea Lice Action Plan shall be maintained available for inspection by the Planning Authority. In addition, biannual meetings with the Argyll District Salmon Fisheries Board and Marine Scotland as referenced in para 7.8 of the EMP shall be required. The planning authority shall be advised of the dates of these meetings in advance and shall also attend.

Reason: In order to ensure the adoption of proportionate mitigation to wild fish in the interests of nature conservation and to provide a data and intervention record to help inform future decisions by the planning authority.

REMAINNG CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.17/00428/MFF

1. The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details unless the prior written approval of the Planning Authority is obtained for a non-material amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997:
 - Application Form dated 10.02.17;
 - Plan 1 of 11 – location plan;
 - Plan 2 of 11 – existing site plan;
 - Plan 3 of 11 – proposed site plan;
 - Plan 4 of 11 – Admiralty chart;
 - Plan 5 of 11 – site layout;
 - Plan 6 of 11 – elevations;
 - Plan 7 of 11 – cage arrangement;

- Plan 8 of 11 – moorings arrangement and storage raft;
- Plan 9 of 11 – cage construction;
- Plan 10 of 11 – cage construction;
- Plan 11 of 11 – site co-ordinates.

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

3. 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.

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

Reason: In the interest of visual amenity.

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.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01816/MFF

PLANNING LAND USE AND POLICY ASSESSMENT

A. Introduction

This application relates to one of a suite of Atlantic salmon farms operated by the Scottish Salmon Company in Loch Fyne. The site is located close inshore on the western side of upper Loch Fyne between Crarae and Cumloddan, where it is visible at short range from the A83(T), which runs along the coast at this point. The site has been operated for fish farming purposes for many years having been originally consented under Crown Estate leasing arrangements. The farm was subject to approval as a Review case under the Scottish Government's Audit and Review process in 2011, when it received consent for 9 No. 100m circumference cages.

On 14th August 2017 planning permission (17/00428/MFF) was granted for the modification of the existing fin fish farm site which included an increase in grid size (cage spacing) from 60 metres to 70 metres, and increase in the number of cages from 9 to 10 and retrospective permission for a raft for the support of feed pipes. Condition 2 of this planning permission contained a condition limiting the maximum biomass of the site to 1,061 tonnes because at this time it was considered that there was not sufficient assurance that there would be satisfactory measure in place to address additional biomass. Marine Scotland recommended that the company should demonstrate that the management of sea lice in the farm area is no longer problematic prior to any increased biomass being considered.

B. Wild Fish Interactions

The assessment of fish farm planning applications are primarily assessed against the criteria contained within supplementary guidance policy SG LDP AQUA 1.

As this is a section 42 application which is solely related to the removal of a planning condition which limits biomass and its replacement with a condition which requires the use of an Environmental Management Plan, the only relevant criteria in this instance relates to wild fish interactions. The increased biomass has already been consented by SEPA and the reason the condition was imposed relates to the potential impacts on wild salmonids. In this regard, there is a presumption that proposal will be supported where "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."

The main determining issue in this case is whether the proposed EMP provides acceptable mitigation in relation to wild fish interactions and whether the applicant has demonstrated that the management of sea lice in the farm area is no longer problematic.

The Proposed EMP

The applicant has advised that the proposed EMP would be a live document which would be maintained and reviewed alongside the company's Veterinary Health Plan and associated documents relating to sea lice and containment.

The objectives of the EMP are noted as being:

- To illustrate the improved Sea Lice Management Strategy;
- To provide an overview of the current and ongoing Sea Lice Management Strategy;
- To provide an overview of the Veterinary Health Plan;
- To provide a framework for compliance auditing and monitoring to allow the statutory stakeholders to be assured that the necessary levels of sea lice management are being met.

It is further stated in the EMP document that these objectives will be achieved through:

- Ensuring specific compliance requirements with Code of Good Practice;
- Ensuring specific compliance requirements with threshold for treatment consideration;
- Ensuring compliance with the Sea Lice Action Plan;
- Ensuring regular sea lice monitoring;
- Ensuring sea lice treatments are undertaken;
- Ensuring data reporting and monitoring.

In terms of the Sea Lice Management Plan, the company advises that it follows a quality assured Integrated Sea Lice Management Plan (ISLM). This plan aims to actively reduce the use of medicinal products whilst introducing the use of biological control and systems which physically remove sea lice.

All of the sites within this suite of applications are located within Code of Good Practice Management Area 42 (MA42). The company operate this site in synchrony with its existing site in Loch Fyne, stocking and following the site synchronously and administering treatments in a coordinated and strategic way.

The EMP further advises that the company operate to a threshold for treatment below that of the National Treatment Strategy (NTS) Code of Good Practice (CoGP). The NTS recommends a threshold of 0.5 female lice per fish from February to June and one female louse per fish from July to January. The Scottish Salmon Company's threshold is 0.25 female lice when the water temperature is above 10 degrees centigrade and 0.5 adult female lice when the temperature is below 10 degrees centigrade. In addition, it is advised that the company adheres to the revised MSS guidelines for lice reporting, namely, a reporting limit where there is an average of three adult female sea lice per fish on any fish farming site.

The EMP also makes a commitment to biannual meetings with the ADSFB with the planning authority also in attendance. This will allow for the sharing of data on sea lice and will facilitate further consideration on the effectiveness on the EMP.

The Management of Sea Lice

As previously noted the site is located within Farm Management Area (FMA) 42. In their consultation response Marine Scotland Science (MSS) has confirmed that sea lice levels

were above the criteria for treatment as detailed in the CoGP, above the MSS reporting level (3 adult female lice per fish) and also above the intervention limit (8 adult female lice per fish) on multiple sites within this FMA during the 2016/17 production cycle. The Quarry Point site in particular was over reporting levels for 16 of 22 weeks from November 2016 until the end of the cycle in April 2017. Five of these weeks were also over the intervention limit, however, subsequent treatments did reduce average adult female numbers, which dropped below reporting levels following this peak in late 2016. It should be noted that the applicant operates all of the other sites with the Loch Fyne FMA (FMA 42).

In the current production cycle, however, MSS has advised that sea lice levels have been very low to date.

The applicant has applied to remove a condition which limits biomass on the site. Currently an increase in biomass is not proposed but this could take place through the CAR process independently from the planning process at a later date.

The EMP includes details of changes and improvements that have been made to decision making and husbandry and treatments due to improved health monitoring since the 2016/17 production cycle. It is also noted by MSS that changes to husbandry practices that may impact on the ability to manage sea lice on site have also taken place to improve the overall health of stocks and keep sea lice levels to an absolute minimum prior to the final stages of the production cycle when sea lice levels are often higher.

Whilst the development has the potential to increase the risks to wild salmonids, the applicant appears to be aware of these impacts and has indicated that the site will be managed as part of the overall management of the FMA. The EMP would require the company to follow a sea lice action plan when lice numbers increase to trigger levels.

C. Objection from Statutory Consultee

The Argyll District Salmon Fishery Board (ADFSB) has objected to this planning application as the Board considers that the proposal would pose a significant risk to wild salmon and sea trout through sea lice infections and escaped farm fish. There is concern that the applicant has not provided or agreed the scope or detail within an EMP with the ADFSB and that the applicant needs to demonstrate how they will monitor the response of the environment and wild salmonid fish. The Board further considers that it has not been demonstrated how the applicant will manage sea lice at the site to safeguard wild fish.

Wild salmon are priority marine feature and are protected in fresh water by the Wildlife and Countryside Act. As part of it 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 the 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. Similar the Council has to satisfy itself that the proposed containment is adequate in order to minimise the risk of escape event.

In their response to the ADSFB's comments the applicant has stated that their EMP describes in detail how they can effectively manage sea lice on the farm and how off site monitoring can be triggered and managed. MSS, another statutory consultee, has advised the Council in their consultation response that they consider the EMP to be satisfactory with regard to there being appropriate measures in place for the control and reduction of parasites with regards to aquaculture animal health.

The biomass of a fish farm is an issue for SEPA in terms of the CAR licence. This is a separate legislative process and it is SEPA who are responsible for the amount of biomass permitted on any particular fish farm. In the previous application the level of biomass was restricted purely in the interests of wild fish interactions. It is considered that this is a rather crude measure when compared to that of a robust EMP.

The applicant has also raised concerns about restricting biomass to control sea lice levels. In this regard it is noted that biomass does not relate to specific number of fish. In addition, it cannot be related to sea lice levels as it is possible that a poorly managed farm with less fish could generate more sea lice than a well run farm with more fish.

It is considered that the use of an EMP will provide a live document which will monitor and collect data and allow actions to be taken when triggers are reached. Should increased sea lice levels not be brought under control there would be an ultimate backstop which would result in the removal of the fish.

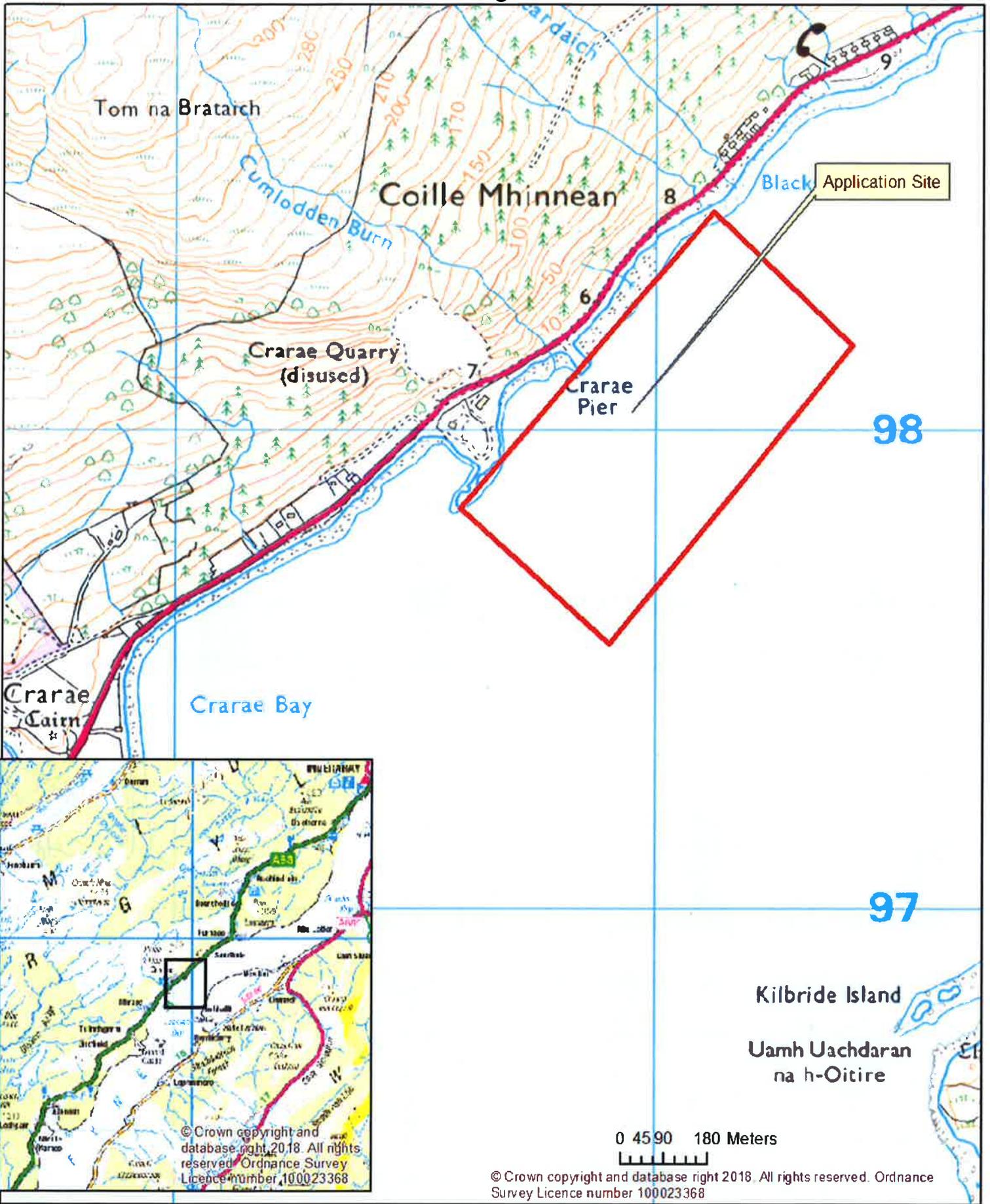
D. Conclusion

The applicant's EMP along with the evidence to demonstrate that sea lice control has improved since the 2016/17 production cycle gives comfort that it would be appropriate to vary condition 2 which currently limits biomass. The alternative condition proposed which requires the fish farm to be operated in accordance with an EMP provides a credible means of controlling the sea lice issue. Should sea lice numbers get out of control, the EMP would ultimately require the company to consider a cull. It is therefore considered that the requirement to operate in accordance with an EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

Taking account of the above, it is considered that the proposal would accord with the LDP and in particular supplementary guidance policy SG LDP AQUA 1 which is supportive of proposal where the applicant can demonstrate that the level of risk of potential impacts on any Development Criteria, relating to the operation of the site, can be effectively minimised or mitigated by appropriate operational measures.

It is, therefore, recommended that planning permission be approved and condition 2 varied as detailed in this report.

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Location Plan Relative to planning application: 18/01816/MFF



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ARGYLL AND BUTE COUNCIL
**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE**
**DEVELOPMENT AND
INFRASTRUCTURE SERVICES**
20TH MARCH 2019

**PLANNING AND REGULATORY SERVICES PERFORMANCE
REPORT FQ3 2018-19**

1.0 INTRODUCTION

- 1.1 The Planning and Performance Management Framework sets out the process for presentation of the council's quarterly performance reports.
- 1.2 This paper presents the PPSL Committee with the Planning and Regulatory Services performance report with associated scorecard for performance in FQ3 2018-19 (October to December 2018).

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Committee reviews the scorecard as presented.

3.0 DETAIL

- 3.1 The performance scorecard for Development and Infrastructure Services was extracted from the Council's Pyramid performance management system and is comprised of key performance indicators incorporating the services that make up Development and Infrastructure Services.

4.0 IMPLICATIONS

- | | | |
|-----|---------------------------------|--|
| 5.1 | Policy | None |
| 5.2 | Financial | None |
| 5.3 | Legal | The Council has a duty to deliver best value under the Local Government in Scotland Act 2003 |
| 5.4 | HR | None |
| 5.5 | Equalities/Fairer Scotland Duty | None |
| 5.6 | Risk | Ensuring performance is effectively scrutinised by members |
| 5.7 | Customer Service | Inherent |

For further information contact: Pippa Milne, Tel 01546 604076

APPENDICES

FQ3 2018/19 Performance reports and score cards – Development and Infrastructure Services

Key Successes

Planning, Housing and Regulatory Services (PHRS)

Business Outcome BO01 The health of our people is protected through effective partnership working

1. Joint Health Protection Plan 2109-20 has been developed with NHS Highland and Highland Council. This will be taken to PPSL Committee for approval. The plan details the joint governance and working arrangements which are in place between Argyll and Bute Council, Highland Council and NHS Highland in respect of health protection and responding to emerging issues or public health incidents. It also details the local, regional and national priorities for 2019-2020.

Key Challenges and Actions Completed In Previous Quarter

PHRS

Business Outcome BO01 The health of our people is protected through effective partnership working

1. **Challenge** - To continue to work to achieve safe and successful events ; and to formalise the Councils arrangements for Event Safety
Action – Undertook review which confirmed that the current multiagency Safety Advisory Group structure coordinated by the Council is working well and meets the COSLA guidance.

Business Outcome BO05 Information and support are available to all

1. **Challenge** - To work towards delivering the review of advice services action plan
Action - Project on track and all relevant persons have been updated. Key achievements have included the development of a vulnerability model, the issue of the tender specification, identifying contingency measures by agreeing an extension of the current contracts to cover a contract mobilisation period for the new provider, and coped with the introduction of universal credit although this has increased workload and identified additional training requirements for staff, which are being considered.

Short-term Operational Challenges

PHRS

1. Resourcing demands in Q4 in relation to staffing issues (early retirements/voluntary redundancies, new posts for private water supply enforcement, recruit to vacancies), management (redesign of EH service and prepare formal statutory reports for year end to government agencies) and operational (implement new legislation and duties relating to private water supplies and caravan site licensing).

2. The MAKI team continues to be under-complemented due to vacancies however recruitment of a new Planning Officer has been successfully completed and will be filled from late January – it is expected that induction of a new employee will continue to have resource implications for local performance in the short term however support will be provided from other areas as required.
3. Training requirements for the new Planning System Technician remain outstanding due to the infrequency of IDOX training by the supplier – this matter continues to be pursued and it is hoped that training can be delivered during FQ4.
4. Service Redesign has been implemented during the latter part of FQ3 resulting in changes to the management arrangements of the area teams. Whilst proposals are intended to deliver a seamless transition with appropriate handover periods for all staff involved there is potential for such significant change in the management structure and expected retirement of an experienced member of staff to have a short term negative impact upon performance relating to timeliness of determinations.
5. Operational capacity of the shared Building Standards/Development Management Admin Support service remains depleted following loss of one staff member on secondment and another planning to go on maternity leave in February. Recruitment is currently underway to fill both posts on a temporary basis. Whilst workload is being shared amongst the wider Building Standards/Development Management Admin Support team there is potential during periods of planned/unplanned absence for the reduced availability of Admin resource to impact upon performance of Development Management and gives rise to additional procedural risk arising from delay in tasks being completed.

Key Challenges and Actions to address the Challenges (PHRS)

Business Outcome BO05 Information and support are available to all

1. **Challenge** - Work towards delivering the review of advice services action plan
Action - Complete the key elements relating to the redesign of advice services, including awarding the contract, redesigning debt and welfare rights delivery arrangement, address General Data Protection Regulation (GDPR) issues re Argyll and Bute Network ICT system, and implementing the formal governance arrangements.
 Provide update report for Policy and Resources Committee.

Carried Forward From Previous Quarter – Y

Completion Due Date:
1st April 2019

Responsible Person
Regulatory Services Manager

Business Outcome BO05 Information and support are available to all

2. **Challenge** - The development of the Council’s risk register and Brexit Plan
Action - Convene a tactical group in response to best practice guidance from the Scottish Government. The group will consider the Council’s preparedness for Brexit.

Carried Forward From Previous Quarter – N	Completion Due Date: 31 st March 2019	Responsible Person Regulatory Services Manager
<p>Business Outcome BO12 High Standards of Public Health and health protection are promoted</p> <p>1. Challenge - Accelerate the delivery of the Food Control Improvement Plan and to deliver the Food Standards Scotland (FSS) audit action plan Action - Deliver the outcomes defined in the plan within the agreed milestones. To redesign the delivery of the environmental health service and better direct its resources more effectively to meet the statutory framework for food authorities, and to complete the actions required from the FSS audit. Identify resources to enable progress to be made on this plan, given the impact of current vacancies and long-term illness. Discuss progress with FSS and agree to extend the timescales in the action plan in line with available resource.</p> <p>2. Challenge - Effective service management, meeting our core statutory priorities and our improvement agenda Action - Deliver Trading Standards Improvement Plan which redesigns services to meet the outcomes of the strategic review of trading standards, improving collaborative working with other trading standards services to take forward the North of Scotland Trading Standards Alliance. Progress has been made but there is slippage due to having to work on preparing a submission for the feed contract. The timescale for this challenge has been extended.</p>		
Carried Forward From Previous Quarter – Y	Completion Due Date: 30 th October 2019	Responsible Person Regulatory Services Manager
<p>Business Outcome BO15 Argyll and Bute is open for business</p> <p>1. Challenge - Maintain a Local Development Plan (LDP) Less Than Five Years Old. Officers engaged with Members following Main Issues Report (MIR) consultation and took until 1st September to complete, which allowed Members time to consider the issues. This has delayed the production of the LDP by approximately four months. Reduced resources in the team have meant it has not been possible to recover the delay. As a result the planned time frame for production of the proposed LDP2 is spring 2019. Team currently focusing on detailed policy writing, digitisation of new sites and amended boundaries, creation of a GIS version, and the carrying out of a Strategic Environmental Assessment, Habitat Regulations Assessment, and EQIA. Action - Prioritise team workload including wider specialist members of the Development Policy Team and hold weekly team project monitoring meetings. Aim to complete drafting of Proposed LDP for FQ1 2019-20 and publication thereafter.</p>		
Carried Forward From Previous Quarter – Y	Completion Due Date: June 2019	Responsible Person Senior Planning and Strategies Officer

Business Outcome BO15 Argyll and Bute is open for business

1. **Challenge** - Update and Improve our Conservation Area (CA) Appraisal Coverage. Continuing to deliver 2 conservation area appraisals in the absence of the conservation officer who was on maternity leave until January 2019. Cover arrangements have been planned within the LDP team, but workload pressure within the LDP work (as above) and the extended length of consultation period that was required for the Slate Island Conservation Area Appraisals means that the planned timetable of work slipped. In addition it is now necessary for the Design and Conservation officer to support the development policy team writing the Proposed LDP2.

Action - Delay completion of slate islands CA appraisals until LDP2 proposed plan completed. As a twin track, consultants have been appointed to produce CA appraisals in Lochgilphead and Tarbert. This is in partnership with Ec Dev and in order to facilitate Conservation Area Regeneration Scheme (CARS) funding. It is anticipated that one of these may be complete for the end of FQ4 thus delivering CA appraisals for the 18/19 year.

Carried Forward From Previous Quarter – Y

**Completion Due Date:
March 2019**

**Responsible Person
Senior Planning and Strategies Officer**

[Click here for Full Outcomes](#)

[Development Policy Team Scorecard](#)

[Development Management Team Scorecard](#)

[Building Standards Team Scorecard](#)

[Regulatory Services Team Scorecard](#)

[Housing Services Team Scorecard](#)

[Click here for Dev & Infrastructure Services Scorecard](#)

Management Information

BO01 The health of our people is protected through effective partnership working [PR]



BO13 Our built environment is safe and improved [PR]



BO03 Prevention and support reduces homelessness [PR]



BO15 Argyll and Bute is open for business [PR]



BO05 Information and support are available for everyone [PR]



BO23 Economic growth is supported [PR]



BO12 High standards of public health and health protection are promoted [PR]



BO26 People have a choice of suitable housing options [PR]



RESOURCES

People	Benchmark	Target	Actual	Status	Trend
Sickness absence PR		1.8 Days	1.3 Days		
PDRs PR		90 %	84 %		

Financial

	Budget	Forecast	Status	Trend
Finance Revenue totals PR	£K 5,847	£K 5,687		
Capital forecasts - current year PR				
Capital forecasts - total project PR				

IMPROVEMENT

	Total No	Off track	On track	Complete	Status	Trend
PHR Service Improvements 2017-20	14	2	7	5		

Planning, Housing & Regulatory Services Audit Recommendations	Overdue	Due in future	Future - off target

Health & Safety	Overdue	Rescheduled	Actions in Plan	Complete	
Service H&S Plan Actions		1	1	9	7
H&S Investigation Actions					

Customer Service PR	Customer satisfaction	100 %	Status	Trend
Customer Charter	Stage 2 Complaints			
Number of consultations	0	Stage 2 Complaints		

Planning, Housing & Regulatory Services

Scorecard 2017-20

Scorecard owned by: Angus Gilmour FQ3 18/19

Click here
for Full
Scorecard

BO01 The health of our people is protected through effective partnership working [PR]

Aligns to ABOIP Outcome No. 5 Success Measure

BO01 The health of our people is protected through effective partnership working - Net	£	Budget	£ 3,636	
		Forecast	£ 3,636	

PR01_01-Protecting health through the delivery of the formally approved JHPP	Actual	Complete	
	Target	On track	

BO03 Prevention and support reduces homelessness [PR]

Aligns to ABOIP Outcome No. 5 Success Measure

BO03 Prevention and support reduces homelessness - Net	£	Budget	£ 2,234,802	
		Forecast	£ 2,234,802	

PR03_01-The percentage of clients leaving the Housing Support Service with a planned approach	Actual	77 %	
	Target	80 %	
	Benchmark		

PR03_02-The percentage of positive homeless prevention interventions [prevent 1]	Actual	50 %	
	Target	50 %	
	Benchmark		

BO05 Information and support are available for everyone [PR]

Aligns to ABOIP Outcome No. 5 Success Measure

BO05 Information and support are available for everyone - Net	£	Budget	£ 504,159	
		Forecast	£ 504,159	

PR05_01-Provide consumer advice and to undertake formal interventions within 14 days	Actual	80 %	
	Target	80 %	
	Benchmark		

PR05_02-% clients satisfied that they are better able to deal with their financial problems following our support and intervention	Actual	100.0 %	
	Target	90.0 %	
	Benchmark		

BO12 High standards of public health and health protection are promoted [PR]

Aligns to ABOIP Outcome No. 6 Success Measure

BO12 High standards of Public health and health protection are promoted - Net	£	Budget	£ 1,025,859	
		Forecast	£ 1,010,859	

PR12_01-Increase the % of broadly compliant food businesses as a result of our enforcement interventions	Actual	87.3 %	
	Target	85.0 %	
	Benchmark		

PR12_02-Respond to public health incidents which have an immediate impact on public health within 20 working days	Actual	86 %	
	Target	70 %	
	Benchmark		

BO13 Our built environment is safe and improved [PR]

Aligns to ABOIP Outcome No. 6 Success Measure

BO13 Our built environment is safe and improved - Net	£	Budget	£ 43,246	
		Forecast	£ -81,754	

PR13_01-Respond to building warrant applications within 20 Days	Actual	98.1 %	
	Target	80.0 %	
	Benchmark		

PR13_02-Respond to Completion Certificate applications within 10 days	Actual	2.2 Days	
	Target	10.0 Days	
	Benchmark		

PR13_03-% of our service users who are happy with our service[Building Standards]	Actual	100.0 %	
	Target	84.0 %	
	Benchmark		

BO15 Argyll and Bute is open for business [PR]

Aligns to ABOIP Outcome No. 2 Success Measure

BO15 Argyll and Bute is open for business - Net	£	Budget	£ 609,940	
		Forecast	£ 609,940	

PR15_01-Update and Improve our Conservation Area Appraisal Coverage	Actual	On track	
	Target	On track	
	Benchmark		

PR15_02-Adopt a Local Development Plan to agreed scheme deadlines.	Actual	On track to revised plan	
	Target	On track	
	Benchmark		

BO23 Economic growth is supported [PR]

Aligns to ABOIP Outcome No. 1 Success Measure

BO23 Economic growth is supported - Net	£	Budget	£ 218,099	
		Forecast	£ 198,099	

PR23_01-Determine 'All Local Planning Applications' quicker than the National Average	Actual	9.7 Wks	
	Target	10.0 Wks	
	Benchmark		

PR23_02-Achieve an above national average level of application approval rates	Actual	96.7 %	
	Target	95.0 %	
	Benchmark		

BO26 People have a choice of suitable housing options [PR]

Aligns to ABOIP Outcome No. 5 Success Measure

BO26 People have a choice of suitable housing options - Net	£	Budget	£ 737,724	
		Forecast	£ 737,724	

PR26_01-Number of new affordable homes completed per annum.	Actual	62	
	Target	62	
	Benchmark	80	

PR26_02-Number of empty properties back in use per annum.	Actual	37	
	Target	25	
	Benchmark		

PR26_03-Amount of income generated by Welfare Rights	Actual	£ 738,021	
	Target	£ 625,000	
	Benchmark		